

PART 10: OFFICER SCHEME OF DELEGATION AND ASSOCIATED DOCUMENTATION, RULES & GUIDANCE



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GENERAL NOTES

NB: These notes form part of the Register of Delegated Powers

1. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
2. The exercise of a delegated power, duty or function shall:
 - a. be subject to the City Council's Policy Framework and/or Budget;
 - b. be subject to any Special Procedure and/or Protocol;
 - c. be subject to the requirements of the Constitution and Corporate Standards; and
 - d. be subject to the requirements of the Council Procedure Rules, Financial Procedure Rules, Contract Procedure Rules, Corporate Standards and any delegations contained therein.
3. An officer to whom a power, duty or function is delegated may authorise another officer to exercise that power, duty or function, subject to the requirements that follow:
 - a. such authorisations shall be in writing and shall only be given to an officer over which the officer with the original delegated power etc. has control;
 - b. such authorisations should only be given where there is significant administrative convenience in doing so;
 - c. the officer authorised by the other should act in the name of the officer who received the original delegation;
 - d. no authorisation may be given if the statute or law prohibits it.

Authorisations of this kind should not be considered to be norm but used only in appropriate circumstances and after careful thought. There can be no additional such delegation. Any mis-categorisation of a delegation as being Executive, non-Executive or anything else shall not invalidate the delegation.

4. References to any Act, Regulation, Order or Byelaw shall be construed as including any re-enactment or re-making of the same, whether or not with amendments.
5. Any reference to any Act of Parliament includes reference to Regulations, subordinate and EU legislation upon which either UK legislation is based, or from which powers, duties and functions of the Council are derived.
6. Where the exercise of powers is subject to prior consultation with another officer, that officer may give his or her views in general terms in advance to apply to any particular circumstances, to remove the need for consultation for each proposal.
7. Subject to any express instructions to the contrary from the delegating body, any power to approve also includes the power to refuse, and the power to impose appropriate conditions.
8. Delegations to officers are subject to:
 - a. the right of the delegating body to decide any matter in a particular case;
 - b. the officer may, in lieu of exercising his/her delegated power, refer to the delegating body for a decision; and
 - c. any restrictions, conditions or directions of the delegating body.

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9. In exercising delegated powers, the officer shall:
 - a. take account of the requirements of the Corporate Standards and Special Procedures and shall address all legal, financial and other professional safeguards as if the matter were not delegated;
 - b. shall exercise the delegation so as to promote the efficient, effective and economic running of that Division, Directorate and the Council, and in furtherance of the Council's visions and values; and
 - c. shall, where and when appropriate, report back to the appropriate delegating body as to the exercise of those delegated powers.
10. Except where otherwise expressly provided either within this Scheme of Delegation or by resolution of the delegating body, the exercise of any delegated power, duty or function is subject to having the appropriate and necessary budgetary provision in place to take the action in the name of and/or on behalf of the Council.
11. Save in respect of any statutory roles that are not capable of delegation, any power conferred on a subordinate officer shall be exercisable by the Head of Service.
12. The compilation of a Register of Delegated Powers is a statutory requirement. The Register is maintained by the Head of Legal & Democratic Services, and delegations are added to it as they are made by delegating bodies. Officers should take care to inform themselves of any subsequent changes to the Register before solely relying on this document.
13. The Head of Legal & Democratic Services shall have the power to amend this Register to reflect re-organisations, changes in job titles and vacancies, where said changes result in re-distributing existing delegations and not the creation of new ones.
14. Any post specifically referred to below shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded. Any power contained within this Register in anticipation of any reorganisation may be exercised in accordance with the preceding Register to the date of that reorganisation.
15. Any reference to a Committee, Panel or Sub-Committee shall be deemed to include reference to a successor Committee or Sub-Committee provided that the subject matter of a particular delegation can be found within the terms of reference of both the earlier and the successor Committee or Sub-Committee.
16. Where a power or duty is delegated to an officer, and the exercise of that power or duty is contingent upon the opinion of the Council that particular conditions or factual circumstances exist, then the officer in question has the power to determine whether or not those circumstances exist or those conditions have been fulfilled in the name of and with the authority of the Council.
17. All enquiries about this register should be made to the Head of Legal & Democratic Services.
18. All matters of interpretation of this document will be determined by the Head of Legal & Democratic Services.

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19. If a matter is delegated to an officer, but that delegation cannot be implemented, that should be reported to the delegating body.
20. Functions, matters, powers, authorisations, delegations, duties and responsibilities, etc within this Scheme shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything specified.
21. Non-executive functions are specified in Schedules 1 and 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. Any function that is not therefore specified must be assumed to be executive.
22. Advice on procedures, and matters to be taken into account in exercising officer delegated powers, is set out in the Guidance on Decision-Making issued by the Head of Legal & Democratic Services.
23. This Scheme of Delegated Powers was approved as part of the Council's Constitution on 4th June 2014. Ad hoc additional revisions will be considered by the Council as appropriate and page revision numbers indicated on replacement pages.
24. For the avoidance of doubt, where a power or duty delegated under this scheme includes at source a power to recover costs, fees or charges, the delegation shall include the power to take all necessary action to recover such fees cost or charges by way of civil debt or otherwise and shall be without prejudice to any other power to charge or recover costs that the Council may have under legislation.
25. Delegations for Heads of Service can also be exercised by their relevant Director.

1.1 DIRECTORS AND HEADS OF SERVICE

- 1.1.1 If a function, power or responsibility has not been specifically reserved to the Council, a Committee or the Executive, the Head of Service within whose remit the matter falls is authorised to act.
- 1.1.2 The Council, its Committees and the Executive will make decisions on matters of significant policy. Heads of Service are given express authority to take all necessary actions to implement Council, Committee and Executive decisions that commit resources within agreed budgets in the case of financial resources, as necessary and appropriate.
- 1.1.3 Heads of Service are empowered to take all routine and day-to-day operational service decisions within agreed policies provided they are met from within overall approved budgets in relation to the services for which they are responsible, subject to any other requirements imposed by the Constitution (eg Financial Procedure Rules).
- 1.1.4 In relation to all delegated authorities conferred on Heads of Service, by this Constitution, the Chief Executive may allocate or reallocate responsibility for exercising particular powers in the interests of effective corporate management as he or she thinks fit.
- 1.1.5 Where there is doubt over the responsibility for the exercise of the delegated power, the Chief Executive or his or her nominee is authorised to act.
- 1.1.6 Heads of Service are empowered to take all decisions necessary to give effect to implement the contents of any approved Policy Framework plan, in relation to the services for which they are responsible, and within agreed budgets in the case of financial resources, as necessary and appropriate.
- 1.1.7 Heads of Service may take any action on urgent matters which would otherwise require reference to, or consultation with, the Council, a committee or the Executive if there is no such time for such reference or consultation to be made and provided the Chief Executive, Chief Financial Officer or Head of Legal & Democratic Services (or their nominees) agree to the proposed course of action before it is decided. All such decisions shall be reported to the next meeting of the Council, Committee or Executive.
- 1.1.8 Heads of Service may set, approve or vary, following consultation with the relevant Cabinet Member, Chief Financial Officer and the Head of Legal & Democratic Services, the scale of fees and charges for all services within their Directorate or

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Division. The revised scale of fees and charges must be made available on the Council's internet and/or be available in paper form on request.

- 1.1.9 Heads of Service may write off debt, following consultation with the Chief Financial Officer, in line with guidance that will be issued and updated from time to time by the Chief Financial Officer.
- 1.1.10 Heads of Service shall have authority to act under all current or future legislation and Council plans, policies, guidelines and procedures relating to their services and functions managed, operated and controlled by them or their Heads of Service, and shall have the authority to vary or change their services or functions following consultation with the Chief Executive (where there are Head of Paid Service issues), and the Chief Financial Officer or Head of Legal & Democratic Services where legislation, regulations, orders or guidance subsequently issued by Ministers in relation to such services or functions require a change in service delivery greater than "de minimus".
- 1.1.11 Heads of Service shall have the authority and may authorise officers within their functional responsibilities to undertake activities and have powers to undertake those activities including (but not limited to) powers of entry, in accordance with relevant legislation as advised from time to time by the Head of Legal & Democratic Services.
- 1.1.12 Heads of Service will undertake all and any functions and tasks necessary in support of or related to supporting approved partnerships and joint working. For the avoidance of doubt, this should include joint working with other public bodies and agencies, including NHS Trusts and associated bodies, other local authorities and other appropriate bodies. Such organisations may also include representatives of the private sector. This would include Solent LEP, Partnership for Urban South Hampshire (PUSH) and Transport for South Hampshire (TfSH).
- 1.1.13 To respond to consultations and requests for submissions, including responses to calls for funding proposals, from European, Government Departments in relation to Domestic, International and European Service activities.
- 1.1.14 To respond to consultations and requests for submission from Government Departments, other local authorities, international, European, academic, research, business representatives and other bodies in respect of: provision and sharing of data and research initiatives; policies, strategies and plans; performance and partnership working.
- 1.1.15 Following consultation with the Head of Legal & Democratic Services and Chief Financial Officer, to submit bids for or tenders involving funding or assistance from

central government, the European Commission or from any other source (direct or indirect to the council itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB: this delegation applies not only to SRB and lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should apply in the same way).

Note

1. This section of the scheme of delegation should be interpreted widely to aid the smooth running of the organisation and effective deployment of resources and the efficient delivery of services.
2. In determining the services for which Heads of Service are responsible, regard should be had to Article 11 of the Council's Constitution which sets out the functions and areas of responsibility for each of the Heads of Service.

MAY ONLY BE EXERCISED BY A DIRECTOR AS THE NOMINEE OF THE CHIEF
EXECUTIVE

- 1.1.16 The appointment or dismissal of a Deputy Chief Officer.

Employment Matters

General Authority

- 1.1.17 To take action under the Council's HR Policies and Procedures, including any work associated with consequential appeals, whether within the Council or otherwise.
- 1.1.18 To appoint officers for the implementation of the Council's functions as prescribed by Procedure Rules and Recruitment Policy.
- 1.1.19 To execute works in default of compliance of any statutory notice served and to demand the recovery of expenses incurred by the local authority.
- 1.1.20 To service notice requiring payment for works carried out in default.

Structures and Establishments

- 1.1.21 To authorise and implement changes in structures or establishments, or to the movement of posts within career grades, where such changes lead to a reduction or no change in employee numbers (whole time equivalents) and costs, where no posts are regraded and where all arrangements are in line with the approved pay and allowances framework.

NB: Any proposed change or variation to the approved pay and allowances framework may only be authorised by the Head of Strategic HR.

1.1.22 To delete posts from the organisational structure.

N.B Any other variations in the organisational structure are subject to approval from the appropriate Head of Service and Head of Strategic HR.

1.1.23 To agree an overlap period for the appointment of employees provided the necessary finance is available within divisional budgets.

1.1.24 To authorise the appointment of temporary employees provided that the necessary finance is available within divisional budgets or financed from external sources.

1.1.25 To authorise the employment or extension of employment of employees beyond 65 years of age in accordance with the conditions of service.

Pay and Benefits

1.1.26 To approve and authorise overtime in accordance with the scheme of allowances as approved by the Head of Strategic HR, subject to the necessary finance being available.

1.1.27 To authorise attendance of employees on courses of study for an initial or second qualification, together with the granting of financial assistance towards approved expenses, in line with Council process and after consultation with the Head of Strategic HR.

1.1.28 Subject to budgetary provision, to approve the attendance of employees at conferences, courses and seminars.

1.1.29 To approve payment of subscriptions for membership of professional associations (only one per employee) when the job description specifies that such membership is obligatory.

1.1.30 To authorise subsistence payments in accordance with the Council's approved schemes.

1.1.31 To withdraw the payment of a telephone allowance.

1.1.32 To approve an occasional payment to an employee where a Directorate has a need for language interpretation and where an employee is willing and competent to do so, where the number of occasions on which the additional skills are required are minimal in accordance with the defined rate of payment, and to approve payment where either there is a substantial use of language interpretation skills or the Directorate requires the language skills to be made available on demand following consultation with the Head of Legal & Democratic Services.

Leave

- 1.1.33 To authorise up to 18 days paid leave of absence per annum for employees undertaking public duties and to approve additional paid or unpaid leave up to a maximum of 10 days, after consultation with the Head of Strategic HR.
- 1.1.34 To authorise up to 28 days paid leave of absence per annum for employees undertaking duties as a Member of a relevant Council, as stipulated in the Local Government and Housing Act 1989.
- 1.1.35 To authorise leave of absence without pay for over three months for post entry training or for other reasons.
- 1.1.36 To grant compassionate leave of up to six days, in accordance with the guidance provided.
- 1.1.37 To grant compassionate leave in excess of six days, after consultation with the Head of Strategic HR.
- 1.1.38 To approve other special leave, with or without pay, after consultation with the Head of Strategic HR.

Sickness

- 1.1.39 After consultation with the Head of Strategic HR, to grant extensions of sick pay in excess of two months at either full or half pay dependent on the circumstances.

Trade Union Facilities

- 1.1.40 To decide each new request for paid time off work for trade union activities or for training or for time off work without pay for trade union duties, following consultation with the Head of Strategic HR.

Other Matters

- 1.1.41 To pay expenses such as travel expenses, facilitators' expenses for disabled people, interpreters' expenses for non-English speakers and carers' expenses for people with caring responsibilities to enable participation at consultation meetings.
- 1.1.42 To undertake benchmarking, cost comparison and all activities associated with Best Value and to take all actions necessary and expedient to ensure best professional practice and Best Value.
- 1.1.43 To seek planning permission, conservation area consent and listed building consent in accordance with the Town and Country Planning Act 1990 and The Planning (Listed Buildings and Conservation Areas) Act 1990, subject to:

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- i. the Head of Culture & Planning being given 14 days to comment on the proposal prior to the submission of the formal application; and
 - ii. the Head of Culture & Planning agreeing that the proposal was not in conflict with any planning policy of the Council and could be dealt with under delegated powers; if he did not agree his reasons to be given in writing.
- 1.1.44 Subject to the approval of the Head of Legal & Democratic Services, to enter into any lawful contract for the provision of services, goods or materials for another body where to do so is considered beneficial to the City Council.
- 1.1.45 To respond to any consultation or request for information from the Government or other body, following consultation with the relevant Cabinet Member.
- 1.1.46 To take any consequential action necessary or expedient in respect of a bid or tender involving funding or assistance from central government, the European Commission or from any other source.
- 1.1.47 To act in all matters associated with the delivery of regeneration and other programmes, partnerships or arrangements managed and delivered by external partnership bodies where the Council is the accountable body or is responsible for or is a significant stakeholder in the programme, partnership or arrangement, and in particular to do so following consultation with the appropriate board, other body responsible for the management of the programme, partnership or arrangement, and to seek and replace members of such bodies and the Cabinet Member.
- 1.1.48 To authorise all suitably qualified members of staff to carry out all powers delegated and to sign statutory notices on behalf of the Council, as may be required from time to time.
- 1.1.49 All powers necessary to effect the acquisition of services from other authorities or bodies and to set up joint, consortium or other bodies and panels to secure the provision of those services needed to discharge the functions of the Council.
- 1.1.50 To investigate and respond to all complaints, whether under the Council's Customer Complaints procedure or otherwise.
- 1.1.51 To dispose of any surplus equipment.
- 1.1.52 To undertake any preparatory work necessary on any project, scheme or other matter intended to be placed before the Executive, the Council, a Committee, Sub-Committee or Officer with appropriate delegated powers so that the Executive, Council, Committee Sub-Committee or Officer with appropriate delegated powers can, with the benefit of full background information and advice, determine whether or not to proceed with said project, scheme or other matter with or without variation.

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- 1.1.53 In the event of an emergency, to take any action as necessary.
- 1.1.54 To produce and revise Corporate Standards, Codes of Conduct, Special Procedures and Protocols and any other appropriate documentation, whether associated with the Constitution or not for Officers, Members and third parties as appropriate.
- 1.1.55 a. To settle ex-gratia payments of up to £ £2,000.
- b. In relation to the Customer Complaints Procedure, a complaint being considered by the Local Government Ombudsman, or matter being referred or considered by an Officer as instructed by the Chief Executive or by any third party tribunal or entity, to settle and make a payment of compensation, including (but not limited to) an ex-gratia payment of up to £10,000 following consultation with the Head of Legal & Democratic Services.
- 1.1.56 Subject to the caveats set out below, to implement the contents of approved Business Plans (including but not limited to) providing, varying the provision of, or initiating services or changes to service delivery:
- a. of expenditure up to £50,000;
- b. that any such exercise of this delegated power shall be recorded in writing and communicated within seven calendar days of its exercise to the relevant Head of Service (where they are not the delegatee) to the Head of Legal & Democratic Services and the appropriate Head of Service.
- 1.1.57 a. To incur routine expenditure within budgetary provision. (For the avoidance of doubt, “routine” expenditure includes items of a repetitive and largely unvarying nature such as the payment of salaries, purchase of minor office equipment and the like).
- b. To incur non-routine revenue expenditure within estimates.
- 1.1.58 To arrange visits, lectures and similar visits to publicise Council and City activities.
- 1.1.59 To make arrangements for managing and ensuring the quality of the information to be included within the Forward Plan in accordance with the Council’s Constitution, the Local Government Act 2000 and secondary legislation.
- 1.1.60 To grant a civic reception or luncheon subject to approval of the Head of Legal & Democratic Services who shall consult with the Mayor.
- 1.1.61 To authorise appropriate officers to administer formal cautions in respect of any criminal offence.

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- 1.1.62 Where a decision is required to be made by the Executive, following consultation with the community or part of a community, the relevant Head of Service is authorised to commence that consultation, following consultation with the relevant Cabinet Member, and thereafter the decision shall be reported back to the Executive for it to determine whether or not to proceed (including the results of that consultation).
- 1.1.63 Under the direction of the Head of Legal & Democratic Services , to take such action as is required or necessary in respect of commissioning, monitoring or approving all reports for submission to any decision-making body of the Council or any partner body.
- 1.1.64 As directed from time to time by the Communications Manager, to take such action as necessary in relation to internal or external communications.
- 1.1.65 To approve Members to attend courses, seminars, other training and conferences subject to consultation with the Head of Legal & Democratic Services.
- 1.1.66 Following consultation with the relevant Cabinet Member and Head of Legal & Democratic Services to make applications to the Secretary of State in respect of works on common land.

2.1 CHIEF EXECUTIVE

- 2.1.1 The appointment and dismissal of Deputy Chief Officers. This power can also be carried out by a Director nominated by the Chief Executive.
- 2.1.2 The Chief Executive shall be the Head of Paid Service as specified by Section 4 Local Government and Housing Act 1989 and shall be provided by the authority with such resources as he deems necessary to perform that role. The Head of Paid Service shall have overall corporate management and operational responsibility for the way in which the organisation delivers its services. In addition the Head of Paid Service is the principal policy advisor to the Council and has a statutory duty, where he considers it appropriate to do so, to prepare a report to the authority setting out his proposals in respect of the following:
- 2.1.2.1 the manner in which the discharge by the authority of its different functions is co-ordinated;
 - 2.1.2.2 the number and grades of staff required by the authority for the discharge of its functions;
 - 2.1.2.3 the organisation of the authority's staff; and
 - 2.1.2.4 the appointment and proper management of the authority's staff.
- 2.1.3 Urgent Matters
- 2.1.3.1 The Chief Executive may decide that any Executive or non-Executive function, question or matter within the powers or duties of the Executive, the Council or any Committee or Sub-Committee is urgent and:
- a. a decision must be made before the next scheduled meeting of the Executive, Council or of the appropriate Committee or Sub-Committee; or
 - b. a recommendation to the Executive, Council or within the terms of reference of a Committee or Sub-Committee should be implemented prior to the next scheduled meeting of the Executive, Council, Committee or Sub-Committee by which it could be approved;
- in either case, if the Chief Executive is satisfied that it is not expedient, practicable or necessary in the circumstances to convene a special meeting of the Executive, Council or a special meeting or urgent business

sub-committee meeting of the Committee or Sub-Committee in question then paragraph (2.1.3.2) shall apply.

2.1.3.2 The Chief Executive shall have the power (or may designate a Head of Service who will then have power) to determine the question or matter or to implement the recommendation (as the case may be) in the name of and without further reference to the Executive, Council or to the appropriate Committee or Sub-Committee.

2.1.3.3 The exercise by the Chief Executive and Heads of Service of any powers under this Urgent Matters delegation shall be subject to the following conditions:

- a. that the determination of the question or other matter or implementation of the recommendation is capable of determination under law in this manner;
- b. that the Chief Executive or designated Head of Service before making a decision under paragraph 2.1.3.2 shall consult with the Leader;
- c. that the Chief Executive or designated Head of Service before making a decision under paragraph 2.1.3.2, shall consult with the Head of Legal & Democratic Services and the Chief Financial Officer or their nominated deputies;
- d. that a record of all decisions made or recommendations implemented, together with the consultations referred to in paragraphs 1.1.3.3(b) and (c) shall be recorded and maintained by the Head of Legal & Democratic Services; and
- e. that any decisions made or recommendations implemented under this provision shall be reported to the next scheduled meeting of the Executive, Council, Committee or Sub-Committee, which would otherwise have dealt with the question or matter.

2.1.4 Each Director and Head of Legal & Democratic Services may each exercise the powers of the Chief Executive in the event of his/her incapacity, absence or unavailability.

2.2 HEAD OF LEGAL & DEMOCRATIC SERVICES

The Head of Legal & Democratic Services is the Monitoring Officer for the purposes of Section 5 Local Government and Housing Act 1989, is the Officer appointed to monitor the Council's legal affairs.

- 2.2.1 To be any Proper Officer, required by any legislation.
- 2.2.2 To undertake, appoint and vary the appointment of any Proper Officer required by any legislation.
- 2.2.3 To undertake and discharge the roles of proper or deputy Proper Officer in respect of the appointment or dismissal of statutory and non-statutory Chief Officers and Deputy Chief Officers.
- 2.2.4 To receive and consider a certificate received under Section 47(2) National Assistance Acts 1948 and 1951 to make an application for an order for removal.
- 2.2.5 To issue a direction to unauthorised campers to leave land and to request an Order from the Magistrates Court if the direction to leave is not complied with, pursuant to Section 77 Criminal Justice and Public Order Act 1994.
- 2.2.6 To approve designated deputies to carry out the functions of a Proper Officer for the purposes of Section 47 National Assistance 1948 and Section 1 National Assistance (Amendment) Act 1951.
- 2.2.7 In the absence of any other Officer with delegated powers, Committee or Sub-Committee, to perform the Council's powers and duties in respect of:
 - a. Coroner Services;
 - b. Magistrates' Court Committee;
 - c. Probation Service;
 - d. Hampshire Combined Fire Authority.
- 2.2.8 To grant authorisations for the dissemination of information under Section 142 Local Government Act 1972 and Section 115 Highways Act 1980.
- 2.2.9 To grant permission under the Highways Act 1980 for the provision of services for the benefit of the public, eg recreation and refreshments on the highway.
- 2.2.10 To undertake the Council's functions under the Commons Registrations Act 1965 and any subsequent or ancillary legislation, in so far as the power to register common land, town, or village greens is exercisable solely for the purpose of giving effect to (a) an exchange of lands affected by an order under Section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c.67), or (b) an

Order under Section 147 of the Inclosure Act, 1845 or Section 16 / 17 of the Commons Act 2006.

- 2.2.11 To carry out all functions and responsibilities associated with the Local Land Charges Act 1975, any subsequent legislation or regulations and the Council's responsibilities for maintaining and operating the Register of Local Land Charges including, but not limited to, the setting of fees.
- 2.2.12 To carry out the relevant consultation process under Part VIIA Highways Act 1980 and, subject to the outcome of the consultation to grant consent for the placing of temporary objects or structures on the highway.
- 2.2.13 To enter into agreements on appropriate terms and conditions on behalf of the City Council, as the lead organisation and responsible recipient of any European Funding received.
- 2.2.14 Following consultation with the Chief Financial Officer, to grant specific indemnities to supplement the Standard Indemnity (as amended) where considered that the form of the Standard Indemnity (as amended) provides insufficient protection for the needs of the Council, Members and/or officers in question.
- 2.2.15 To implement the Incident List and Exclusion Policy and to issue and vary a procedure under which the Council shall operate said policy.
- 2.2.16 In respect of Southampton Community Regeneration Framework Power to enter into grant agreements for the award of grants derived from Government funded regeneration programmes up to £50,000 in value and to determine when a legal charge is required on property to secure the repayment of any grant awarded.
- 2.2.17 To issue licences under Sections 176 and 177 of the Highways Act 1980 for the construction of bridges over the highway on whatever terms or conditions it is considered appropriate.
- 2.2.18 To make any consequential minor changes arising from changes to the Constitution subject to an adjustment being made to the Council's disposal of executive business, whereby a question put on a notice to a member of the Executive may be followed up with an unlimited number of supplementary questions from the member who put the original questions.
- 2.2.19 To fill vacant Executive appointments following consultation with the Leader.
- 2.2.20 To enter into legal agreements pursuant to Section 38 and 278 Highways Act 1980, where a decision has been taken to grant planning consent or resolved to grant planning consent subject to the completion of the appropriate highway agreements.

2.2.21 To take all action necessary as the Council's data protection officer, pursuant to the Data Protection Act 1998, in relation to the Council's functions and duties under the Freedom of Information Act 2000, the Regulation of Investigatory Powers Act 2000 and all relevant secondary legislation and guidance (including European Directives).

2.2.22 To determine all matters arising from the Commission for Local Administration in England (the Local Government Ombudsman) in whatever manner is appropriate, including the making of local settlements.

Independent Education Appeals

2.2.23 To determine the eligibility and suitability of applicants and to appoint a pool from which the members of the Independent Education Appeals Panels are to be drawn.

2.2.24 To determine the category of members of the pool (lay or independent members) and to maintain a list of pool members.

2.2.25 To appoint three members of the pool to sit as an Independent Education Appeal Panel and to appoint one of their number to act as chair of the panel when constituted.

2.2.26 To act as Clerk to the Independent Education Appeal Panels and to appoint officers to act as clerks at hearings of the Panels.

Hypnotism Act 1952

2.2.27 To grant, but not refuse, consent for performances of hypnotism.

Public Health Acts Amendment Act 1907

2.2.28 To grant, renew and suspend, but not to refuse or revoke, pleasure boat and boatman's licences.

Licensing Act 2003

2.2.29 To approve local certification of films that are capable of classification without difficulty and which are not likely to cause public concern, following consultation with the Chair of the Licensing Committee.

2.2.30 Subject to any requirement to place any matter before a duly convened Licensing Committee, to undertake the following functions under the Licensing Act 2003:

- a. where no objection or adverse representation is made to an application, to determine the following applications:
 - i. for a personal licence;
 - ii. for a premises licence or a club premises licence;
 - iii. for a provisional statement;

- iv. to vary a premises certificate or club premises certificate;
 - v. to vary a designated premises supervisor;
 - vi. to transfer a premises licence;
 - vii. for an interim authority;
 - viii. to serve counter notices in respect of temporary event notice applications;
 - ix. for removal of the mandatory designated supervisor condition for community premises.
- b. in all cases, to determine the following matters:
- i. a request to be removed as a designated premises supervisor;
 - ii. to decide where a complaint is irrelevant, frivolous, vexatious, etc;
 - iii. to keep a register under Section 8 of the Act;
 - iv. to enter premises as an authorised officer of the Council pursuant to Sections 96, 108 and 179 of the Act;
 - v. to agree to dispense with a hearing pursuant to Regulation 9 Licensing Act 2003 (Hearings) Regulations 2005;
 - vi. applications for minor variations of premises licences and club premises certifications.

2.2.31 To enter premises for the purposes of consulting and advising on the licensing objectives and compliance with the Licensing Act 2003:

Criminal Justice and Police Act 2001

2.2.32 To serve a closure notice under section 19 of the Criminal Justice and Police Act 2001 where premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises.

Local Government (Miscellaneous Provisions) Act 1982

2.2.33 To inspect licensed sex shops, sex cinemas and sex entertainment venues.

2.2.34 To grant by way of renewal, but not refuse, street trading consents for Above Bar Pedestrian Precinct.

2.2.35 Following consultation with the appropriate Head of Development, Economy & Housing Renewal to grant, but not refuse, street trading consents in respect of Guildhall Square, except for the sale of fruit and vegetables, subject to the terms and conditions of the licence and other legal criteria as appropriate including but not limited to those indicated in Appendix 4 of the City Services Committee on 21st December 1992, to restrict the hours of occupation and operation to between

8:00 am and 9:00 pm on any day, not excluding Sunday, save as restricted by law, for up to a maximum of 30 traders at any one time and subject to any supervision of any provision that may then be in force.

Police, Factories, etc, (Miscellaneous Provisions) Act 1916 and the House to House Collections Act 1939

2.2.36 To grant, but not refuse, applications for street collection permits and house-to-house collection licences.

Scrap Metal Dealers Act 2013

2.2.37 To administer and enforce the function.

2.2.38 To determine applications (including refusal), revoke licences or to impose conditions under section 3(8)

2.2.39 To request further information of applicants (para 4, schedule 1)

2.2.40 To issue or cancel a closure notice for unlicensed sites and where appropriate to apply for closure orders (schedule 2) and take such other action in this respect as may be required.

Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976

2.2.41 To determine applications for hackney carriage licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.42 To determine applications for private hire vehicle licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.43 To determine applications for hackney carriage drivers' licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.44 To determine applications for private hire drivers' licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.45 To determine applications for private hire operators' licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.46 To determine applications for hackney carriage fare scales.

Gambling Act 2005

2.2.47 Subject to any requirement to place any matter before a duly convened Licensing Committee to undertake the following functions under the Gambling Act 2005:

- i. to determine applications for premises licences where no relevant representations are received.
- ii. to determine applications to vary premises licences in respect of which no representations have been received.
- iii. to determine whether a representation is vexatious, frivolous or would not influence the authority's determination of the application.
- iv. to determination applications for transfer of premises licences where no representations are received.
- v. to revoke premises licences for failure to pay the annual fee.
- vi. to determine that a premises licence has lapsed.
- vii. to reinstate a lapsed premises licence where no representations are received.
- viii. to reject an application for review of a premises licence on various grounds.
- ix. to initiate a review of a premises licence.
- x. to determine that representations about a review of a premises licence is frivolous, vexatious or will certainly not influence a review of a premises licence.
- xi. to determine action following a review of a premises licence where no hearing is held and all parties agree in advance to the relevant action.
- xii. to determine applications for a provisional statement in respect of which no representations are received.
- xiii. to disregard representations made in respect of applications for premises licences after issue of a provisional statement.
- xiv. to issue a counter notice to a temporary use notice where the number of permitted days are exceeded.
- xv. to object to a temporary use notice.
- xvi. to institute criminal proceedings in respect of an offence under the provisions of the Act.
- xvii. to determine applications for family entertainment centres.
- xviii. to notify the lapse of family entertainment centre gaming permit.
- xix. to register societies for small society lotteries.
- xx. to refusal applications for registration for small society lotteries.
- xxi. to revoke registrations of societies for small society lotteries.

- xxii. to cancel registrations of societies for small society lotteries in the event of non-payment of the annual fee.
- xxiii. to determine applications for variation of club gaming permits and club registration permits and cancellation of permits where no representations are received.
- xxiv. to cancel club gaming permits and club registration permits for failure to pay the annual fee.
- xxv. to determination applications for grant, variation or transfer of licensed premises gaming machine permits.
- xxvi. to cancel licensed premises gaming machine permits and vary the number or category of machines where no representations are received.
- xxvii. to cancel licensed premises gaming machine permits for failure to pay the annual fee.
- xxviii. to determine applications for prize gaming permits and applications for renewal of prize gaming permits.
- xxix. to determine that a prize gaming permit has lapsed.

Police and Social Responsibility Act 2011

Late Night Levy

- 2.2.48 To determine whether the holders of any relevant late night authorisations fall within any permitted exemption or reduction categories and in particular whether the holders of any relevant late night authorisations who are members of any approved business-led best practice scheme fall within the permitted reduction category;
- 2.2.49 To determine the aggregate amount of expenses of the Council that are permitted deductions under section 130(1)(b) of the 2011 Act;
- 2.2.50 To publish annual notices under section 130(5) of the 2011 Act relating to anticipated expenses and the net amount of the levy payments;
- 2.2.51 To make adjustments to payments in accordance with paragraph 7 of the Late Night Levy (Application and Administration) Regulations 2012;
- 2.2.52 To determine from time to time when and for what purposes the Council will apply the non-specified proportion of the net amount of the levy payments.

Other Matters

- 2.2.53 Power to issue a certificate of existing or proposed lawful use or development (Sections 191(4) and 192(2) of the Town and Country Planning Act, 1990).

- 2.2.54 Power to issue Breach of Condition Notices subject to decisions being reported to Members with other delegated decisions via an email system or on the web;
- 2.2.55 Power to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 or Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to the preparation of an enforcement report and Planning and Rights of Way Panel and Ward members not requiring a report to the Planning and Rights of Way Panel.
- 2.2.56 After consultation with the Planning & Development Manager, power to institute criminal or civil proceedings for non-compliance with enforcement notices, subject to any prosecution or civil action being reported to Planning and Rights of Way Panel and Ward Members by email or website.
- 2.2.57 To enter into any necessary planning obligations on behalf of the Council prior to the grant of planning permission.
- 2.2.58 Power to agree and recommend the terms of variation for a planning obligation where the overall effect of the planning obligation is still achieved.
- 2.2.59 Power to enter into any necessary Deed of Variation of a planning obligation where the overall effect of the planning obligation is still achieved.
- 2.2.60 To enter into joint agreements for the provision of the services by Southampton Community Health Services Trust and other health bodies or organisations.
- 2.2.61 To obtain information about people interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.2.62 To issue any remedial notices or withdraw, relax or waive (after consultation with the Director of Place (Environment & Economy)) pursuant to section 68(4) and Section 69 and 70 of the Anti-Social Behaviour Act 2003 (High Hedges).
- 2.2.63 To take any necessary enforcement action in relation to remedial notices and to take appropriate action to recover costs reasonably incurred.
- 2.2.64 To make any order, notice or decision, grant any license, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation.
- 2.2.65 To make arrangements for the appointment and operation of an Independent Remuneration Panel to recommend the level of allowances paid to Members.
- 2.2.66 To determine the eligibility of Members and others entitled to such allowances.
- 2.2.67 To authorise payment of Members' allowances.

- 2.2.68 To revise the Members' Allowance Scheme in line with changes to the National Minimum Wage and any other change to the rate identified in the Scheme.
- 2.2.69 To determine and approve allowances payable to the Independent Remuneration Panel.
- 2.2.70 To determine the political balance requirement in respect of the membership of any bodies within the scope of the provisions of the Local Government and Housing Act 1989.
- 2.2.71 To authorise the temporary replacement of Committee and Sub-Committee members in accordance with the published procedure under Council Rules of Procedure 4.3.
- 2.2.72 To provide or arrange for the provision of legal advice to the Council, including obtaining Counsel's opinion and instructing external solicitors as appropriate either on a case by case, or in any other appropriate manner or form.
- 2.2.73 To prepare, approve, conclude, sign or seal all legal documentation for the Council, including, but not limited to, conveyances, mortgages, contracts, notices, orders, charges and agreements.
- 2.2.74 To institute or authorise legal proceedings and to prosecute and defend any proceedings, including counterclaiming for damages or other relief brought by or against the Council, and including the prosecution of offenders for contravention of the bye-laws as may be in force from time to time or take any other action necessary to protect the legal position of the City Council.

Additionally, to investigate, institute and authorise legal proceedings and prosecutions in respect of any statutory conspiracy offences and common law offences to include conspiracy and conspiracy to defraud; and authorisations to officers contained within this scheme shall include powers to investigate any statutory conspiracy offences and common law offences such as conspiracy and conspiracy to defraud.

In respect of all statutory and common law offences referred to within this scheme, where deemed appropriate and reasonable to institute, or authorise legal proceedings and prosecutions where the cause of action arises or the place of offence is outside of Southampton City Council boundaries where such action deliver a benefit to the residents of the City of Southampton”

- 2.2.75 To appear and to authorise officers including those not within the managerial control of the Head of Legal & Democratic Services to appear on behalf of the City Council in proceedings in the County Court, pursuant to Section 60 County Courts Act 1984, as

amended by s125 (7) of County and Legal Services Act 1990, and in the Magistrates' Court pursuant to Section 223 Local Government Act 1972.

- 2.2.76 To sign, serve and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.
- 2.2.77 To sign or seal any contract, deed or other document (in accordance with Contract Procedure Rules, etc) arising from an express decision of the Executive, a committee or Sub -Committee, or from a decision made by an officer acting under delegated authority, to take (or refrain from taking) action that falls within the lawful powers of a local authority where the entering into of the contract, deed or other document is either expressly approved or is incidental to the express decision and necessary to give effect to the said express or incidental decision.
- 2.2.78 To recover all debts with the exception of outstanding general rates, community charges, national non domestic rates, Council tax, mortgages and rent arrears.
- 2.2.79 To settle any claim whether proceedings have been initiated or not, up to £125,000 following consultation with the Chief Financial Officer.
- 2.2.80 To determine the procurement route for any procurement governed by the EU procurement regime or any other legislation and make all subsequent decisions in relation to such procurement whether governed by the EU Public Procurement regime or not.
- 2.2.81 Within the scope of the postholder's employment, to manage investigations and grant authorisations under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.
- 2.2.82 Within the scope of the postholder's employment, to authorise other Council officers below the level of first level officer for the management of investigations and the grant of authorisations under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.
- 2.2.83 To amend the Constitution pursuant to any lawful decision of the Council or the Executive where that decision warrants a change to the Constitution.
- 2.2.84 To amend the Constitution where any change in the law requires a consequential change in the body of the Constitution provided such change is not so substantial as to warrant reporting to the Governance Committee and/or Council for approval in accordance with the Local Government Act 2000 and Localism Act 2011.
- 2.2.85 To sign or endorse any documents on behalf of the authority where so requested by a citizen, eg authentication details, etc.

- 2.2.86 To issue and certify all forms of authorisation, including identity cards, for all Council officers and employees.
- 2.2.87 To certify as a true and correct record any documents in accordance with Section 229 Local Government Act 1972.
- 2.2.88 To alter the Scheme of Officer Delegation to reflect any changes in the categorisation of delegated powers as between Executive and non-Executive as is considered necessary but always within the terms of the Regulations relating to local government functions.
- 2.2.89 To take any action necessary or appropriate in relation to Corporate Governance, Standards, the Ethical Framework or any other related issue to Members, ethics, qualification and disqualification, and in this context, subject to any decisions of the Governance Committee, to take any consequential action arising from a breach of the Code of Conduct for Members / Employees, and any other related provisions or issues.
- 2.2.90 To determine all matters delegated to the Head of Legal & Democratic Services in his/her capacity as Proper Officer under the Council's Constitution, which may be amended from time to time, including but not limited to delegations under the following rules:
- Council Procedure Rules
 - Executive Procedure Rules
 - Overview and Scrutiny Procedure Rules
 - Budget and Policy Framework Rules
 - Access to Information Rules
- 2.2.91 To determine Council, Committee and Executive decision-making administrative procedures and the timetable for meetings in so far as they relate to the despatch of agendas and compliance with the Local Government Acts 1972 and 2000 (and regulations made thereunder) and compliance with the Council's Rules of Procedure.
- 2.2.92 To undertake all functions and responsibilities not the responsibility of other officers associated with the Access to Information provisions contained within the Local Government Acts 1972 and 2000 (and regulations made thereunder).
- 2.2.93 To certify as a true and correct record reports, records of decision and minutes of any decision-making body or the Executive, the Council, Committees, Sub-Committees or officer acting under delegated powers, in accordance with Section 229 of the Local Government Act 1972.

- 2.2.94 To make arrangements for the publication of the Forward Plan in accordance with the Council's Constitution, the Local Government Act 2000 and secondary legislation.
- 2.2.95 Following consultation with Group Secretaries, to fill vacancies on all appointments to outside bodies and organisations that arise during the municipal year, provided that they comply with the requirements of the political balance required by the Local Government and Housing Act 1989 subject to changes being reported to the next Council meeting.
- 2.2.96 To appoint members nominated by external organisations to any bodies set up under statutory requirements, partnership or other arrangements, excluding members of the Council.
- 2.2.97 Subject to approval of the appropriate Head of Service to book places and make arrangements for Members on courses, seminars or other training and conferences.
- 2.2.98 To make arrangements for the receipt and opening of all tenders invited in accordance with the provisions of the Council's Contracts Procedure Rules.
- 2.2.99 To approve appointments to the Southern Group Valuation Tribunals.
- 2.2.100 To sign on behalf of the Council, Members' Declaration of Interest forms and to maintain any statutory or voluntary registers of Members' interests.
- 2.2.101 To vary this Scheme of Officer Delegation to reflect changes in job titles, reorganisations, vacancies in posts and generally to maintain the Scheme of Officer Delegations.
- 2.2.102 To enter into interim Supporting People contracts.
- 2.2.103 To take any action necessary or appropriate in relation to the operation of the Mayor's Office, in relation to the activities or functions organised on behalf of or involving the Mayor and/or Sheriff, including organising and running any civic events or other associated civic or ceremonial matters, events or occasions regardless of portfolio overlaps.

2.3 HEAD OF STRATEGIC HR

General

- 2.3.1 To review the defined levels of post at which action can be taken under HR and Organisational Development procedures, including termination of employment, consistent with changes in the Council's organisational structures.
- 2.3.2 Following consultation with the relevant Cabinet Member, to negotiate and adopt revised personnel procedures and associated conditions of service where there is no change in policy or strategy.
- 2.3.3 In respect of the resolution dated 16th April 2002 of Employment Panel regarding Appointment and Dismissal of Heads of Service to implement and adopt arrangements in the event of exceptional circumstances and following consultation with the relevant Cabinet Member.
- 2.3.4 To authorise payments made on behalf of the Council to external organisations as a result of payroll deductions including but not limited to payments to HMRC (PAYE and National Insurance Contributions), pension (LGPS and Teachers' Pensions)

Structures and Establishments

- 2.3.5 To approve changes in the number (whole time equivalents) or grades on the organisational structure of directorates, where such changes are within overall employee costs, financed from external sources or from ongoing service budgets, and where accommodation is available, following consultation with the relevant Cabinet Member.
- 2.3.6 To approve changes in the designation of posts.

Pay and Benefits

- 2.3.7 To approve any variations or changes to the approved pay and allowances framework.
- 2.3.8 To apply, vary or end the payment of a market supplement provided that funding is available within divisional budgets, following consultation with the relevant Cabinet Member.
- 2.3.9 To approve the payment of honoraria where it does not relate to covering a higher graded post.
- 2.3.10 In the case of covering for a post, approve the payment of an honorarium.
- 2.3.11 To approve merit increments in excess of two in any year.

- 2.3.12 To determine applications for the re-assessment of the grade of posts, whether initiated by management or an employee.
- 2.3.13 To waive the conditions under which payments are made under the Relocation Expenses Scheme.
- 2.3.14 To review and vary the value of long service awards, following consultation with the relevant Cabinet Member.
- 2.3.15 To review and update the level of allowances paid to employees in accordance with the conditions of service, eg the allowance paid to appointed first aiders, following consultation with the relevant Cabinet Member.
- 2.3.16 To adjust the Taxi Allowance in line with taxi fare increases.
- 2.3.17 To make payments to staff in accordance with the adopted Policy Statement on Discretionary Severance and Payments arrangements where an unreduced pension is payable and where there is no discretionary element, after consultation with the Deputy Chief Financial Officer.
- 2.3.18 Provided that the cost can be met from within existing budgetary provision and the maximum of the grade is not exceeded, to authorise up to two accelerated increments following examination success or for other reasons.
- 2.3.19 To authorise the allocation and payment of car allowances.
- 2.3.20 To authorise advance of pay on appointment to monthly pay.

Sickness

- 2.3.21 To approve payments of up to twice the maximum salary of spinal column point 21 in respect of the Personal Injury Scheme, following consultation with the relevant Cabinet Member.
- 2.3.22 To grant extensions of sick pay for up to two months at either full or half pay dependent on the circumstances.

Trade Union Facilities

- 2.3.23 To vary the amount of trade union facility time approved corporately, subject to the availability of finance, following consultation with the relevant Cabinet Member.

NOTE: IN RELATION TO DELEGATED POWERS 2.3.1, 2.3.3, 2.3.6, 2.3.13, 2.3.15, 2.3.16, 2.3.21 AND 2.3.23 WHERE THE HEAD OF STRATEGIC HR EXERCISES ANY OF THOSE DELEGATED POWERS, S/HE SHALL, AS REASONABLY PRACTICABLE AFTER EXERCISING THOSE POWERS, ADVISE THE CHAIR OF THE EMPLOYMENT AND APPEALS PANEL AS TO THE EXERCISE OF THAT DELEGATED POWER.

2.4 CHIEF FINANCIAL OFFICER

The Chief Financial Officer is responsible for the purposes of Section 151 Local Government Act 1972 for the Council's Financial Affairs.

- 2.4.1 To vary the limit on the value of houses on which advances under the Housing (Financial Provisions) Act 1958, may be made to employees subject to existing income requirements.
- 2.4.2 To provide loans under the Assisted Car Purchase Scheme and review the minimum loan in accordance with the increase in R.P.I. for the Council's benchmark cars.
- 2.4.3 To review the Council's contribution towards the Employee Car Scheme by the variation in annual rentals and insurance premiums for the Council's benchmark cars.
- 2.4.4 To annually review and set the interest rate for the car loan scheme.
- 2.4.5 To review the mileage allowance for the Employee Car Scheme following any significant variations in petrol prices and the rental / mileage differentials, in addition to the annual review each April.
- 2.4.6 To finalise details of the operation of the Employee Car Scheme within the Council's policy.
- 2.4.7 To determine the instalment date in respect of the Statutory Instalment Scheme for the Council Tax.
- 2.4.8 To make arrangements with the Council's bankers regarding the operation of the Council's bank accounts and the terms on which they are conducted.
- 2.4.9 To exercise all the powers and duties exercisable by the City Council under the legislation (which for the avoidance of doubt also includes regulations, orders, etc.) concerning:
 - Council Tax
 - Community Charges
 - Housing Benefit
 - General Rates
 - National Non-Domestic Rating
 - Community Charge Benefit
 - Council Tax Benefitreserving only to the Council those functions specifically precluded from delegation by legislation.
- 2.4.10 To approve the Council Tax Base for the City.
- 2.4.11 To approve the National Domestic Rates Return (NNDR1) for submission to the Department for Communities and Local Government..

- 2.4.12 To take all and any decisions necessary or required to be taken by an officer of the Council in relation to the SSP contract with Capita Business Services Limited except where the decision to be made is significant in which case the delegation may only be exercised following consultation with the relevant Cabinet Member.
- 2.4.13 To take all and any decisions necessary or required to be taken by an officer of the Council in relation to the Council's Treasury Management activities and to authorise all officers within the Finance Division to undertake operational Treasury Management activity consistent with those decisions and the Annual Treasury Management Strategy.
- 2.4.14 To set the mortgage interest rate for Council mortgages in accordance with the Housing Act 1985.
- 2.4.15 To finalise details of the operation of the Mortgage Equity Scheme within the Council policy.
- 2.4.16 To introduce and operate a Discretionary Housing Payments Scheme in accordance with the Discretionary Financial Assistance Regulations 2001.
- 2.4.17 To write off any arrears accrued by tenants where he or she is satisfied that:
- a. arrears arose because the tenant was given incorrect or insufficient Housing Benefit advice; and
 - b. the tenant was not warned that this advice was a provisional estimate and any difference would have to be made good.
- 2.4.18 Within the scope of the postholder's employment, to manage investigations and grant authorisations under Section 28 and 29 of the Regulation of Investigatory Powers Act 2000.
- 2.4.19 Within the scope of the postholder's employment, to authorise other Council officers below the level of first level officer for the management of investigations and the grant of authorisations under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.
- 2.4.20 After consultation with the Head of Housing Services and the Head of Legal & Democratic Services, to enter into business agreements for the provision of financial assistance provided by external partners in relation to the Private Sector Housing Strategy.
- 2.4.21 The Chief Financial Officer shall have authority to take all action as is necessary or expedient to fulfil the statutory obligations under Section 151 Local Government Act 1972.

- 2.4.22 To provide or arrange for the provision of financial advice to the Council, including from external sources.
- 2.4.23 To make arrangements with the Council's Bankers regarding the operation of the Council's bank accounts and the terms on which they are conducted.
- 2.4.24 To negotiate all loans of money to the City Council (including bank overdrafts) within the City Council's overall borrowing powers.
- 2.4.25 To act as the Council's Registrar of stocks, bonds, mortgages and other securities, and maintain adequate records of all borrowings of money by the City Council.
- 2.4.26 To invest or utilise such surplus monies of the City Council and to realise such investments as considered proper and in the City Council's interest.
- 2.4.27 To be responsible to the Council for the purchase, sale, realisation or exchange of investments.
- 2.4.28 To enter into any operating leasing agreements that might be required.
- 2.4.29 To write off any debts of the Council up to £200,000 and to establish, write-off limits for Council Officers and guidance for debt write-off in the case of hardship or safeguarding individuals.
- 2.4.30 To approve any Direct Debit arrangements for the Council.
- 2.4.31 To authorise requests for Assisted Car Purchase Scheme loans after consultation with the Head of Strategic HR.

Sixth Form Colleges

- 2.4.32 After consultation with the Director of People, to make an advance of funds to a college.
- 2.4.33 To issue a Financial Notice to Improve in accordance with the Apprenticeships, Skills, Children & Learning Act 2009.
- 2.4.34 After consultation with the Director of People, to issue a capital related borrowing consent in relation to post 16 learning providers.
- 2.4.35 After consultation with the Director of People, to issue a solvency related borrowing consent in relation to post 16 learning providers.

Other

- 2.4.36 After consultation with the Director of People, to use intervention powers under the Apprenticeships, Skills, Children and Learning Act 2009.
- 2.4.37 To act as the Council's Money Laundering Officer.

2.4.38 To review annually or at such other periods as is considered necessary all risks and insurances following consultation with appropriate Heads of Service, and make arrangements and agree terms with insurers for those risks considered to be economic to transfer to the Council's insurers.

2.4.39 To indemnify / insure directly or indirectly persons, other than councillors / officers, involved in Council activities.

PROCUREMENT

2.4.40 To amend the Council's Contract Compliance questionnaire as required.

2.4.41 To authorise named individuals to be the Council's nominated professional officers for inclusion in appropriate contracts.

2.4.42 To approve all exceptions and relaxations to Contract Procedure Rules.

2.4.43 To approve acceptance of tenders other than the lowest for all contracts.

2.4.44 To authorise the Heads of Service to participate in contracts arranged by the Central Business Consortium member authorities.

2.4.45 To approve procedures specifying the requirements of Contract Procedure Rules and local procedures implementing those requirements.

- 2.4.46 a. To approve the appropriate procurement route;
- b. To approve requests for contracts;
 - c. To approve OJEU advertisements;
 - d. To approve a regime for setting up, amending, reviewing and managing tender lists
 - e. Approve payments in advance, only with prior written approval of the Chief Financial Officer and Head of Legal & Democratic Services.

2.4.47 To approve framework agreements (including those available under Catalist from OGC buying.solutions) for use within the Council following an assessment of the terms of the framework ensuring that it offers best value and legal compliance.

2.4.48 To manage all EU procurement procedures and authorise such other person or department as he or she may direct, to do so.

2.4.49 To manage all high-value transactions, and authorise such other person or department as he or she may direct to do so, working with the relevant client departments / directorates.

2.4.50 To authorise any variations to an existing contract, and if relevant a consequent change in price, determined in accordance with the contract terms where the annual

value of the variation is greater than £25,000 or 15% of the original annual contract value (whichever is the lesser).

- 2.4.51 To authorise all extensions and variations to a contract awarded under the EU Procurement Directives.
- 2.4.52 To certify that any interest which may affect the award of a contract under Contract Procedure Rules are acceptable or take any necessary action in respect of potential conflicts of interest and instruct that the officer should not participate in the award of the contract by the Council.
- 2.4.53 In accordance with paragraphs 2.4.54 and 2.4.55 below, to take all and any decisions necessary or required to be taken by the Council under the Council's strategic contracts, including:-
- a. the Strategic Services Programme (SSP) with Capita Business Services Limited
 - b. the Highways Services Partnership (HSP) Contract with Balfour Beatty Workplace Limited
 - c. the Street Lighting PFI with Tay Valley Lighting (Southampton) Limited
 - d. the ROMTV (Citywatch) Contract with Balfour Beatty Living Places Limited
 - e. the leisure management contract with Active Nation
 - f. the Guildhall management contract with Live Nation
 - g. the golf course management contract with Mytime Active
 - h. the contract for management of Sports Centre St Mary's with Sport Solent
 - i. any other contract designated by the Chief Executive as a strategic contract for the purposes of this delegation.
- 2.4.54 To approve dispensation for those not able to adopt Customer Care Corporate Standards, policies or strategy.
- 2.4.55 To enter into professional Customer Service memberships in the interests of the Authority.

2.5 DEPUTY CHIEF FINANCIAL OFFICER

No delegations currently

2.6 HEAD OF IT

- 2.6.1 To initiate tendering processes for IS/IT products and services, subject to consultation with the Head of Legal & Democratic Services and Chief Financial Officer.
- 2.6.2 To vary, renegotiate and amend leases and other IT contract details in agreement with the Head of Legal & Democratic Services, where these improve service or reduce costs.
- 2.6.3 To approve changes and enhancements to the City Council's website and its technology and standards and similar initiatives.
- 2.6.4 To approve changes and exceptions to IS/IT Corporate Standards and Policy.
- 2.6.5 To enter into professional IT memberships in the interests of the Authority.
- 2.6.6 To initiate projects to explore new technology opportunities for the Authority, subject to appropriate budgetary provision.
- 2.6.7 Enter into any arrangements necessary in the event of a disaster recovery situation affecting IT, and to approve exceptions to Contract Procedure Rules for emergency disaster recovery work for IT services and provision in the best interests of the Authority, following consultation with the Head of Legal & Democratic Services and the appropriate Director.
- 2.6.8 To produce and vary IT procedures, including IT ordering procedures provided these do not conflict with Financial Procedure Rules or Contract Procedure Rules subject (in respect of ordering / contractual issues) to the agreement of the Chief Financial Officer and the Head of Legal & Democratic Services.
- 2.6.9 To review annually or at any such other periods as may be considered necessary, all IT plans and risks associated with them following consultation with Heads of Service.
- 2.6.10 To prepare or approve the form and content of all IT plans, proposals, policies, standards, strategy and acquisitions.
- 2.6.11 To approve the acceptance of IT contracts other than the lowest for contracts up to £125,000 in value subject to the approval of the Chief Financial Officer.
- 2.6.12 To vary prices for divisional services following consultation with the appropriate Head of Service.
- 2.6.13 To adopt methodologies, procedures and practices to optimise the management implementation and maintenance of information systems including project and financial management.

2.6.14 To approve dispensation for those not able to adopt IS/IT Corporate Standards, policies or strategy.

2.7 ASSISTANT CHIEF EXECUTIVE

- 2.7.1 To be responsible for the completion and updating of the Policy Framework Plans and implementing the council's Performance Management Framework.
- 2.7.2 To authorise the attendance by any Member at a conference, meeting or other event, following consultation with the Head of Legal & Democratic Services, provided the costs are to be met from the relevant Portfolio budget.
- 2.7.3 Following consultation with the Chief Financial Officer and the appropriate officers dealing with European matters, to complete and submit expressions of interest for funding or initiatives relating to equalities, cohesion, community safety and community involvement to any UK or EU funding agencies.
- 2.7.4 To complete and submit expressions of interest, enter into and vary, research and development projects and associated partnerships within estimates, including seeking external funding or joining funding partnerships.
- 2.7.5 To commission market research.
- 2.7.6 The provision and sharing of data and research initiatives.
- 2.7.7 To exercise any specific or general powers in this Division's section of this Scheme which are delegated to other officers.
- 2.7.8 To revise, if required, ~~review~~^{review} ~~and~~ ^{and} ~~renew~~ ^{renew} subsidies to Category B Council owned community centres and the funding to support the development of community involvement activities linked to the operation of such centres.
- 2.7.9 To act in all matters associated with the delivery of neighbourhood renewal, inclusion, community safety and community involvement and other programmes, partnerships or arrangements managed by external partnership bodies where the Council is the accountable body or is responsible for or is a partner in the programme, partnership or arrangement, and in particular to do so following consultation with the board or other body responsible for the management of the programme, partnership or arrangement, and to seek and replace members of such bodies.

(Action should only follow appropriate consultation at the outset. Where land use and planning processes are involved this must be with the Chief Financial Officer, Head of Legal & Democratic Services and the Head of Culture and Planning. Where there is existing or intended Council ownership this must include the Head of Property).

- 2.7.10 The power to enter into grant agreements for the award of grants derived from Government funded regeneration programmes and to determine when a legal charge is required on property to secure the repayment of any grant award.
- 2.7.11 To formally sign off regeneration Delivery Plans and Funding Agreements with the appropriate Funding Agencies for all externally funded projects and programmes relating to equalities, cohesion, community safety and community involvement following consultation with the Chief Financial Officer.
- 2.7.12 To make modifications / amendments to the approved standard conditions of grant aid.
- 2.7.13 Following consultation with the relevant Cabinet Member and the Chief Financial Officer, to agree for the City Council to act as the accountable body on behalf of formally constituted “friends” groups, resident, tenant or community groups, or sports clubs applying for external grant funding of less than £125,000 to improve the city’s open spaces and associated assets and infrastructure. This responsibility may include procuring supplies, goods or services on behalf of the grant recipient through identifying the most economically advantageous quote or tender, certifying receipt of goods and services, agreeing practical completion of site works, authorising payment of invoices, controlling and monitoring project expenditure, and keeping accurate and auditable financial records for the purpose of reclaiming project expenditure from the external grant funding body.
- 2.7.14 To deputise for the Chief Executive in respect of any matters relating to the Change and Communities Portfolios.
- 2.7.15 To change the decision-making^[AU2] body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Chief Financial Officer and Head of Property, Procurement and Health & Safety.
- 2.7.16 To approve and allocate grants to voluntary organisations, following consultation with the relevant Cabinet Member and Chief Financial Officer and make decisions to vary the budget allocation within Financial Procedure Rules.
- 2.7.17 To make amendments to the Council’s equality policies in order to address evolving legal and performance requirements.
- 2.7.18 To grant permission for events on public lands (including the Guildhall Square^[BL3] open space and Cultural Quarter) and, where applicable, to make appropriate charges.

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2.8 HEAD OF SKILLS, REGENERATION & PARTNERSHIPS

- 2.8.1 To liaise with economic partnerships and other economic bodies to represent the Council's interests on economic issues.
- 2.8.2 To liaise with skills partnerships and other skills economic bodies to represent the Council's interests on skills issues.
- 2.8.3 Approve Section 106 Employment and Skills Plans.
- 2.8.4 To approve the letting of contracts for the provision of learning, skills and employment related services.
- 2.8.5 To represent the interests of Southampton City Council through attendance at the Sub Regional Group on post 16 commissioning and to take all decisions required pursuant to membership on the group in relation to the exercise of statutory duties for the commissioning of learning and skills for children and young people.
- 2.8.6 To exercise all powers and duties granted or imposed under the Apprenticeship, Skills, Children and Learning Act 2009 and to do anything necessary to commission services as provided for in accordance with the Council's 16-19 obligations.
- 2.8.7 To approve grants to voluntary organisations provide that such approval be limited to £25,0000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations after consultation with the Cabinet Member.
- 2.8.8 Following consultation with the relevant Cabinet Member and taking into account recommendations made by the Grants Advisory Panel, to determine and allocate Community Chest Grant applications.
- 2.8.9 To approve the hosting of national or international events.

Sixth Form Colleges

- 2.8.10 After consultation with the Chief Financial Officer or the Head of Legal & Democratic Services, to approve, cancel or amend funding agreements for learning providers in relation to post 16 learning.

College Transport & Travelling Expenses

- 2.8.11 To pay travelling allowances to eligible students at Further Education establishments on the basis of public transport season ticket costs.
- 2.8.12 To pay travelling allowances to students qualifying for transport who provide their own vehicles to travel to schools/colleges according to a scale to be determined and varied as required following consultation with the Chief Financial Officer .

PART 2 – CHIEF EXECUTIVE'S OFFICE

- 2.8.13 To implement in respect of further education students, where appropriate, any changes in transport regulations made which affect pupils aged 16-19 attending secondary schools and colleges.
- 2.8.14 To work with Post-16 learning providers to ensure that transport is not a barrier to participation in learning, and to implement activities and provide financial support where appropriate.

2.9 COMMUNICATIONS MANAGER

- 2.9.1 To issue releases and comments to the media and public as and when necessary in the context of the relevant legal constraints and Council policy.
- 2.9.2 To edit and publish internal and external communications.
- 2.9.3 In cases of urgency, and/or when an appropriate Member or officer is not available, to act as a spokesperson for the Council.
- 2.9.4 To publish and edit the Council's website (Internet) and any subsequent related media.
- 2.9.5 To make any decisions about the sale of advertising or sponsorship in Council (or Council related) publications or on council property subject to legal, etc constraints and Council policy.
- 2.9.6 To undertake negotiations on behalf of the Council in respect of proposed special events in the City.
- 2.9.7 To prepare and implement communication plans where required by the Council.
- 2.9.8 To ensure that the Council complies with the recommended Code on Local Authority Publicity.

2.10 TRANSFORMATION DIRECTOR

No delegations at present

3.1 DIRECTOR, PLACE

- 3.1.1 To respond to consultations and requests for submissions from central Government, local authorities and other organisations concerning strategic economic issues and research and information developments and initiatives.
- 3.1.2 To complete and submit expressions of interest, enter into and vary, research and development projects and associated partnerships within estimates, including seeking external funding or joining funding partnerships.
- 3.1.3 Following consultation with the Head of Legal & Democratic Services and the Chief Financial Officer, to submit bids for or tenders involving funding or assistance from central Government, the European Commission or from any other source (direct or indirect to the Council itself) , and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB, this delegation applies not only to regeneration, European and Lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should apply in the same way).
- 3.1.4 To determine the City Council's membership of "Forum of the Future" annually.
- 3.1.5 To change the decision-making body and managerial responsibilities for any property within the Economic Development Portfolio in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Chief Financial Officer and Head of Property.
- 3.1.6 To authorise the attendance by any Member at a conference, meeting or other event, following consultation with the Head of Legal & Democratic Services, provided the costs are to be met from the relevant Portfolio budget.
- 3.1.7 To commission market research.
- 3.1.8 The provision and sharing of data and research initiatives.
- 3.1.9 To:
 - a. enter into any partnership and governance arrangements with external organisations which will benefit the functions of the Environment and Transport Portfolio;
 - b. contribute to the work of the Partnership for Urban South Hampshire (PUSH) in the preparation of strategic plans;

- c. set and vary fees and charges associated with the functions of the Environment and Transport Portfolio;
- d. enter into contracts for the delivery of services associated with the functions of the Environment and Transport Portfolio; and
- e. agree the settlement of both capital and revenue elements of the concessionary fares schemes in accordance with DfT guidance and the council's own Appeals procedures.

following consultation with the Head of Legal & Democratic Services, Head of Contract Management and the relevant Cabinet Member .

- 3.1.10 To make any order or decision, grant any license or take any ancillary action (including fees and setting charges), relating to any aspect of work undertaken by or on behalf of the Environment and Transport Portfolio and any other relevant environmental legislation, subject to the right of appeal by any person permitted under the relevant legislation to object to the making of any such order or decision:

Clean Neighbourhood and Environment Act 2005
Criminal Justice and Public Order Act 1994
Countryside and Rights of Way Act 2000
Highways Act 1980
Local Government (Miscellaneous Provisions) Act 1976
New Roads and Street Works Act 1991
Public Health Act 1925
Public Health Act 1875
Refuse Disposal (Amenity) Act 1978
Road Humps Regulations 1990
Road Traffic Act 1988 (re cycle races)
Road Traffic Act 1991
Road Traffic Regulation Act 1984 (including orders made under Pedestrian Crossings Regulations and Traffic Signs Regulations and General Directions.
Transport Acts 1985 and 2000
Road Traffic Regulation (Special Events) Act 1994
Road Traffic (Temporary Restrictions) Act 1991
Town and Country Planning Acts
Town Police Clauses Act 1847
Traffic Calming Act 1992
Traffic Management Act 2004

- 3.1.11 To complete and submit expressions of interest, enter into and vary, research and development projects and associated partnerships within estimates, including seeking external funding or joining funding partnerships.

- 3.1.12 To purchase services or sell spare capacity where there is a financial, service or other benefit to the authority.

- 3.1.13 To undertake all functions in relation to planning, transport planning, flood risk management, energy management and sustainability exercisable by the Council, save where expressly referred by law or by other provisions contained within this Constitution to another decision-making.
- 3.1.14 To submit bids for or tenders or to receive external competitively secured funding (in compliance with the Financial Procedure Rules) that contribute to the delivery of corporate priorities and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action to comply with Financial Procedure Rules (including the purchase of services, supplies, and works) in the consequential administration of any such bids or tenders.
- 3.1.15 To take any decisions or actions necessary in relation to community safety and anti-social behaviour, including the submission of funding bids, approving projects related to community safety and anti-social behaviour, authorising enforcement action, approving specific projects to meet targets in corporate plans and any projects relating to community cohesion, tackling social exclusion and discrimination.

Regeneration

- 3.1.16 In respect of regeneration land, to approve variation to the terms of leases, licences, easements or wayleaves, covenants or any other transaction, after consultation with the Chief Financial Officer.
- 3.1.17 In respect of regeneration land, to approve the temporary use of property, pending long-term use.
- 3.1.18 In respect of regeneration land, to perform all functions of the Council in respect of its responsibilities and powers under the Party Walls etc Act 1996, including the service and response to Statutory Notices, appointments of Party Wall Surveyors and compliance with all steps required by any Party Walls Award in respect of major projects.
- 3.1.19 In respect of regeneration land, to acquire dwellings repurchased under Part XVI Housing Act 1985, following consultation with the Chief Financial Officer, subject to finance being available.
- 3.1.20 In respect of regeneration land, to discharge the Council's functions as a local housing authority in respect of the day to day routine management, maintenance, improvement and repair of properties or land held under the powers of the Housing Act 1985 or any re-enactment thereof including those properties sold under the Right to Buy Scheme and any other properties managed but not funded from the Housing

Revenue Account in accordance with agreed policies and the Council's relevant Procedure Rules.

Elections

3.1.21 To undertake all functions and responsibilities for local, national, European and any other elections, in accordance with UK and European legislation and regulations, save where otherwise provided including, but not limited to, the registration functions and duties (including varying the location of polling places where required) and the determination of fees and charges for local elections in accordance with the decision of the Hampshire and Isle of Wight Election Fees Working Party.

Other

3.1.22 To commission, monitor and approve all reports for submission to any decision-making body of the Executive, the Council, Committees, Panels and Sub-Committees and to ensure their compliance with all the Procedures and other rules contained within the Constitution and with Corporate Standards and legal and financial requirements, following consultation with Heads of Service, and the Chief Financial Officer.

- a. defining the overall standards to be adhered to for that particular service area; and
- b. commissioning advice on changes to policy.

3.1.23 To make modifications / amendments to the approved standard conditions of grant aid.

3.1.24 To change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Chief Financial Officer and Head of Property, Procurement & Health & Safety.

3.2 HEAD OF CULTURE & PLANNING

LEISURE & CULTURE

3.2.1 To approve the provision of new leisure and culture facilities identified and provided for in current plans subject to:

- a. the necessary finance being available; and
- b. the proposals do not require the appropriation or disposal of an interest in an Open Space within the meaning of Section 229 or 232 of the Town and Country Planning Act 1990.

3.2.2 To approve the implementation of discount prices where considered appropriate to meet market conditions, to improve operational efficiency, to achieve financial benefits or to encourage participation by the Authority's target groups.

3.2.3 To negotiate fees for hiring of indoor and outdoor entertainment.

3.2.4 To subsidise the cost of facilities for any event held at any of the City Council's leisure, libraries and cultural facilities in accordance with the Council's approved terms and conditions.

~~3.2.5 To grant ^[BL4] permission for events on public lands (including the Guildhall Square open space and Cultural Quarter) and, where applicable, to make appropriate charges.~~

~~3.2.6~~ 3.2.5 To grant permission for the use of Speakers' Corner at Hoglands Park, and where appropriate, to make proper charge.

~~3.2.7~~ 3.2.6 In association with the Chipperfield Advisory Committee, to select and acquire works of art for the collection under the Chipperfield Bequest, up to the value of £125,000, subject to the necessary finance being available.

~~3.2.8~~ 3.2.7 To select and acquire works of art for the collection under the Smith Bequest.

~~3.2.9~~ 3.2.8 To grant permission for loans from and to the collections and to permit the reproduction of work from the collection.

~~3.2.10~~ 3.2.9 To select works and subjects and to arrange for their reproduction for art gallery and museum purposes, subject to proper charges being made where appropriate.

~~3.2.11~~ 3.2.10 To enter into standard agreements for the carrying out of archaeological works

~~3.2.12~~ 3.2.11 To allocate the annual interest on the sports fund to support outstanding individual sportsmen and sportswomen resident in the City.

- ~~3.2.13~~3.2.12 To design and implement such short term incentive and/or promotional / marketing schemes that are considered necessary to meet market conditions, to improve operational efficiency and/or to achieve financial benefits at any leisure venue or within any area of leisure activity.
- ~~3.2.14~~3.2.13 To negotiate on and accept prices for events, including trade fees and admission charges, subject to the proviso that these conform to any relevant Council policy.
- ~~3.2.15~~3.2.14 To obtain additional software licences for any library IT when the user base expands.
- ~~3.2.16~~3.2.15 To set levels of royalty payment and agree licences to print.
- ~~3.2.17~~3.2.16 To sign agreements for copying from books and journals.
- ~~3.2.18~~3.2.17 Subject to obtaining the necessary licences, to take multiple abstracts from national newspapers.
- ~~3.2.19~~3.2.18 To accept publicity for display from outside bodies, subject to any legal requirements and policies adopted by the Council.
- ~~3.2.20~~3.2.19 To take whatever action is necessary in respect of library fines, and costs / charges for lost books, photocopying, loans, etc, including waiving or reducing.
- ~~3.2.21~~3.2.20 To revise the Implementation Plan for the Arts and Heritage Acquisition and Disposal Policies for Museum Accreditation, following consultation with the relevant Cabinet Member.
- ~~3.2.22~~3.2.21 To use the David and Liza Brown Bequest Fund for the purchase of works of art for the Art Gallery's permanent collection in the future.
- ~~3.2.23~~3.2.22 To provide appropriate support to the Southampton Cultural Development Trust following consultation with the relevant Cabinet Member.

Film Requests

- ~~3.2.24~~3.2.23 To grant permission for filming requests on Council land or premises and to make a charge, where applicable.
- ~~3.2.25~~3.2.24 Wherever possible acts as City liaison to promote filming at privately owned locations and retains a location finder's administrative charge, where applicable.

PLANNING, TRANSPORT & SUSTAINABILITY

- ~~3.2.26~~3.2.25 To exercise all Planning, ~~Transport, Highways, Parking, Flood Risk Management, Energy Management and Sustainability~~ functions exercisable by the Council in its capacity as a local authority.

~~3.2.27~~3.2.26 To act and to exercise the functions of the Council under all current or future legislation and Council plans, policies, guidelines and procedures relating to the services and functions managed, operated and controlled by the Head of Service. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.

~~3.2.28~~3.2.27 To purchase services or sell spare capacity where there is a financial, service or other benefit to the authority.

~~3.2.29~~3.2.28 To enter into professional transport, sustainability, planning and building control memberships in the interests of the authority.

~~3.2.30~~3.2.29 Unless directed by the appropriate Cabinet Member or the Director, Place to consult them or others:

To respond to consultations and requests for submissions from Central Government, regional bodies, local authorities and other organisations concerning sustainability, planning, coastal and transport issues, including:

- a. Government Green and White Papers and draft guidance notes;
- b. Development Plans;
- c. the provision and sharing of data and research initiatives;
- d. planning applications and pre-application enquiries; and
- e. European and other international service programme activities (following, as appropriate, consultation with the International Affairs Manager).

~~3.2.31~~3.2.30 To liaise with the County Council, Portsmouth City Council, PUSH, Solent LEP and other relevant authorities in Hampshire on strategic spatial planning, transport, ~~flood risk management~~ and energy issues.

~~3.2.32~~ ~~To represent the Council on flood defence, coastal defence and European Marine Site Management Groups.~~

~~3.2.33~~3.2.31 To determine fees and charges under the Building (Local Authority Charges) Regulations, after consultation with the BC Partnership.

~~3.2.34~~3.2.32 To issue and refuse safety certificates, under the Safety at Sports Grounds Act 1975 and Fire Safety and Safety of Places of Sports Act 1987.

~~3.2.35~~3.2.33 Power to obtain information under Section 330 of the Town and Country Planning Act 1990 about interests in land or under section 171C Town and Country Planning Act 1990.

~~3.2.36~~3.2.34 To execute work in default of compliance with any notice served and to demand the recovery of expenses incurred by the authority.

~~3.2.37~~3.2.35 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services.

~~3.2.38~~3.2.36 To authorise staff under the authority of the Head of Culture & Planning to enter premises where such action is necessary to conduct duties and is authorised by legislation.

~~3.2.39~~3.2.37 Following appropriate consultation with the Cabinet Member, the spokespersons of other political groups for Environment and Transport and where appropriate, with members of partner authorities to prepare “proofs of evidence” presented on behalf of the Council to any relevant examination or inquiry.

~~3.2.40~~3.2.38 To monitor the application of the Planning Enforcement Policy, conduct any necessary reviews of the policy and, after consultation with the Head of Legal & Democratic Services, to make any changes to the policy necessary.

Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 and other legislation

~~3.2.41~~3.2.39 All functions, powers and duties under Section 53 (duty to keep a definitive map and statement under review), including

- (i) Under Section 53A, power to include modifications in other orders; and
- (ii) Under Section 53B, duty to keep a register of prescribed information with respect to applications under section 53(5).

~~3.2.42~~3.2.40 Power to prepare a map and statement by way of consolidation of definitive map and statement, under section 57A.

~~3.2.43~~3.2.41 To take action, where necessary, under section 149 of the Highways Act 1980 including the institution of prosecutions, to remove obstructions from footpaths and pavements.

~~3.2.44~~3.2.42 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation following consultation with the Head of Legal & Democratic Services.

Byelaws

~~3.2.45~~3.2.43 To determine applications for registration under s4 of the Hampshire Act 1983.

Powers of Entry

~~3.2.46~~3.2.44 To authorise officers of the Culture and Planning Division to exercise powers of entry in respect of the Town and Country Planning Act 1990, including section 196A, section 214B and section 324 relating to their functional responsibilities.

General Powers and Appointment of Officers

~~3.2.47~~3.2.45 To appoint officers for the implementation of the Council's functions under all relevant legislation.

~~3.2.48~~3.2.46 To authorise the institution of legal proceedings for the contravention or failure to comply with notices served under the legislation in this Division's section of the Scheme.

Neighbourhood Areas / Plans

~~3.2.49~~3.2.47 In relation to Examination of a Neighbourhood Development Plan in accordance with s.38A of the Planning & Compulsory Purchase Act 2004 and Schedule 4B of the Town & Country Planning Act 1990, to determine whether or not the procedural requirements for the preparation of the Plan have been met, to take all action necessary to consult on the Plan, to prepare, following consultation with the relevant Cabinet and Ward Members, the Council's comments on the Plan and to submit the Plan together with all ancillary documents for Examination.

~~3.2.50~~3.2.48 To take all action necessary to receive, process, carry out statutory consultation on and to determine any application for designation of a neighbourhood area received in accordance with Sections 61G and 61H of the Town & Country Planning Act 1990.

3.3 HEAD OF PROPERTY

- 3.3.1 To deal with applications for landlord’s consent to submitted plans, except in cases where some unusual factor is present and on which a policy decision is needed. Where consent is given, the under mentioned Standard Conditions I or II be attached as appropriate:

Standard Condition I:

- a. Compliance in all respects with all byelaws, licences and other consents applicable to the property and, in particular, with the conditional planning permission
Code No dated
- b. The work to be completed in all respects to the satisfaction of the City Council, which shall be evidenced by the City Council’s certification to that effect.
- c. The consent as landowner shall not affect, restrict or diminish the powers or rights of the City Council as a local authority.

Standard Condition II (applicable where a formal licence is required):

- i. Compliance in all respects with all byelaws, licences and other consents applicable to the property and, in particular, with the conditional planning permission
Code No dated
 - ii. The execution of such formal deed containing such provisions to safeguard the interests of the City Council as the Head of Legal & Democratic Services may determine.
- 3.3.2
- a. To approve the principle of and negotiate and agree terms of sale of freehold reversionary interests secured on individual dwellings originally constructed by either the Council or self-build groups to the owner-occupier;
 - b. To negotiate and agree the terms of sale of all other property providing the consideration does not exceed £300,000.
 - c. To negotiate and agree terms of sale of property exceeding £300,000 in value providing the consideration does not exceed £1 million, following consultation with the relevant Cabinet Member.
- 3.3.3 To agree with the Valuation Officer / Treasury Valuer assessments in respect of all properties for which the Council is the ratepayer or is seeking contributions in lieu of rates as Rating Authority, and to make references to the Valuation Tribunal as appropriate.

- 3.3.4 To determine applications for home loss payments under the Land Compensation Act 1973.
- 3.3.5 To revise charges made for room bookings within Civic Buildings.
- 3.3.6 To approve the surrender or assignment of any lease, licence, wayleave or easement by Agreement between the parties.
- 3.3.7 To approve terms for acquisition of land pursuant to an authorised agreement under Section 106 Town and Country Planning Act 1990, or as a condition in a planning consent provided there are no abnormal or onerous liabilities attached to the acquisition, the purchase price is nominal and there is finance allocated for ongoing maintenance.
- 3.3.8 To approve variations to the terms of leases, licences, easements or wayleaves, covenants or any other transaction when the consideration for the variation does not exceed £75,000 per annum or a premium payment of £750,000, provided sufficient finance is available.
- 3.3.9 To approve the following up to the financial limits specified, subject to sufficient finance being available:
- a. easements granted by or granted to the Council ;
 - b. disturbance claims or ex gratia payments;
 - c. settlement and apportionment of well maintained payments due under the Housing Acts where agreement can be reached with the parties;
 - d. lettings up to and including on a year to year basis;
 - e. any other lettings, renewals or rent / licence fee reviews where the reviewed rent / fee is no less than the amount previously due, except where the reduction is no more than £25,000 and to sign rent review memoranda in all cases; following approval;
 - f. the authority to restructure ground leases where additional rental is generated and/or where the consideration comprises wholly or partly of a premium payment and the premium does not exceed £125,000; and
 - g. applications for rent reductions on Investment Property providing corresponding estate management benefits are secured by the Council and the new terms are not below market value, to be exercised following consultation with the Chief Financial Officer.
- 3.3.10 Following consultation with the relevant Head of Service, to grant licences for works on land.

PART 3 – PLACE DIRECTORATE

- 3.3.11 a. To approve the exchange of land with a third party where the Council's existing land value is estimated to be no more than £300,000; and
 - b. To approve the exchange of land with a third party where the Council's existing land value is estimated to be greater than £300,000 providing the consideration does not exceed £1 million, following consultation with the relevant Cabinet Member .
- 3.3.12 To approve appropriations between relevant function areas and statutory holding powers except where public notice of the proposed appropriation is required and objections are received.
- 3.3.13 To approve, under Corporate Property Standards, any major alteration, refurbishment or new project on land in which the Council has an interest providing that the proposed expenditure does not exceed £1 million.
- 3.3.14 To approve the temporary use of property, pending long-term use.
- 3.3.15 To manage the Council's investment, social and general purpose property portfolios.
- 3.3.16 To perform all functions of the Council in respect of its responsibilities and powers under the Party Walls etc Act 1996, including the service and response to Statutory Notices, appointment of Party Wall Surveyors and compliance with all steps required by any Party Walls Award.
- 3.3.17 Authority to exercise the powers and duties of the Council under the Landlord and Tenant (Covenants) Act 1995.
- 3.3.18 To grant and sign licences in a form approved by the Head of Legal & Democratic Services.
- 3.3.19 To approve the acceptance of tenders for land disposals, whether the highest bid or not, up to £1 million capital (where the principle of the disposal has already been approved) or £100,000 per annum revenue income.
- 3.3.20 To agree compensation under Land Compensation legislation where no interest in the land is acquired by the Council.
- 3.3.21 To carry out site investigations and soil surveys, where necessary, to establish the development potential of vacant land subject to the availability of the necessary finance to carry out such investigations.
- 3.3.22 To place property on the market in accordance with Corporate Standards with a view to a disposal.

- 3.3.23 To appoint external agents or consultants to provide specialist services in respect of the Council's property portfolio, subject to compliance with Financial Procedure Rules and Contract Procedure Rules.
- 3.3.24 To approve the acquisition of a lease or licence in property where service areas of the Council operate partnerships with external bodies and funding is available.
- 3.3.25 To approve the acquisition of minor interests in property, provided the consideration does not exceed a premium payment of £500,000 or £100,000 per annum, provided sufficient finance is available, after consultation with the relevant Cabinet Member.
- 3.3.26 To authorise the variation of individual projects in the approved Capital Building Maintenance (non-housing) programme during its implementation, should this be required as a result of urgent or unforeseen repair needs arising, or services requirement changes.
- 3.3.27 To add new projects or remove projects from the approved Capital Building Maintenance (non-housing) programme project list following consultation with the relevant Cabinet Member.
- 3.3.28 To vary the timing and cost of projects already within the approved Capital Building Maintenance (non-housing) Programme as may be required, following consultation with the relevant Cabinet Members (for the Capital Programme and the building concerned, if different).
- 3.3.29 To approve claims for dilapidations in respect of leasehold interests granted by the Council, or granted to the Council, provided the consideration does not exceed £1 million, and provided sufficient finance is available.
- 3.3.30 To authorise lease surrenders and/or renewals to Scout or Guide Groups or other community or charitable organisations which include any underlet for any purpose authorised by s.2 Local Government Act 2000 at rents less than best consideration where it is proposed to underlet to a nursery provider or similar community use.
- 3.3.31 To approve lettings or lease renewals at less than best consideration where the principle of letting to the organisation concerned has already been approved (by virtue of a previous letting or any other appropriate means) or where the Council is obliged to renew a letting by virtue of Landlord and Tenant legislation.
- [3.3.32 To delegate authority to the Head of Property, in consultation with the Cabinet Member for Resources and Leisure, to enter into option agreements, disposals or any other property transactions with the Public Sector plc, to progress redevelopment and property schemes in line with the Council's Corporate Property Strategy.](#)

3.4 HEAD OF TRANSPORT, HIGHWAYS & PARKING

(TO BE CARRIED OUT BY THE INTERIM TRAVEL & TRANSPORT MANAGER DURING THE TRANSFORMATION PROJECT)

- 3.4.1 To amend the proposed five year Capital Programme in the light of ongoing consultation with the Government.
- 3.4.2 To enter into, vary and determine public transport contracts in order to optimise the delivery of transport policy objectives and maintain reliable services.
- 3.4.3 To liaise with and respond to consultation from neighbouring authorities, from public transport operators and public transport infrastructure providers on services, routes and timetables and other bodies on local and strategic transport matters including public transport services, routes and timetables, and implications.
- 3.4.4 To respond to consultations and requests for submission from Government Departments, other local authorities, international, European, academic, research, business representatives and other bodies in respect of:
 - a. provision and sharing of data and research initiatives;
 - b. transport and infrastructure issues; and
 - c. professional engineering issues.
- 3.4.5 To submit expressions of interest, funding bids, undertake research, enter into (and vary) development projects with external partnerships within estimates, including seeking external funding or joining funding partnerships.
- 3.4.6 To introduce mini-roundabouts where it is thought that these may improve traffic conditions.
- 3.4.7 In accordance with orders made under the Road Traffic Regulation Act 1984 and subsequent legislation, to take any actions necessary in relation to parking control, car parks, lorry parks, the issue of penalty, standard and excess charge notices and notices of offence.
- 3.4.8 Following consultation with the Head of Legal & Democratic Services:
 - a. to introduce temporary road closures and other temporary traffic restrictions on the highway;
 - b. to maintain a list of all closures authorised under this delegated procedure, including the reason for the restriction and its predicted and actual duration;
- 3.4.9 To issue consent under the Highways Act 1980 to build over an improvement line where planning permission is granted for the development which crosses an improvement line, following consultation with the Head of Culture and Planning.

3.4.10 Authority to do anything necessary on behalf of the Highway Authority to give effect to decisions relating to Sections 37, 38 and 278 of the Highways Act, 1980, including entering into agreements, approving plans, inspecting works and requiring the necessary fees from developers when negotiating works and agreements for the adoption of highways on behalf of the Highway Authority.

3.4.11 To make any order or decision, grant any licence or take any ancillary action (including setting, varying and removing charges), relating to highways and traffic management matters such as but not confined to, Traffic Regulation Orders, under the following legislation, subject to the right of appeal to the Appeals Panel by any person permitted under the relevant legislation to object to the making of any such order or decision:

- Clean Neighbourhood and Environment Act 2005
- Countryside and Rights of Way Act 2000
- Crime and Disorder Act 1998 (Section 17)
- Criminal Justice and Public Order Act 1994
- Hampshire Act 1983
- Highways Act 1980
- Local Government Act 1972 (Section 111)
- Local Government Act 2000 (Section 2)
- Local Government (Miscellaneous Provisions) Act 1976
- New Roads and Street Works Act 1991
- Public Health Act 1925
- Public Health Act 1875
- Refuse Disposal (Amenity) Act 1978
- Road Humps Regulations 1990
- Road Traffic Act 1988 (re cycle races)
- Road Traffic Act 1991
- Road Traffic Regulation Act 1984 (including orders made under Pedestrian Crossings Regulations and Traffic Signs Regulations and General Directions.
- Transport Acts 1985 and 2000
- Road Traffic Regulation (Special Events) Act 1994
- Road Traffic (Temporary Restrictions) Act 1991
- Town and Country Planning Acts
- Town Police Clauses Act 1847
- Traffic Calming Act 1992
- Traffic Management Act 2004

3.4.12 To determine and vary the Highways and Parking Capital and Planned Maintenance Programmes in accordance with the policies and other criteria set by the Authority, after consultation with the appropriate Policy Coordinator,

3.4.13 To submit expressions of interest, research, enter into (and vary) development projects with external partnerships within estimates, including seeking external funding or joining funding partnerships.

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- 3.4.14 To serve notice requiring payment for works carried out in default.
- 3.4.15 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the local authority.
- 3.4.16 To affix statutory notices to and to arrange for the removal of, vehicles deemed to be abandoned on public land.
- 3.4.17 To make decisions in respect of the use and release of videotapes and other data arising from CCTV equipment under the control of the division, including responding to requests from the police, insurers, media and members of the public.
- 3.4.18 To purchase services or sell spare capacity where there is a financial, service or other benefit to the authority.
- 3.4.19 To enter into professional memberships in the interests of the authority.
- 3.4.20 To act as “Engineer”, “Employer” or any designation attributable to any other officer under a standard form of contract or partnership arrangement for the purposes of engineering contracts let by the authority.
- 3.4.21 To issue permits allowing building materials to be temporarily deposited on the highway.
- 3.4.22 To issue street works licences allowing excavations to be made in the public highway.
- 3.4.23 To issue permits allowing the temporary erection of scaffolding and hoardings on highways.
- 3.4.24 To issue permits allowing builders’ skips to be temporarily deposited on the highway.
- 3.4.25 To take action, where necessary, under Sections 148 and 154 of the Highways Act 1980 including the institution of prosecutions to remove deposits from footpaths and pavements and to control overhanging vegetation.
- 3.4.26 To serve a remedial notice on the landowner from which trees, hedges or shrubs emanate where they are considered to endanger or obstruct the passage of vehicles or pedestrians. To carry out works in default of this notice and do anything ancillary to this work pursuant to section 154 of Highways Act 1980.
- 3.4.27 To respond on behalf of the Council to statutory undertakers proposals to install their equipment in the highway.
- 3.4.28 Following consultation with the relevant Cabinet Member, annually review the Transport Asset Management Plan.

- 3.4.29 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services.
- 3.4.30 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services.
- 3.4.31 To serve street litter control notices.
- 3.4.32 To undertake any necessary investigative work for the purposes of enforcement including issue a fixed penalty notices or any other notice on any person or person found littering, flyposting or committing graffiti pursuant to the Environmental Protection Act 1990, Clean Neighbourhood and Environment Act 2005, the Anti-Social Behaviour Act 2003, the Highways Act 1980 and the Town and Country Planning Act 1990.
- 3.4.33 All City Parking functions exercisable by the Council in its capacity as a local authority shall be delegated to the Head of Regulatory and City Services.

Refuse Disposal (Amenity) Act 1978

- 3.4.34 All powers and duties under the Refuse Disposal (Amenity) Act including but not restricted to the power to serve notice under Sections 3 and 6 of the Act to deal with abandoned motor vehicles.

Highways Act 1980

- 3.4.35 Under Section 31A, a duty to keep a register of information with respect to maps, statements and declarations.
- 3.4.36 Under Section 119A, power to make a rail crossing diversion order.
- 3.4.37 Under Section 119B, power to make a special diversion order.
- 3.4.38 Under Section 119C(3), power to require application for order to enter into agreement.
- 3.4.39 Under Section 119D, power to make an SSSI diversion order.
- 3.4.40 Under Section 121B, duty to keep a register with respect to applications under section 118ZA, 118C, 119ZA and 119C.
- 3.4.41 Under Section 130, duty to assert and protect the rights of the public to use and enjoyment of highways.

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- 3.4.42 Under Section 130A, duty to serve notice of proposed action in relation to obstruction.
- 3.4.43 Under Section 135, power to authorise temporary disturbance of surface of footpath or bridleway.
- 3.4.44 Under Section 153B, functions relating to the making good of damage and the removal of obstructions.
- 3.4.45 To issue Licences under Section 176, 177 and 178.
- 3.4.46 Power to licence planting, retention and maintenance of trees etc in part of the highway (Section 142).
- 3.4.47 Power to consent to the construction of cellars etc under the street (Section 179).
- 3.4.48 Power to consent to the making of openings into cellars, etc under the street and pavement lights and ventilators (Section 180).
- 3.4.49 Authority to do anything necessary on behalf of the Highway Authority to give effect to decisions relating to Sections 37, 38 and 278 of the Highways Act, 1980, including entering into agreements, approving plans, inspecting works and requiring the necessary fees from developers on behalf of the City Council when negotiating works and agreements for the adoption of highways on behalf of the Highway Authority.
- 3.4.50 To issue permits allowing vehicles into “Pedestrian Only” streets in order to carry out essential works, after consultation with the Head of Regulatory and City Services.
- 3.4.51 To agree street naming and numbering.
- 3.4.52 To serve notice requiring payment for works carried out in default.
- 3.4.53 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the Local Authority.
- 3.4.54 To take any action in relation to or associated with HGV Operators’ Licences.
- 3.4.55 All City Parking and Patrol Services functions exercisable by the Council in its capacity as a local authority shall be delegated to the Head of Regulatory and City Services.
- 3.4.56 To enter into agreements with external bodies for the purpose of maintaining and managing the highway, transport asset management, on and off street car parks maintenance and management.

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- 3.4.57 To deal with applications for the use of car parks on their individual merits, normally to be granted only to charities and non-profit organisations, following consultation with the Head of Legal & Democratic Services.
- 3.4.58 To grant permission for use of Council car parks for display purposes, following consultation with the Head of Legal & Democratic Services.
- 3.4.59 To advertise proposed disabled persons' parking bays in accordance with Council policy.
- 3.4.64 In accordance with orders made under the Road Traffic Regulation Act 1984 and subsequent legislation, to take any actions necessary in relation to parking control, car parks, lorry parks, the issue of penalty, standard and excess charge notices and notices of offence.
- 3.4.65 In accordance with orders made under the Road Traffic Regulation Act 1984 and subsequent legislation and Council policy to take actions to manage the residents parking schemes, and in relation to parking control the waiving of the penalty, standard or excess charge: the acceptance of an alternative amount in lieu of the penalty, standard or excess charge: the service of notices to ascertain the identify of the driver of a vehicle, the initiation of prosecutions and the issue of permits, dispensations and waivers.
- 3.4.66 In accordance with orders made under the Road Traffic Regulation Act 1984 and subsequent legislation and Council policy to take actions necessary to manage the pay and display and pay on foot systems of parking control in car parks and lorry parks; issue of penalty, standard and excess charges notices and notices of offence; the sale of prepaid parking tickets; the collection of parking charges; the initiation of prosecutions; and the issue of permits, dispensations and waivers.
- 3.4.67 To make any order or decision, grant any licence or take any ancillary action (including setting, varying and removing charges), in relation to Parking matters:
- Clean Neighbourhood and Environment Act 2005
 - Countryside and Rights of Way Act 2000
 - Crime and Disorder Act 1998 (Section 17)
 - Criminal Justice and Public Order Act 1994
 - Hampshire Act 1983
 - Highways Act 1980
 - Local Government Act 1972 (Section 111)
 - Local Government Act 2000 (Section 2)
 - Local Government (Miscellaneous Provisions) Act 1976
 - Refuse Disposal (Amenity) Act 1978
 - Road Traffic Act 1991
 - Road Traffic Regulation Act 1984 (including orders made under Pedestrian Crossings Regulations and Traffic Signs Regulations and General Directions.

Traffic Management Act 2004

- 3.4.68 To determine and vary the Parking Capital and Planned Maintenance Programmes in accordance with the policies and other criteria set by the authority.
- 3.4.69 To issue permits allowing vehicles into “Pedestrian Only” streets in order to carry out essential works.
- 3.4.70 To submit expressions of interest, research, enter into (and vary) development projects with external partnerships within estimates, including seeking external funding or joining funding partnerships.
- 3.4.71 To serve notice requiring payment for works carried out in default.
- 3.4.72 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the local authority.
- 3.4.73 To affix statutory notices to and to arrange for the removal of, vehicles deemed to be abandoned on public land.
- 3.4.74 To register unpaid penalty charges (Charge Certificates) at the Traffic Enforcement Centre (County Court Bulk Centre) and to seek warrants of execution to complete the recovery process.
- 3.4.75 To present the Council's evidence to the National Parking Adjudication Service.
- 3.4.76 To make decisions in respect of the use and release of videotapes and other data arising from CCTV equipment under the control of the division, including responding to requests from the police, insurers, media and members of the public.
- 3.4.77 To purchase services or sell spare capacity where there is a financial, service or other benefit to the authority.
- 3.4.78 To issue permits allowing building materials to be temporarily deposited on the highway.
- 3.4.79 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation.
- 3.4.80 To serve street litter control notices.
- 3.4.81 To undertake any necessary investigative work for the purposes of enforcement including issue a fixed penalty notices or any other notice on any person or person found littering, flyposting, or committing graffiti pursuant to the Environmental Protection Act 1990, Clean Neighbourhood and Environment Act 2005, the Anti-

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Social Behaviour Act 2003, the Highways Act 1980 and the Town and Country Planning Act 1990, Blue Badge & Parking Permit fraud.

3.4.82 To approve the issue of civil penalty notices in Cemetery Road and to respond to appeals (challenges) against the issue of any notice.

[3.4.83](#) To take any action in relation to or associated with HGV Operators' Licences.

~~3.4.83~~[3.4.84](#) To exercise all Transport, Highways and Parking functions exercisable by the Council in its capacity as a local authority.

3.5 ENERGY AND SUSTAINABILITY MANAGER

3.5.1 To respond to consultations and requests for submission from Government Departments, other local authorities, international, European, academic, research, business representatives and other bodies in respect of:

- a. provision and sharing of data and research initiatives;
- b. transport and infrastructure issues;
- c. professional engineering issues

3.5.2 To submit expressions of interest, funding bids, undertake research, enter into (and vary) development projects with external partnerships within estimates, including seeking external funding or joining funding partnerships.

[3.5.3 To exercise all Energy Management and Sustainability functions exercisable by the Council in its capacity as a local authority.](#)

3.6 PLANNING AND DEVELOPMENT MANAGER

- 3.6.1 To determine planning applications and any other applications, submissions, consents, etc required to be made and to be determined by the Local Planning Authority subject to the following restrictions:
- a. For planning applications (therefore, applications for advertisement consent, prior approval, time limited applications, lawful development certificates, etc are excluded) that fall within the major, minor or other category (as defined by the Government), and where within the standard 21-day publicity period a request made in writing [on the prescribed Call-in Form, giving valid and material planning grounds](#), by a ward member of the ward in which the application site predominantly falls, or ~~if supported by where~~ at least five written letters of representation (where such representation is contrary to the officer's recommendation) (discounting petitions, proforma and circulated standard letters) on valid and ~~appropriate material~~ planning grounds [have been received](#) from five different individuals within the administrative ward of the City the development lies) shall be brought to the Planning and Rights of Way Panel meeting for discussion. If a request by a member is received after the publicity period, or the necessary five independent properly addressed letters of representation (where such representation is contrary to the officer's recommendation) are received after the publicity period, the consideration of referral to the Panel will be at the discretion of the Planning and Development Manager after consultation with the Chair of the Planning and Rights of Way Panel;
 - b. Where the proposal is contrary to policies contained within the development plan and where three or more objections are received in writing from at least three different individuals;
 - c. applications which the Planning and Development Manager considers to be of particular interest, strategic importance or wider public interest shall be referred to the Planning and Rights of Way Panel;
- 3.6.2 Where appropriate, to instruct the Head of Legal & Democratic Services to serve any notices in pursuance of regularising breaches of planning (and other relevant legislation), commence court proceedings and to complete or seal agreements, , in respect of (but not restricted to) the following:
- a. Notices under Section 215 of the Town and Country Planning Act 1990 (Amenity Notices);

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- b. Notices under Section 171 of the Town and Country Planning Act 1990 (Planning Contravention Notices);
- c. Notices under Section 187A of the Town and Country Planning Act 1990 (Breach of Conditions Notices);
- d. Notices under section 172 of the Town and Country Planning Act 1990 (Enforcement Notices)
- e. To institute emergency proceedings to take necessary enforcement action to restrain breaches of planning control (including listed building control), under section 171E (temporary stop notices); section 183 (stop notices); section 187B (injunctions restraining breach of planning control) of the Town and Country Planning Act 1990; section 44A of the Listed Buildings Act 1990 (injunctions restraining breach of listed building control); section 214A (injunctions in relation to tree preservation orders), following consultation with the Head of Legal & Democratic Services;
- f. Directions under Article 4 of the General Permitted Development Order 1995 removing development rights to demolish a building upon a receipt of a predetermination application subject to a report for confirmation being submitted to a subsequent meeting of the Planning and Rights of Way Panel;
- g. Hazardous substances contravention's notices;
- h. Revocation or modification of Hazardous Substances Consents;
- i. Prosecution for illegal display of advertisements;
- j. To decide whether an assessment and environmental statement is required under the Environmental Assessment Regulations; and to respond to requests for screening and scoping opinions under those Regulations;
- k. To decide whether development is likely to have a significant affect on land protected under international designation; and to carry out appropriate assessment as required by the Habitat Regulations where the Council is the competent authority;
- l. Authority to enter into agreements, approve plans, inspect works and require reasonable fees from developers on behalf of the Council, as highway authority, when negotiating works agreements for the adoption of highways under Sections 38 and 278 of the Highways Act 1980;
- m. To agree to the adoption of new highways arising from new development under Section 38 of the Highways Act 1980 by the Council as highway authority;
- n. To allocate or reallocate postal numbers in respect of any properties in the City;

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- o. To issue and serve notices under the Advance Payment Code of the Highways Act 1980;
 - p. To inspect Private Streets and where necessary instruct the Head of Legal & Democratic Services to serve notices where required for the repair of such streets. To initiate works in default of compliance with the requirements of such notices;
 - q. To authorise persons to enter any land without a warrant or under warrant in accordance with Sections 196A and 196B of the Town and Country Planning Act 1990 or under section 324 of the same Act;
 - r. To authorise the Head of Legal & Democratic Services to sign unilateral undertakings, or enter into agreements under Section 106 of the Town and Country Planning Act 1990, to undertake deeds of variation and subsequently amend any terms previously agreed, unless the Planning and Rights of Way Panel has asked for those discussions to be referred back to it;
- 3.6.3 Power to make, modify or vary, revoke but not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990 and to confirm such orders except where valid objections are received.
- 3.6.4 To make any order, notice or decision, grant any license, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services.
- 3.6.5 To determine applications for works to trees that are subject to protection by Tree Preservation Order and to impose such conditions on any consent that s/he deems appropriate.
- 3.6.6 To serve a notice to plant replacement trees, where they are a requirement of the land owner's duty to replace under Section 206 of the Town and Country Planning Act 1990 or where replacements have been conditioned under a tree works decision notice.
- 3.6.7 To execute works in default of non-compliance with a notice to replant trees and to recover all reasonable costs from the landowner.
- 3.6.8 To agree street naming and numbering.

3.7 HEAD OF DEVELOPMENT, ECONOMY & HOUSING RENEWAL

- 3.7.1 To carry out site investigations and soil surveys in relation to major development sites, where necessary, to establish the development potential of vacant land, subject to the availability of the necessary finance to carry out such investigations.
- 3.7.2 Together with the Head of Property and the Head of Culture and Planning, to undertake the acquisition of land for approved major development schemes, following consultation with the Head of Legal & Democratic Services.
- 3.7.3 To determine the City Council's membership of "Forum of the Future" annually.
- 3.7.4 To determine applications for authorisation to entertain in Above Bar Precinct.
- 3.7.5 To liaise with economic partnerships and other economic bodies to represent the Council's interests on economic issues.
- 3.7.6 To grant use of the Above Bar pedestrian precinct and Bargate pedestrian area following consultation with the Head of Legal & Democratic Services in accordance with conditions laid down and Part VIIA of the Highways Act 1980 where applicable, and where appropriate to make a proper charge.
- 3.7.7 To set a level for donations for the placing of temporary objects on the paved area outside the Bargate.
- 3.7.8 To submit bids for or tenders involving funding or assistance from central Government, European Commission or from any other source (direct or indirect to the authority itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB: this delegation also applies to any new schemes not in place, and is thus framed broadly and should be applied in the same way), following consultation with the Head of Legal & Democratic Services and Chief Financial Officer.
- 3.7.9 To change the decision-making body and managerial responsibilities for any property within the Economic Development Portfolio in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Chief Financial Officer and Head of Property.
- 3.7.10 To approve variation to the terms of leases, licences, easements or wayleaves, covenants or any other transaction, subject to the approval of the Chief Financial Officer.

- 3.7.11 To appoint external agents or consultants to provide specialist services in respect of the Council's major development schemes.
- 3.7.12 Where the Council has resolved to make a Compulsory Purchase order for a major development project or where in purchase has in principle been approved by the council to settle terms for the purchase of property and valid heads of claim, subject to the approval of the Chief Financial Officer.
- 3.7.13 After consultation with the Head of Legal & Democratic Services to accept Blight Notices which are valid and which are served in respect of major development schemes proposals.
- 3.7.14 To grant licences for works on land within the major Development project sites.
- 3.7.15 To approve the temporary use of property, pending long-term use.
- 3.7.16 To perform all functions of the Council in respect of its responsibilities and powers under the Party Walls etc Act 1996, including the service and response to Statutory Notices, appointments of Party Wall Surveyors and compliance with all steps required by any Party Walls Award in respect of Major Projects.
- 3.7.17 To make minor amendments to boundaries after consultation with the Cabinet Member to disposals in respect of approved major development schemes.
- 3.7.18 To allow developers on to council land to carry out site investigations subject to the granting of an appropriate licence.
- 3.7.19 To make amendments to the Housing Strategy 2011-2015 following consultation with the Cabinet Member and further consultation with the relevant Scrutiny Panel.
- 3.7.20 To grant licences for works on land within the major development project sites.
- 3.1.25 In relation to the Private Sector Housing Strategy to:
- a. alter existing or introduce new formulae to calculate loan repayment sums in respect of financial assistance packages;
 - b. approve adjustments to the occupancy terms for the grant element of existing and new financial assistance packages; and
 - c. approve the introduction of subsequent financial assistance packages developed, and any significant alterations to the criteria of existing packages following consultation with the appropriate Cabinet Member and the Chief Financial Officer.
- 3.7.21 To authorise and implement changes to the "Decants and Permanent Rehousing due to the decommissioning of Council Housing Stock – Rented or Leasehold" as

required, following consultation with the Cabinet Member responsible and Chief Financial Officer.

- 3.7.22 To make minor amendments to boundaries after consultation with the relevant Cabinet Member to disposals in respect of approved major development schemes.
- 3.7.23 To allow developers on to Council land to carry out site investigations subject to the granting of an appropriate licence.

ESTATE REGENERATION

- 3.7.24 To approve after consultation with the relevant Cabinet Member terms for the repurchase of property sold through the Right to Buy process and compensation payments to business tenants to facilitate site assembly for Estate Regeneration Projects, where Cabinet approval exists for these land acquisitions.
- 3.7.25 Following consultation with the relevant Cabinet Member responsible, Head of Legal & Democratic Services, Chief Financial Officer and Head of Property to demolish properties or dispose of land held within the Housing Revenue Account subject to best consideration being received for vacant properties, vacant sites or garages for the purposes of estate regeneration and the development of new housing.
- 3.7.26 Following consultation with the relevant Cabinet Member responsible, Head of Legal & Democratic Services, Chief Financial Officer and Head of Property and subject to funding and budgetary approval being in place, to acquire land for the purposes of estate regeneration and to secure demolition of any buildings if appropriate.
- 3.7.27 To commence a programme of consultation and engagement with residents and stakeholders on sites identified for redevelopment, subject to consultation with the Chief Financial Officer and relevant Cabinet Member.
- 3.7.28 To accept, in accordance with FPR any grant funding towards the costs of the Estate Regeneration project and as a consequence:
 - a) increase the capital budget for this project by the value of the grants received;
and
 - b) increase the scheme approval sums by the value of the grant received.
- 3.7.29 Following consultation with the relevant Cabinet Member responsible, Head of Legal & Democratic Services, Chief Financial Officer and Head of Property to:
 - a. procure a development partner to redevelop the four sites identified (Cumbrian Way, Exford Avenue, Meggeson Avenue and Laxton Close) or any of them or any combination;

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- b. enter into a development agreement to deliver the redevelopments including, if required, disposal of freehold;
- c. acquire, where terms can be agreed, adjoining parcels of land; and
- d. accept, in accordance with Financial Procedure Rules, any grant funding towards the costs of the redevelopment of the four estate regeneration sites.

3.7.30 To approve homeloss, disturbance and ex-gratia payments for removal expenses for displaced tenants on modernisation or major works of Council dwellings.

3.8 HEAD OF REGULATORY & CITY SERVICES

REGULATORY SERVICES

- 3.8.1 To undertake all Environmental Health and Consumer Protection Services functions exercisable by the Council in its capacity as a local authority. This includes Registration and Bereavement Services' functions.
- 3.8.2 Act as Proper Officer for Registration under the Registration Service Act 1953.
- 3.8.3 Act under all current or future legislation and Council plans, policies, guidelines and procedures relating to the services and functions managed, operated and controlled by the Head of Service. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.
- 3.8.4 Exercise the functions of the Council in terms of the following legislation and any subsequent or similar legislation or replacing or expanding legislation:
- Administration of Justice Act 1970
 - Administration of Justice Act 1985
 - Agriculture (Miscellaneous Provisions) Act 1968
 - Agriculture Acts
 - Agriculture Produce (Grading and Marketing) Acts 1928 and 1931
 - Animal and Animal Products (Import and Export) (England and Wales) Regulations 2000
 - Animal Boarding Establishments Act 1963
 - Animal Health Act 1981
 - Animal Health Act 2002
 - Animal Welfare Act 2006
 - Anti-social Behaviour Act 2003
 - Beef Labelling (Enforcement) (England) Regulations 2000
 - Bovines and Bovine Products (Trade) Regulations 1998
 - Breeding of Dogs Act 1973 & 1991
 - Breeding and Sale of Dogs (Welfare) Act 1999
 - Breeding of Dogs (Licensing Records) Regulations 1999
 - Building Act 1984
 - Burial Act 1853
 - Business Names Act 1985
 - Business Protection from Misleading Marketing Regulations 2008
 - Bye-laws for Hairdressers and Barbers
 - Cancer Act 1939
 - Cattle Identification Regulations 2007
 - Cemeteries Order 1977
 - Children and Young Persons (Protection from Tobacco) Act 1991
 - Children and Young Persons Act 1933
 - Civil Partnership Act 2004

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Clean Air Act 1993
Clean Neighbourhood and Environment Act 2005
Common Agriculture Policy (Wine) (England and Northern Ireland) Regulations 2001
Companies Act 2006
Consumer Credit Act 1974
Consumer Protection (Distance Selling) Regulations 2000
Consumer Protection Act 1987
Consumer Protection from Unfair Trading Regulations 2008
Control of Pesticide Regulations 1986
Control of Pollution (Anti-Fouling Paint) Regulations 1986
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Copyright, Designs and Patents Act 1988
Courts and Legal Services Act 1990
Customs and Excise Management Act 1979
Dangerous Wild Animals Act 1976
Designation of Local (Southampton Port Health Authority) District Order 1978.
Development of Tourism Act 1969 Tourism (Sleeping Accommodation Price Display) Order 1977
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environment Act 1995
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972
Explosives Acts 1875
Fireworks Act 2003
Food Act 1984
Food and Environment Protection Act 1985
Food Safety Act, 1990
Food Hygiene (England) Regulations 2006
Food Standards Act 1999
Foot and Mouth Disease (Control of Vaccinations) (England) Regulations 2001
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Fuel (Lead Content of Petrol) Regulations 1981 (as amended);
Fur Farming (Prohibition) Act 2000
Hall Marking Act 1973
Hampshire Act 1983
Health Act 2006
Health and Safety at Work etc Act 1974
Home Safety Act 1961
Housing Act 1985

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Housing Act 1996
Housing Act 2004
Housing Act 2004
International Health Regulations 2005
Intoxicating Substances (Supply) Act 1986
Licensing Act 2003
Local Authority Cemeteries Order 1977
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Marriage Act 1994
Medicines Act 1968
Motor Cycle Noise Act 1987
Motor Fuel (Sulphur Content of Gas Oil) Regulations 1981
Motor Vehicle (Safety Equipment for Children) Act 1991
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Non-Automatic Weighing Instruments Regulations 2000
Olympic Symbol etc (Protection) Act 1995
Organic Products Regulations 2001
Performing Animals (Regulation) Act 1925
Pesticides (Fees and Enforcement) Act 1989
Pet Animals Act 1951 and Pet Animals Act 1951 (Amendment) Act 1983
Petroleum (Consolidation) Act 1928.
Poisons Act 1972
Police and Criminal Evidence Act 1984
The Southampton Port Health Authority Order 2010
Prevention of Damage by Pests Act 1949
Prices Act 1974
Proceed of Crimes Act 2002
Processed Animal Proteins (England) Regulations 2001
Products of Animal Origin (Import and Export) Regulations 1991.
Products of Animal Origin (Import and Export)(Amended) Regulations 1997.
Property Misdescriptions Act 1991
Protection of Animals (Amendment) Act 2000
Protection of Animals Act 1911
Public Health (Control of Disease) Act 1984
Public Health (Infectious Diseases) Regulations 1988
Public Health Act 1936
Public Health Act 1961
Refuse Disposal (Amenity) Act 1978
Road Traffic Acts 1988 and 1991
Site Waste Management Plans Regulations 2008
Slaughterhouses Act 1974
Solicitors Act 1974
Sunbed (Regulation) Act 2010
Telecommunications Act 1984
Theft Act 1968

Timeshare Act 1992
Tobacco Advertising and Promotion Act 2002
Town and Country Planning Act 1990
Trade Descriptions Act 1968
Trade Marks Act 1938
Trade Marks Acts 1994
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Act 2010
Water Act 2003
Weights and Measures Act 1985
Zoo Act 1981

REGULATORY SERVICES (COMMERICAL AND NEIGHBOURHOODS)

Animal Legislation

- 3.8.5 To discharge the functions, duties and powers imposed by Sections 149 to 151 of the Environment Protection Act 1990 for the purpose of dealing with stray dogs (see also section 3.9.27).
- 3.8.6 All powers and duties under the Animal Boarding Establishments Act 1963 and Breeding of Dogs Act 1973 and 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999 relating to licensing including but not restricted to grant and revocation.
- 3.8.7 To appoint veterinary practitioners to inspect and report upon premises requiring a licence.
- 3.8.8 All powers and duties under the Pet Animals Act 1951 relating to licensing, including but not restricted to grant and revocation.
- 3.8.9 All powers and duties under the Dangerous Wild Animals Act 1976 relating to licensing, including but not restricted to grant and revocation.
- 3.8.10 To authorise an officer to seize a dangerous dog in accordance with section 5 Dangerous Dogs Act 1991.
- 3.8.11 To continue to appoint veterinary practitioners to inspect premises requiring a licence under the Pet Animals Act 1951.
- 3.8.12 All powers and duties under the Zoo Act 1981 relating to licensing, including but not restricted to grant and revocation.
- 3.8.13 To appoint Inspectors under the Animal Welfare Act 2006.

Anti-Social Behaviour Act 2003

- 3.8.14 All powers and duties under the Anti-Social Behaviour Act 2003 including but not restricted to the power to serve a “defacement removal notice” under section 48 upon any person who is responsible for the surface.

Building Act 1984

- 3.8.15 All powers and duties under the Building Act 1984 including, but not restricted to, the powers to serve notices under Sections 59, 60, 64, 65, 66, 76, 79 and 84 of the Act relating to the sanitation, drainage and condition of buildings.

Clean Air Acts 1993

- 3.8.16 All powers and duties under the Clean Air Act 1993 including but not restricted to the power to serve notice under Section 58 of the Act to obtain information.

Clean Neighbourhood and Environment Act 2005

- 3.8.17 All powers and duties under the Clean Neighbourhood and Environment Act 2005 including but not restricted to the power to serve notice under Section 77 of the Act to silence an alarm.
- 3.8.18 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to the Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation following consultation with the Head of Legal & Democratic Services.
- 3.8.19 Following consultation with the Head of Legal & Democratic Services, to make any order, notice or decision, grant any license, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation.

Control of Pollution Act 1974 and 1989

- 3.8.20 All powers and duties under the Control of Pollution Act 1974 and to serve notice under Sections 60, 61 and 62 of the Act to deal with noise.
- 3.8.21 All powers and duties under the Control of Pollution (Amendment) Act 1989 including, but not restricted to serve notice under sections 5 and 7.

Environment Act 1995

- 3.8.22 All powers and duties under the Environment Act 1995 including but not restricted to the powers outlined below.
- 3.8.23 Powers under sections 108 subsection 4 and 9 of the Act to deal with pollution.
- 3.8.24 To discharge all powers and duties in connection with air quality management areas including carrying out the review and assessment of air quality.

- 3.8.25 To waive charges for the cleaning of filthy and verminous premises, or cleansing and/or disposal of filthy articles where payment would cause unnecessary hardship or distress and for the treatment of insect pests in domestic premises.

Environmental Protection Act 1990 (as amended)

- 3.8.26 All powers and duties under the Environmental Protection Act 1990 including but not restricted to the powers outlined below.
- 3.8.27 To discharge powers and duties relating to contaminated land, under sections 78A to 78YC of the Act, including inspection and the service of notices and enforcement.
- 3.8.28 To discharge the functions, duties and powers imposed by Sections 149 –151 of the Environmental Protection Act 1990 for the purpose of dealing with stray dogs.
- 3.8.29 To determine applications for information to be treated as commercially confidential under Section 22 of the Act.
- 3.8.30 All powers and duties relating to the processes referred to in Section 6 of the Environmental Protection Act 1990 and Regulations made there under which will include but not be restricted to the grant and refusal of authorisations.
- 3.8.31 To sign and serve notices under Section 13, 14 and 19 of the Act (Enforcement and Prohibition Notices) relating to authorisations and requests for information.
- 3.8.32 To sign and serve notices under Sections 33, 34, 46, 47, 59 and 71 to deal with waste.
- 3.8.33 To sign and serve notices under Sections 80 and 80A dealing with the abatement of nuisances.
- 3.8.34 To sign and serve notices under Sections 92A, 93 and 94A dealing with litter.

European Communities Act 1972

- 3.8.35 To enforce any orders or regulations made under any of the legislation contained in any power delegated in this Division's section of the Officer Scheme of Delegation or orders or regulations made there under or having effect by virtue of the European Communities Act 1972 and any modification or enactment of that Act.
- 3.8.36 The European Communities Act 1972 provides for the incorporation of European Law into domestic law including but not restricted to Regulation (EC) 852/2004 on the hygiene of foodstuffs, Regulation (EC) 853/2004 laying down specific hygiene rules for food of animal origin and Regulation (EC) 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended

for human consumption as amended by Regulation (EC) 882/2004, the Official Feed and Food Controls Regulation.

Food and Environment Protection Act 1985

- 3.8.37 To authorise as enforcement officers such members of the Directorate's professional and technical support staff who are deemed to have suitable qualifications in respect of Section 19 of the Food and Environment Protection Act 1985, as amended by the Pesticides (Fees and Enforcement) Act 1989.
- 3.8.38 To issue and sign written instruments of appointment under the Act and regulations.
- 3.8.39 To grant authorised officers the power to sign and serve notices under Section 19 of the Food and Environment Protection Act 1985.

Food Safety Act 1990

- 3.8.40 All powers and duties under the Food Safety Act 1990 including but not restricted to the powers to serve notices under Sections 59, 60, 64, 65, 66, 76, 79 and 84 of the Act relating to the sanitation, drainage and condition of buildings.
- 3.8.41 To register premises covered by regulations made under Section 19.
- 3.8.42 To appoint such members of the Environment Directorate professional and support staff deemed to have suitable qualifications under Section 5(6).
- 3.8.43 To appoint suitable specialists under Section 32(4).
- 3.8.44 All powers and duties under the Dairy Products (Hygiene) Regulations 1995 which will include but not be restricted to the grant and refusal of licences.

Health Protection (Local Authority Powers) Regulations 2010

- 3.8.45 All powers and duties under the Health Protection (Local Authority Powers) Regulations 2010 including but not restricted to the powers under Sections 2 to 11 to deal with children attending school, decontamination of persons and premises and to restrict access to and move dead bodies.

Home Safety Act 1961

- 3.8.46 To undertake functions, duties and powers, as specified under the Home Safety Act 1961.

International Health Regulations 2005

- 3.8.47 To undertake functions, duties and powers, as specified under the International Health Regulations 2005 including but not restricted to the issue of Ship Sanitation Control/Exemption Certificates.
- 3.8.48 To introduce increased charges for the issue of Ship Sanitation control and exemption certificates for coastal vessels.

- 3.8.49 To discharge the functions, duties and powers to control disease on ships and aircraft as conferred by the Public Health (Ships) Regulations 1979 and Public Health (Aircraft) Regulations 1979 as amended in 2007 to implement the requirements of the International Health Regulations 2005. To include the appointment of a medical officer, medical practitioners and authorised officers to exercise the powers conferred by the regulations.

Local Government (Miscellaneous Provisions) Act 1976

- 3.8.50 All powers and duties under the Local Government (Miscellaneous Provisions) Act 1976 including but not restricted to the powers outlined below.
- 3.8.51 To sign and serve notices under Section 16 requiring information.
- 3.8.52 To sign and serve notices under sections 23 and 25 to deal with dangerous trees and dangerous excavations.
- 3.8.53 To sign and serve notices under section 35 to remove obstructions from private sewers.

Local Government (Miscellaneous Provisions) Act 1982

- 3.8.54 To determine applications for registration under Part VII of the Local Government (Miscellaneous Provisions) Act, 1982 (Skin Piercing Activities) and authorise the Head of Legal & Democratic Services institute legal proceedings for contraventions.
- 3.8.55 To sign and serve notices under Section 9 to deal with buildings that are open to unauthorised entry or are likely to become a danger to public health.

Noise Act 1996

- 3.8.56 All powers and duties adopted under the Noise Act 1996 including but not restricted to the power to serve notice under Section 10 of the Act to seize and remove any equipment which it appears is being or has been used to emit noise in connection with a statutory nuisance.

Petroleum (Consolidation) Act 1928

- 3.8.57 To discharge the Council's Petroleum Licensing functions.
- 3.8.58 To grant, revoke, or refuse licences under the Petroleum (Consolidation) Act 1928.

Prevention of Damage by Pests Act 1949

- 3.8.59 All powers and duties under the Prevention of Damage by Pests Act 1949 to deal with the destruction of rats and mice.

Private Water Supply Regulations

- 3.8.60 All powers and duties under the Private Water Supply Regulations made under the Water Act 2003.

Public Health Acts 1936

- 3.8.61 All powers and duties under the Public Health Act 1936 including but not restricted to the power to serve notice under Sections 45, 50, 78, 79 and 83 of the Act to deal with defective premises.
- 3.8.62 All powers and duties under the Public Health Act 1961 including but not restricted to the power to serve notice under Sections 17 and 34 of the Act to deal with rubbish and defective drainage.

Public Health (Control of Disease) Act as amended by the Health and Social Care Act 2008

- 3.8.63 All powers and duties under the Public Health (Control of Disease) Act 1984 as amended by the Health and Social Care Act 2008 including but not restricted to the powers under Sections 45M and 76 to deal with the protection of health from the risk of infection and deal with defective premises.
- 3.8.64 To exercise duties under Sections 46 and 48 to arrange for a body to be removed to a mortuary for burial or cremation.
- 3.8.65 In accordance with paragraph 5 of Schedule 4 of the Public Health (Infectious Diseases) Regulations 1988, to require persons to discontinue or refrain from engaging in any occupations connected with food and to take such other step as empowered under the Regulations.
- 3.8.66 To make payments by way of compensation, to persons required to discontinue or refrain from engaging in any occupation connected with food.
- 3.8.67 To authorise an application to the Magistrates Courts under Section 38(i) of the Public Health (Control of Disease) Act 1984.

Refuse Disposal (Amenity) Act 1978

- 3.8.68 All powers and duties under the Refuse Disposal (Amenity) Act including but not restricted to the power to serve notice under Sections 3 and 6 of the Act to deal with abandoned motor vehicles.

Site Waste Management Plans Regulations 2008

- 3.8.69 All powers and duties under the Site Waste Management Plans Regulations 2008.

Bye-laws for Hairdressers and Barbers

- 3.8.70 To determine applications for registration under Section 4 Hampshire Act 1983 and to issue certificates of registration.

Appointment of Public Analysts

- 3.8.71 To appoint Public Analysts under the Food Safety and Agriculture Acts.

Healthcare Waste Services

- 3.8.72 To exercise all powers necessary and expedient in relation to the Council's collection of healthcare waste functions (commercial and domestic), including but not limited to the authority to enter into any contracts necessary to give effect to or facilitate this function.

Sunbed (Regulation) Act 2010

- 3.8.73 All powers under the Sunbed (Regulation) Act 2010.

PRIVATE SECTOR HOUSING

- 3.8.74 To institute proceedings under the Protection from Eviction Act 1977.
- 3.8.75 To institute proceedings under Section 1 Accommodation Agencies Act 1953.
- 3.8.76 To make minor modifications to the approved terms and conditions of financial assistance provided in accordance with the Council's Private Sector Housing Strategy.
- 3.8.77 To consider and determine any application from any person considered to be a special case and who therefore falls outside the Private Sector Housing Strategy.
- 3.8.78 To provide temporary rehousing, subject to a maximum period of four months where financial assistance repair work takes place in accordance with the Council's Private Sector Housing Strategy.
- 3.8.79 To amend the system of prioritising enquiries and applications for financial assistance arising from owner-occupiers and/or private sector tenants to ensure resources are targeted towards those living in the worst housing conditions and in greatest need in relation to the Private Sector Housing Strategy.
- 3.8.80 To determine when a land charge is required on a property to secure the repayment of any financial assistance granted in accordance with the Council's Private Sector Housing Strategy.
- 3.8.81 To approve applications for the provision of financial assistance in accordance with the Council's Private Sector Housing Strategy.
- 3.8.82 To waive financial assistance repayment conditions in relation to the Council's Private Sector Housing Strategy.
- 3.8.83 To make amendments to the Tenants Incentive Scheme eligibility criteria and authorise payments under the scheme if local circumstances require.
- 3.8.84 To authorise Environmental Health Officers and other authorised officers to take all enforcement action, powers and provision as appropriate, under the Housing

Act 2004, and any subsequent secondary legislation, in accordance with the Council's enforcement policies.

- 3.8.85 After consultation with the Director, Place:
- a. determine and alter as necessary a scale of reasonable charges in respect of enforcement action under s49 of the Housing Act;
 - b. determine and alter as necessary a scale of reasonable fees in respect of the licensing of houses in multiple occupation under s63(3) of the Housing Act; and
 - c. determine and alter as necessary an administrative fee for works carried in default of notices.
- 3.8.86 To seek confirmation from the appropriate national authority of a designation for an Additional Licensing Scheme under section 56 of the Housing Act 2004, following consultation with those persons likely to be affected by any such scheme.
- 3.8.87 To seek confirmation from the appropriate national authority of a designation for a Selective Licensing Scheme under section 80 of the Housing Act.
- 3.8.88 To approve the use of the Enforced Sale Procedure.
- 3.8.89 To determine when a local land charge is required on property to secure the repayment of any grant awarded in accordance with the Council's Private Sector Housing Strategy.
- 3.8.90 To make necessary revision to the Private Sector Enforcement Policy as the need arises, following consultation with the relevant Cabinet Member.
- 3.8.91 To authorise Environmental Health Officers and other authorised officers to take all enforcement action, powers and provision as appropriate, under the Housing Act 2004, and any subsequent secondary legislation, in accordance with the Council's enforcement policies.

HMO Licensing

- 3.8.92 To seek confirmation from the appropriate national authority of a designation for an Additional Licensing Scheme under section 56 of the Housing Act 2004, following consultation with those persons likely to be affected by any such scheme.
- 3.8.93 To seek confirmation from the appropriate national authority of a designation for a Selective Licensing Scheme under section 80 of the Housing Act.
- 3.8.94 To act under all current and future legislation and Council plans, policies, guidelines and procedures relating to the services and functions managed,

operated and controlled by the Head of Service. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.

- 3.8.95 To make any order or decision, grant any licence or take any ancillary action (including setting, varying and removing charges), in relation to:
- Clean Neighbourhood and Environment Act 2005
 - Countryside and Rights of Way Act 2000
 - Crime and Disorder Act 1998 (Section 17)
 - Criminal Justice and Public Order Act 1994
 - Hampshire Act 1983
 - Highways Act 1980
 - Local Government Act 1972 (Section 111)
 - Local Government Act 2000 (Section 2)
 - Local Government (Miscellaneous Provisions) Act 1976
 - Refuse Disposal (Amenity) Act 1978
 - Road Traffic Act 1991
 - Road Traffic Regulation Act 1984 (including orders made under Pedestrian Crossings Regulations and Traffic Signs Regulations and General Directions.
 - Traffic Management Act 2004
- 3.8.96 To serve notice requiring payment for works carried out in default.
- 3.8.97 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the local authority.
- 3.8.98 To affix statutory notices to and to arrange for the removal of, vehicles deemed to be abandoned on public land.
- 3.8.99 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation.
- 3.8.100 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation.
- 3.8.101 To serve street litter control notices.
- 3.8.102 To undertake any necessary investigative work for the purposes of enforcement including issue a fixed penalty notices or any other notice on any person or person found littering, flyposting, or committing graffiti pursuant to the Environmental Protection Act 1990, Clean Neighbourhood and Environment Act 2005, the Anti-Social Behaviour Act 2003, the Highways Act 1980 and the Town and Country Planning Act 1990, Blue Badge & Parking Permit fraud.

BEREAVEMENT SERVICES

The Local Authority Cemeteries Order 1977

3.8.103 To sign a grant (of exclusive right of burial) under article 10 of the Local Authority Cemeteries Order 1977.

Public Health (Control of Disease) Act 1984 (as amended)

3.8.104 To carry out all powers and duties conveyed under section 46 of Part III of the Public Health (Control of Disease) Act 1984.

Burial Act 1883

3.8.105 To set out rules and regulations in connection with powers and duties under the Burial Act 1853.

3.8.106 To enter into agreements with external bodies for the purposes of maintaining graves, memorials and crematoria.

3.8.107 To inspect burial grounds for the purposes of ensuring that the rules and regulations imposed by the burial authority are adhered to.

3.8.108 To remove unauthorised memorials situated within the burial authority's land, including cemeteries and crematoria.

3.8.109 To keep a register of all burials and cremations.

3.8.110 To authorise the disposal of cremated remains.

REGISTRATION SERVICES

Marriage Act 1994

3.8.111 To approve the grant, renewal, refusal and revocation of licences to approved premises under the Marriage Act 1994 as the Proper Officer for Registration.

Civil Partnership Act 2004

3.8.112 To undertake all powers and functions on behalf of the Council as the Registration Authority under the Civil Partnership Act 2004.

POWERS OF ENTRY

3.8.113 To authorise officers of the Regulatory Services Division to exercise powers of entry and other statutory powers including, but not limited to, search and seizure conferred by the legislation referred to below and elsewhere in the Scheme relating to Environmental Health Officers, Environmental Health practitioners, Trading Standards Officers, Fair Trading Officers and other Enforcement Officers. This is deemed to include all secondary legislation and any other superseding enactments relating to the acts below that may from time to time come into force:

Animal Health Act 2002
Animal Welfare Act 2006

Anti-social Behaviour Act 2003
Breeding of Dogs Act 1991
Clean Air Act 1993
Clean Neighbourhood and Environment Act 2005
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Environment Act 1995
Environmental Protection Act 1990
Food Safety Act 1990
Food Hygiene (England) Regulations 2006
Food Standards Act 1999
Fur Farming (Prohibition) Act 2000
Health Act 2006
Health and Safety at Work etc Act 1974
Health and Social Care Act 2008
Housing Act 1985
Housing Act 1996
Housing Act 2004
Licensing Act 2003
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Noise Act 1996
Prevention of Damage by Pests Act 1949
Protection of Animals (Amendment) Act 2000
Public Health (Control of Disease) Act 1984
Public Health Act 1936
Public Health Act 1961
Refuse Disposal (Amenity) Act 1978
Site Waste Management Plans Regulations 2008
Sunbed (Regulation) Act 2010

COMMUNITY SAFETY & EMERGENCY PLANNING

- 3.8.114 To undertake any duties in respect of new work in the areas of strategy, community safety and equalities as a result of any revisions to Services and Financial Plans.
- 3.8.115 To authorise legal proceedings or other action to be taken to recover possession of any property or land which is being occupied by travellers, squatters or other unlawful occupants.
- 3.8.116 To authorise the closure of premises under Part 1A Section 11 of the Anti Social Behaviour Act 2003.
- 3.8.117 To undertake all functions and responsibilities associated with Emergency Planning.

PART 3 – PLACE DIRECTORATE

- 3.8.118 To appoint officers for the implementation of the Council's functions under all legislation. This is to include the power to appoint a Chief Inspector of Weights and Measures as prescribed by s72 of the Weights and Measures Act 1985, Environmental Health Officers and other Environmental Health practitioners (including Environmental Health Technicians and Scientific Officers), Trading Standards Officers, Fair Trading Officers and other Enforcement Officers.
- 3.8.119 To execute works by agreement, at the expense of the owner or occupier, in respect of any notice served.
- 3.8.120 To authorise the institution of legal proceedings for the contravention or failure to comply with notices served under the legislation in this Division's section of this Scheme.
- 3.8.121 To exercise any specific or general powers in this Division's section of this Scheme that are delegated to other Officers.
- 3.8.122 To authorise and institute any legal proceedings, the issue of simple cautions and, where authorised by the Head of Legal & Democratic Services, to prosecute or defend any such proceedings, in relation to any powers listed or implied under the delegations to the Head of Regulatory and City Services, Environmental Health Practitioners, the Chief Inspector of Weights & Measures, Trading Standards Officers and Fair Trading Officers.

In addition to the statutory offences referred to in this scheme, to investigate, institute and authorise legal proceedings and where authorised by the Head of Legal and Democratic Services, to prosecute in respect of any statutory conspiracy offences and common law offences to include conspiracy and conspiracy to defraud; and authorisations to officers contained within this scheme shall include powers to investigate any statutory conspiracy offences and common law offences such as conspiracy and conspiracy to defraud.

In respect of all statutory and common law offences referred to within this scheme, where authorised by the Head of Legal and Democratic Services, and where deemed appropriate and reasonable to institute, or authorise legal proceedings and to prosecute where the cause of action arises or the place of offence is outside of Southampton City Council boundaries where such action deliver a benefit to the residents of the City of Southampton.

- 3.8.123 To appoint professional and technical support staff that are deemed to have suitable qualifications, as inspectors under Section 19 Health and Safety at Work etc. Act 1974 and for those officers to exercise all statutory powers relating to enforcement, including but not limited to bringing proceedings.

3.8.124 To authorise suitable specialists under Section 20 (2)(c)(i) of the Health and Safety at Work etc Act 1974.

3.8.125 To sign and issue written instruments of appointment for all persons appointed under above, except in the case of the appointments of Heads of Service when the Head of Legal & Democratic Services shall sign and issue a written instrument of appointment.

3.8.126 To liaise with the County Council, Portsmouth City Council, PUSH, Solent LEP and other relevant authorities in Hampshire on flood risk management issues.

3.8.127 To represent the Council on flood defence, coastal defence and European Marine Site Management Groups.

CITY SERVICES

~~3.8.125~~3.8.128 To act under all current and future legislation and Council plans, policies, guidelines and procedures relating to the services and functions managed, operated and controlled by the Heads of Service. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.

Trees

~~3.8.126~~3.8.129 To determine whether to proceed with an applicant's case, in pursuance of section 68(2) – 68(5) of Anti-Social Behaviour Act 2003 (High Hedges).

~~3.8.127~~3.8.130 To determine whether or not, and to what extent to refund fees pursuant to s68(8) of the Anti-Social Behaviour Act 2003 (High Hedges).

~~3.8.128~~3.8.131 To execute works in default of the remedial work detailed in any remedial notice under the Anti-Social Behaviour Act 2003 (High Hedges).

~~3.8.129~~3.8.132 After consultation with the Chief Financial Officer and the Head of Legal & Democratic Services, to undertake a six-monthly review of the level of the fee to be charged for the service under Part 8 of the Anti-Social Behaviour Act 2003 and to vary the fee level as necessary to ensure that the costs of providing the service are recovered in the financial year (High Hedges).

~~3.8.130~~3.8.133 To authorise an appropriate officer to enter land for any purpose pursuant to Part 8 of the Anti-Social Behaviour Act 2003 (High Hedges).

~~3.8.131~~3.8.134 To approve modifications to the Southampton's Tree Operational Risk Management System (STORMS) following consultation with the Head of Legal &

Democratic Services, the Council's Risk and Insurance Manager and the Council's Health and Safety Manager to ensure the system remains fully effective.

~~3.8.132~~3.8.135 To serve a notice on any owner of land on which a tree is situated that is in such a condition that there is imminent danger of its causing damage to persons or property pursuant to section 23 of the Local Government (Miscellaneous Provisions) Act 1976, after consultation with the Head of Legal & Democratic Services.

~~3.8.133~~3.8.136 To authorise any officer to enter land for the purposes of assessing the condition of tree or trees on another land pursuant to section 24 of the Local Government (Miscellaneous Provisions) Act 1976.

~~3.8.134~~3.8.137 Power to make, modify or vary, revoke and confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990 except where valid objections are received.

~~3.8.135~~3.8.138 To determine applications for works to trees that are subject to protection by Tree Preservation Order and to impose such conditions on any consent that s/he deems appropriate.

~~3.8.136~~3.8.139 To serve a notice to plant replacement trees, where they are a requirement of the land owner's duty to replace under Section 206 of the Town and Country Planning Act 1990 or where replacements have been conditioned under a tree works decision notice.

~~3.8.137~~3.8.140 To execute works in default of non-compliance with a notice to replant trees and to recover all reasonable costs from the landowner.

Street Cleansing, Allotments & Green Spaces

~~3.8.138~~3.8.141 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services.

~~3.8.139~~3.8.142 To serve street litter control notices.

~~3.8.140~~3.8.143 Power to obtain information under Section 330 of the Town and Country Planning Act 1990 and Section 16 Local Government (Miscellaneous Provisions) Act 1976 about interests in land.

~~3.8.141~~3.8.144 To undertake any necessary investigative work for the purposes of enforcement including issue a fixed penalty notices or any other notice on any

person or person found littering, flyposting, or committing graffiti pursuant to the Environmental Protection Act 1990, Clean Neighbourhood and Environment Act 2005, the Anti-Social Behaviour Act 2003, the Highways Act 1980 and the Town and Country Planning Act 1990.

~~3.8.142~~3.8.145 _____ To agree to waive charges for allotments.

~~3.8.143~~3.8.146 _____ To decide and accept the most suitable tender for mobile catering services in the parks and enter into a contract with that operator.

~~3.8.144~~3.8.147 _____ To make applications under Section 38 of the Commons Act 2006.

~~3.8.145~~3.8.148 _____ Following consultation with the relevant Cabinet Member and the Director of Corporate Services, to agree for the City Council to act as the accountable body on behalf of formally constituted “friends” groups, resident, tenant or community groups, or sports clubs applying for external grant funding of less than £125,000 to improve the city’s open spaces and associated assets and infrastructure. This responsibility may include procuring supplies, goods or services on behalf of the grant recipient through identifying the most economically advantageous quote or tender, certifying receipt of goods and services, agreeing practical completion of site works, authorising payment of invoices, controlling and monitoring project expenditure, and keeping accurate and auditable financial records for the purpose of reclaiming project expenditure from the external grant funding body.

~~3.8.146~~3.8.149 _____ To commence impoundment procedures when a horse is deemed to pose an acceptable risk to public safety, private property, adversely affect public rights to recreation, or is significantly damaging the environment.

Waste & Resources Management

~~3.8.147~~3.8.150 _____ All Waste and Fleet Transport services functions exercisable by the Council in its capacity as a local authority.

~~3.8.148~~3.8.151 _____ All powers necessary and expedient in relation to the Council’s statutory duties to collect and dispose of municipal waste, including but not limited to the authority to enter into contracts necessary to give effect to or facilitate this function.

~~3.8.149~~3.8.152 _____ To complete and submit expressions of interest for waste and sustainable resource management, funding or initiatives to any UK or EU funding organisations.

~~3.8.150~~3.8.153 _____ To liaise with Hampshire County Council, Portsmouth City Council and other waste collection authorities in Hampshire on all strategic waste issues,

ensuring appropriate consultation with colleagues on non-specific waste issues such as spatial planning.

~~3.8.151~~3.8.154 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to the Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation following consultation with the Head of Legal & Democratic Services.

~~3.8.152~~3.8.155 To determine the charges for the collection of trade refuse, skip hire and MOTs.

~~3.8.153~~3.8.156 To set or vary charges for residents using the special bulky domestic refuse collection service waste receptacles, including bulk bin containers, where these are not provided free in accordance with Council policy, following consultation with the appropriate Cabinet Member and the spokesperson for each opposition party.

~~3.8.154~~3.8.157 To determine charges for the provision of a specified type of bulk bin container as specifically requested for by customers.

~~3.8.155~~3.8.158 To require the production of a trade waste transfer document and the power to issue a fixed penalty for failing to so provide pursuant to section 34A of the Clean Neighbourhood and Environment Act 2005.

~~3.8.156~~3.8.159 To undertake or instigate any necessary investigative work for the purposes of enforcement including issuing of fixed penalty notices or any other notice on any person or persons found:

- not using the designated waste receptacle for the purpose of depositing waste prior to collection;
- not presenting the waste receptacle for collection on the designated day;
- not removing the waste receptacle (wheeled bin) from the public highway following collection pursuant to the Environmental Protection Act 1990.

Fleet Services

~~3.8.157~~3.8.160 To take any action in relation to, or associated with the Council's LGV Operators Licences and road traffic legislation.

~~3.8.158~~3.8.161 To procure and maintain the Council's vehicle fleet in accordance with the Council's standing orders and the relevant regulatory frameworks.

Enviro-Crime

~~3.8.159~~3.8.162 Exercise the functions, powers and duties of the Council in relation to environmental crime, nuisance or annoyance including but not limited to the terms of the following legislation and any subsequent or similar legislation or replacing or expanding legislation:

Anti-social Behaviour Act 2003

Clean Neighbourhood and Environment Act 2005

Dogs (Fouling of Land) Act 1996

Environment Act 1995

Environmental Protection Act 1990

Environmental Protection (Duty Of Care) Regulations 1991

Local Government (Miscellaneous Provisions) Acts 1976 and 1982

3.9 BUILDING CONTROL PARTNERSHIP MANAGER

3.9.1 To represent the Council and recommend decisions on building control operational issues at the Building Control Governing Board set up to manage the Partnership between Southampton and Eastleigh.

3.9.2 Discharge, save for any reservations shown below, the powers set out in the paragraph following the reservations.

The powers referred to above shall not include the following:

- a. powers where an individual officer is required by law to hold a relevant qualification and that officer does not hold that qualification;
- b. powers which fall outside the individual's actual authority as determined by his/her post or are not covered by an instruction by management; or
- c. any other situation where an individual officer is prevented, for whatever proper reason, from exercising that power.

The powers that may be exercised include, without prejudice to the generality of the following, the power to serve (which term includes signature and issue) notices and the power to exercise any statutory (or common law) power conferred by the legislation referred to below, including any subordinate legislation, ie Regulations, Orders and Byelaws etc, made thereunder. Such powers will also extend to legislation (primary and subordinate etc.) not referred to below, always provided that the officer is not excluded by virtue of any reservation set out in the preceding paragraph. All of these powers are also exercisable by the Head of Culture and Planning.

Building Act 1984

3.9.3 To serve notice giving approval / rejection in respect of Building Regulations plans (Section 16).

3.9.4 To serve notice giving approval / rejection in respect of building over sewers (Section 18).

3.9.5 To serve notice giving approval of buildings with short-lived materials and get appropriate conditions or to reject the plans (Section 19).

3.9.6 To reject plans for buildings with unsatisfactory drainage (Section 21).

3.9.7 To serve notice re lapse of deposit of plans (Section 32).

3.9.8 To carry out tests on materials and components etc for conformity with Building Regulations (Section 33).

3.9.9 To serve notice to alter / remove work etc (Section 36).

- 3.9.10 To serve notice to make satisfactory provision for drainage (Section 59).
- 3.9.11 To serve notice regarding entrances, exits, etc (Section 71).
- 3.9.12 To serve notice regarding means of escape in case of fire (Section 72).
- 3.9.13 To serve a notice regarding the raising of chimneys (Section 73).
- 3.9.14 To take any action necessary in respect of dangerous structures (Sections 77 & 78).
- 3.9.15 To serve notice re ruinous dilapidated and neglected sites (Section 79).
- 3.9.16 To accept notices of intention to demolish (Section 80).
- 3.9.17 To serve notice requiring shoring and weatherproofing to adjoin buildings (Section 81).
- 3.9.18 To enter buildings to ascertain if a breach of relevant legislation has occurred (Section 95).

Building Regulations

- 3.9.19 To serve notice to require builders to open up works (Reg. 14).

Local Government Miscellaneous Provisions Act 1982

- 3.9.20 To serve notice and/or carry out works of boarding up of dangerous buildings (Section 29).

Other Relevant Powers

- 3.9.21 To refer questions, as to whether or not certain work complies with the Building Regulations to the appropriate Government department.
- 3.9.22 To deal with “type” relaxations to the Building Regulations instigated by the appropriate Government department.
- 3.9.23 To authorise prosecution for non-compliance with notices served and non-compliance of the Building Regulations.
- 3.9.24 To deal with Partnership applications on behalf of other local authorities in accordance with the nationally agreed Local Authority Building Control Partnership Scheme.
- 3.9.25 To deal with System Approvals in accordance with the nationally agreed scheme.
- 3.9.26 To approve or refuse plans deposited under the Hampshire Act 1980 for the provision of a satisfactory means of escape for fire brigade vehicles and personnel, for precautions, against fire and cubic content of buildings and special precautions for underground car parks.

Sustainable and Secure Buildings Act 2004

3.9.27 Apply and enforce regulations in relation to sustainability and security issues.

Safety at Sports Grounds Act 1975

3.9.28 To enter premises and issue safety certificates for sports stadia.

Disability Discrimination Act 1995

3.9.29 To give advice on discrimination issues including surveying the built environment as required.

Licensing Act 2003

3.9.30 To enter premises for the purposes of consulting and advising on the licensing objectives and compliance with the Act.

Local Government (Miscellaneous Provisions) Act 1982

3.9.31 To act as authorised officers for the purposes of gaining entry for inspection of premises under the Local Government (Miscellaneous Provisions) Act 1982.

3.9.32 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services.

4.1 DIRECTOR OF PEOPLE

- 4.1.1 All Children's Services functions exercisable by the Council in its capacity as a local authority.
- 4.1.2 All functions relating to children contained within the Local Authority Social Services Act 1970.
- 4.1.3 Functions under Sections 23C to 24D of the Children Act 1989.
- 4.1.4 Functions under Sections 10 to 17 inclusive and 20(9) of the Children Act 2004. In particular, the Director of People shall have the authority to discharge the responsibilities contained within Section 18 Children Act 2004 as well as any secondary and ancillary legislation (including but not limited to the Safeguarding Vulnerable Groups Act 2006).
- 4.1.5 Any function exercised on behalf of an NHS body relating to children contained within Section 31 of the Health Act 1999.
- 4.1.6 To act in any matter where immediate action is necessary to safeguard any person or to materially safeguard the well being of any person or to preserve property.
- 4.1.7 To make such directions and to take such other steps as necessary or expedient to prevent a breakdown, or continuing breakdown, of discipline at any school in accordance with Section 155 of the Education Act 1996.
- 4.1.8 To serve notices under Section 117 of the Education Act 1996 to suspend the financial delegation of any school.
- 4.1.9 To refer disputes with the governing bodies of schools to the Secretary of State under Section 495 of the Education Act 1996 and to apply to the Secretary of State for him to use his powers to prevent the unreasonable exercise of functions under Section 496 and to use his powers under Section 497 (General Default Powers) and 498 (Appointment of Governors) of the 1996 Act.
- 4.1.10 To approve grants to voluntary organisations provided that such approval be limited to £25,000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations after consultation with the Cabinet Member.
- 4.1.11 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Chief Financial Officer.
- 4.1.12 Following consultation with the Head of Legal & Democratic Services, to take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any

Magistrate, Court or other Tribunal on behalf of the Council in discharge of the Council's Children's Services functions arising under any law or Act.

- 4.1.13 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.
- 4.1.14 To appoint such professional and technical support staff for the supply of children's activities as are deemed to be acceptable under the Children Act 1989 and to sign and issue written instruments of appointment.
- 4.1.15 To appoint annually on 1st April the Chair of the Local Safeguarding Children's Board.
- 4.1.16 Following consultation with the Cabinet Member to remove providers of nursery education who are failing to meet the national Code of Practice, or local conditions of funding, from the Directory of Registered Providers and where conditions of funding have been breached and cannot otherwise be remedied to the satisfaction of the Council, to seek the recovery of all or part of any nursery education grant paid to them.
- 4.1.17 Following consultation with the Cabinet Member and Head of Legal & Democratic Services, to develop and agree an appropriate process for any decisions to remove nursery education providers from the Directory of Registered Providers with the Southampton Early Years Development and Childcare Partnership, including a right to appeal the decision to an Appeals Panel comprising of the relevant Service Manager and an independent representative for providers (or their respective nominees). All appeals will be conducted in accordance with the agreed procedure.
- 4.1.18 To oversee arrangements for early years settings on the Directory of Registered Providers in respect of eligible pre-school children receiving their entitlement to early years education and for the annual review of the funding rate that will apply to each provider under the authority's early years funding formula.
- 4.1.19 To issue Penalty Notices for non attendance at all Southampton Schools in accordance with the Education (Penalty Notices) (England) Regulations 2004.
- 4.1.20 To exercise all powers and duties granted or imposed under the Apprenticeship, Skills, Children and Learning Act 2009 and to do anything necessary to commission services as provided for in accordance with the Council's 16-19 obligations.
- 4.1.21 Following consultation with the Head of Legal & Democratic Services and Chief Financial Officer, to submit bids for or tenders involving funding or assistance from central government, the European Commission or from any other source (direct or indirect to the Council itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take

any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB: this delegation applies not only to SRB and lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should be applied in the same way).

- 4.1.22 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.
- 4.1.23 To represent the interests of Southampton City Council through attendance at the Sub Regional Group on post 16 commissioning and to take all decisions required pursuant to membership on the group in relation to the exercise of statutory duties for the commissioning of learning and skills for children and young people.
- 4.1.24 To write off debt or waive future charges in respect of care provision where it is felt that an individual would be at risk if the debt were pursued or they chose to withdraw from care on financial grounds. A written record of these decisions setting out the reasons for the write-off or waiving of charges should be kept and a copy provided to the Accounts Receivable department. Such reductions or waiving of charges would only be for the minimum period that such risks exist.

School Term and Holiday Dates

- 4.1.25 Following consultation with the Cabinet Member, schools and governing bodies, to determine school term and holiday dates for future academic years.
- 4.1.26 To discharge the Council's functions with regard to the assessment of need for, and provision of, community care services in accordance with the Part III of the National Health Service and Community Care Act 1990 and any Regulations thereunder.
- 4.1.27 To approve expenditure on the following matters:
- a. contributions to the funds of voluntary organisations providing services for the elderly and/or the disabled, in accordance with the approved policy, including initial grants to newly formed clubs and centres, annual grants and contributions towards running costs;
 - b. contributions towards the running costs of new meals-on-wheels schemes and luncheon clubs and variations in costs of existing schemes.
- 4.1.28 To accept guardianship applications and subsequent renewals such action to be reported to the appropriate Cabinet Member and to determine subsequent applications for discharge by the Authority.
- 4.1.29 To act as receiver under legislation relating to mental health.

- 4.1.30 To approve expenditure incurred under Section 48 of the National Assistance Act 1948, in the protection of movable property of persons and to recover such expenditure where applicable.
- 4.1.31 For the purposes of Section 114 of the Mental Health Act 1983, to issue approvals on behalf of the Council in respect of mental health social workers.
- 4.1.32 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Chief Financial Officer.
- 4.1.33 To take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any Magistrate, Court or other Tribunal on behalf of the Council in discharge of the Council's Adult Social Care functions arising under any law or Act.
- 4.1.34 To write off debt or waive future charges in respect of care provision where it is felt that an individual would be at risk if the debt were pursued or they chose to withdraw from care on financial grounds. A written record of these decisions setting out the reasons for the write-off or waiving of charges should be kept and a copy provided to the Accounts Receivable department. Such reductions or waiving of charges would only be for the minimum period that such risks exist.
- 4.1.35 To approve the disposal of assets belonging to deceased residents to persons entitled to them after payment of proper claims on account of funeral expenses or sums due to the Council.
- 4.1.36 To authorise the removal of parts of the body of deceased residents in accordance with the wish expressed by the resident during lifetime (where the Council is lawfully in possession of the body).
- 4.1.37 To set the fees and charges associated with the Southampton Shared Lives Scheme (formally known as the Adult Placement Scheme).
- 4.1.38 To set the fees and charges associated with the Southampton Adult Placement Scheme.
- 4.1.39 To enter into partnership arrangements and approve future variations to the arrangements for the agreement under Section 75 of the NHS Act 2006 to enable the Council to act as host of the pooled fund and; lead the commissioning of services for people with learning disabilities and their carers, following consultation with the Chief Financial Officer or Head of Legal & Democratic Services and the relevant Cabinet Member and; establish a Partnership Board to manage the partnership arrangements and to agree the constitution and terms of reference for the Board, following consultation with the Head of Legal & Democratic Services and; make arrangements

and carry out all such ancillary acts as are necessary for the transfer of any properties from the NHS to the City Council in order to achieve the objectives of the Partnership arrangement following consultation with the Director of Corporate Services

- 4.1.40 To approve changes to the Health and Wellbeing Strategic Plan to ensure that it is kept updated.
- 4.1.41 To implement the developments agreed regarding the Council's own home care services, following consultation with the relevant Cabinet Member and the Head of Legal & Democratic Services.
- 4.1.42 To make modifications / amendments to the approved standard conditions of grant aid.
- 4.1.43 To change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Chief Financial Officer and Head of Property.
- 4.1.44 To take any decision and/or develop approaches that commit Council resources that are within budget and policy to deliver better outcomes for local people to meet the requirements of the Health and Social Care Act and subsequent legislation, after consultation with the Cabinet Member for Adult Social Care and Health.
- 4.1.45 To take any consequent decision regarding the development and implementation of a specific spending plan for the Common Assessment Framework project after consultation with the Cabinet Member for Adult Social Care and Health and the Chief Financial Officer.
- 4.1.46 To enter into partnership arrangements under Section 75 NHS Act 2006 to deliver integrated Mental Health Services and; approve future variations to the agreement; and establish and oversee a Partnership Board to manage the Partnership arrangements and; agree the constitution and terms of reference for that Board following consultation with the relevant Cabinet Member.
- 4.1.47 To enter into partnership arrangements under section 75 of the NHS Act 2006 for the provision of services for adults with learning disabilities and their carers and approve future variations to the arrangements and; establish a Partnership Board to monitor and assist in the management of the partnership Arrangements and; agree the constitution and terms of reference for the Partnership Board after consultation with the relevant Cabinet Member.

- 4.1.48 To update the Southampton Joint Strategic Needs Assessment 2011 – 2014 to inform future planning and commissioning of services to improve health outcomes and reduce health inequalities as new data and information becomes available in agreement with the Director of Public Health.
- 4.1.49 To enter into partnership arrangements under section 75 of the NHS Act 2006 for the provision of LBHU services and; establish a Partnership Board to oversee and manage the LBHU Services and; agree the Constitution and Terms of Reference of the Partnership Board.
- 4.1.50 After consultation with the Chief Financial Officer and the Head of Legal & Democratic Services, to extend, renegotiate, or enter into any further agreements with [NHSSG-Southampton City Clinical Commissioning Group \(SCCCG\)](#) in relation to any funding streams allocated to [SCCCG/NHSSG](#), or successor body, with the specific purpose of being transferred to [or from](#) the Local Authority under a [S256 or S76 of the NHS Act 2006](#) arrangement and add any such sums to the budget.
- 4.1.51 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.
- 4.1.52 All Adult Social Care's functions exercisable by the Council in its capacity as a local authority.
- 4.1.53 To approve, amend or terminate contracts with providers whose services are commissioned by Southampton City Council or jointly with partners as part of the Integrated Commissioning Unit, after consultation with the Head of Legal & Democratic Services, Chief Financial Officer and the relevant Cabinet Member.

~~[To authorise payments in accordance with the conditions set out under Section 76 of the National Health Service Act 2006 after consultation with the relevant Cabinet Member.](#)~~

Care Act 2014

- [4.1.54 To discharge the Council's functions for care and support in accordance with the Care Act 2014 and any regulations thereunder.](#)
- [4.1.55 To enter into any agreements including partnership arrangements to authorise a person or organisation to discharge the Council's functions under the Care Act 2014, pursuant to section 79 Care Act 2014](#)

4.2 DIRECTOR OF PUBLIC HEALTH

- 4.2.1 To undertake overall responsibility for all of the local authority's duties to take steps to improve public health and to provide officers and elected members with appropriate advice, based on a patterns of local health need of what works and potential returns on public health investment.
- 4.2.2 To undertake any of the Secretary of State's public health protection or health improvement functions delegated to local authorities, either by arrangement or under regulations, – including services mandated by regulations made under section 6C of the NHS Act 2006.
- 4.2.3 To plan for, and respond to, emergencies that present a risk to public health, after consultation with the council's emergency planning officer where appropriate.
- 4.2.4 To undertake local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders.
- 4.2.5 To be responsible for the local authority's public health response as a responsible authority under the Licensing Act 2003, including making representations about licensing applications under sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the Health and Social Care 2012.
- 4.2.6 To be responsible for providing Healthy Start vitamins at any maternity or child health clinic commissioned by the council, in accordance with the Healthy Start and Welfare Food Regulations 2005 as amended by the Health and Social Care Act 2012.
- 4.2.7 To produce and update as necessary the Southampton Joint Strategic Needs Assessment after consultation with Southampton City Clinical Commissioning Group.
- 4.2.8 To lead on and co-ordinate the development, production, publication and updating of the Southampton Joint Health and Wellbeing Strategy after consultation with Southampton City Clinical Commissioning Group.
- 4.2.9 To develop and implement a system for collecting and analysis data to deliver the Public Health Outcomes Framework.
- 4.2.10 To produce the Director of Public Health's annual report.
- 4.2.11 To provide public health advice to NHS commissioners to help secure:
 - a. Commissioning strategies that meet the needs of vulnerable groups
 - b. The development of evidence-based care pathways and service specifications
 - c. Evidence-based prioritisation policies
 - d. Health needs audits and health equity audits and health impact assessments

PART 4 – PEOPLE DIRECTORATE

- 4.2.12 To ensure delivery of the National Child Measurement Programme.
- 4.2.13 To secure the delivery of the NHS Health Check assessment.
- 4.2.14 To ensure appropriate access to sexual health services.
- 4.2.15 To ensure appropriate clinical governance arrangements are in place in respect of any clinical services commissioned, including sexual health and drug and alcohol services.
- 4.2.16 To maintain a particular focus on ensuring disadvantaged groups receive the attention they need, with the aim of reducing health inequalities

4.3 HEAD OF CHILDREN AND FAMILIES SERVICE

4.3.1 In relation to the Children Act 1989:

- a. to act on behalf of the Council in discharging its functions under the Children Act 1989 and any Regulations thereunder;
- b. to institute any proceedings in any court or tribunal for an order under the Children Act 1989 where it is considered appropriate to do so, and to appear on behalf of the Council in any of the following court proceedings:
 - i. Application for any order under Part IV of the Children Act 1989 (Protection of Children) where it is not practicable to arrange legal representation in the time available;
 - ii. Application for an order placing a child in secure accommodation under Section 25 of the Children Act 1989 where the application is not contested;
 - iii. Application for a witness summons where the application is not contested;
 - iv. Application for adjournment of any proceedings where the application is not contested;
 - v. Application for discharge or variation of a care order or supervision order under Section 39 of the Children Act 1989, where such application is not contested;
 - vi. Any other proceedings thought necessary to protect the welfare of a child where it is not practicable to arrange legal representation in the time available.
- c. To pay allowances in respect of children being looked after by the Council in accordance with the scheme approved by the Council for the time being.

4.3.2 To give consents on behalf of the Council where necessary in the interests of children and young persons of whom the Council is in loco parentis.

4.3.3 To approve levels of and variations in fees where the Council has accepted responsibility for children, young persons, or adults attending establishments not maintained or assisted by the Council and alterations in charges for the maintenance of such residents.

4.3.4 To take such actions and decisions as may be required on behalf of the Council acting as an adoption agency.

4.3.5 To approve the reimbursement of or a contribution towards the legal expenses of prospective adopters reasonably incurred during the course of applications to adopt

children in the care of the Council, where the Director of People considers that the prospective adopter's application is in the best interests of the child.

- 4.3.6 To reduce or waive the charge of providing a home study report for prospective inter-country adopters.
- 4.3.7 To exercise the functions of the Council in relation to individual children boarded out under the Children Act 1989 and other Regulations.
- 4.3.8 To take such actions and decisions as are necessary to discharge the Council's duties to promote the welfare of individual children and young persons in the Council's care including:-
 - a. giving consent for medical, dental and other treatment, for the issue of passports; and for such other purposes as may be required from time to time;
 - b. appointing persons to review cases where children are kept in secure accommodation;
 - c. appointing an independent person to be a visitor to a particular child in the circumstances set out in paragraph 17 of Schedule 2 to the Children Act 1989 in accordance with the Definition of Independent Visitors (Children) Regulations 1991.
- 4.3.9 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.
- 4.3.10 To exercise all the powers and duties exercisable by the Council relating to the enforcement of legislation and byelaws (which for the avoidance of doubt also includes regulations, orders etc) relating to Children's Services, including the licensing of the employment of children.
- 4.3.11 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.

Boarding Policy

- 4.3.12 To administer boarding policies.
- 4.3.13 To provide assistance with appropriate incidental expenses in cases where the standard parental contribution towards boarding fees is nil.
- 4.3.14 Where appropriate, to deal with the requirements of particular cases outside the limitations of the policies outlined in 4.3.12 and 4.3.13.
- 4.3.15 All functions relating to children contained within the Local Authority Social Services Act 1970.

- 4.3.16 To appoint such professional and technical support staff for the supply of children's activities as are deemed to be acceptable under the Children Act 1989 and to sign and issue written instruments of appointment.
- 4.3.17 Any function exercised on behalf of an NHS body relating to children contained within section 31 of the Health Act 1999.
- 4.3.18 To make such directions and to take such other steps as necessary or expedient to prevent a breakdown, or continuing breakdown, of discipline at any school in accordance with section 155 of the Education Act 1996.
- 4.3.19 To approve grants to voluntary organisations provided that such approval be limited to £25,000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations, after consultation with the Cabinet Member.
- 4.3.20 All children's services functions exercisable by the Council in its capacity as a local authority.
- 4.3.21 Functions under sections 10 to 17 inclusive and 20(9) of the Children Act 2004.
- 4.3.22 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Chief Financial Officer.
- 4.3.23 Following consultation with the Local Education Authority Governors' Appointment Panel, to nominate LEA governors.
- 4.3.24 To approve nominations of LEA representatives to serve on College Governing Bodies.
- 4.3.25 Following consultation with the appropriate Governing Body and acting on behalf of the Director of People, to short-list candidates for interview for appointment as headteacher.
- 4.3.26 To approve individual exceptions to the general principle of including the names and addresses of all governors in written information for parents.
- 4.3.27 To administer within budgetary provision any scheme of aid to pupils with outstanding ability in sport.
- 4.3.28 To write off bad debts (up to a limit of £5,000) owed to the Council, linked with, attributed to or associated with the discharge of the Council's Children's Services functions.
- 4.3.29 To exercise (following consultation with the Chief Financial Officer where affecting the level of Council Tax) all the powers and duties exercisable by the Council under the legislation (which for the avoidance of doubt also includes regulations, orders, etc.)

Mandatory Awards	Discretionary Major and Minor Awards
Special Discretionary Awards	Discretionary European Fees Only Awards
Study Awards	Disabled Students Allowances

reserving only to the Council those functions precluded from delegation by legislation and referring to the relevant Appeals Panel any appeal that cannot be resolved.

- 4.3.30 To make modifications / amendments to the approved standard conditions of grant aid.
- 4.3.31 Following consultation with the relevant Cabinet Member , the Head of Legal & Democratic Services and the Chief Financial Officer to amend the terms of reference and membership set for the Schools' Forum and Admissions Forum so far as may be necessary to give effect to any new Act, Regulation or Code of Practice.
- 4.3.32 To act on behalf of the Council in any matter where immediate action is necessary to safeguard any person or to materially safeguard the well being of any person or to preserve property.
- 4.3.33 To issue penalty notices for non attendance at all Southampton schools in accordance with the Education (Penalty Notices) (England) Regulations 2004.
- 4.3.34 Following consultation with the Head of Legal & Democratic Services, to take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any Magistrate, Court or other Tribunal on behalf of the Council in discharge of the Council's Children's Services functions arising under any law or Act.
- 4.3.35 To provide financial assistance to community organisations hiring education facilities in the City in order to encourage dual use.
- 4.3.36 To receive the instrument of Government from Governing Bodies.

Youth Bands and Orchestras

- 4.3.37 Following consultation with the Chief Financial Officer and Head of Legal & Democratic Services, to approve all staffing and insurance arrangements for the visits of Youth Bands Orchestras and Choirs.

Music Service

- 4.3.38 In exceptional cases, to make available awards to pupils with musical talent who do not attend Southampton schools.
- 4.3.39 To approve, for music or performing arts courses, any college a Discretionary Award applicant wishes to attend.

Clothing Allowances

4.3.40 To make suitable adjustments annually to the maximum grant available for uniform / dress allowances to pupils of secondary school age to take account of inflation.

4.3.41 Where a family is in receipt of income support to pay for all initial replacement clothing and incidental expenses while the child is at a boarding school, as long as the family's financial circumstances make them eligible.

4.3.42 To make the maximum clothing grant available to children at boarding schools with expensive clothing lists where families have a very low income, although not qualifying for Income Support.

Note: Delegations 4.3.40 to 4.3.41 may be devolved to schools as part of their budget share following consultation between the Director of People, the Head of Children and Families Services and the Chief Financial Officer.

4.3.43 To make such directions and to take such other steps as necessary or expedient to prevent a breakdown, or continuing breakdown, of discipline at any school in accordance with Section 155 of the Education Act 1996.

4.3.44 To serve notices under Section 117 of the Education Act 1996 to suspend the financial delegation of any school.

4.3.45 To refer disputes with the governing bodies of schools to the Secretary of State under Section 495 of the Education Act 1996 and to apply to the Secretary of State for him to use his powers to prevent the unreasonable exercise of functions under Section 496 and to use his powers under Section 497 (General Default Powers) and 498 (Appointment of Governors) of the 1996 Act.

4.3.46 To permit playgroups to use any surplus school furniture or equipment as appropriate.

4.3.47 Following consultation with the Chief Financial Officer and Head of Property, Procurement and Health & Safety, to change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees.

4.3.48 To review and amend the scale of grants for extra curricular activities to pupils at non-maintained schools as necessary.

Swimming

4.3.49 To approve educational arrangements with regard to swimming.

School Term and Holiday Dates

4.3.50 Following consultation with the Cabinet Member, schools and governing bodies, to determine school term and holiday dates for future academic years.

School Transport and Travelling Expenses

4.3.51 To appoint supervisors on buses where this is considered to be necessary to ensure the safety of children who are legally entitled to be transported to and from school.

4.3.52 To determine when supervision is necessary in motorcars and to arrange accordingly for pupils attending day schools.

4.3.53 To arrange with parents or private motorists for the transport of children who qualify for transport to ordinary or special schools and to pay mileage rates equivalent to those paid for cars employed by the Ambulance Car Service, and to meet where appropriate any additional insurance premium which may be payable.

4.3.54 To make payments to parents on a mileage rate in excess of the Ambulance Car rates where it is not possible to provide transport at a lower total cost from transport contractors.

4.3.55 To apply distance limits to obviate the division of groups of children living in specific roads where it is considered to be desirable.

4.3.56 To arrange transport where this is justified by exceptional family circumstances or on medical grounds.

4.3.57 To accept a route other than the shortest available in cases where the shortest route could constitute a temporary danger to a pupil.

4.3.58 To vary the charge for privilege transport from time to time.

4.3.59 To approve additional payments in exceptional cases in respect of travel expenses incurred by pupils with special educational needs attending boarding schools.

4.3.60 To approve the payment of travelling expenses to parents of disabled children at residential special schools in cases of hardship where the frequency of visits per term for essential social reasons is in excess of the number of normally permitted visits.

4.3.61 To act in all cases relating to the placement of, or the provision of equipment for disabled children, with professional advice as to the appropriate form of action to be taken.

General

4.3.62 Following consultation with the Cabinet Member to remove providers of nursery education who are failing to meet the national Code of Practice, or local conditions of

funding, from the Directory of Registered Providers and where conditions of funding have been breached and cannot otherwise be remedied to the satisfaction of the Council, to seek the recovery of all or part of any nursery education grant paid to them.

- 4.3.63 Following consultation with the Cabinet Member and Head of Legal & Democratic Services, to develop and agree an appropriate process for any decisions to remove nursery education providers from the Directory of Registered Providers with the Southampton Early Years Development and Childcare Partnership, including a right to appeal the decision to an Appeals Panel comprising the Chair of the Early Years and Development Childcare Partnership, the Early Years and Development Childcare Manager and an independent representative for providers (or their respective nominees). All appeals will be conducted in accordance with the agreed procedure.
- 4.3.64 To oversee arrangements for early years settings on the Directory of Registered Providers in respect of eligible pre-school children receiving their entitlement to early years education and for the annual review of the funding rate that will apply to each provider under the authority's early years funding formula.
- 4.3.65 To approve the data and inflation rates used in calculating school budget shares including numbers of special unit places

INFRASTRUCTURE

School Organisation and Administration

- 4.3.66 To approve a catchment area, within the limits imposed by the Secretary of State from time to time, for each school on the Council's approved list, for travelling expenses to be paid within that area or adjacent to it in the light of school organisation changes.
- 4.3.67 Following consultation with the appropriate Governing Body, to raise or lower the admission limit for a school on a temporary basis.
- 4.3.68 To agree, following consultation with the Head of Legal & Democratic Services, the wording, form and content of any Statutory Notice for School Organisational Changes and the arrangements for their publication.

Premises and Equipment

- 4.3.69 Following consultation with the Head of Legal & Democratic Services, to issue regulations relating to safety matters in educational establishments as the need arises and to secure appropriate monthly arrangements for the review of such safety matters.

4.3.70 Following consultation with the Head of Legal & Democratic Services and Chief Financial Officer, to submit bids for or tenders involving funding or assistance from central government, the European Commission or from any other source (direct or indirect to the council itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB: this delegation applies not only to SRB and lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should apply in the same way).

School Meals

4.3.71 To decline requests for the provision of school meals in school holidays.

4.3.72 To approve the granting of a free meal at a further education establishment to certain students enrolled on courses for the unemployed sponsored by the Council, in accordance with the current eligibility for free school meals.

4.3.73 To make suitable adjustments to the charge for school milk as necessary to ensure that no expense falls on the Council.

4.3.74 Following consultation with the Chief Financial Officer, to determine (raise or lower) charges for all types of school meals in accordance with the general policy of the Council on the School Meals Service.

4.4 DIRECTOR QUALITY AND INTEGRATION (CCG/SCC)

- 4.4.1 To discharge the Council's functions with regard to the assessment of need for, and provision of, community care services in accordance with the Part III of the National Health Service and Community Care Act 1990 and any Regulations thereunder.
- 4.4.2 To approve expenditure on the following matters:
- a. contributions to the funds of voluntary organisations providing services for the elderly and/or the disabled, in accordance with the approved policy, including initial grants to newly formed clubs and centres, annual grants and contributions towards running costs;
 - b. contributions towards the running costs of new meals-on-wheels schemes and luncheon clubs and variations in costs of existing schemes.
- 4.4.3 To act as receiver under legislation relating to mental health.
- 4.4.4 To approve expenditure incurred under Section 48 of the National Assistance Act 1948, in the protection of movable property of persons and to recover such expenditure where applicable.
- 4.4.5 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Chief Financial Officer.
- 4.4.6 To take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any magistrate, court or other tribunal on behalf of the council in discharge of the Council's adult social care functions arising under any law or act.
- 4.4.7 To approve the letting of contracts for the provision of social care support in Extra Care Housing subject to best value considerations upon such terms as the Head of Legal & Democratic Services considers reasonable.
- 4.4.8 To take any decision and/or develop approaches that commit Council resources that are within budget and policy to deliver better outcomes for local people to meet the requirements of the Health and Social Care Act and subsequent legislation, after consultation with the Director for People and the relevant Cabinet Member.
- 4.4.9 To approve, amend or terminate contracts with providers whose services are commissioned by Southampton City Council or jointly with partners as part of the Integrated Commissioning Unit, after consultation with the Head of Legal & Democratic Services, Chief Financial Officer and the Director of People.
- 4.4.10 To enter into partnership arrangements and approve future variations to the arrangements for the agreement under Section 75 of the NHS Act 2006 to enable the

Council to act as host of the pooled fund and lead the commissioning of services for people with learning disabilities and their carers, following consultation with the Director of People, Head of Legal & Democratic Services and the relevant Cabinet Member.

- 4.4.11 To enter into partnership arrangements and approve future variations to the arrangements for the agreement under section 75 of the NHS Act 2006 for the provision of services for adults with learning disabilities and their carers after consultation with the Director of People, the relevant Cabinet Member and the Head of Legal & Democratic Services.
- 4.4.12 To enter into partnership arrangements and approve future variations to the arrangements for the agreement under Section 75 NHS Act 2006 to deliver integrated Mental Health Services after consultation with the Director of People the relevant Cabinet Member and the Head of Legal & Democratic Services.
- 4.4.13 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.
- 4.4.14 All Adult's Social Care functions exercisable by the Council in its capacity as a local authority.
- 4.4.15 To enter into partnership arrangements under section 75 of the NHS Act 2006 for the provision of LBHU services and; establish a Partnership Board to oversee and manage the LBHU Services and; agree the Constitution and Terms of Reference of the Partnership Board.
- 4.4.16 To authorise payments in accordance with the conditions set out under Section 76 of the National Health Service Act 2006 after consultation with the Director of People and the relevant Cabinet Member.
- 4.4.17 To enter into partnership arrangements under section 75 of the National Health Service Act 2006 for the provision of integrated services in addition to those already established and; establish a Partnership Board to oversee and manage such integrated Services and; agree the Constitution and Terms of Reference of the Partnership Board.
- 4.4.18 After consultation with the Director of People, the Chief Financial Officer and the Head of Legal & Democratic Services, to extend, renegotiate, or enter into any further agreements with NHSSC in relation to any funding streams allocated to NHSSC, or successor body, with the specific purpose of being transferred to the Local Authority under a S256 arrangement and add any such sums to the budget.

4.5 HEAD OF ADULT SOCIAL CARE

- 4.5.1 To discharge the Council's functions with regard to the assessment of need for, and provision of, community care services in accordance with the Part III of the National Health Service and Community Care Act 1990 and any Regulations thereunder.
- 4.5.2 To accept guardianship applications and subsequent renewals such action to be reported to the appropriate Cabinet Member and to determine subsequent applications for discharge by the Authority.
- 4.5.3 To act as receiver under legislation relating to mental health.
- 4.5.4 To approve expenditure incurred under Section 48 of the National Assistance Act 1948, in the protection of movable property of persons and to recover such expenditure where applicable.
- 4.5.5 For the purposes of Section 114 of the Mental Health Act 1983, to issue approvals on behalf of the Council in respect of mental health social workers.
- 4.5.6 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Chief Financial Officer.
- 4.5.7 To take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any magistrate, court or other tribunal on behalf of the council in discharge of the Council's adult social care functions arising under any law or act.
- 4.5.8 To write off debt or waive future charges in respect of care provision where it is felt that an individual would be at risk if the debt were pursued or they chose to withdraw from care on financial grounds. A written record of these decisions setting out the reasons for the write-off or waiving of charges should be kept and a copy provided to the Accounts Receivable department. Such reductions or waiving of charges would only be for the minimum period that such risks exist.
- 4.5.9 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.
- 4.5.10 All Adult's Social Care functions exercisable by the Council in its capacity as a local authority.

4.6 HEAD OF HOUSING SERVICES

These powers relate to Council dwellings within the HRA

- 4.6.1 To serve Notices of Seeking Possession and/or Notices to Quit where appropriate and to take necessary action upon the expiry of such Notices.
- 4.6.2 To institute proceedings for the recovery of possession of property and/or land occupied by squatters.
- 4.6.3 To serve notices and to institute forfeiture proceedings to residential leaseholders in appropriate cases.
- 4.6.4 To evict, where lawful, necessary and expedient.
- 4.6.5 To authorise a one-off reduction in rent by up to a maximum of £500 where some or all of the dwelling is unusable due to major works or loss of services.
- 4.6.6 To authorise the sale of Council houses and flats in accordance with the Right to Buy legislation and the shared ownership scheme for all mortgagees, their management and subsequent repayment.
- 4.6.7 To operate the deferred payment mortgage scheme.
- 4.6.8 To operate the Housing Act Advances Scheme including the granting of Maturity Loans as well as operating the Right to Buy Mortgages Scheme including administration and subsequent redemption of the mortgage.
- 4.6.9 In relation to water rates and budget warmth debts, to write off any debts which have been accepted and cannot be recovered.
- 4.6.10 To authorise variations in shop leases, rents and terms of tenure where this is consistent with effective management of estates, contributes to social enterprise or tackling worklessness, or provides services which support the local community.
- 4.6.11 To authorise the repossession, under the County Court Rules 1981 of properties sold under the Right to Buy Legislation and the shared ownership scheme following default on Mortgage Payments rent and/or leasehold maintenance and major works costs.
- 4.6.12 To approve homeloss, disturbance and ex-gratia payments for removal expenses for displaced tenants on modernisation or major works of Council dwellings.
- 4.6.13 To determine transfer by applications by tenants on management grounds.
- 4.6.14 To authorise attendance and representation of the Council at Leasehold Valuation Tribunal (LVT) for the purposes of presenting information as required and to agree

decisions or proposals made through the LVT process in accordance with the Council's legal responsibilities in the discharging of the Council's housing functions.

- 4.6.15 To discharge the Council's functions as a local housing authority in respect of the day to day routine management, maintenance, improvement and repair of properties or land held under the powers of the Housing Act 1985 or any re-enactment thereof including those properties sold under the Right to Buy Scheme and any other properties managed but not funded from the Housing Revenue Account in accordance with agreed policies and the Council's relevant Procedure Rules.
- 4.6.16 To grant tenancies to people left in occupation, and joint tenancies in accordance with Annex C of the Code of Guidance on Parts VI and VII of the Housing Act 1996.
- 4.6.17 To determine transfer by application by tenants on management grounds.
- 4.6.18 To take any decisions or actions necessary in relation to community safety and anti-social behaviour, including the submission of funding bids, approving projects related to community safety and anti-social behaviour, authorising enforcement action, approving specific projects to meet targets in corporate plans and any projects relating to community cohesion, tackling social exclusion and discrimination.
- 4.6.19 To determine applications made under the Leasehold Reform, Housing and Urban Development Act 1993.
- 4.6.20 To institute proceedings under the Protection from Eviction Act 1977.
- 4.6.21 To institute proceedings under Section 1 Accommodation Agencies Act 1953.
- 4.6.22 To make amendments to the Tenants' Incentive Scheme eligibility criteria and authorise payments under the scheme if local circumstances require.
- 4.6.23 After consultation with the Director of People:
- a. determine and alter as necessary a scale of reasonable charges in respect of enforcement action under s49 of the Housing Act; and
 - b. determine and alter as necessary an administrative fee for works carried in default of notices.
- 4.6.24 To allocate acquired properties, hostel accommodation and property allocated for short life. In addition, in exceptional circumstances, to approve the permanent rehousing of applicants, both to be exercised outside the Council's Points Scheme.
- 4.6.25 To discharge the Council's functions and duties under Part III Housing Act 1985 and Part VII of the Housing Act 1996 (homelessness) and to make all administrative decisions in this regard.

- 4.6.26 To let empty acquired properties to housing co-operatives or Housing Associations for housing use and to obtain any necessary consent, following consultation with the Chief Financial Officer.
- 4.6.27 To grant secure tenancies to decanted tenants where a return to their previous address is either not feasible or where to do so would be in the interests of the best management of the stock.
- 4.6.28 To grant approval to offers to applicants as laid down in the policy approved by H&CR Committee in 1997 where properties have proved hard to let.
- 4.6.29 To operate the Special Needs quota exceptional allocations policy as approved. This policy to include PDO referrals in accordance with the Potentially Dangerous Offenders protocol and MAPPA's in accordance with the Multi-Agency Public Protection Agreement.
- 4.6.30 To determine the appropriate number of temporary units of accommodation to be used for this purpose at any one time, including the approval to use SCC "normal" stock as temporary accommodation for the discharge of duties under the Homelessness Act 2002.
- 4.6.31 To grant tenancies, in accordance with the Council's policy, to wardens who retire and approve exceptions to that policy in exceptional circumstances.
- 4.6.32 To review and amend the current allocations policy.
- 4.6.33 To allocate the Department for Communities and Local Government (DCLG) Homelessness Directorate grant received, following consultation with the Homelessness Steering Group, relevant Cabinet Member and Chief Financial Officer.
- 4.6.34 To determine applications under Section 3(5) Housing Defects Act 1984.
- 4.6.35 To authorise payments under the Tenants Right to Compensation or Improvements and the Right to Repair.
- 2.6.15 To accept written in-house bids for the maintenance and improvement of HRA buildings following consultation with the Chief Financial Officer.
- 4.6.36 To determine when the Landlord Controlled Heating should be switched on and off, after consultation with the relevant Cabinet Member to determine and revise the level of charges for Landlord Controlled Heating in future years.
- 4.6.37 After consultation with the relevant Cabinet Member, to determine and revise the level of charges for Landlord Controlled Heating in future years.
- 4.6.38 To accept written bids and arrange and enter into suitable supplier contract arrangements for the provision of maintenance and improvement schemes and to do

anything necessary to implement , subject to the formal approval of the proposed partnering arrangements by the Chief Financial Officer after consultation with the Head of Legal & Democratic Services.

- 4.6.39 To make annual financial amendments to the Housing Revenue Account Business Plan 2007 – 2037 and refresh every five years, following consultation with the Cabinet Member.
- 4.6.40 To set the rent to be charged to tenants for each leased dwelling to ensure that the costs of the overall scheme are at least covered by rental income.
- 4.6.41 To make an ex-gratia payment to ‘under occupying’ tenants who move to smaller properties in accordance with housing policy.
- 4.6.42 To grant tenancies to applicants in accordance with the Lettings Policy and local lettings policy decisions and to grant temporary service tenancies.
- 4.6.43 To determine appropriate officers to act as security administrators for the HCA Investment Management System.
- 4.6.44 To make decisions on the application of the Disabled Adaptations in Council Housing policy in individual cases and to make amendments to the policy as required.
- 4.6.45 To undertake the discharge of any of the Council’s functions relating to the welfare of civilians under the Civil Defence Acts 1937 to 1948 and under Section 138 of the Local Government Act 1972 as amended by Civil Contingency Act 2004.
- 4.6.46 Following consultation with the relevant Cabinet Member and Head of Legal & Democratic Services to make applications to the Secretary of State in respect of works on common land.
- 4.6.47 Following consultation with the relevant Cabinet Member and appropriate stakeholders to review and amend Directorate policies and strategies.
- 4.6.48 To grant a service concession to procure services that meet the Council’s service plans, following consultation with the Chief Financial Officer or Head of Legal & Democratic Services and the relevant Cabinet Member.

Supported Housing

- 4.6.49 To amend the allocations criteria for supported housing, following consultation with the relevant Cabinet Member and tenants.