

## SERVICE DIRECTOR: QUALITY & INTEGRATION

### 9. SERVICE DIRECTOR: QUALITY & INTEGRATION

- 9.1 All Adult Social Care functions exercisable by the Council in its capacity as a local authority.
- 9.2 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 as amended or re-enacted, and any Regulations thereunder.
- 9.3 To approve expenditure on the following matters:
  - a. to approve, allocate, modify and amend grants to voluntary organisations, following consultation with the relevant Cabinet Members, the Chief Strategy Officer and Service Director: Finance & Commercialisation and make decisions to vary the budget allocation within Financial Procedure Rules.
  - b. to approve contributions towards the running costs of new meals-on-wheels schemes and luncheon clubs and variations in costs of existing schemes.
- 9.4 To act as receiver under legislation relating to mental health.
- 9.5 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.
- 9.6 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 Care Act, Children's Act and allied legislation and Public Health responsibilities, after consultation with the Service Director: Children & Families and the relevant Cabinet Member.
- 9.7 To approve, amend or terminate contracts with providers whose services are commissioned by Southampton City Council or jointly with partners, including the Joint Commissioning Board.
- 9.8 To enter into partnership arrangements with Health bodies and approve future variations to the arrangements under Section 75 of the National Health Services Act 2006 after consultation with the relevant Cabinet Members and the Service Director: Legal & Governance.
- 9.9 Following consultation with the Service Director: Finance & Commercialisation and the Service Director: Legal & Governance, to extend, re-negotiate or enter into any further agreements with health bodies in relation to any funding streams allocated to the Southampton City Clinical Commissioning Group, or successor body, or exercised within the Terms of Reference of the Joint Commissioning Board with the specific purpose of being transferred to or from the local authority under a Section 256 or Section 76 of the NHS Act 2006 arrangement and add any such sums to the budget.
- 9.10 Any function exercised on behalf of an NHS body or Joint Commissioning Board relating to children contained within the Health Acts.
- 9.11 To set the fees and charges associated with the Southampton Shared Lives Scheme (formally known as the Adult Placement Scheme).

**SERVICE DIRECTOR: QUALITY & INTEGRATION**

- 9.12 To exercise all adult social care and health (adults and children) functions and to take any decisions falling within the Terms of Reference of the Joint Commissioning Board between the Council and the CCG / Health Partners, subject to financial procedure Rules and approved budgets.

**DIRECTOR OF ADULT SOCIAL CARE (DASS)**

**10. DIRECTOR OF ADULT SOCIAL CARE (DASS)**

- 10.1 To discharge as Director of Adult Social Services, 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.
- 10.2 To act as receiver under legislation relating to mental health.



## CHIEF OPERATIONS OFFICER (CUSTOMER EXPERIENCE)

### 11. CHIEF OPERATIONS OFFICER

- 11.1 To undertake all functions delegated to any Service Director or Service Lead under the Chief Operation Officer's management or control.
- 11.2 To undertake all functions in relation to planning, transport planning, flood risk management, energy management and sustainability exercisable by the Council.
- 11.3 To change the decision-making body and managerial responsibilities for any property within the relevant portfolios in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Service Director: Finance & Commercialisation and Associate Director: Capital Assets.
- 11.4 To approve variation to the terms of leases, licences, easements or wayleaves, covenants or any other transaction, after consultation with the Service Director: Finance & Commercialisation and Service Director: Legal & Governance.
- 11.5 To acquire dwellings repurchased under Part XVI Housing Act 1985, following consultation with the Service Director: Finance & Commercialisation, subject to finance being available.
- 11.6 In relation to the Housing General Fund Capital Programme, Home Improvement Loans and the Disabled Facilities Grant Scheme Approval and following consultation with the relevant Cabinet Member and Service Director: Finance & Commercialisation, to approve capital expenditure under Financial Procedure Rules in accordance with the sums included in the approved capital programme subject to the capital resources being available.
- 11.7 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 Service Director: Finance & Commercialisation, Service Director: Legal & Governance and the Service Director: Growth. Where there is existing or intended Council ownership this must include the Associate Director: Capital Assets).
- 11.8 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 Service Director: Finance & Commercialisation.
- 11.9 To exercise all functions under Sections 23C to 24D of the Children Act 1989.
- 11.10 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.



#### CHIEF OPERATIONS OFFICER (CUSTOMER EXPERIENCE)

- 11.11 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.
- 11.12 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).
- 11.13 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 relevant Cabinet Member and the Service Director: Finance & Commercialisation.
- 11.14 To update the Southampton Joint Strategic Needs Assessment 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.
- 11.15 To discharge the Council's functions for care and support in accordance with the Care Act 2014 and any regulations thereunder.
- 11.16 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.
- 11.17 In relation to Environment and Transport functions, to enter into any partnership and governance arrangements with external organisations, contribute to the work of the Partnership for Urban South Hampshire (PUSH) in the preparation of strategic plans.
- 11.18 To 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 Service Director: Legal & Governance, Service Director: Digital & Business Operations and the relevant Cabinet Member.

## SERVICE DIRECTOR: CHILDREN & FAMILIES (DCS)

### 12. SERVICE DIRECTOR: CHILDREN'S & FAMILIES (DCS)

- 12.1 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.
- 12.2 To act as the Council's Director of Children's Services (DCS) and Caldicott Guardian (CG) in relation to all children's services and children's safeguarding functions, duties and powers.
- 12.3 Following consultation with Service Director: Legal & Governance, to institute any proceedings in any court or tribunal for an order under the Children Act 1989 and other associated children's legislation where it is considered appropriate to do so, and to appear on behalf of the Council in any court proceedings:
- 12.4 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.
- 12.5 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.
- 12.6 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.
- 12.7 To take such actions and decisions as may be required on behalf of the Council acting as an adoption agency.
- 12.8 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 Chief Operations Officer considers that the prospective adopter's application is in the best interests of the child.
- 12.9 To reduce or waive the charge of providing a home study report for prospective inter-country adopters.
- 12.10 To exercise the functions of the Council in relation to individual children boarded out under the Children Act 1989 and other Regulations.
- 12.11 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 (but not limited to):
  - 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.

SERVICE DIRECTOR: CHILDREN & FAMILIES (DCS)

- 12.12 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.
- 12.13 To administer boarding policies and fees.
- 12.14 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.
- 12.15 Any function exercised on behalf of an NHS body relating to children.
- 12.16 To make such directions and to take such other steps as necessary or expedient to prevent a breakdown, or continuing breakdown, of discipline or governance at any school or suspend the financial delegation of any school in accordance with the Education Acts.
- 12.17 To exercise all functions under sections 10 to 17 inclusive and 20(9) of the Children Act 2004.
- 12.18 Following consultation with the Local Education Authority Governors' Appointment Panel, to nominate LA governors.
- 12.19 To approve nominations of LA representatives to serve on College Governing Bodies.
- 12.20 Following consultation with the appropriate Governing Body, to short-list candidates for interview for appointment as headteacher.
- 12.21 To approve individual exceptions to the general principle of including the names and addresses of all governors in written information for parents.
- 12.22 To administer within budgetary provision any scheme of aid to pupils with outstanding ability in sport.
- 12.23 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.
- 12.24 To exercise (following consultation with the Service Director: Finance & Commercialisation 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.
- 12.25 To make modifications / amendments to the approved standard conditions of grant aid.
- 12.26 Following consultation with the relevant Cabinet Member, the Service Director: Legal & Governance and the Service Director: Finance & Commercialisation 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.



#### SERVICE DIRECTOR: CHILDREN & FAMILIES (DCS)

- 12.27 To issue penalty notices for non-attendance at all Southampton schools in accordance with the Education (Penalty Notices) (England) Regulations 2004 as amended.
- 12.28 To provide financial assistance to community organisations hiring education facilities in the City in order to encourage dual use.
- 12.29 To determine all matters, decisions and appeals relating to school transport and following a consultation with a three person panel comprising senior officers.
- 12.30 Following consultation with the Service Director: Finance & Commercialisation and Service Director: Legal & Governance, to approve all staffing and insurance arrangements for the visits of Youth Bands Orchestras and Choirs.
- 12.31 In exceptional cases, to make available awards to pupils with musical talent who do not attend Southampton schools.
- 12.32 To approve, for music or performing arts courses, any college a Discretionary Award applicant wishes to attend.
- 12.33 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.
- 12.34 Where a family is in receipt of relevant benefits 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.
- 12.35 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 relevant benefits.
- 12.36 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.
- 12.37 To permit playgroups to use any surplus school furniture or equipment as appropriate.
- 12.38 To review and amend the scale of grants for extra-curricular activities to pupils at non-maintained schools as necessary.
- 12.39 To approve educational arrangements with regard to swimming.
- 12.40 Following consultation with the relevant Cabinet Member, schools and governing bodies, to determine school term and holiday dates for future academic years
- 12.41 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.
- 12.42 To determine when supervision is necessary in motorcars and to arrange accordingly for pupils attending day schools.
- 12.43 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 as set out in the Council's Home to School Transport Policy.
- 12.44 To arrange transport where this is justified by exceptional family circumstances or on medical grounds.

#### SERVICE DIRECTOR: CHILDREN & FAMILIES (DCS)

- 12.45 To accept a route other than the shortest available in cases where the shortest route could constitute a temporary danger to a pupil.
- 12.46 To vary the charge for privilege transport from time to time.
- 12.47 To approve additional payments in exceptional cases in respect of travel expenses incurred by pupils with special educational needs attending boarding schools.
- 12.48 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.
- 12.49 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.
- 12.50 Following consultation with the relevant 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.
- 12.51 Following consultation with the relevant Cabinet Member and Service Director: Legal & Governance, 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.
- 12.52 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.
- 12.53 To approve the data and inflation rates used in calculating school budget shares including numbers of special unit places.
- 12.54 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.
- 12.55 Following consultation with the appropriate Governing Body, to raise or lower the admission limit for a school on a temporary basis.
- 12.56 To agree, following consultation with the Service Director: Legal & Governance, the wording, form and content of any Statutory Notice for School Organisational Changes and the arrangements for their publication.
- 12.57 Following consultation with the Service Director: Legal & Governance, 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.



**SERVICE DIRECTOR: CHILDREN & FAMILIES (DCS)**

- 12.58 To decline requests for the provision of school meals in school holidays.
- 12.59 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.
- 12.60 Following consultation with the Service Director: Finance & Commercialisation, 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.



**SERVICE DIRECTOR: HOUSING, ADULTS & COMMUNITIES**

**13. SERVICE DIRECTOR: ADULTS, HOUSING & COMMUNITIES**

- 13.1 All Adults Social Care functions exercisable by the Council in its capacity as a local authority, including acting as the Council's Caldicott Guardian (CG).
- 13.2 To accept guardianship applications and subsequent and to determine subsequent applications for discharge by the Authority.
- 13.3 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.
- 13.4 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.
- 13.5 Following consultation with the Service Director: Finance & Commercialisation, 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.
- 13.6 To serve Notices of Seeking Possession and/or Notices to Quit where appropriate and to take necessary action upon the expiry of such Notices.
- 13.7 To institute proceedings for the recovery of possession of property and/or land occupied by squatters.
- 13.8 To serve notices and to institute forfeiture proceedings to residential leaseholders in appropriate cases.
- 13.9 To evict, where lawful, necessary and expedient.
- 13.10 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.
- 13.11 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.
- 13.12 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.
- 13.13 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.
- 13.14 To approve homeloss, disturbance and ex-gratia payments for removal expenses for displaced tenants on modernisation or major works of Council dwellings.
- 13.15 To determine transfer by applications by tenants on management grounds.
- 13.16 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.

## SERVICE DIRECTOR: HOUSING, ADULTS & COMMUNITIES

- 13.17 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.
- 13.18 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.
- 13.19 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.
- 13.20 To determine applications made under the Leasehold Reform, Housing and Urban Development Act 1993.
- 13.21 To institute proceedings under the Protection from Eviction Act 1977.
- 13.22 To institute proceedings under Section 1 Accommodation Agencies Act 1953.
- 13.23 After consultation with the Service Director: Children & Families:
- 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.
- 13.24 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.
- 13.25 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.
- 13.26 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 Service Director: Finance & Commercialisation.
- 13.27 To grant secure tenancies to 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.
- 13.28 To take all decisions and exercise all discretionary power in relation to properties which have proved hard to let.
- 13.29 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.
- 13.30 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

## SERVICE DIRECTOR: HOUSING, ADULTS & COMMUNITIES

temporary accommodation for the discharge of duties under the Homelessness Act 2002.

- 13.31 To review and amend the current allocations policy.
- 13.32 To allocate the Government Homelessness Directorate grant received, following consultation with the Homelessness Steering Group, relevant Cabinet Member and Service Director: Finance & Commercialisation.
- 13.33 To determine applications under Section 3(5) Housing Defects Act 1984.
- 13.34 To authorise payments under the Tenants Right to Compensation or Improvements and the Right to Repair.
- 13.35 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.
- 13.36 To make financial amendments to the Housing Revenue Account Business Plan and refresh every two years, following consultation with the relevant Cabinet Member.
- 13.37 To make an ex-gratia payment to 'under occupying' tenants who move to smaller properties in accordance with housing policy.
- 13.38 To grant tenancies to applicants in accordance with the Allocations Policy and local lettings policy decisions and to grant temporary service tenancies.
- 13.39 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.
- 13.40 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.
- 13.41 Following consultation with the relevant Cabinet Member and appropriate stakeholders to review and amend service policies and strategies.
- 13.42 To grant a service concession to procure services that meet the Council's service plans, following consultation with the Service Director: Finance & Commercialisation or Service Director: Legal & Governance and the relevant Cabinet Member.
- 13.43 To authorise and implement changes to the Decommissioning of Housing Stock Policy" as required, following consultation with the Cabinet Member responsible and Service Director: Finance & Commercialisation.
- 13.44 To amend the allocations criteria for supported housing, following consultation with the relevant Cabinet Member and tenants.



## SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

### 14. SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

- 14.1 To 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 Service Director. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.
- 14.2 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.
- 14.3 To act as Proper Officer for Registration under the Registration Service Act 1953.
- 14.4 Exercise the functions of the Council including all powers and duties 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 2006  
Anti-Social Behaviour, Crime and Policing Act 2014  
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

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

Children and Young Persons Act 1933  
Civil Contingencies Act 2004  
Civil Partnership Act 2004  
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  
Countryside and Rights of Way Act 2000  
Crime and Disorder Act 1998  
Criminal Justice and Public Order Act 1994  
Customs and Excise Management Act 1979  
Dairy Products (Hygiene) Regulations 1985  
Dangerous Dogs Act 1991  
Dangerous Wild Animals Act 1976  
Deregulation Act 2015  
Designation of Local (Southampton Port Health Authority) District Order 1978.  
Development of Tourism Act 1969 Tourism (Sleeping Accommodation Price Display) Order 1977  
Dogs (Fouling of Land) Act 1996  
Education Reform Act 1988  
Energy Act 1976  
Energy Conservation Act 1981  
Enterprise Act 2002  
Environment Act 1995  
Environmental Protection Act 1990  
Environmental Protection (Duty of Care) Regulations 1991  
Estate Agents Act 1979

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**SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES**

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  
Gambling Act 2005  
Hall Marking Act 1973  
Hampshire Act 1983  
Health Act 2006  
Health & Social Care Act 2008  
Health and Safety at Work etc Act 1974  
Highways Act 1980  
Home Safety Act 1961  
House to House Collections Act 1939  
Housing Act 1985  
Housing Act 1996  
Housing Act 2004  
Hypnotism Act 1952  
International Health Regulations 2005  
Intoxicating Substances (Supply) Act 1986  
Licensing Act 2003  
Local Authority Cemeteries Order 1977  
Local Government Act 1972 (Section 111)  
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

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SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

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  
Police, Factories etc (Miscellaneous Provisions) Act 1916  
The Southampton Port Health Authority Order 2010  
Prevention of Damage by Pests Act 1949  
Prices Act 1974  
Private Water Supply Regulations 2016 and 2017  
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 Acts Amendment Act 1907  
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  
Road Traffic Regulation Act 1984  
Scrap Metal Dealers Act 2013  
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

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**SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES**

Tobacco Advertising and Promotion Act 2002  
Town and Country Planning Act 1990  
Town Police Clauses Act 1847  
Trade Descriptions Act 1968  
Trade Marks Act 1938  
Trade Marks Acts 1994  
Traffic Management Act 2004  
Transport Act 2000  
Unsolicited Goods and Services Acts 1971 and 1975  
Video Recordings Act 2010  
Water Act 2003  
Weights and Measures Act 1985  
Zoo Act 1981

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This delegation is subject to a requirement to consult with the Service Director: Legal & Governance prior to the service of any order, notice or commencement of any legal proceedings.

- 14.5 To determine applications for information to be treated as commercially confidential under Section 22 of the Environmental Protection Act 1990 (as amended).
- 14.6 To sign and serve notices under Sections 33, 34, 46, 47, 59 and 71 of the Environmental Protection Act 1990 (as amended) to deal with waste.
- 14.7 To sign and serve notices under Sections 80 and 80A of the Environmental Protection Act 1990 (as amended) dealing with the abatement of nuisances.
- 14.8 To authorise as enforcement officers such members of 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.
- 14.9 To issue and sign written instruments of appointment under the Act and regulations.
- 14.10 To grant authorised officers the power to sign and serve notices under Section 19 of the Food and Environment Protection Act 1985.
- 14.11 To appoint such members of professional and support staff deemed to have suitable qualifications under Section 5(6) of the Food Safety Act 1990.
- 14.12 To appoint suitable specialists under Section 32(4) of the Food Safety Act 1990.
- 14.13 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.
- 14.14 To introduce increased charges for the issue of Ship Sanitation control and exemption certificates for coastal vessels.
- 14.15 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)

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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.

- 14.16 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.
- 14.17 To exercise duties under the Public Health (Control of Disease) Act as amended by the Health and Social Care Act 2008 to arrange for a body to be removed to a mortuary for burial or cremation.
- 14.18 In accordance with 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.
- 14.19 To make payments by way of compensation, to persons required to discontinue or refrain from engaging in any occupation connected with food.
- 14.20 To appoint Public Analysts under the Food Safety and Agriculture Acts.
- 14.21 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.
- 14.22 To institute proceedings under the Protection from Eviction Act 1977.
- 14.23 To institute proceedings under Section 1 Accommodation Agencies Act 1953.
- 14.24 To make minor modifications to the approved terms and conditions of financial assistance provided in accordance with the Council's Private Sector Housing Strategy or such other strategy or policy in relation to this function.
- 14.25 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 or such other strategy or policy in relation to this function.
- 14.26 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 or such other strategy or policy in relation to this function.
- 14.27 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 or such other strategy or policy in relation to this function.
- 14.28 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 or such other strategy or policy in relation to this function.



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- 14.29 To approve applications for the provision of financial assistance in accordance with the Council's Private Sector Housing Strategy or such other strategy or policy in relation to this function.
- 14.30 To waive financial assistance repayment conditions in relation to the Council's Private Sector Housing Strategy or such other strategy or policy in relation to this function.
- 14.31 To make amendments to the Tenants Incentive Scheme eligibility criteria and authorise payments under the scheme if local circumstances require.
- 14.32 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.
- 14.33 After consultation with the Chief Operations Officer:
- 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.
- 14.34 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.
- 14.35 To seek confirmation from the appropriate national authority of a designation for a Selective Licensing Scheme under section 80 of the Housing Act.
- 14.36 To approve the use of the Enforced Sale Procedure.
- 14.37 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 or such other strategy or policy in relation to this function.
- 14.38 To make necessary revision to the Enforcement Policy as the need arises, following consultation with the relevant Cabinet Member.
- 14.39 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.
- 14.40 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.
- 14.41 To seek confirmation from the appropriate national authority of a designation for a Selective Licensing Scheme under section 80 of the Housing Act.
- 14.42 To affix statutory notices to and to arrange for the removal of, vehicles deemed to be abandoned on public land.

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- 14.43 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.
- 14.44 To undertake all functions, powers and duties including authorising legal action in respect of Blue Badge & Parking Permit fraud.
- 14.45 To enter into agreements with external bodies for the purposes of maintaining graves, memorials and crematoria.
- 14.46 To inspect burial grounds for the purposes of ensuring that the rules and regulations imposed by the burial authority are adhered to.
- 14.47 To remove unauthorised memorials situated within the burial authority's land, including cemeteries and crematoria.
- 14.48 To keep a register of all burials and cremations.
- 14.49 To authorise the disposal of cremated remains.
- 14.50 To approve the grant, renewal, refusal and revocation of licences to approved premises under the Marriage Act 1994 as the Proper Officer for Registration.
- 14.51 To authorise officers to exercise powers of entry and other statutory powers including, but not limited to, search and seizure conferred by the legislation set out in 14.4 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:
- 14.52 To undertake any duties in respect of new work in the areas of strategy, community safety and equalities.
- 14.53 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.
- 14.54 To undertake all functions and responsibilities associated with Emergency Planning.
- 14.55 To appoint officers for the implementation of the Council's functions under all legislation, including the power to appoint a Chief Inspector of Weights and Measures under 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.
- 14.56 To execute works by agreement, at the expense of the owner or occupier, in respect of any notice served.
- 14.57 To authorise and institute any legal proceedings, the issue of simple cautions and, where authorised by the Service Director: Legal & Governance, to prosecute or defend any such proceedings, in relation to any powers listed or implied under the delegations to the Service Director: Transactions & Universal Services, Environmental Health Practitioners, the Chief Inspector of Weights & Measures, Trading Standards Officers and Fair Trading Officers.



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- 14.58 In addition to the statutory offences referred to in this scheme, to investigate, institute and authorise legal proceedings and where authorised by the Service Director: Legal & Governance, 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.
- 14.59 In respect of all statutory and common law offences referred to within this scheme, where authorised by the Service Director: Legal & Governance, 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.
- 14.60 To liaise with relevant authorities in Hampshire and PUSH and the Solent LEP on flood risk management issues.
- 14.61 To represent the Council on flood defence, coastal defence and European Marine Site Management Groups.
- 14.62 To agree to waive charges for allotments.
- 14.63 To decide and accept the most suitable tender for mobile catering services in the parks and enter into a contract with that operator.
- 14.64 Following consultation with the Service Director: Legal & Governance, to make applications under Section 38 of the Commons Act 2006.
- 14.65 Following consultation with the relevant Cabinet Member, the Service Director: Legal & Governance and the Service Director: Finance & Commercialisation, 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.
- 14.66 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.
- 14.67 All Waste and Fleet Transport service functions exercisable by the Council in its capacity as a local authority.
- 14.68 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.



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- 14.69 To liaise with waste collection authorities in Hampshire on all strategic waste issues, ensuring appropriate consultation with colleagues on non-specific waste issues such as spatial planning.
- 14.70 To determine the charges for the collection of trade refuse, garden waste, textile and shoe banks and MOTs.
- 14.71 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.
- 14.72 To require the production of a trade waste transfer document and the power to issue a fixed penalty for failing to do so pursuant to section 34A of the Clean Neighbourhood and Environment Act 2005.
- 14.73 To take any action in relation to, or associated with the Council's LGV Operators Licences and road traffic legislation.
- 14.74 To procure and maintain the Council's vehicle fleet in accordance with the Council's standing orders and the relevant regulatory frameworks.
- 14.75 To grant, but not refuse, consent for performances of hypnotism under the Hypnotism Act 1952.
- 14.76 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.
- 14.77 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 certificate;
    - 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 notices ;
    - 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 whether a representation is irrelevant, frivolous, vexatious, etc;
    - iii. to keep a register under Section 8 of the Act;

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- 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. consultation of other responsible authorities on minor variation applications;
  - vii. applications for minor variations of premises licences and club premises certifications;
  - viii. to suspend premises licences or club premises certificates where the annual fee or late night levy has not been paid;
  - ix. to withdraw club premises certificates where a club does not satisfy the conditions for being a qualifying club in relation to a qualifying club activity.
- 14.78 To enter premises for the purposes of consulting and advising on the licensing objectives and compliance with the Licensing Act 2003.
- 14.79 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.
- 14.80 To issue a closure notice under sections 76 to 91 (Chapter 3) of the Anti-Social Behaviour, Crime and Policing Act 2014, if satisfied that there are reasonable grounds:
- (a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or.
  - (b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises.
- and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.
- 14.81 To ensure that any appropriate body or individual has been consulted before issuing a notice under 14.80.
- 14.82 To vary and cancel a closure notice under 14.80.
- 14.83 To serve a closure notice, an extension notice, a cancellation notice and variation notice, and to enter any premises for the purposes of complying with section 79(2)(a) Anti-Social Behaviour, Crime and Policing Act 2014.
- 14.84 Where appropriate, to apply to the Magistrates' Court for a closure order.
- 14.85 To carry out appropriate consultation and to recommend to Council on the making, extension, variation and discharge of Public Spaces Protection Orders under sections 59 to 75 (Chapter 2) of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 14.86 To inspect licensed sex establishments.
- 14.87 To renew sex establishment licences where no objection is made.
- 14.88 To grant by way of renewal, but not refuse, street trading consents for Above Bar Pedestrian Precinct.

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- 14.89 To grant, but not refuse, applications for street collection permits and house-to-house collection licences under the Police, Factories, etc, (Miscellaneous Provisions) Act 1916 and the House to House Collections Act 1939.
- 14.90 To determine applications for hackney carriage licences, in accordance with Council policy and to suspend and revoke such licences.
- 14.91 To determine applications for private hire vehicle licences, in accordance with Council policy and to suspend and revoke such licences.
- 14.92 To determine applications for hackney carriage drivers' licences, in accordance with Council policy and to suspend and revoke such licences.
- 14.93 To determine applications for private hire drivers' licences, in accordance with Council policy and to suspend and revoke such licences.
- 14.94 To determine applications for private hire operators' licences, in accordance with Council policy and to suspend and revoke such licences.
- 14.95 To make or vary a hackney carriage table of fares and to determine objections to any proposal to make or vary a table of fares.
- 14.96 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 determine 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.



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- 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 non-commercial societies for small lotteries.
  - xx. to refuse 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 determine 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.
- 14.97 Under the Police & Social Responsibility Act 2001 (PSR Act), 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.
- 14.98 To determine the aggregate amount of expenses of the Council that are permitted deductions under section 130(1)(b) of the PSR Act 2011.
- 14.99 To publish annual notices under section 130(5) of the PSR Act 2011 relating to anticipated expenses and the net amount of the levy payments.
- 14.100 To make adjustments to payments in accordance with paragraph 7 of the Late Night Levy (Application and Administration) Regulations 2012.
- 14.101 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.
- 14.102 To obtain additional software licences for any library IT when the user base expands.
- 14.103 To set levels of royalty payment and agree licences to print.
- 14.104 To sign agreements for copying from books and journals.
- 14.105 Subject to obtaining the necessary licences for the library service only, to take multiple abstracts from national newspapers.

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- 14.106 To accept publicity for display from outside bodies, subject to any legal requirements and policies adopted by the Council.
- 14.107 To take whatever action is necessary in respect of library fines, and costs / charges for lost books, photocopying, loans, etc, including waiving or reducing.
- 14.108 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 Service Director: Legal & Governance.
- 14.109 To grant permission for use of Council car parks for display purposes.
- 14.110 To advertise proposed disabled persons' parking bays in accordance with Council policy.
- 14.111 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 identity of the driver of a vehicle, the initiation of prosecutions and the issue of permits, dispensations and waivers.
- 14.112 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.
- 14.113 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.
- 14.114 To present the Council's evidence to the National Parking Adjudication Service.
- 14.115 To approve the issue of civil penalty notices in Cemetery Road and to respond to appeals (challenges) against the issue of any notice.
- 14.116 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.
- 14.117 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.
- 14.118 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.
- 14.119 To execute works in default of non-compliance with a notice to replant trees and to recover all reasonable costs from the landowner.
- 14.120 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).



#### SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

- 14.121 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).
- 14.122 To execute works in default of the remedial work detailed in any remedial notice under the Anti-Social Behaviour Act 2003 (High Hedges).
- 14.123 After consultation with the Service Director: Finance & Commercialisation and the Service Director: Legal & Governance, 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).
- 14.124 To authorise an appropriate officer to enter land for any purpose pursuant to Part 8 of the Anti-Social Behaviour Act 2003 (High Hedges).
- 14.125 To approve modifications to the Southampton's Tree Operational Risk Management System (STORMS) following consultation with the Service Director: Legal & Governance, the Council's Risk and Insurance Manager and the Council's Health and Safety Manager to ensure the system remains fully effective.
- 14.126 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 Service Director: Legal & Governance.
- 14.127 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.
- 14.128 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.



## SERVICE DIRECTOR: GROWTH

### 15. SERVICE DIRECTOR: GROWTH

- 15.1 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 Service Director. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.
- 15.2 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 Service Director: Legal & Governance.
- 15.3 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.

NB: Action should only follow appropriate consultation at the outset. Where land use and planning processes are involved this must be with the Service Director: Finance & Commercialisation, Service Director: Legal & Governance and the Service Director: Growth. Where there is existing or intended Council ownership this must include the Service Lead: Capital Assets.

- 15.4 To make any order or decision, grant any consent or licence or take any ancillary action and enforcement (including setting, varying and removing charges), relating to highways and traffic management and parking 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:

Anti-Social Behaviour Act 2003  
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  
Disabled Persons Badges Act 2013  
Gambling Act 2005  
Hampshire Act 1983  
Highways Act 1980  
Licensing Act 2003  
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 1875  
Public Health Act 1925

## SERVICE DIRECTOR: GROWTH

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  
Scrap Metal Dealers Act 2013  
Town and Country Planning Acts  
Town Police Clauses Act 1847  
Traffic Calming Act 1992  
Traffic Management Act 2004  
Transport Acts 1985 and 2000

- 15.5 To enter into professional memberships in the interests of the authority.
- 15.6 To approve the provision of new leisure and culture facilities identified and provided for in the medium term financial plan plans subject to the proposals not requiring 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.
- 15.7 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.
- 15.8 To negotiate fees for hiring of indoor and outdoor entertainment.
- 15.9 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.
- 15.10 To grant permission for the use of Speakers' Corner at Hoglands Park, and where appropriate, to make proper charge.
- 15.11 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.
- 15.12 To select and acquire works of art for the collection under the Smith Bequest.
- 15.13 To grant permission for loans from and to the collections and to permit the reproduction of work from the collection.
- 15.14 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.
- 15.15 To enter into standard agreements for the carrying out of archaeological works
- 15.16 To allocate the annual interest on the sports fund to support outstanding individual sportsmen and sportswomen resident in the City.
- 15.17 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.



## SERVICE DIRECTOR: GROWTH

- 15.18 To revise the Implementation Plan for the Arts and Heritage Acquisition and Disposal Policies for Museum Accreditation, following consultation with the relevant Cabinet Member.
- 15.19 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.
- 15.20 To provide appropriate support to the Southampton Cultural Development Trust following consultation with the relevant Cabinet Member.
- 15.21 To exercise all Planning functions exercisable by the Council in its capacity as a local authority.
- 15.22 To enter into professional transport, sustainability, planning and building control memberships in the interests of the authority.
- 15.23 To liaise with relevant authorities in Hampshire and PUSH and the Solent LEP on strategic spatial planning, transport and energy issues.
- 15.24 To determine fees and charges under the Building (Local Authority Charges) Regulations, after consultation with the BC Partnership.
- 15.25 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.
- 15.26 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.
- 15.27 To execute work in default of compliance with any notice served and to demand the recovery of expenses incurred by the authority.
- 15.28 To authorise staff under the authority of the Service Director: Growth to enter premises where such action is necessary to conduct duties and is authorised by legislation.
- 15.29 Following appropriate consultation with the relevant 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.
- 15.30 To monitor the application of the Planning Enforcement Policy, conduct any necessary reviews of the policy and, after consultation with the Service Director: Legal & Governance, to make any changes to the policy necessary.
- 15.31 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 Service Director: Finance & Commercialisation.
- 15.32 Following consultation with the relevant Cabinet Member and the Service Director: Finance & Commercialisation, 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,

## SERVICE DIRECTOR: GROWTH

- 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.
- 15.33 To determine applications for registration under s4 of the Hampshire Act 1983.
- 15.34 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.
- 15.35 To appoint officers for the implementation of the Council's functions under all relevant legislation under which the Service Director: Growth is empowered to act.
- 15.36 To authorise the institution of legal proceedings for the contravention or failure to comply with notices served under the legislation under which the Service Director: Growth is empowered to act.
- 15.37 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.
- 15.38 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.
- 15.39 To determine applications for exceptional relief from, and applications to deliver payment in kind for, Community Infrastructure Levy, following consultation with the relevant Cabinet Member, Service Director: Finance & Commercialisation and Service Director: Legal & Governance.
- 15.40 To enter into, vary and determine public transport contracts in order to optimise the delivery of transport policy objectives and maintain reliable services.
- 15.41 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.
- 15.42 Following consultation with the Service Director: Legal & Governance:
- 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.
- 15.43 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



## SERVICE DIRECTOR: GROWTH

necessary fees from developers when negotiating works and agreements for the adoption of highways on behalf of the Highway Authority.

- 15.44 To determine and vary the Capital Programme in accordance with the policies and other criteria set by the Authority.
- 15.45 To serve notice requiring payment for works carried out in default.
- 15.46 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the local authority.
- 15.47 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.
- 15.48 To issue street works licences and permits to control street works and roadworks carried out on the public highway.
- 15.49 Following consultation with the relevant Cabinet Member, annually review the Transport Asset Management Plan.
- 15.50 To serve street litter control notices.
- 15.51 To issue permits allowing vehicles into "Pedestrian Only" streets in order to carry out essential works.
- 15.52 To agree street naming and numbering.
- 15.53 To take any action in relation to or associated with HGV Operators' Licences.
- 15.54 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.
- 15.55 To act as Traffic Manager to meet the duty of the Traffic Management Act 2004 and ensure that the road network in Southampton is properly managed.
- 15.56 To grant use of the Above Bar pedestrian precinct and Bargate pedestrian area following consultation with the Service Director: Legal & Governance in accordance with conditions laid down and Part VIIA of the Highways Act 1980 where applicable, and where appropriate to make a proper charge.
- 15.57 To exercise all Energy Management and Sustainability functions exercisable by the Council in its capacity as a local authority.
- 15.58 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.

## SERVICE LEAD: BUILDING CONTROL

### 16. SERVICE LEAD: BUILDING CONTROL

16.1 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.

16.2 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 Service Director: Growth.

16.3 In relation to the Building Act 1984, to:

16.4 serve notice giving approval / rejection in respect of Building Regulations plans (Section 16);

- a. serve notice giving approval / rejection in respect of building over sewers (Section 18);
- b. serve notice giving approval of buildings with short-lived materials and get appropriate conditions or to reject the plans (Section 19);
- c. to reject plans for buildings with unsatisfactory drainage (Section 21);
- d. to serve notice re lapse of deposit of plans (Section 32);
- e. to carry out tests on materials and components etc for conformity with Building Regulations (Section 33);
- f. to serve notice to alter / remove work etc (Section 36);
- g. to serve notice to make satisfactory provision for drainage (Section 59);
- h. to serve notice regarding entrances, exits, etc (Section 71);
- i. to serve notice regarding means of escape in case of fire (Section 72);
- j. to serve a notice regarding the raising of chimneys (Section 73);
- k. to take any action necessary in respect of dangerous structures (Sections 77 & 78);
- l. to serve notice re ruinous dilapidated and neglected sites (Section 79);
- m. to accept notices of intention to demolish (Section 80);
- n. to serve notice requiring shoring and weatherproofing to adjoin buildings (Section 81);



#### SERVICE LEAD: BUILDING CONTROL

- o. to enter buildings to ascertain if a breach of relevant legislation has occurred (Section 95).
- 16.5 To serve notice to require builders to open up works (Regulation 14 of the Building Regulations).
- 16.6 To serve notice and/or carry out works of boarding up of dangerous buildings (Section 29 of the Local Government Miscellaneous Provisions Act 1982).
- 16.7 To refer questions, as to whether or not certain work complies with the Building Regulations to the appropriate Government department.
- 16.8 To deal with "type" relaxations to the Building Regulations instigated by the appropriate Government department.
- 16.9 To authorise prosecution for non-compliance with notices served and non-compliance of the Building Regulations.
- 16.10 To deal with Partnership applications on behalf of other local authorities in accordance with the nationally agreed Local Authority Building Control Partnership Scheme.
- 16.11 To deal with System Approvals in accordance with the nationally agreed scheme.
- 16.12 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.
- 16.13 Apply and enforce regulations in relation to sustainability and security issues under the Sustainable and Secure Buildings Act 2004
- 16.14 To enter premises and issue safety certificates for sports stadia under the Safety at Sports Grounds Act 1975.
- 16.15 To give advice on discrimination issues including surveying the built environment as required under the Equalities Act 2010.
- 16.16 To enter premises for the purposes of consulting and advising on the licensing objectives and compliance with the Licensing Act 2003.
- 16.17 To act as authorised officers for the purposes of gaining entry for inspection of premises under the Local Government (Miscellaneous Provisions) Act 1982.
- 16.18 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Service Director: Legal & Governance.

**SERVICE LEAD: INFRASTRUCTURE, PLANNING AND DEVELOPMENT**

**17. SERVICE LEAD: INFRASTRUCTURE, PLANNING & DEVELOPMENT**

17.1 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 applications for planning permission (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 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 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 consideration. 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 officers recommend approval where the proposal is contrary to 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;

17.2 Where appropriate, to instruct the Service Director: Legal & Governance 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);
- 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



## SERVICE LEAD: INFRASTRUCTURE, PLANNING AND DEVELOPMENT

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 Service Director: Legal & Governance;

- 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 effect 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;
- 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 Service Director: Legal & Governance 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 Service Director: Legal & Governance 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;

**SERVICE LEAD: INFRASTRUCTURE, PLANNING AND DEVELOPMENT**

- 17.3 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.
- 17.4 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 Service Director: Legal & Governance.
- 17.5 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.
- 17.6 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.
- 17.7 To execute works in default of non-compliance with a notice to replant trees and to recover all reasonable costs from the landowner.
- 17.8 To agree street naming and numbering.
- 17.9 Power to issue Planning Enforcement Notices under any planning or listed building legislation, 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.



## ASSOCIATE DIRECTOR: ECONOMIC DEVELOPMENT & SKILLS

### 18. ASSOCIATE DIRECTOR: ECONOMIC DEVELOPMENT & SKILLS

- 18.1 To liaise with economic partnerships and other economic bodies to represent the Council's interests on economic issues.
- 18.2 To liaise with skills partnerships and other skills economic bodies to represent the Council's interests on skills issues.
- 18.3 To approve Section 106 Employment and Skills Plans.
- 18.4 To approve the letting of contracts for the provision of learning, skills and employment related services.
- 18.5 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.
- 18.6 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.
- 18.7 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 Service Director: Finance & Commercialisation.
- 18.8 After consultation with the Service Director: Finance & Commercialisation or the Service Director: Legal & Governance, to approve, cancel or amend funding agreements for learning providers in relation to post 16 learning.
- 18.9 To pay travelling allowances to eligible students at Further Education establishments on the basis of public transport season ticket costs.
- 18.10 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 Service Director: Finance & Commercialisation .
- 18.11 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.
- 18.12 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.

## ASSOCIATE DIRECTOR: CAPITAL ASSETS

### 19. ASSOCIATE DIRECTOR: CAPITAL ASSETS

- 19.1 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
- 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):

- d. Compliance in all respects with all byelaws, licences and other consents applicable to the property and, in particular, with the conditional planning permission
  - e. The execution of such formal deed containing such provisions to safeguard the interests of the City Council as the Service Director: Legal & Governance may determine.
- 19.2 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;
- 19.3 To negotiate and agree the terms of sale of all other property providing the consideration does not exceed £500,000.
- 19.4 To negotiate and agree terms of sale of property exceeding £500,000 in value providing the consideration does not exceed £1.5 million, following consultation with the relevant Cabinet Member.
- 19.5 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.
- 19.6 To determine applications for home loss payments under the Land Compensation Act 1973.
- 19.7 To revise charges made for room bookings within Civic Buildings.
- 19.8 To approve the surrender or assignment of any lease, licence, wayleave or easement by Agreement between the parties.
- 19.9 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.



#### ASSOCIATE DIRECTOR: CAPITAL ASSETS

- 19.10 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 £100,000 per annum or a premium payment of £1,000,000, provided sufficient finance is available.
- 19.11 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 £50,000 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 £500,000; 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 Service Director: Finance & Commercialisation.
- 19.12 Following consultation with the relevant Service Director, to grant licences for works on land.
- 19.13 To approve the exchange of land with a third party where the Council's existing land value is estimated to be no more than £500,000; and
- 19.14 To approve the exchange of land with a third party where the Council's existing land value is estimated to be greater than £500,000 providing the consideration does not exceed £1.5 million, following consultation with the relevant Cabinet Member .
- 19.15 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.
- 19.16 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 £1.5 million.
- 19.17 To approve the temporary use of property, pending long-term use.
- 19.18 To manage the Council's investment, social and general purpose property portfolios.
- 19.19 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.
- 19.20 Authority to exercise the powers and duties of the Council under the Landlord and Tenant (Covenants) Act 1995.

#### ASSOCIATE DIRECTOR: CAPITAL ASSETS

- 19.21 To grant and sign licences in a form approved by the Service Director: Legal & Governance.
- 19.22 To approve the acceptance of tenders for land disposals, whether the highest bid or not, up to £1.5 million capital (where the principle of the disposal has already been approved) or £150,000 per annum revenue income.
- 19.23 To agree compensation under Land Compensation legislation where no interest in the land is acquired by the Council.
- 19.24 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.
- 19.25 To place property on the market in accordance with Corporate Standards with a view to a disposal.
- 19.26 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.
- 19.27 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.
- 19.28 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.
- 19.29 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.
- 19.30 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.
- 19.31 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).
- 19.32 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.
- 19.33 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 Section 1 Localism Act at rents less than best consideration where it is proposed to underlet to a nursery provider or similar community use.
- 19.34 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.
- 19.35 After consultation with the relevant Cabinet Member, 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



## ASSOCIATE DIRECTOR: CAPITAL ASSETS

Strategy or such other strategy or policy approved by the Council for managing the Council's corporate property.

- 19.36 After consultation with the Leader of the Council, the Service Director: Finance & Commercialisation and the Council's Capital Board to approve the acquisition or sale of property or other investments for the Property Investment Fund.
- 19.37 Together with the Service Director: Growth, to undertake the acquisition of land for approved major development schemes, following consultation with the Service Director: Legal & Governance.
- 19.38 To liaise with economic partnerships and other economic bodies to represent the Council's interests on economic issues.
- 19.39 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 Service Director: Finance & Commercialisation.
- 19.40 To approve variation to the terms of leases, licences, easements or wayleaves, covenants or any other transaction, subject to the approval of the Service Director: Finance & Commercialisation.
- 19.41 To appoint external agents or consultants to provide specialist services in respect of the Council's major development schemes.
- 19.42 Where the Council has resolved to make a Compulsory Purchase order for a major development project or where a 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 Service Director: Finance & Commercialisation.
- 19.43 After consultation with the Service Director: Legal & Governance to accept Blight Notices which are valid and which are served in respect of major development schemes proposals.
- 19.44 To grant licences for works on land within the major Development project sites.
- 19.45 To make minor amendments to boundaries after consultation with the relevant Cabinet Member to disposals in respect of approved major development schemes.
- 19.46 To allow developers on to council land to carry out site investigations subject to the granting of an appropriate licence.
- 19.47 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 packagesfollowing consultation with the relevant Cabinet Member and the Service Director: Finance & Commercialisation.
- 19.48 To authorise and implement changes to the Decommissioning of Housing Stock Policy" as required, following consultation with the Cabinet Member responsible and Service Director: Finance & Commercialisation.

## ASSOCIATE DIRECTOR: CAPITAL ASSETS

- 19.49 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.
- 19.50 Following consultation with the relevant Cabinet Member responsible, Service Director: Legal & Governance, Service Director: Finance & Commercialisation and Service Director: Adults, Housing & Communities 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.
- 19.51 Following consultation with the relevant Cabinet Member responsible, Service Director: Legal & Governance, Service Director: Finance & Commercialisation 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.
- 19.52 To commence a programme of consultation and engagement with residents and stakeholders on sites identified for redevelopment, subject to consultation with the Service Director: Finance & Commercialisation and relevant Cabinet Member and where the site involves Council homes following consultation with the Service Director: Adults, Housing & Communities.
- 19.53 To accept, in accordance with Financial Procedure Rules 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.
- 19.54 Following consultation with the relevant Cabinet Member, Service Director: Legal & Governance, Service Director: Finance & Commercialisation to:
- a. procure a development/investment partner or partners to redevelop the regeneration sites at Townhill Park;
  - 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 estate regeneration sites.
- 19.55 To approve homeloss, disturbance and ex-gratia payments for removal expenses for displaced tenants on modernisation or major works of Council dwellings.
- 19.56 To accept written in-house bids for the maintenance and improvement of HRA buildings following consultation with the Service Director: Finance & Commercialisation.
- 19.57 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



**ASSOCIATE DIRECTOR: CAPITAL ASSETS**

partnering arrangements by the Service Director: Finance & Commercialisation after consultation with the Service Director: Legal & Governance.

- 19.58 To determine appropriate officers to act as security administrators for the HCA Investment Management System.

## SERVICE DIRECTOR: DIGITAL & BUSINESS OPERATIONS

### 20. SERVICE DIRECTOR: DIGITAL & BUSINESS OPERATIONS

- 20.1 To initiate tendering processes for IS/IT products and services, subject to consultation with the Service Director: Legal & Governance and Service Director: Finance & Commercialisation.
- 20.2 To vary, renegotiate and amend leases and other IT contract details in agreement with the Service Director: Legal & Governance, where these improve service or reduce costs.
- 20.3 To approve changes and exceptions to IS/IT Corporate Standards and Policy.
- 20.4 To enter into professional IT memberships in the interests of the Authority.
- 20.5 To initiate projects to explore new technology opportunities for the Authority, subject to appropriate budgetary provision.
- 20.6 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 Service Director: Legal & Governance and the appropriate Director.
- 20.7 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 Service Director: Finance & Commercialisation and the Service Director: Legal & Governance.
- 20.8 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 Service Directors.
- 20.9 To prepare or approve the form and content of all IT plans, proposals, policies, standards, strategy and acquisitions.
- 20.10 To approve the acceptance of IT contracts other than the lowest for contracts up to £150,000 in value subject to the approval of the Service Director: Finance & Commercialisation.
- 20.11 To vary prices for services following consultation with the appropriate Service Director.
- 20.12 To approve dispensation for those not able to adopt IS/IT Corporate Standards, policies or strategy.
- 20.13 To amend the Council's Contract Compliance questionnaire as required.
- 20.14 To authorise named individuals to be the Council's nominated professional officers for inclusion in appropriate contracts.
- 20.15 To approve all exceptions and relaxations to Contract Procedure Rules.
- 20.16 To approve acceptance of tenders other than the most economically advantageous.
- 20.17 To authorise Service Directors to participate in contracts arranged by the Central Business Consortium member authorities.
- 20.18 To approve procedures specifying the requirements of Contract Procedure Rules and local procedures implementing those requirements.
- 20.19 To approve the appropriate procurement route;
- 20.20 To approve requests for contracts;



## SERVICE DIRECTOR: DIGITAL & BUSINESS OPERATIONS

- 20.21 To approve OJEU advertisements;
- 20.22 To approve a regime for setting up, amending, reviewing and managing tender lists
- 20.23 To approve payments in advance, only with prior written approval of the Service Director: Finance & Commercialisation and Service Director: Legal & Governance.
- 20.24 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.
- 20.25 To manage all EU procurement procedures and authorise such other person or department as he or she may direct, to do so.
- 20.26 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.
- 20.27 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).
- 20.28 To authorise all extensions and variations to a contract awarded under the EU Procurement Directives.
- 20.29 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.
- 20.30 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 Living Places 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 Places for People Limited
  - 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 Solent University
  - i. the contract for Sports Development with Solent University
  - j. the Schools PFI with Pyramid Schools
  - k. the wireless network contract with Aqvia
  - l. any other contract designated by the Chief Executive as a strategic contract for the purposes of this delegation.

Except where the decision to be made is significant in which case the delegation may only be exercised following consultation with the Service Director: Finance and

**SERVICE DIRECTOR: DIGITAL & BUSINESS OPERATIONS**

Commercialisation, the Service Director: Legal & Governance and the relevant Cabinet Member.