

# Public Document Pack

## Standards and Governance Committee

Monday, 19th April, 2010  
at 3.00 pm

### **PLEASE NOTE TIME OF MEETING**

Committee Room 1 - Civic Centre

This meeting is open to the public

#### **Members of the Committee**

Councillor Barnes-Andrews  
Councillor Baston  
Councillor Burke  
Councillor Cooke  
Councillor Osmond  
Councillor Slade  
Councillor Mizon

#### **Independent Members**

Mr D Blake  
Mr B Hooper (Chair)  
Ms K Mesmer  
Mr G Wilkinson

#### **Contacts**

Democratic Support Officer  
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Solicitor of the Council  
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## **PUBLIC INFORMATION**

### **Role of the Standards and Governance Committee**

The Committee has responsibility for:

- the promotion and maintenance of high standards of conduct by Councillors and Council representatives,
- the maintenance, monitoring and revision when necessary of the Member's Code of Conduct,
- the operation of and variations to the City Council's Constitution,
- the maintenance of a process to reprimand Councillors for breaches of conduct outside the local code, and in any other areas subject to the direction of the National Standards Board.

The Committee is chaired by an Independent Member. It includes at least one Councillor from each of the political groups represented on the Council, and at least one independent person, with voting rights, who is not a Councillor or an Officer of the Council.

### **Public Representations**

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

### **Southampton City Council's Six Priorities**

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

**Smoking policy** – The Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones** – Please turn off your mobile telephone whilst in the meeting.

**Fire Procedure** – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

**Access** – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Meetings: Municipal Year 2008/09**

<b>2009</b>	<b>2010</b>
25 <sup>th</sup> June*	19 <sup>th</sup> April 2010
24 <sup>th</sup> September*	
15 <sup>th</sup> December	

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference of the Standards and Governance Committee are contained in Article 9 and Part 3 (Schedule 2) of the Council's Constitution.

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Quorum**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3 (including 1 Independent Member).

### **Rules of Procedure**

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### **Disclosure of Interests**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

### **Personal Interests**

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
  - (a) any employment or business carried on by such person;
  - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
  - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
  - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

## **Prejudicial Interests**

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

The agenda and papers are available online via the Council's Website

### **1 APOLOGIES**

To receive any apologies.

### **2 DECLARATIONS OF INTEREST**

In accordance with the Local Government Act, 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to declare any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are required, where applicable, to complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer prior to the commencement of this meeting.

### **3 STATEMENT FROM THE CHAIR**

### **4 MINUTES OF PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meeting held on 15<sup>th</sup> December 2009 and to deal with any matters arising, attached.

### **5 CHANGES TO THE CONSTITUTION**

Report of the Solicitor to the Council seeking the Committee's comments and views upon the content of the draft report due to be presented to the Annual General Meeting of the Council in May 2010, attached.

### **6 ANNUAL STANDARDS AND GOVERNANCE BUSINESS REVIEW**

Report of the Chair of Standards and Governance, requesting consideration of the draft report to go to Annual Council Meeting on 12<sup>th</sup> May 2010, attached.

### **7 FREEDOM OF INFORMATION, DATA PROTECTION AND REGULATION OF INVESTIGATORY POWER ACTS: ANNUAL REVIEW 2009-10**

Report of the Solicitor to the Council detailing statistical information for the financial year 2009-10, the fifth year of implementation of the Freedom of Information Act 2000 (FOIA) and associated legislation, attached.

**8 CODE OF CORPORATE GOVERNANCE - UPDATE**

Report of the Assistant Solicitor to the Council, requesting consideration of the updated Code of Corporate Governance, to make revisions and approve a final version, attached.

**9 ANNUAL REPORT ON MEMBER DEVELOPMENT**

Report of the Solicitor to the Council giving an overview of Member learning and development and a progress report on the 3-year Member Development Strategy, attached.

**10 STANDARD AND GOVERNANCE MEETING DATES FOR MUNICIPAL YEAR 2010-2011**

To approve the following dates for meetings in the Municipal Year 2010-11:

Thursday 24<sup>th</sup> June 2010, 3.00 pm  
Thursday 23<sup>rd</sup> September 2010, 3.00 pm  
Tuesday 14<sup>th</sup> December 2010, 3.00 pm  
Monday 18<sup>th</sup> April 2011, 3.00 pm

Friday, 9 April 2010

SOLICITOR TO THE COUNCIL

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## STANDARDS AND GOVERNANCE COMMITTEE

### MINUTES OF THE MEETING HELD ON 15<sup>th</sup> DECEMBER 2009

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#### Present:

##### Members of the Council

Councillors Barnes-Andrews, Baston, Cooke, Mizon, Osmond and Slade.

##### Independent Members

Mr David Blake, Ms Katerina Mesmer and Mr Geoff Wilkinson

##### Apologies

Councillors Burke and Mr Brian Hooper (Chair).

##### Also in attendance:

Ms K Handy and Mr M Bowers, Audit Commission.

#### 14. **MINUTES OF PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED** that the minutes of the meeting of the Standards and Governance Committee held on 24<sup>th</sup> September, 2009 be approved and signed as a correct record. (Copy of Minutes circulated with agenda and appended to the signed Minutes).

#### 15. **AUDIT COMMISSION: ANNUAL AUDIT LETTER 2008/09**

The Committee considered the report of the Chief Internal Auditor concerning the Annual Audit Letter presenting the results of the statutory audit of the Council's 2008/09 financial statements and the results of the work undertaken to assess arrangements to secure value for money in the use of resources. (Copy of the report circulated with the agenda and appended to the signed minutes).

Ms K Handy, District Auditor was in attendance for this item and with the consent of the Chair addressed the meeting.

The Committee noted that with regard to Key Messages Section 8 page 4 – Actions contained in the District Auditor's Letter, the Cabinet Member for Children's Services and Executive Director of Children's Services and Learning had been requested to report to the Audit Committee in January, 2010 to discuss the action being taken and proposed to address performance and attainment in the City's schools.

##### **RESOLVED**

- (i) that the contents and the comments of the District Auditor's Annual Letter 2008/09 be noted; and
- (ii) that the Committee expressed its deep concern regarding Key Messages Section 8 page 4 – Actions contained in the Letter and further noted the request from the Audit Committee requesting the Executive Director of

Children's Services and Learning to submit a report to the January, 2010 meeting on the levels of educational performance and attainment in the City's schools advising and informing on the action being taken and proposed together with an overview of the use of financial resources; and

- (iii) that the Audit Committee meeting would consider the above report in public session and members of the Standards and Governance Committee were entitled to attend as members of the public.



# Agenda Item 5

<b>DECISION-MAKER:</b>	STANDARDS AND GOVERNANCE COMMITTEE		
<b>SUBJECT:</b>	CHANGES TO THE CONSTITUTION		
<b>DATE OF DECISION:</b>	19 <sup>TH</sup> APRIL 2010		
<b>REPORT OF:</b>	SOLICITOR TO THE COUNCIL		
<b>AUTHOR:</b>	Name:	MARK HEATH	Tel: 023 8083 2371
	E-mail:	<a href="mailto:mark.heath@southampton.gov.uk">mark.heath@southampton.gov.uk</a>	

## STATEMENT OF CONFIDENTIALITY

None

## SUMMARY

The purpose of this report is to enable Standards and Governance Committee to comment upon the content of the draft report to be presented the Annual General Meeting of the Council in May 2010 on changes to the Constitution.

## RECOMMENDATION:

- (i) That Standards and Governance Committee advises of any comments or views it has upon the content of the draft report setting out the Solicitor to the Council's recommended changes to the Constitution of the Council.

## REASONS FOR REPORT RECOMMENDATIONS

1. On an annual basis, the Solicitor to the Council conducts a review of the Council's Constitutional arrangements. This is considered by Standards and Governance Committee, in its governance role, prior to formal submission to the Annual General Meeting of the Council, which this year takes place on 12<sup>th</sup> May 2010.
2. The report is supplied to Standards and Governance Committee in draft form to enable Standards and Governance Committee to consider the issues, in its governance role, and advise the Solicitor to the Council of any additional issues they would like to see considered and/or any other points of issue they would like referred to the AGM.
3. Certain elements of the report are "work in progress" at the current time.
4. Before any report is finalised, precise wording in terms of changes to the Constitution will be worked up and also presented to Members of Full Council at the Annual General Meeting.

## FINANCIAL/RESOURCE IMPLICATIONS

### Capital

5. None.

### Revenue

6. None.

**Property**

7. None.

**Other**

8. None.

**LEGAL IMPLICATIONS**

**Statutory power to undertake proposals in the report:**

9. As set out in the report of Full Council.

**Other Legal Implications:**

10. None.

**POLICY FRAMEWORK IMPLICATIONS**

11. None.

**SUPPORTING DOCUMENTATION**

**Appendices**

1.	Report to Full Council – Changes to the Constitution
2.	

**Documents In Members' Rooms**

1.	None.
2.	

**Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the  
Access to Information  
Procedure Rules / Schedule  
12A allowing document to be  
Exempt/Confidential (if  
applicable)

1.		
2.		

**Background documents available for inspection at:**

E-mail:            @southampton.gov.uk

**FORWARD PLAN NO:**

**KEY DECISION?**

**WARDS/COMMUNITIES AFFECTED:**

<b>DECISION-MAKER:</b>	FULL COUNCIL		
<b>SUBJECT:</b>	CHANGES TO THE CONSTITUTION		
<b>DATE OF DECISION:</b>	12 <sup>TH</sup> MAY 2010		
<b>REPORT OF:</b>	SOLICITOR TO THE COUNCIL		
<b>AUTHOR:</b>	Name:	MARK HEATH	Tel: 023 8083 2371
	E-mail:	mark.heath@southampton.gov.uk	

## STATEMENT OF CONFIDENTIALITY

None

## SUMMARY

This report sets out the annual review of the Constitution carried out by the Council's Monitoring Officer (the Solicitor to the Council). This was considered and discussed by Standards and Governance Committee on 19<sup>th</sup> April 2010 in its governance role. Full Council is the ultimate decision-making body as to the Council's Constitution.

## RECOMMENDATIONS:

- (i) to agree the changes to the Constitution as set out in this report;
- (ii) to authorise the Solicitor to the Council to finalise the arrangements as approved by Full Council and make any further consequential or minor changes arising from the decision(s) of Full Council; and.
- (iii) to approve the City Council's Constitution, as amended, including the Officer Scheme of Delegation for the municipal year 2010/11.

## REASONS FOR REPORT RECOMMENDATIONS

1. It is appropriate for the Council to keep its Constitution under regular review and to amend it, both to reflect experience and changing circumstances.

## CONSULTATION

2. This report was considered by Standards and Governance Committee on 19th April 2010. The committee's comments are embodied within this report.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. The Council resolved in May 2002 to review its Constitution on an annual basis. Therefore, it is appropriate that this report is considered by Members. There are a range of recommendations set out within the report. Members have a range of options about various changes recommended to them, not least of which is to reject some or all of them.

## DETAIL

### Background Information

4. The Constitution of the Council describes the way in which the Council conducts its business. It contains not only the Articles of the Constitution, but also the various rules and procedures for decision-making, access to information, Overview and Scrutiny, the Codes of Conduct, the Officer / Member Protocol, as well as other specific rules relating to contracts and finance.

5. The Constitution forms the cornerstone of effective corporate governance. Whilst Southampton City Council's constitutional arrangements continue to be recognised as being of a high standard, Full Council agreed in May 2002, on the recommendation of the Solicitor to the Council, that it would on an annual basis robustly review the Constitution and its operation. The purpose of this report is to bring forward proposed changes to the Constitution, these having been considered by Standards and Governance Committee (in its governance role) with a view to build upon the constitutional arrangements for the Council.

### **Executive arrangements**

6. The legal responsibility for determining Executive arrangements, namely who are the Executive Members, the Portfolios and any Executive delegations to officers, lie in the hands of the Leader. The Leader will be elected by the Annual General Meeting (AGM), at which point s/he will determine this issue. This will have constitutional impact, since the arrangements will need to be incorporated within the Council's Constitution after the AGM.

### **Appointment of Members to various bodies: Schedule 3 of Part 3 of the Constitution**

7. The AGM will determine the composition of the Committees and Sub-Committees, in terms of political proportionality, and it is then a matter for the Group Leaders to notify the Solicitor to the Council of their representation in accordance with that calculation upon the Council's committees and sub-committees. In addition, there will be non-Executive appointments to various bodies and organisations which will also be addressed. This will then be incorporated within Part 3 of the Constitution to reflect the decisions of Full Council.

### **Standards of Conduct: Members' Code of Conduct, the Constitution of the Standards and Governance Committee and Local Determination**

#### Members' Code of Conduct

8. In 2007 the Council adopted a revised Members' Code of Conduct. The Government, through the Local Government and Public Involvement in Health Act 2007 has amended primary legislation which impacts upon the wording of the Code of Conduct. The Government, therefore, intends to produce a further revised Code of Conduct for adoption by Members. This is likely to take place during the course of the municipal year at which stage it will be brought before Full Council.

### **Officer Scheme of Delegation**

9. The major task undertaken this year has been a fundamental review of the Scheme of Delegation, the levels of delegations to officers and the appropriate balance between decisions to be made by Members and decisions made by officers.
10. The current Officer Scheme of Delegation has broadly evolved over time, and as a result of that contains something of a mixture of detailed delegations specifically and rightly needed to undertake specific functions, often of a regulatory-type nature, combined with some more typical broad and generic delegations to enable officers to undertake the managerial tasks expected of them in delivering services on a day-to-day basis.
11. This review has been undertaken for a number of reasons: the desire to reduce the bureaucratic burden on bringing forward unnecessary decisions to Members due to a lack of effective delegated powers has been one factor. In addition, the Executive / administration has made it clear that they regard it as appropriate for Members to take policy / strategy decisions, but would expect day-to-day functional decisions

and operational decisions at a tactical level to be undertaken by officers.

12. As a result, the time has been taken to review the Scheme and ensure that it is not only fit for purpose but also is set at the correct levels.
13. The Executive Director for Resources has undertaken a review looking at comparable authorities to establish whether the financial levels delegated to officers, as well as the definition of “key decision” is comparable with other, similar, unitary authorities.
14. Southampton’s Officer Scheme of Delegation is currently set at a relatively low level. The thresholds are lower, in some cases significantly lower, than other comparable authorities.
15. Taking these points into account, it is proposed to make a number of changes:
  - a. the definition of a key decision will be revised, the principle change is the financial threshold (which is currently £200,000) will be raised to £500,000;
  - b. many of the existing delegated thresholds, which are also set at the same level, will also be comparably raised;
  - c. Policy Framework plans approved by Full Council will be implemented by officers without the need for further referral to the Executive;
  - d. day-to-day management and functional delivery of the services will be broadly delegated to Chief Officers; and
  - e. a revision to the balancing arrangements for appropriate publicity for non key decisions made by officers to ensure that in governance terms, appropriate provisions relating to openness, accountability and transparency are built in to the new arrangements.
16. Each of these changes is examined below in more detail.

### **Key Decisions and Thresholds**

17. As part of the establishment of the Executive Arrangements under the Local Government Act 2000, to underpin the principles of greater accountability and transparency, the Executive was required to set out its programme of work in the coming four months in a document known as the Forward Plan. The law required that the Executive set out within that document a short description of matters under consideration, when those Key Decisions were expected to be taken, who was responsible for taking those decisions, how they could be contacted, what relevant reports and background papers were available and how and when the decision-maker intended to involve local stakeholders in the decision-making process.
18. The definition of Key Decisions has not changed since 2000 and it is appropriate, taking into account the other proposals set out in this report, to revisit that definition to ensure that it is still fit for purpose.
19. The definition of a Key Decision as determined by the City Council (and it is a matter for local discretion as what that definition is) is currently set out in the Council’s Constitution in Article 12 and is set out in Appendix 1.
20. A review has been undertaken by the Executive Director for Resources as to the level of Key Decisions within comparable unitary authorities. The current financial limit of £200,000 is now considered too low and it is recommended that the limit is raised to £500,000.
21. In addition, it is proposed that the second limb of the definition should be revised to

make it clear that the impact of a proposal on two or more wards must be significant in terms of its effect on communities. This, at times, has not been fully understood and has been interpreted as meaning any decision that has any impact on two or more wards. The intention was to differentiate between say, for example, a minor piece of highways work that just happened to straddle two wards and a proposal that has a significant impact on a community in two or more wards, ie that had a significant impact on more than a small area of the city. It is, therefore, proposed to amend this limb of the definition of Key Decisions as follows:

*“To be significant in policy or strategic terms as regards its effect on communities living or working in an area comprising two or more wards or electoral divisions in the city; or ....”*

22. Further, there is a need to exempt Treasury Management decisions from within the definition. This is addressed later in this report.
23. The proposed revised draft of the definition of a Key Decision and Article 12 is set out in Appendix 2.

### **Implementation of Policy Framework Plans**

24. By law, every local authority is obliged to have a certain number of Policy Framework plans, prescribed by law, which Full Council approves (there are slightly different arrangements for partnership plans) which the Executive must then adhere to, subject to certain caveats.
25. These Policy Framework plans are also underpinned by the Council’s budget, which is also approved by Full Council.
26. Currently, once the Policy Framework plans are approved, individual implementation decisions need to be brought through the appropriate decision-making process. It is proposed that Policy Framework plans, once approved by Full Council, may be implemented by officers under delegated powers without the need for further referral to the Executive.

### **Day-to-day management and functional delivery of services**

27. The current Officer Scheme of Delegation provides a range of delegated powers to Chief Officers to undertake the day-to-day management and delivery of services. The current arrangements have evolved over a period of time rather than being drafted with a view to achieving any objective. The proposed revised arrangements provide for Chief Officers to have delegated powers to undertake day-to-day management of and delivery of the services for which they are responsible. The new delegations have been broadly drafted (and should be interpreted in a similar manner).
28. Particular attention has been paid to revising Article 11 (set out in Appendix 3) which defines the management structure, functions and areas of responsibility of the Chief Officers. The revised Officer Scheme of Delegation (set out in Appendix 4) has revisited each of the functional areas in terms of their delegations and the generic managerial responsibilities devolved to both Chief Officers and Heads of Service, with a view to ensuring that they are appropriate and robust. In addition, the general powers of delegation that previously had evolved within the Constitution, have been completely rewritten to give an appropriate balance between managerial functions being discharged by senior officers and strategic / policy functions to be discharged by Members.

## **Openness, accountability and transparency and other appropriate checks and balances**

29. In order to ensure that the Executive, as most of these additional delegations are in relation to Executive functions, is fully aware of the proposals and consequences, the more significant of these new delegations will be exercised “following consultation with the relevant Executive Member”.
30. It is also important, in looking particularly at the expansion of the Officer Scheme of Delegation, to make sure that there are appropriate checks and balances, including appropriate openness, accountability and transparency of the decision-making in place.
31. Any Key Decisions, whether exercised by officers or Members, need to be on the Forward Plan (or follow the well-trodden regulation 15/16 procedure for proceeding with an urgent item of business that is not on the Forward Plan by way of seeking consent from the chair of Overview and Scrutiny Management Committee), and thereafter a report needs to be prepared and publicly available for five clear days, the decision has to be duly recorded in the appropriate legal form and thereafter the decision (unless it is an urgent one) may not be implemented for a further five clear days to allow Overview and Scrutiny to call-in the decision, should they wish to do so.
32. There is also a current process in place whereby non Key Decisions made by officers under existing delegated powers have to be given a degree of transparency so that the record of that decision is published and made publicly available. It is proposed that the current approach to that is maintained and applied to the band of decisions that would previously have been exercised by Members, ie those above £200,000, but would now be exercised by officers but are not Key Decisions – as Key Decisions will continue to be recorded in the manner already indicated.
33. The effect of this is that Key Decisions will continue to be recorded in the way indicated, but the predominant number of new decisions to be exercised by officers, which will fall to be exercised by officers because they will be of a value between £200,000 and £500,000 will be recorded through the Delegated Decision Notice process; those decisions will be made publicly available, and this will provide the necessary openness, accountability and transparency for Members and others to be aware of what those decisions are and all that flows from that.
34. It is recommended that this part of the changes, should the overall changes be approved by Full Council, be revisited during the course of the municipal year to ensure that they are effective, sound, robust and suitable.
35. The revised arrangements are set out in Appendix 5.

## **Changes to the Financial Procedure Rules**

36. In the light of the previous section of this report and the proposal to amend the nature and level of delegations to officers, the rules which contain detailed processes for the management of financial responsibilities between officers within the authority also need to have consequential changes to update them to reflect the changed approach as set out in the preceding section of this report. In addition, an opportunity has been taken to clarify and review the content of these rules, as well as review the internal procedures.
37. There have been a number of changes to the financial limits within the Financial Procedure Rules, which reflect the change in the key decision limit from £250,000 to £500,000. In summary, the majority of the limits have now been aligned to the



following structure:

- changes or approvals up to £200,000 are delegated to Chief Officers and / or Heads of Service;
- changes or approvals from £200,000 to £500,000 are delegated to Chief Officers in consultation with relevant Cabinet Members and the Chief Financial Officer, but must be published on the forward plan and a Delegated Decision Notice must also be completed; and
- changes or approvals over £500,000 must be approved by Cabinet.

38. The revised Financial Procedure Rules are set out in Appendix 6.

### **Deputations**

39. An issue has been raised by Members that some deputations need not have been made to Full Council as the deputees have subsequently indicated that they would have preferred that their issue or concern had been addressed in another way.

40. Under the existing rules, the Mayor has the discretion to refuse or re-direct any request for a deputation (Council Procedure Rule 10.2(a)).

41. No amendment to the rules is, therefore, required should Members wish to pursue this approach.

42. If Members do wish to pursue this, deputees will be asked whether they would wish their issue to be managed in another way. This could be by meeting with the relevant officers and/or Cabinet Member. If they say yes, this will be taken into account by the Mayor in reviewing their requests. If they say no, under current arrangements, providing their deputation is constitutional, it will be allowed.

### **Overview & Scrutiny**

43. Under the current Constitutional arrangements, Council must consider an annual scrutiny reported, submitted in May to the AGM which includes the use of call-in and then there are quarterly reports on the use of call-in which have previously gone to the Council's meetings in September and January. With the removal of the January meeting, it is recommended that the annual report in May will include the call-in report and then instead of call-in reports being made on a quarterly basis, this is contained in the update reports presented to Full Council on a half yearly basis, ie in May and November.

44. It should also be noted that Overview and Scrutiny Management Committee considered a report on its structures and terms of reference for 2010/11 on the 25<sup>th</sup> March 2010. The revised structure for the Overview and Scrutiny Management Committee and its Panels was approved. The report is set out in Appendix 7 and will need to be taken into account in determining the composition of the Committees and Sub-Committees as referred to in paragraph 7 of this report.

### **Treasury Management**

45. Following the collapse of the Icelandic banks, treasury management in public sector organisations continues to be under the spotlight. Two national reports have been published, the Audit Commission's *Risk and Return* on local authority treasury management and the Communities and Local Government's Select Committees *Review of Local Authority Investments*.

46. The Chartered Institute of Public Finance has provided guidance and advice on ensuring best practice in treasury management and the Executive Director for Resources, in her statutory role as Chief Financial Officer, has considered this and

has a number of recommendations to ensure that the authority's sound and robust practices on treasury management are maintained and, where possible, enhanced.

47. These recommendations are:
- a. that, for the avoidance of doubt, the definition of a *key decision* should be amended to exclude treasury management decisions from within their ambit;
  - b. Audit Committee should receive frequent reports in relation to the implementation of the Treasury Management Strategy;
  - c. Audit Committee should receive appropriate training in order to ensure that it has the necessary skills to undertake this role; and
  - d. the Treasury Management Strategy should continue to be determined by Full Council as part of the overall budget decision. However, Audit Committee should maintain an overview and awareness, both of the implementation of the existing Treasury Management Strategy and also the evolution of any revised strategy or proposed variations to it, either during the course of the year or in relation to future year's strategies.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

48. None.

### **Revenue**

49. None.

### **Property**

50. None.

### **Other**

51. None.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

52. The Executive arrangements and Constitution are dealt with under the Local Government Act 2000. Other matters referred to in the report range from the Local Government Act 1972 through to the Local Government and Public Involvement in Health Act 2004. The statutory powers to undertake the proposals set out in this report are dealt with on a paragraph-by-paragraph basis, as stated within the report.

### **Other Legal Implications:**

53. None.

## **POLICY FRAMEWORK IMPLICATIONS**

54. None.

## SUPPORTING DOCUMENTATION

### Appendices

1	Current Article 12
2	Revised Article 12
3	Revised Article 11
4	Revised Officer Scheme of Delegation
5	Revised Delegated Decision Notice guidance
6	Revised Financial Procedure Rules
7	Revised structure for the Overview and Scrutiny Management Committee and its Panels

### Documents In Members' Rooms

1.	None.
2.	

### Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.		
2.		

Background documents available for inspection at:

Email: @southampton.gov.uk

**FORWARD PLAN No:**

**KEY DECISION?**

**WARDS/COMMUNITIES AFFECTED**

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## **Article 12 Decision Making**

### **12.01 Responsibility for decision making**

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

### **12.02 Principles of decision making**

All decisions of the Council will be made in accordance with the following principles:

- ◆ proportionality (i.e. the action must be proportionate to the desired outcome);
- ◆ due consultation and the taking of professional advice from officers;
- ◆ respect for human rights;
- ◆ a presumption in favour of openness, accountability and transparency;
- ◆ setting out what options have been considered
- ◆ setting out reasons for the decision; and
- ◆ clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- ◆ understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- ◆ take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- ◆ leave out of account irrelevant considerations;
- ◆ act for a proper purpose, exercising its powers for the public good;
- ◆ not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- ◆ comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- ◆ act with procedural propriety in accordance with the rules of fairness.

To be lawful, a decision:

- ◆ if taken in full Council, Committee or sub-committee must comply with the principle of being reached by a majority of Councillors present and voting at a properly constituted meeting;
- ◆ be one which the decision-maker is empowered or obliged to take, otherwise it is ultra vires;
- ◆ not offend against Wednesbury reasonableness;
- ◆ if intended to secure action (as opposed, for example, to a resolution merely expressing the Council's collective view on an issue), be capable of execution or will be of no effect; and
- ◆ not purport to undo what has already been done irrevocably (but it can rescind an earlier decision where this is feasible).

There can be no substitute for appropriate advice on a matter by matter basis. This Guidance cannot and does not purport to be comprehensive or replace that professional advice.

Note: “*Wednesbury* reasonableness”. This relates to the actions of a local authority or other public body in exercising its discretion, and relates to whether the body has acted irrationally (rather than ultra vires). The definition was given by Lord Greene in the *Wednesbury Case* (1948):

'When an executive discretion is entrusted by Parliament to a body such as the local authority in this case, what appears to be an exercise of that discretion can only be challenged in the courts in a limited class of case ... When discretion of this kind is granted, the law recognises certain principles upon which that discretion must be exercised, but within the four corners of those principles the discretion, in my opinion, is an absolute one and cannot be questioned in any court of law ... If, in the statute conferring the discretion, there is to be found expressly or by implication matters which the authority exercising the discretion ought to have regard to, then in exercising the discretion it must have regard to those matters. Conversely, if the nature of the subject matter and the general interpretation of the Act makes it clear that certain matters would not be germane to the matter in question, the authority must disregard those irrelevant collateral matters. There have been in the cases expressions used relating to the sort of thing that authorities must not do ... bad faith, dishonesty - those of course stand by themselves ... Discretion must be exercised reasonably. He must call his own attention to the matters which he is bound to consider, and exclude from his consideration matters which are irrelevant to what he has to consider. If he does not obey those rules, he must truly be said, and often is said, to be acting unreasonably.'

### 12.03 Types of decision

- a. Decisions reserved to full Council  
Decisions relating to the functions listed in Article 4.02 will be made by the Full Council and not delegated.
- b. Key decisions  
In this Constitution, a “Key Decision” shall mean an Executive decision which is likely:
  - i. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the City Council’s budget for the service or function to which the decision relates;
  - ii. to be significant in terms of its effects on communities living or working in an areas comprising two or more wards or electoral divisions in the City; or
  - iii. to have a particularly significant impact on any community as experiencing social exclusion or discrimination, whether that community is defined by geography or interest and even if that community is only located in one ward or electoral division in the area of the local authority.

## **Notes**

1. *In relation to paragraph (i) above, the term “significant” shall be construed as meaning £200,000 (except that this does not apply to care packages where the value of the care package exceeds £200,000). For the purposes of this paragraph, the term “care package” is defined as a package of personal care, support or education purchased as a consequence of an assessment of a child’s needs within the Children Act 1989, Children (Leaving Care) Act 2000 and the Education Act 1981 and the relevant guidance is contained in the Special Education Needs Revised Code of Practice. The decision to provide the care package is for the duration of the individual’s childhood, up to the age of 18 years, 19 years or 21 years according to the relevant legislation or guidance.*
  2. *In relation to paragraph (ii) above, the Council will, unless it is impracticable to do so, treat as if they were Key any decisions which are likely to have a significant impact on communities in one ward or electoral division. Where a decision is only likely to have a significant impact on a very small number of people in one ward or electoral division, the decision-maker should ensure that those people are nevertheless informed of the forthcoming decision in sufficient time for them to exercise their right to see the relevant papers and make an input into the decision-making process.*
  3. *In considering whether a decision is likely to be significant, a decision-maker will also need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number or people living or working the locality affected. Regard should again be given to the underlying principles of open, transparent and accountable decision-making of this Constitution to ensure that there is a presumption towards openness.*
  4. *In interpreting after the event whether or not a decision should or should not have been classified as a Key Decision, the following will be taken into account:*
    - a. *the issue must be assessed on the basis of the information which could reasonably have been available to the decision-maker at the time;*
    - b. *the “de minimus” rule will be applied;*
    - c. *the level and nature of advice sought by the decision-maker. The Monitoring Officer and Chief Financial Officer will have significant roles to play in this.*
- c. A decision-taker may only make a Key Decision in accordance with the requirement of the Executive Procedure Rules set out in Part 4 of this Constitution.

Note: “De minimus” means that (in this context) this rule does not apply to trifling, minor or insignificant variations, departures or breaches.

### **12.04 Decision making by the full Council**

Subject to Article 12.08, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

### **12.05 Decision making by the Executive**

Subject to Article 12.08, the Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **12.06 Decision making by overview and scrutiny committees**

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **12.07 Decision making by other committees and sub-committees established by the Council**

Subject to Article 12.08, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

#### **12.08 Decision making by Council bodies acting as tribunals**

The Council, a Councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.



## **Article 12 Decision Making**

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- ◆ due consultation and the taking of professional advice from officers;
- ◆ respect for human rights;
- ◆ a presumption in favour of openness, accountability and transparency;
- ◆ setting out what options have been considered
- ◆ setting out reasons for the decision; and
- ◆ clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- ◆ understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- ◆ take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- ◆ leave out of account irrelevant considerations;
- ◆ act for a proper purpose, exercising its powers for the public good;
- ◆ not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- ◆ comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- ◆ act with procedural propriety in accordance with the rules of fairness.

To be lawful, a decision:

- ◆ if taken in full Council, Committee or sub-committee must comply with the principle of being reached by a majority of Councillors present and voting at a properly constituted meeting;
- ◆ be one which the decision-maker is empowered or obliged to take, otherwise it is ultra vires;
- ◆ not offend against Wednesbury reasonableness;
- ◆ if intended to secure action (as opposed, for example, to a resolution

merely expressing the Council's collective view on an issue), be capable of execution or will be of no effect; and

- ◆ not purport to undo what has already been done irrevocably (but it can rescind an earlier decision where this is feasible).

There can be no substitute for appropriate advice on a matter by matter basis. This Guidance cannot and does not purport to be comprehensive or replace that professional advice.

Note: “*Wednesbury* reasonableness”. This relates to the actions of a local authority or other public body in exercising its discretion, and relates to whether the body has acted irrationally (rather than ultra vires). The definition was given by Lord Greene in the *Wednesbury Case* (1948):

'When an executive discretion is entrusted by Parliament to a body such as the local authority in this case, what appears to be an exercise of that discretion can only be challenged in the courts in a limited class of case ... When discretion of this kind is granted, the law recognises certain principles upon which that discretion must be exercised, but within the four corners of those principles the discretion, in my opinion, is an absolute one and cannot be questioned in any court of law ... If, in the statute conferring the discretion, there is to be found expressly or by implication matters which the authority exercising the discretion ought to have regard to, then in exercising the discretion it must have regard to those matters. Conversely, if the nature of the subject matter and the general interpretation of the Act makes it clear that certain matters would not be germane to the matter in question, the authority must disregard those irrelevant collateral matters. There have been in the cases expressions used relating to the sort of thing that authorities must not do ... bad faith, dishonesty - those of course stand by themselves ... Discretion must be exercised reasonably. He must call his own attention to the matters which he is bound to consider, and exclude from his consideration matters which are irrelevant to what he has to consider. If he does not obey those rules, he must truly be said, and often is said, to be acting unreasonably.'

### 12.03 Types of decision

a. Decisions reserved to full Council

Decisions relating to the functions listed in Article 4.02 will be made by the Full Council and not delegated.

b. Key decisions

In this Constitution, a “Key Decision” shall mean an Executive decision which is likely:

- i. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the City Council's budget for the service or function to which the decision relates;
- ii. to be significant in policy or strategic terms as regards ~~of~~ its effects on communities living or working in an areas

- comprising two or more wards or electoral divisions in the City;  
or
- iii. to have a particularly significant impact on any community as experiencing social exclusion or discrimination, whether that community is defined by geography or interest and even if that community is only located in one ward or electoral division in the area of the local authority.

### **Notes**

1. *In relation to paragraph (i) above, the term “significant” shall be construed as meaning £2500,000 (except that this does not apply to care packages where the value of the care package exceeds £2500,000). For the purposes of this paragraph, the term “care package” is defined as a package of personal care, support or education purchased as a consequence of an assessment of a child’s needs within the Children Act 1989, Children (Leaving Care) Act 2000 and the Education Act 1981 and the relevant guidance is contained in the Special Education Needs Revised Code of Practice. The decision to provide the care package is for the duration of the individual’s childhood, up to the age of 18 years, 19 years or 21 years according to the relevant legislation or guidance.*
  2. *In relation to paragraph (ii) above, the Council will, unless it is impracticable to do so, treat as if they were Key any decisions which are likely to have a significant impact on communities in one ward or electoral division. Where a decision is only likely to have a significant impact on a very small number of people in one ward or electoral division, the decision-maker should ensure that those people are nevertheless informed of the forthcoming decision in sufficient time for them to exercise their right to see the relevant papers and make an input into the decision-making process.*
  3. *In considering whether a decision is likely to be significant, a decision-maker will also need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number or people living or working the locality affected. Regard should again be given to the underlying principles of open, transparent and accountable decision-making of this Constitution to ensure that there is a presumption towards openness.*
  4. *In interpreting after the event whether or not a decision should or should not have been classified as a Key Decision, the following will be taken into account:*
    - a. *the issue must be assessed on the basis of the information which could reasonably have been available to the decision-maker at the time;*
    - b. *the “de minimus” rule will be applied;*
    - c. *the level and nature of advice sought by the decision-maker. The Monitoring Officer and Chief Financial Officer will have significant roles to play in this.*
- c. A decision-taker may only make a Key Decision in accordance with

the requirement of the Executive Procedure Rules set out in Part 4 of this Constitution.

d. No treasury management decisions, as defined by the Chief Financial Officer, shall be deemed to be Key Decisions.

Note: “De minimus” means that (in this context) this rule does not apply to trifling, minor or insignificant variations, departures or breaches.

#### **12.04 Decision making by the full Council**

Subject to Article 12.08, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **12.05 Decision making by the Executive**

Subject to Article 12.08, the Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **12.06 Decision making by overview and scrutiny committees**

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **12.07 Decision making by other committees and sub-committees established by the Council**

Subject to Article 12.08, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

#### **12.08 Decision making by Council bodies acting as tribunals**

The Council, a Councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

## Article 11 Officers

### 11.01 Management structure, Functions and Areas of Responsibility

- a. **General.** The full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.
- b. **Chief Officer.** The full Council will engage persons for the following posts, who will be designated Chief Officers and who will have delegated to them the following areas of responsibility in addition to those set out in the Council's Scheme of Delegation:

POST	Functions and Area of Responsibility
Chief Executive <u>and Head of Paid Service</u>	<p>Overall corporate management and operational responsibility <del>(and Head of Paid Service)</del>   <del>(including overall management responsibility for all Officers and all services)</del>   <u>Authority to act: authorised to take all necessary action to implement decisions of the Council, its committees and the Executive within overall remit, including:</u></p> <ul style="list-style-type: none"> <li>▪ <u>committing resources within approved budgets and subject to Financial Procedure Rules;</u></li> <li>▪ <u>power to nominate or authorise any other officer to act on his or her behalf to action any decision; and</u></li> <li>▪ <u>provision of professional advice to all parties in the decision-making process</u></li> </ul> <p><del>Departmental: all functions of the Council but particularly policy advice and support to Members</del>   <del>Provision of professional advice to all parties in the decision-making process.</del>   <del>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</del>   <del>Representing the Council on partnership and external bodies (as required by statute or the Council).</del>   <u>Marketing and Information</u></p>

POST	Functions and Area of Responsibility
<p>Executive Director of Children’s Services and Learning</p>	<p><u>Overall: participate in the corporate management of the authority as a member of the Corporate Management Team (COMT)</u>  <u>Authority to act: authorised to take all necessary action to implement decisions of the Council, its committees and the Executive within overall remit, including:</u></p> <ul style="list-style-type: none"> <li>▪ <u>committing resources within approved budgets and subject to Financial Procedure Rules;</u></li> <li>▪ <u>power to nominate or authorise any other officer to act on his or her behalf to action any decision; and</u></li> <li>▪ <u>provision of professional advice to all parties in the decision-making process</u></li> </ul> <p>Reporting to the Chief Executive, the Executive Director makes an active contribution to the strategic development of the City, provides a focus for community and other external contacts and provides overall leadership and management for a range of services.</p> <p><u>Departmental</u></p> <p>The current service groups in this Directorate are:</p> <p>Children’s Services within the Council; the engagement and encouragement of local communities to improve children’s services and ensure that services both within the City and across partner organisations improve outcomes for all and are organised around children and young people’s needs; leading on safeguarding and promoting the welfare of children across all agencies; leading on learning for all, including adults.</p>
<p>Executive Director of Communities Health and Care</p>	<p><u>Overall: participate in the corporate management of the authority as a member of the Corporate Management Team (COMT)</u>  <u>Authority to act: authorised to take all necessary action to implement decisions of the Council, its committees and the Executive within overall remit, including:</u></p> <ul style="list-style-type: none"> <li>▪ <u>committing resources within approved budgets and subject to Financial Procedure Rules;</u></li> <li>▪ <u>power to nominate or authorise any other officer to act on his or her behalf to action any decision; and</u></li> <li>▪ <u>provision of professional advice to all parties in the decision-making process</u></li> </ul>

POST	Functions and Area of Responsibility
	<p>Reporting to the Chief Executive, the Executive Director makes an active contribution to the strategic development of the City, <del>provide</del><u>provides</u> a focus for community and other external contacts and <del>provid</del><u>s</u> overall leadership and management for a range of services.</p> <p><u>Departmental:</u> The current service groups in this Directorate are: personal social care services for adults and older people, including services provided jointly with other agencies relating to adult services and health, community and regeneration.</p>
Executive Director of Resources	<p><u>Overall: participate in the corporate management of the authority as a member of the Corporate Management Team (COMT)</u> <u>Authority to act: authorised to take all necessary action to implement decisions of the Council, its committees and the Executive within overall remit, including:</u></p> <ul style="list-style-type: none"> <li>▪ <u>committing resources within approved budgets and subject to Financial Procedure Rules;</u></li> <li>▪ <u>power to nominate or authorise any other officer to act on his or her behalf to action any decision; and</u></li> <li>▪ <u>provision of professional advice to all parties in the decision-making process</u></li> </ul> <p>Reporting to the Chief Executive, the Executive Director makes an active contribution to the strategic development of the City, <del>provid</del><u>s</u> a focus for community and other external contacts and <del>provid</del><u>s</u> overall leadership and management for a range of services.</p> <p><u>Departmental:</u> The current service groups in this Directorate are: Finance, <u>Organisational Development, IT, (including benefits and transactions), IT services, Human Resource Management, Contracts and Procurement, Property Services, Transactions, Customer Excellence, Internal Audit and Risk Insurance, Efficiency Programme and Partnership Management of the Capita contract including valuation and building and estates management.</u> <u>Organisational Futures</u> <u>The EDR is also the Council's statutory Chief</u></p>

POST	Functions and Area of Responsibility
	<a href="#">Financial Officer</a>
Executive Director of Environment	<p><a href="#">Overall: participate in the corporate management of the authority as a member of the Corporate Management Team (COMT)</a></p> <p><a href="#">Authority to act: authorised to take all necessary action to implement decisions of the Council, its committees and the Executive within overall remit, including:</a></p> <ul style="list-style-type: none"> <li>▪ <a href="#">committing resources within approved budgets and subject to Financial Procedure Rules;</a></li> <li>▪ <a href="#">power to nominate or authorise any other officer to act on his or her behalf to action any decision</a></li> <li>▪ <a href="#">provision of professional advice to all parties in the decision-making process</a></li> </ul> <p>Reporting to the Chief Executive, the Executive Director makes an active contribution to the strategic development of the City, provides a focus for community and other external contacts and <del>provide</del><a href="#">provides</a> overall leadership and management for a range of services.</p> <p><a href="#">Departmental:</a></p> <p>The current service groups in this Directorate are:</p> <p>Planning, <a href="#">Building Control</a>, <a href="#">Development Control</a>, Sustainability, <a href="#">Flood Risk Management</a>, <del>and Waste</del> <a href="#">Policy, Waste Collection and Disposal, Management</a>, Transport Planning, <a href="#">Policy</a> and Management, <a href="#">Environmental Health including Port Health, Pest Control, Dog Control, Clinical Waste Collection, Consumer Protection, Management of the Crematorium and Cemeteries, Registration Services, Highways Maintenance and Parking Services</a><del>Economic Development and Tourism, City Centre Management, Major Development Projects, Environmental Health, Consumer Protection, Highways Maintenance, Bereavement and Registration Services and Refuse Collection.</del></p>



POST	Functions and Area of Responsibility
Executive Director of Neighbourhoods	<p><u>Overall: participate in the corporate management of the authority as a member of the Corporate Management Team (COMT)</u></p> <p><u>Authority to act: authorised to take all necessary action to implement decisions of the Council, its committees and the Executive within overall remit, including:</u></p> <ul style="list-style-type: none"> <li>▪ <u>committing resources within approved budgets and subject to Financial Procedure Rules;</u></li> <li>▪ <u>power to nominate or authorise any other officer to act on his or her behalf to action any decision; and</u></li> <li>▪ <u>provision of professional advice to all parties in the decision-making process</u></li> </ul> <p>Reporting to the Chief Executive, the Executive Director makes an active contribution to the strategic development of the City, provides a focus for community and other external contracts and <del>provide</del><u>provides</u> overall leadership and management for a range of services.</p> <p><u>Departmental:</u></p> <p>The current service groups in this Directorate are:</p> <p><u>Leisure &amp; Cultural Services [including Arts, Heritage, libraries, events and sports and recreation], Neighbourhood Services [covering Parks, Open Spaces and Street Cleansing, community facilities and involvement and community safety], Estate Regeneration and Housing Services for both public and private sectors.</u></p> <p><del>Neighbourhood Management, Community Involvement, Public &amp; Private Sector Housing, Parks &amp; Grounds Maintenance, Street Cleansing, Leisure &amp; Recreation, Libraries &amp; Cultural Services</del></p>
Solicitor to the Council	<p><u>Overall: participate in the corporate management of the authority as a member of the Corporate Management Team (COMT)</u></p> <p><u>Authority to act: authorised to take all necessary action to implement decisions of the Council, its committees and the Executive within overall remit, including:</u></p> <ul style="list-style-type: none"> <li>▪ <u>committing resources within approved budgets and subject to Financial Procedure Rules;</u></li> <li>▪ <u>power to nominate or authorise any other officer to act on his or her behalf to action</u></li> </ul>

POST	Functions and Area of Responsibility
	<p><u>any decision; and</u></p> <ul style="list-style-type: none"> <li>▪ <u>provision of professional advice to all parties in the decision-making process</u></li> </ul> <p>Reporting to the Chief Executive, the Solicitor to the Council makes an active contribution to the strategic development of the City, provides a focus for community and other external contacts and provides overall leadership and management for a range of services.</p> <p><u>Departmental</u></p> <p>The current service groups <u>for which the Solicitor to the Council is responsible in this Directorate</u> are:</p> <p><u>Legal Services, and Democratic Services, Members' Services and support, Mayor's Office, Licensing, Land Charges, Elections &amp; Registration, Local Land &amp; Property Gazetteer.</u></p> <p><u>The Head of Legal Services is also the Council's statutory Monitoring Officer</u></p> <p><u>Monitoring Officer and Returning Officer, Electoral Registration Officer, Legal Services, Member Services, Elections, Land Charges and all democratic functions, including the Mayor's Office and all ceremonial aspects.</u></p>
<p><u>Assistant Chief Executive (Strategy)</u></p>	<p><u>Overall: participate in the corporate management of the authority as a member of the Corporate Management Team (COMT)</u></p> <p><u>Authority to act: authorised to take all necessary action to implement decisions of the Council, its committees and the Executive within overall remit, including:</u></p> <ul style="list-style-type: none"> <li>▪ <u>committing resources within approved budgets and subject to Financial Procedure Rules;</u></li> <li>▪ <u>power to nominate or authorise any other officer to act on his or her behalf to action any decision; and</u></li> <li>▪ <u>provision of professional advice to all parties in the decision-making process</u></li> </ul> <p><u>Reporting to the Chief Executive, the Assistant Chief Executive (Strategy) makes an active contribution to the strategic development of the City, provides a focus for community and other external contacts and provides overall leadership and management for a range of services.</u></p> <p><u>Departmental:</u></p> <p><u>The current service groups for which the Assistant Chief Executive (Strategy) is</u></p>

POST	Functions and Area of Responsibility
	<u>responsible are:</u> <u>Corporate Policy &amp; Performance, Research &amp; Information, Overview &amp; Scrutiny</u>
<u>Assistant Chief Executive (Economic Development)</u>	<u>Overall: participate in the corporate management of the authority as a member of the Corporate Management Team (COMT)</u> <u>Authority to act: authorised to take all necessary action to implement decisions of the Council, its committees and the Executive within overall remit, including:</u> <ul style="list-style-type: none"> <li>▪ <u>committing resources within approved budgets and subject to Financial Procedure Rules;</u></li> <li>▪ <u>power to nominate or authorise any other officer to act on his or her behalf to action any decision; and</u></li> <li>▪ <u>provision of professional advice to all parties in the decision-making process</u></li> </ul> <u>Reporting to the Chief Executive, the Assistant Chief Executive (Economic Development) makes an active contribution to the strategic development of the City, provides a focus for community and other external contacts and provides overall leadership and management for a range of services.</u> <u>Departmental:</u> <u>The current service groups for which the Assistant Chief Executive (Economic Development) is responsible are:</u>

- c. **Chief Officers: Financial Responsibilities :**
- d. **Head of Paid Service, Monitoring Officer and Chief Financial Officer.** The Council will designate the following posts to undertake the statutory Chief Officer roles as shown:

POST	DESIGNATION
Chief Executive	Head of Paid Service
Solicitor to the Council	Monitoring Officer
Executive Director of Resources	Chief Financial Officer

Such posts will have the functions described in Article 11.02–11.04 below.

- e. **The Chief Officers' Management Team** (the composition of which is a matter for the Chief Executive) consists of the Chief Executive, the Executive Directors, the Solicitor to the Council, the Assistant Chief Executive (Strategy) and the Assistant Chief Executive (Economic

~~Development) and the Head of Corporate Policy.~~ In particular, the Chief Officers' Management Team assists the Chief Executive to:

- ◆ pro-actively and reactively formulate advice to Councillors on key policy issues and developments for the City and the Council;
- ◆ co-ordinate the contributions of the appropriate Directorate to the achievement of the Council's policy priorities;
- ◆ provide an interface with all Councillors including (but not limited to) the Executive;
- ◆ set standards for and monitor the development of key corporate requirements;
- ◆ carry out key aspects of corporate governance, including the monitoring of work of external and internal auditors and inspectorates;
- ◆ ensure that there is a performance management framework and system and that it is delivered / implemented; and
- ◆ promote the organisational development and culture of the City Council and its workforce to deliver the Council's objectives.

- f. **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. This is set out at Part 7 of this Constitution.

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

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## GENERAL NOTES

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

1. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
2. The exercise of a delegated power, duty or function shall:
  - a. be subject to the City Council's Policy Framework and/or Budget;
  - b. be subject to any Special Procedure and/or Protocol;
  - c. be subject to the requirements of the Constitution and Corporate Standards; and
  - d. be subject to the requirements of the Council Procedure Rules, Financial Procedure Rules, Contract Procedure Rules, Corporate Standards and any delegations contained therein.

3. An officer to whom a power, duty or function is delegated may authorise another officer to exercise that power, duty or function, subject to the requirements that follow:
  - a. such authorisations shall be in writing and shall only be given to an officer over which the officer with the original delegated power etc. has control;
  - b. such authorisations should only be given where there is significant administrative convenience in doing so;
  - c. the officer authorised by the other should act in the name of the officer who received the original delegation;
  - d. no authorisation may be given if the statute or law prohibits it.

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

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

## GENERAL NOTES

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



## GENERAL NOTES

19. If a matter is delegated to an officer, but that delegation cannot be implemented, that should be reported to the delegating body.
20. Functions, matters, powers, authorisations, delegations, duties and responsibilities, etc within this Scheme shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything specified.
21. Non-executive functions are specified in Schedules 1 and 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. Any function that is not therefore specified must be assumed to be executive.
22. Advice on procedures, and matters to be taken into account in exercising officer delegated powers, is set out in the Guidance on Decision-Making issued by the Solicitor to the Council.
23. This Scheme of Delegated Powers was approved as part of the Council's Constitution on 1~~23~~<sup>23</sup>~~th~~<sup>th</sup> May 20~~10~~<sup>10</sup>~~9~~<sup>9</sup>. Ad hoc additional revisions will be considered by the Council as appropriate and page revision numbers indicated on replacement pages.
24. For the avoidance of doubt, where a power or duty delegated under this scheme includes at source a power to recover costs, fees or charges, the delegation shall include the power to take all necessary action to recover such fees cost or charges by way of civil debt or otherwise and shall be without prejudice to any other power to charge or recover costs that the Council may have under legislation.

## 1.1 CHIEF OFFICERS

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

## PART 1 - SENIOR OFFICERS

with the inflation allowance set by the Head of Finance, approved by Council as part of the Budget setting process or in accordance with any guidance issued by the Head of Finance. The revised scale of fees and charges must be made available on the Council's internet or be available in paper form on request.

1.1.9 Chief Officers may write off debt, following consultation with the Head of Finance, in line with guidance that will be issued and updated from time to time by the Head of Finance.

1.1.10 Chief Officers shall have authority to act under all current or future legislation and Council plans, policies, guidelines and procedures relating to their services and functions managed, operated and controlled by them or their Heads of Service, and shall have the authority to vary or change their services or functions following consultation with the Chief Executive (where there are Head of Paid Service issues), and the Solicitor to the Council and Executive Director for Resources where legislation, regulations, orders or guidance subsequently issued by Ministers in relation to such services or functions require a change in service delivery greater than "de minimus".

1.1.11 Chief Officers shall have the authority and may authorise officers within their functional responsibilities to undertake activities and have powers to undertake those activities including (but not limited to) powers of entry, in accordance with relevant legislation as advised from time to time by the Solicitor to the Council.

1.1.12 Chief Officers will undertake all and any functions and tasks necessary in support of or related to supporting approved partnerships and joint working. For the avoidance of doubt, this should include joint working with other public bodies and agencies, including NHS Trusts and associated bodies, other local authorities and other appropriate bodies. Such organisations may also include representatives of the private sector. This would include Partnership for Urban South Hampshire (PUSH) and Transport for South Hampshire (TfSH).

### Note

1. This section of the scheme of delegation should be interpreted widely to aid the smooth running of the organisation and effective deployment of resources and the efficient delivery of services.

2. In determining the services for which Chief Officers are responsible, regard should be had to Article 11 of the Council's Constitution which sets out the functions and areas of responsibility for each of the Chief Officers.

**1.2 CHIEF OFFICERS, HEADS OF SERVICE AND POLICY COORDINATORS**  
**MAY ONLY BE EXERCISED BY AN EXECUTIVE DIRECTOR AS**  
**THE NOMINEE OF THE CHIEF EXECUTIVE**

1.2.1 The appointment or dismissal of a Deputy Chief Officer.

**Employment Matters**

**General Authority**

1.2.2 To take action under the Council's ~~Human Resource Management~~ HR Policies and Procedures, including any work associated with consequential appeals, whether within the Council or otherwise.

1.2.3 To appoint officers for the implementation of the Council's functions as prescribed by Procedure Rules and Recruitment Policy.

1.2.4 To execute works in default of compliance of any statutory notice served and to demand the recovery of expenses incurred by the local authority.

1.2.5 To service notice requiring payment for works carried out in default.

**Structures and Establishments**

1.2.6 To authorise and implement changes in structures or establishments, or to the movement of posts within career grades, where such changes lead to a reduction or no change in employee numbers (whole time equivalents) and costs and where no posts are regraded.

1.2.7 To delete posts from the organisational structure.

N.B Variations in the organisational structure ~~decided by Heads of Service above~~ are subject to ~~consultation with the~~ approval from the appropriate Chief Officer ~~Executive Director~~ and Head of Organisational Development.

~~1.2.8 To approve changes in the designation of posts.~~

~~1.2.9~~ 1.2.8 To agree an overlap period for the appointment of employees provided the necessary finance is available within divisional budgets.

~~1.2.10~~ 1.2.9 To authorise the appointment of temporary employees provided that the necessary finance is available within divisional budgets or financed from external sources.

~~1.2.11 To change Career Progression Schemes following consultation with the Head of Organisational Development.~~

~~1.2.12 To hold an employee against a funded post at less than the substantive grade.~~

~~1.2.13~~1.2.10 To authorise the employment or extension of employment of employees beyond 65 years of age in accordance with the conditions of service.

### Pay and Benefits

~~1.2.14~~In the case of covering for a post, approve the payment of an honorarium.

~~1.2.15~~Provided that the cost can be met from within existing budgetary provision and the maximum of the grade is not exceeded, to authorise up to two accelerated increments following examination success or for other reasons.

~~1.2.16~~1.2.11 To approve and authorise overtime in accordance with the conditions of service, subject to the necessary finance being available.

~~1.2.17~~To decide on payments for employees called out in an emergency, following consultation with the Head of Organisational Development.

~~1.2.18~~1.2.12 To authorise attendance of employees on courses of study for an initial or second qualification, together with the granting of financial assistance towards approved expenses, in line with Council process and in consultation with the Head of Organisational Development.

~~1.2.19~~1.2.13 Subject to budgetary provision, to approve the attendance of employees at conferences, courses and seminars.

~~1.2.20~~1.2.14 To approve payment of ~~decide whether or not~~ subscriptions for membership of ~~for employees' membership of~~ professional associations (only one per employee) when the job description specifies that such membership is obligatory. ~~should be paid by the authority.~~

~~1.2.21~~1.2.15 To authorise subsistence payments in accordance with the Council's approved schemes.

~~1.2.22~~To authorise the allocation and payment of car allowances.

~~1.2.23~~1.2.16 To authorise and withdraw the payment of a telephone allowance.

~~1.2.24~~To approve an evening childcare allowance for an employee who has a dependent child under the age of 13 years, or a dependent disabled child over the age of 13 years.

~~1.2.25~~1.2.17 To approve an occasional payment to an employee where a Directorate has a need for language interpretation and where an employee is willing and competent to do so, where the number of occasions on which the additional skills are required are minimal in accordance with the defined rate of payment, and to approve payment where either there is a substantial use of language interpretation skills or

the Directorate requires the language skills to be made available on demand following consultation with the Head of Organisational Development.

~~1.2.26 To approve an honorarium where either there is a substantial use of language interpretation skills, or the Directorate requires the language skills to be made available on demand.~~

~~1.2.27 To approve removal expenses of up to £500 where an employee is not otherwise eligible under the Relocation Expenses Scheme.~~

~~1.2.28 To authorise Welfare Loans following consultation with the Head of Organisational Development.~~

### Leave

~~1.2.29~~ 1.2.18 To authorise up to 18 days paid leave of absence per annum for employees undertaking public duties and to approve additional paid or unpaid leave up to a maximum of 10 days, in consultation with the Head of Organisational Development.

~~1.2.30~~ 1.2.19 To authorise up to 28 days paid leave of absence per annum for employees undertaking duties as a Member of a relevant Council, as stipulated in the Local Government and Housing Act 1989.

~~1.2.31~~ 1.2.20 To authorise leave of absence without pay for over three months for post entry training or for other reasons.

~~1.2.32~~ 1.2.21 To grant compassionate leave of up to six days, in accordance with the guidance provided.

~~1.2.33~~ 1.2.22 To grant compassionate leave in excess of six days, following-in consultation with the Head of Organisational Development.

~~1.2.34~~ 1.2.23 To approve other special leave, with or without pay, following-in consultation with the Head of Organisational Development.

### Sickness

~~1.2.35 To grant extensions of sick pay for up to two months at either full or half pay dependent on the circumstances.~~

~~1.2.36~~ 1.2.24 Following-In consultation with the Head of Organisational Development, to grant extensions of sick pay in excess of two months at either full or half pay dependent on the circumstances.

### Trade Union Facilities

1.2.371.2.25 To decide each new request for paid time off work for trade union activities or for training or for time off work without pay for trade union duties, following consultation with the Head of Organisational Development.

### Other Matters

1.2.381.2.26 To pay expenses such as travel expenses, facilitators' expenses for disabled people, interpreters' expenses for non-English speakers and carers' expenses for people with caring responsibilities to enable participation at consultation meetings.

1.2.391.2.27 To undertake benchmarking, cost comparison and all activities associated with ~~the Best Value / Better Value, Better Governance~~ and to take all actions necessary and expedient to ensure best professional practice and Best Value.

1.2.401.2.28 To seek planning permission, conservation area consent and listed building consent in accordance with the Town and Country Planning Act 1990 and The Planning (Listed Buildings and Conservation Areas) Act 1990, subject to:

- i. the Head of Planning and Sustainability being given 14 days to comment on the proposal prior to the submission of the formal application; and
- ii. the Head of Planning and Sustainability agreeing that the proposal was not in conflict with any planning policy of the Council and could be dealt with under delegated powers; if he did not agree his reasons to be given in writing.

1.2.411.2.29 Subject to the approval of the Solicitor to the Council, to enter into any lawful contract for the provision of services, goods or materials for another body where to do so is considered beneficial to the City Council.

1.2.421.2.30 To respond to any consultation or request for information from the Government or other body, following where the consultation with the relevant Cabinet Member, period is such that a report to the Executive or an appropriate Committee or Sub-Committee is not feasible.

1.2.431.2.31 To take any consequential action necessary or expedient in respect of a bid or tender involving funding or assistance from central government, the European Commission or from any other source.

1.2.441.2.32 To act in all matters associated with the delivery of regeneration and other programmes, partnerships or arrangements managed and delivered by external partnership bodies where the Council is the accountable body or is responsible for or is a significant stakeholder partner in the programme, partnership or arrangement, and in particular to do so following consultation with the appropriate board, or other body responsible for the management of the programme,

partnership or arrangement, and to seek and replace members of such bodies and the Cabinet Member.

1.2.451.2.33 To authorise all suitably qualified members of staff to carry out all powers delegated and to sign statutory notices on behalf of the Council, as may be required from time to time.

1.2.461.2.34 All powers necessary to effect the acquisition of services from other authorities or bodies and to set up joint, consortium or other bodies and panels to secure the provision of those services needed to discharge the functions of the Council.

1.2.471.2.35 To investigate and respond to all complaints, whether under the Council's Customer Complaints procedure or otherwise.

1.2.481.2.36 To dispose of any surplus equipment.

1.2.491.2.37 To undertake any preparatory work necessary on any project, scheme or other matter intended to be placed before the Executive, the Council, a Committee, Sub-Committee or Officer with appropriate delegated powers so that the Executive, Council, Committee Sub-Committee or Officer with appropriate delegated powers can, with the benefit of full background information and advice, determine whether or not to proceed with said project, scheme or other matter with or without variation.

1.2.501.2.38 To implement approved schemes of general policy.

1.2.511.2.39 In the event of an emergency, to take any action as necessary.

1.2.521.2.40 To produce and revise Corporate Standards, Codes of Conduct, Special Procedures and Protocols and any other appropriate documentation, whether associated with the Constitution or not for Officers, Members and third parties as appropriate.

- 1.2.41 a. To settle ex-gratia payments of up to £1,000; and up to £2,000 following consultation with the appropriate ~~Executive Director~~Chief Officer.
- b. In relation to the Customer Complaints Procedure, a complaint being considered by the Local Government Ombudsman, or matter being referred or considered by an Officer as instructed by the Chief Executive or by any third party tribunal or entity, to settle and make a payment of compensation, including (but not limited to) an ex-gratia payment of up to £10,000 following consultation with the Solicitor to the Council.

~~1.2.53 Following consultation with the Solicitor to the Council and Head of Finance, save where expressly reserved to any decision-making body of the Executive, the~~



~~Council, a Committee or Sub-Committee. Policy Coordinators shall be authorised to vary fees and charges annually by no more than the annual rate of inflation to be advised by the Head of Finance. This delegation shall be exercised in accordance with the legal provisions relevant to the service in question and may, on occasion, warrant reference to and consideration by the decision-making body of the Executive, Council, an appropriate Committee or Sub-Committee.~~

~~1.2.551.2.42~~ Subject to the caveats set out below, to implement the contents of approved ~~Policy Framework and~~ Business Plans (including but not limited to) providing, varying the provision of, or initiating services or changes to service delivery ~~in accordance with the aforesaid Policy Framework and Business Plans provided such implementation is not in a manner contrary to or not wholly in accordance with the aforesaid approved Policy Framework and Business Plans and:~~

- a. following consultation with the Policy Coordinator (where the delegatee is not the Policy Coordinator ~~or~~, the appropriate ~~Chief Officer~~ Executive Director) in respect of expenditure up to £50,000;
- b. following consultation with the Solicitor to the Council, the Head of Finance, the Policy Coordinator (where the delegatee is not the Policy Coordinator ~~or~~, the appropriate ~~Chief Officer~~ Executive Director), where the expenditure is above £50,000; and
- c. that any such exercise of this delegated power shall be recorded in writing and communicated within seven calendar days of its exercise to the Policy Coordinator (where they are not the delegatee), the Solicitor to the Council, the Executive Director of Resources and the appropriate ~~Chief Officer~~ Executive Director.

~~NOTE: for the avoidance of doubt, this delegation does not permit Officers to exercise functions that by law are reserved to any decision-making body of the Executive, the Council, that fall directly within the Terms of Reference of Committees or any Sub-Committee of the Council. The contents, exceptions and caveats to this delegation are without prejudice to any other delegations set out in this scheme. Nothing in this delegation shall authorise an Officer to vary or change a policy of this Council.~~

- ~~1.2.43~~ a. To incur routine expenditure within budgetary provision. (For the avoidance of doubt, "routine" expenditure includes items of a repetitive and largely unvarying nature such as the payment of salaries, purchase of minor office equipment and the like).
- b. To incur non-routine revenue expenditure within estimates.

PART 1 - SENIOR OFFICERS

~~1.2.57~~1.2.44 To arrange visits, lectures and similar visits to publicise Council and City activities.

~~1.2.58~~1.2.45 To make arrangements for managing and ensuring the quality of the information to be included within the Forward Plan in accordance with the Council's Constitution, the Local Government Act 2000 and secondary legislation.

~~1.2.59~~1.2.46 To grant a civic reception or luncheon subject to approval; of the Solicitor to the Council who shall consult with the Mayor.

~~1.2.60~~1.2.47 To authorise appropriate officers to administer formal cautions in respect of any criminal offence.

~~1.2.59~~To be authorised to vary or set charges or fees, subject to the limitations that:

- ~~a. — such power is only exercisable in accordance with all legal requirements;~~
- ~~b. — where the power is vested in a Committee, Sub-Committee or Executive decision-making body, this delegation shall not be exercisable; and~~
- ~~c. — whenever the power is exercised, Members and the public should be advised~~

~~1.2.48~~ following consultation with the Solicitor to the Council and Executive Director of Resources. Where a decision is required to be made by the Executive, following consultation with the community or part of a community, the relevant Chief Officer is authorised to commence that consultation, following consultation with the Cabinet Member, and thereafter the decision shall be reported back to the Executive for it to determine whether or not to proceed (including the results of that consultation).

~~1.2.49~~ Under the direction of the Solicitor to the Council, to take such action as is required or necessary in respect of commissioning, monitoring or approving all reports for submission to any decision-making body of the Council or any partner body.

~~1.2.50~~ As directed from time to time by the Communications Director, to take such action as necessary in relation to internal or external communications.

~~1.2.51~~ To approve Members to attend courses, seminars, other training and conferences subject to consultation with the Solicitor to the Council.

## 2.1 CHIEF EXECUTIVE

2.1.1 The appointment and dismissal of Deputy Chief Officers. This power can also be carried out by an Executive Director nominated by the Chief Executive.

2.1.2 The Chief Executive shall be the Head of Paid Service as specified by Section 4 Local Government and Housing Act 1989 and shall be provided by the authority with such resources as he deems necessary to perform that role. The Head of Paid Service shall have overall corporate management and operational responsibility for the way in which the organisation delivers its services. In addition the Head of Paid Service is the principal policy advisor to the Council and has a statutory duty, where he considers it appropriate to do so, to prepare a report to the authority setting out his proposals in respect of the following:

2.1.2.1 the manner in which the discharge by the authority of its different functions is co-ordinated;

2.1.2.2 the number and grades of staff required by the authority for the discharge of its functions;

2.1.2.3 the organisation of the authority's staff; and

2.1.2.4 the appointment and proper management of the authority's staff.

2.1.3 Urgent Matters

4.3.1, 12.1.3.1 The Chief Executive may decide that any Executive or non-Executive function, question or matter within the powers or duties of the Executive, the Council or any Committee or Sub-Committee is urgent and:

- a. a decision must be made before the next scheduled meeting of the Executive, Council or of the appropriate Committee or Sub-Committee; or
- b. a recommendation to the Executive, Council or within the terms of reference of a Committee or Sub-Committee should be implemented prior to the next scheduled meeting of the Executive, Council, Committee or Sub-Committee by which it could be approved;

-and, in either case, if the Chief Executive is satisfied that it is not expedient, practicable or necessary in the circumstances to convene a special meeting of the Executive, Council or a special meeting or urgent

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

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

4.3.1.32.1.3.3 The exercise by the Chief Executive and Chief Officer ~~Executive Directors~~ (or other officers authorised under paragraph 2.1.4 below) of any powers under this Urgent Matters delegation shall be subject to the following conditions:

- a. that the determination of the question or other matter or implementation of the recommendation is capable of determination under law in this manner;
- b. that the Chief Executive or designated Chief Officer ~~Executive Director~~ before making a decision under paragraph 2.1.3.2 shall consult with the Leader;
- c. that the Chief Executive or designated Chief Officer ~~Executive Director~~ before making a decision under paragraph 2.1.3.2., shall consult with the Solicitor to the Council and the Head of Finance or their nominated deputies;
- d. that a record of all decisions made or recommendations implemented, together with the consultations referred to in paragraphs 2.1.3.3(b) and (c) shall be recorded and maintained by the Solicitor to the Council; and
- e. that any decisions made or recommendations implemented under this provision shall be reported to the next scheduled meeting of the Executive, Council, Committee or Sub-Committee, which would otherwise have dealt with the question or matter.

4.3.22.1.4 The Solicitor to the Council or the Executive Director of Resources may each exercise the powers of the Chief Executive ~~or Executive Directors~~ in the event of his/her/~~their~~ incapacity, absence or unavailability.

## 2.2 SOLICITOR TO THE COUNCIL

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

- 2.2.1 To receive and consider a certificate received under Section 47(2) National Assistance Acts 1948 and 1951 to make an application for an order for removal.
- 2.2.2 To issue a direction to unauthorised campers to leave land and to request an Order from the Magistrates Court if the direction to leave is not complied with, pursuant to Section 77 Criminal Justice and Public Order Act 1994.
- 2.2.3 To approve designated deputies to carry out the functions of a Proper Officer for the purposes of Section 47 National Assistance 1948 and Section 1 National Assistance (Amendment) Act 1951.
- 2.2.4 In the absence of any other Officer with delegated powers, Committee or Sub-Committee, to perform the Council's powers and duties in respect of:
  - a. Coroner Services;
  - b. Magistrates' Court Committee;
  - c. Probation Service;
  - d. Hampshire Police Authority;
  - e. Hampshire Combined Fire Authority.
- 2.2.5 To grant authorisations for the dissemination of information under Section 142 Local Government Act 1972 and Section 115 Highways Act 1980.
- 2.2.6 ~~Following consultation with the Principal Officer, Transport It~~ to grant permission under the Highways Act 1980 for the provision of services for the benefit of the public, eg recreation and refreshments on the highway, ~~known as Bitterne Precinct to be operated by the Bitterne Precinct Carnival Association or their successors.~~
- 2.2.7 To undertake the Council's functions under the Commons Registrations Act 1965 and any subsequent or ancillary legislation, in so far as the power to register common land, town, or village greens is exercisable solely for the purpose of giving effect to (a) an exchange of lands affected by an order under Section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c.67), or (b) an Order under Section 147 of the Inclosure Act, 1845 or Section 16 / 17 of the Commons Act 2006..

- 2.2.8 To carry out all functions and responsibilities associated with the Local Land Charges Act 1975, any subsequent legislation or regulations and the Council's responsibilities for maintaining and operating the Register of Local Land Charges including, but not limited to, the setting of fees.
- 2.2.9 To carry out the relevant consultation process under Part VIIA Highways Act 1980 and, subject to the outcome of the consultation to grant consent for the placing of temporary objects or structures on the Highway.
- 2.2.10 ~~For the duration of the European Social Fund: Community Capacity project, It~~ to enter into agreements on appropriate terms and conditions on behalf of the City Council, as the lead organisation and responsible recipient of any European Funding received.
- 2.2.11 Following consultation with the Head of Finance, to grant specific indemnities to supplement the Standard Indemnity (as amended) where the Solicitor to the Council considers that the form of the Standard Indemnity (as amended) provides insufficient protection for the needs of the Council and/or officers in question.
- 2.2.12 To implement the Exclusion Policy in consultation with the Heads of Communications and Organisational Development and to issue and vary a procedure under which the Council shall operate said policy.
- 2.2.13 In respect of Southampton Community Regeneration Framework Power to enter into grant agreements for the award of grants derived from Government funded regeneration programmes in excess of £50,000 in value and to determine when a legal charge is required on property to secure the repayment of any grant awarded.
- 2.2.14 To issue licences under Sections 176 and 177 of the Highways Act 1980 for the construction of bridges over the highway on whatever terms or conditions it is considered appropriate.
- 2.2.15 To make any consequential minor changes arising from changes to the Constitution subject to an adjustment being made to the Council's disposal of executive business, whereby a question put on a notice to a member of the Executive may be followed up with an unlimited number of supplementary questions from the member who put the original questions.
- 2.2.16 To fill vacant Executive appointments following consultation with the Leader.
- 2.2.17 The Solicitor to the Council or his/her nominated deputy shall have authority to take all actions s/he thinks necessary or expedient to fulfil his/her statutory obligations under Section 5 Local Government and Housing Act 1989.

2.2.18 To enter into legal agreements pursuant to Section 38 and 278 Highways Act 1980, where a decision has been taken to grant planning consent or resolved to grant planning consent subject to the completion of the appropriate highway agreements.

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

2.2.20 To be any Proper Officer, required by any legislation.

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

### **Independent Education Appeals**

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

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

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

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

~~2.2.21 The Solicitor to the Council or his/her nominated deputy shall have authority to take all actions s/he thinks necessary or expedient to fulfil his/her statutory obligations under Section 5 Local Government and Housing Act 1989.~~

~~2.2.22 To enter into legal agreements pursuant to Section 38 and 278 Highways Act 1980, where a decision has been taken to grant planning consent or resolved to grant planning consent subject to the completion of the appropriate highway agreements.~~

~~2.2.23 To take all action necessary as the Council's data protection officer, pursuant to the Data Protection Act 1998, in relation to the Council's functions and duties under the Freedom of Information Act 2000, the Regulation of Investigatory Powers Act 2000 and all relevant secondary legislation and guidance (including European Directives).~~

~~2.2.24 To be any Proper Officer, required by any legislation.~~

~~2.2.25 To determine all matters arising from the Commission for Local Administration in England (the Local Government Ombudsman) in whatever manner is appropriate, including the making of local settlements.~~

## **Licensing**

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

2.2.27 To grant, renew and suspend, but not to refuse or revoke, Pleasure Boat and Boatman's Licences.

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

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

a. where no objection or adverse representation is made to an application, to determine the following applications:

- i. for a personal licence;
- ii. for a premises licence or a club premises licence;
- iii. for a provisional statement;
- iv. to vary a premises certificate or club premises certificate;
- v. to vary a designated premises supervisor;
- vi. to transfer a premises licence;
- vii. for an interim authority;
- viii. To serve counter notices in respect of temporary event notice applications.

b. in all cases, to determine the following matters:

- i. a request to be removed as a designated premises supervisor;
- ii. to decide where a complaint is irrelevant, frivolous, vexatious, etc;
- iii. to keep a register under Section 8 of the Act;
- iv. to enter premises as an authorised officer of the Council pursuant to Sections 96, 108 and 179 of the Act;
- v. To agree to dispense with a hearing pursuant to Regulation 9 Licensing Act 2003 (Hearings) Regulations 2005.



- vi. To determine all applications under the minor variations procedure.  
~~(Licensing Committee 26/8/09)~~

**Amusements with Prizes under Section 34 and Schedule 9 of the Gaming Act, 1968 and Section 16 and Schedule 3 of the Lotteries and Amusements Act, 1976.**

**Premises used wholly or mainly for amusement purposes –**

2.2.30 No delegation unless the application is for renewal or in the nature of a transfer of a permit.

Premises not used wholly or mainly for amusement purposes –

2.2.31 Grant or refuse in accordance with the criteria agreed by the Community Services Committee and detailed in minute 43 of Minutes of Proceedings of Council and Committees 1982 entitled Gaming Act 1968 - Amusements with Prizes Machine Permits.

2.2.32 To inspect licensed sex establishments under the Local Government (Miscellaneous Provisions) Act 1982.

2.2.33 To grant, but not refuse, applications for Street Collection Permits and House-to-House Collection Licences.

2.2.34 Following consultation with the appropriate Head of Policy and Planning / Policy Coordinator 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.

2.2.35 To grant, but not refuse, applications for the registration of Pool Promoters.

2.2.36 To determine applications for the registration of Scrap Metal Dealers.

2.2.37 To grant, but not refuse, applications for Hackney Carriage Drivers, Private Hire Drivers' and Private Hire Operators' Licences, also to suspend any such licences.

2.2.38 To determine applications for Hackney Carriage Licences, in accordance with Council Policy and to suspend and revoke such licences.

2.2.39 To determine applications for Private Hire Vehicle Licences, in accordance with Council Policy and to suspend and revoke such licences.

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

### **Gambling Act 2005**

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

6.7.1i. to determine applications for Premises Licences where no relevant representations are received.

6.7.2ii. to determine applications to vary Premises Licences in respect of which no representations have been received.

6.7.3iii. to determine whether a representation is vexatious, frivolous or would not influence the authority's determination of the application.

6.7.4iv. to determine applications for transfer of Premises Licences where no representations are received.

6.7.5v. to revoke Premises Licences for failure to pay the annual fee.

6.7.6vi. to determine that a Premises Licence has lapsed.

6.7.7vii. to reinstate a lapsed Premises Licence where no representations are received.

6.7.8viii. to reject an application for review of a Premises Licence on various grounds.

6.7.9ix. to initiate a review of a Premises Licence.

6.7.10x. 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.

6.7.11xi. 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.

6.7.12xii. to determine applications for a provisional statement in respect of which no representations are received.

6.7.13xiii. to disregard representations made in respect of applications for Premises Licences after issue of a provisional statement.

6.7.14xiv. to issue a counter notice to a Temporary Use Notice where the number of permitted days are exceeded.

6.7.15xv. to object to a Temporary Use Notice.

6.7.16xxvi. to institute criminal proceedings in respect of an offence under the provisions of the Act.

6.7.17xxvii. to determine applications for Family Entertainment Centres.

6.7.18xxviii. to notify the lapse of Family Entertainment Centre Gaming Permit.

6.7.19xxix. to register societies for small society lotteries.

6.7.20xx. to refusal applications for registration for small society lotteries.

6.7.21xxi. to revoke registrations of societies for small society lotteries.

6.7.22xxii. to cancel registrations of societies for small society lotteries in the event of non-payment of the annual fee.

6.7.23xxiii. to determine applications for variation of club gaming permits and club registration permits and cancellation of permits where no representations are received.

6.7.24xxiv. to cancel club gaming permits and club registration permits for failure to pay the annual fee.

6.7.25xxv. to determination applications for grant, variation or transfer of licensed premises gaming machine permits.

6.7.26xxvi. to cancel licensed premises gaming machine permits and vary the number or category of machines where no representations are received.

6.7.27xxvii. to cancel licensed premises gaming machine permits for failure to pay the annual fee.

6.7.28xxviii. to determine applications for prize gaming permits and applications for renewal of prize gaming permits.

6.7.29xxix. to determine that a prize gaming permit has lapsed.

### **Other Matters**

2.2.42 To undertake all functions and responsibilities for local, national, European and any other elections, in accordance with UK and European legislation and regulations, save where otherwise provided including, but not limited to, the registration functions and duties (including varying the location of polling places where required).

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

2.2.44 Power to issue Breach of Condition Notices subject to decisions being reported to Members with other delegated decisions via an email system or on the web;

- 2.2.45 Power to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 or Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to the preparation of an enforcement report and Planning and Rights of Way Panel and Ward members not requiring a report to the Planning and Rights of Way Panel.
- 2.2.46 In consultation with the Development Control Manager, power to institute criminal or civil proceedings for non-compliance with enforcement notices, subject to any prosecution or civil action being reported to Planning and Rights of Way Panel and Ward Members by email or website.
- 2.2.47 To enter into any necessary planning obligations on behalf of the Council prior to the grant of planning permission.
- 2.2.48 Power to agree and recommend the terms of variation for a planning obligation where the overall effect of the planning obligation is still achieved.
- 2.2.49 Power to enter into any necessary Deed of Variation of a planning obligation where the overall effect of the planning obligation is still achieved.
- 2.2.50 To enter into joint agreements for the provision of the services by Southampton Community Health Services Trust and other health bodies or organisations.
- 2.2.51 To obtain information about people interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.2.52 To undertake and discharge the roles of proper or deputy proper officer in respect of the appointment or dismissal of statutory and non-statutory Chief Officers and Deputy Chief Officers.
- 2.2.53 To issue any remedial notices or withdraw, relax or waive (in consultation with the Executive Director of Environment) pursuant to section 68(4) and Section 69 and 70 of the Anti-Social Behaviour Act 2003. (High Hedges)
- 2.2.54 To take any necessary enforcement action in relation to remedial notices referred to in 2.2.46, and to take appropriate action to recover costs reasonably incurred.
- 2.2.55 To make any order, notice or decision, grant any license, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation.
- 2.2.56 To make arrangements for the appointment and operation of an Independent Remuneration Panel to recommend the level of allowances paid to Members.
- 2.2.57 To determine the eligibility of Members and others entitled to such allowances.
- 2.2.58 To authorise payment of Members' allowances.

- 2.2.59 To revise the Members' allowance scheme in line with changes to the National Minimum Wage and the Retail Price Index.
- 2.2.60 To determine and approve allowances payable to the Independent Remuneration Panel.
- 2.2.61 To determine the political balance requirement in respect of the membership of any bodies within the scope of the provisions of the Local Government and Housing Act 1989.
- 2.2.62 To authorise the temporary substitution of Committee and Sub-Committee members in accordance with the published procedure under Council Rules of Procedure 4.3.
- 2.2.63 To provide or arrange for the provision of legal advice to the Council, including obtaining Counsel's opinion and instructing external solicitors as appropriate either on a case by case, or in any other appropriate manner or form as determined by the Solicitor to the Council .
- 2.2.64 To prepare ~~or~~ approve conclude, sign or seal the form and content of all legal documentation for the Council, including but not limited to, conveyances, mortgages, contracts, notices, orders, charges and agreements~~ete~~.
- 2.2.65 To institute or authorise legal proceedings and to prosecute and defend any proceedings, including counterclaiming for damages or other relief brought by or against the Council, and including the prosecution of offenders for contravention of the bye-laws as may be in force from time to time or take any other action necessary to protect the legal position of Southampton City Council.
- 2.2.66 To appear and to authorise officers including those not within the managerial control of the Solicitor to the Council to appear on behalf of the City Council in proceedings in the County Court, pursuant to Section 60 County Courts Act 1984, as amended by s125 (7) of County and Legal Services Act 1990, and in the Magistrates' Court pursuant to Section 223 Local Government Act 1972.
- 2.2.67 To sign, serve and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.
- 2.2.68 To sign or seal any contract, deed or other document (in accordance with Contract Procedure Rules, etc) arising from an express decision of the Executive, a committee or subcommittee, or from a decision made by an officer acting under delegated authority, to take (or refrain from taking) action that falls within the lawful powers of a local authority where the entering into of the contract, deed or other document is either expressly approved or is incidental to the express decision and necessary to give effect to the said express or incidental decision.

2.2.69 To recover all debts with the exception of outstanding general rates, community charges, national non domestic rates, Council tax, mortgages and rent arrears.

2.2.70 To settle any claim whether proceedings have been initiated or not, up to two hundred and fifty thousand pounds (£250,000) following consultation with the Chief Financial Officer.

2.2.71 To determine the procurement route for any procurement governed by the EU procurement regime or any other legislation and make all subsequent decisions in relation to such procurement whether governed by the EU Public Procurement Regime or not.

2.2.72 To undertake, appoint and vary the appointment of any Proper Officer required by any legislation.

2.2.73 Within the scope of the postholder's employment, to manage investigations and grant authorisations under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.

2.2.74 Within the scope of the postholder's employment, to authorise other Council officers below the level of first level officer for the management of investigations and the grant of authorisations under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.

2.2.75 To amend the Constitution pursuant to any lawful decision of the Council or the Executive where that decision warrants a change to the Constitution.

2.2.76 To amend the Constitution where any change in the law requires a consequential change in the body of the Constitution, provided such change is not so substantial as to warrant reporting to the Standards and Governance Committee and/or Council for approval in accordance with the Local Government Act 2000.

2.2.77 To sign or endorse any documents on behalf of the authority where so requested by a citizen, eg authentication details, etc.

2.2.78 To issue and certify all forms of authorisation, including identity cards, for all Council officers and employees.

~~2.2.78 Following consultation with the Head of Finance, to take any steps necessary to implement and operate the Standards and Governance Committee including (but not limited) to the preparation, dissemination and variation of Standards guidance and procedures.~~

2.2.80 ~~2.2.79~~ To certify as a true and correct record any documents in accordance with Section 229 Local Government Act 1972.

2.2.812.2.80 To alter the Scheme of Officer Delegation to reflect any changes in the categorisation of delegated powers as between Executive and non-Executive as is considered necessary but always within the terms of the Regulations relating to local government functions.

2.2.822.2.81 To take any action necessary or appropriate in relation to Corporate Governance, Standards, the Ethical Framework, or any other related issue to Members, ethics, qualification and disqualification, and in this context, subject to any decisions of the Standards and Governance Committee, to take any consequential action arising from a breach of the Code of Conduct for Members / Employees, and any other related provisions or issues.

2.2.832.2.82 To determine all matters delegated to the Solicitor to the Council in his/her capacity as Proper Officer under the Council's Constitution, which may be amended from time to time, including but not limited to delegations under the following rules:

- Council Procedure Rules
- Executive Procedure Rules
- Overview and Scrutiny Procedure Rules
- Budget and Policy Framework Rules
- Access to Information Rules

2.2.842.2.83 To determine Council, Committee and Executive decision-making administrative procedures and the timetable for meetings in so far as they relate to the despatch of agendas and compliance with the Local Government Acts 1972 and 2000 (and regulations made thereunder) and compliance with the Council's Rules of Procedure.

2.2.852.2.84 To undertake all functions and responsibilities not the responsibility of other officers associated with the Access to Information provisions contained within the Local Government Acts 1972 and 2000 (and regulations made thereunder).

2.2.862.2.85 To certify as a true and correct record reports, records of decision and minutes of any decision-making body or the Executive, the Council, Committees, Sub-Committees or officer acting under delegated powers, in accordance with Section 229 of the Local Government Act 1972.

2.2.872.2.86 To make arrangements for the publication of the Forward Plan in accordance with the Council's Constitution, the Local Government Act 2000 and secondary legislation.

2.2.882.2.87 Following consultation with Group Secretaries, to fill vacancies on all appointments to outside bodies and organisations that arise during the municipal year, provided that they comply with the requirements of the political balance required by the Local Government and Housing Act 1989 subject to changes being reported to the next Council meeting.

2.2.892.2.88 To appoint members nominated by external organisations to any bodies set up under statutory requirements, partnership or other arrangements, excluding members of the Council.

2.2.902.2.89 Subject to approval of the appropriate Policy Coordinator to book places and make arrangements for Members on courses, seminars or other training and conferences.

2.2.912.2.90 To make arrangements for the receipt and opening of all tenders invited in accordance with the provisions of the Council's Contracts Procedure Rules.

2.2.922.2.91 To approve appointments to the Southern Group Valuation Tribunals.

2.2.932.2.92 To sign on behalf of the Council, Members' Declaration of Interest forms and to maintain any statutory or voluntary registers of Members' interests.

2.2.942.2.93 To vary this Scheme of Officer Delegations to reflect changes in job titles, reorganisations, vacancies in posts and generally to maintain the Scheme of Officer Delegations.

2.2.952.2.94 To enter into interim Supporting People contracts.

2.2.962.2.95 Following consultation with the Executive Director for Resources and Chief Executive, to grant indemnities for Members and Officers within the terms of the approved policy .

2.2.972.2.96 To take any action necessary or appropriate in relation to the operation of the Mayor's Office, in relation to the activities or functions organised on behalf of or involving the Mayor and/or Sherriff, including organising and running any civic events or other associated civic or ceremonial matters, events or occasions regardless of portfolio overlaps.



**2.3 ASSISTANT CHIEF EXECUTIVE (ECONOMIC DEVELOPMENT AND REGENERATION)**

2.3.1 To respond to consultations and requests for submissions from central Government, regional bodies, local authorities and other organisations concerning strategic economic issues and research and information developments and initiatives.

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

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

2.3.4 In respect of Regeneration, to take such action as considered necessary or expedient to safeguard the Council's interests as Accountable Body and to support Regeneration bodies (e.g. West Itchen Community Trust and Plus You Limited).

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

2.3.6 To approve grants to voluntary organisations provided that such approval be limited to £10,000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations.

2.3.7 To lead on and contribute to the PUSH Business Plan and oversee the implementation through the relevant portfolios, following consultation with the Chief Executive, the relevant Cabinet Member and the Leader of the Council.

2.3.8 To undertake necessary work to develop projects (such as the NAB, Royal Pier, Town Depot) including feasibility work, funding on works similar to that already identified in the capital programme and developing new capital quick win projects from existing capital schemes

- 2.3.9 To use approved funds within a capital programme to undertake feasibility work on other projects with a direct relationship to the original scheme funded from the capital programme including the authority to spend.
- 2.3.10 To take any decisions or actions necessary in relation to economic development and regeneration including, but not limited to, the submission of funding bids, approving projects to meet agreed targets in the Corporate Plan and any projects relating to poverty, deprivation, employability, worklessness, tourism, international and European relations and economic development.
- ~~2.3.1 In respect of Southampton Community Regeneration Framework, to take such action as considered necessary or expedient to safeguard the Council's interests as Accountable Body and to support the Southampton Regeneration Executive, Regeneration bodies (e.g. RISE and West Itchen Community Trust) and Area Regeneration Boards.~~
- ~~2.3.2 The organisation of the election process for the selection of community representatives for the SRB6 Boards as set out in appendix 3 to the report on Southampton's Community Regeneration Framework decided by Corporate Committee on 5th July 2000.~~
- ~~2.3.3 To action all relevant matters described within the Regeneration Framework and to approve minor charges and updates to the Framework from time to time.~~
- ~~2.3.4 To determine Anti-Poverty Reserve applications and allocations for development budgets related to Sure Start Children's Centres programmes and other externally funded projects, following consultation with the appropriate Policy Coordinator.~~
- ~~2.3.5 To approve and amend terms of reference for Neighbourhood Partnerships, following consultation with the Solicitor to the Council.~~
- ~~2.3.6 Within the scope of the postholder's employment, to manage investigations and grant authorisations under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.~~
- ~~2.3.7 Within the scope of the postholder's employment, to authorise other Council officers below the level of first level officer for the management of investigations and the grant of authorisations under Sections 28 and 29 of the Act.~~
- ~~2.3.8 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 Solicitor to the Council.~~

## 2.4 HEAD OF CITY DEVELOPMENT AND ECONOMY

- 2.4.1 To carry out site investigations and soil surveys in relation to major development sites, where necessary, to establish the development potential of vacant land, subject to the availability of the necessary finance to carry out such investigations.
- 2.4.2 Together with the Head of Property ~~Services~~ and Procurement and the Head of Planning and Sustainability, to undertake the acquisition of land for approved major development schemes, following consultation with the Solicitor to the Council.
- 2.4.3 To determine the City Council's membership of "Forum of the Future" annually.
- 2.4.4 To determine applications for authorisation to entertain in Above Bar Precinct, following consultation with the relevant Policy Coordinator.
- 2.4.5 To liaise with economic partnerships and other economic bodies to represent the Council's interests on economic issues.
- 2.4.6 To grant use of the Above Bar pedestrian precinct and Bargate pedestrian area following consultation with the Solicitor to the Council in accordance with conditions laid down and Part VIIA of the Highways Act 1980 where applicable, and where appropriate to make a proper charge.
- 2.4.7 To set a level for donations for the placing of temporary objects on the paved area outside the Bargate.

2.4.8 To submit bids for or tenders involving funding or assistance from central government, European Commission or from any other source (direct or indirect to the authority itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB : this delegation applies not only to Single Regeneration Budget and lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should applied in the same way), following consultation with the Solicitor to the Council and Head of Finance.

2.4.9 To change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Heads of Finance and Property Services.

- 2.4.10 To approve variation to the terms of leases, licences, easements or wayleaves, covenants or any other transaction, subject to the approval of the Head of Finance.
- 2.4.11 To appoint external agents or consultants to provide specialist services in respect of the Council's major development schemes, subject to compliance with Financial Procedure Rules and Contract Procedure Rules.
- 2.4.12 Where the Council has resolved to make a Compulsory Purchase order for a Major development project or where in purchase has in principle been approved by the council to settle terms for the purchase of property and valid heads of claim, subject to the approval of the Head of Finance.
- 2.4.13 In consultation with the Solicitor to the Council to accept Blight Notices which he considers valid and which are served in respect of Major development schemes proposals
- 2.4.14 To respond to consultations and requests for submissions, including responses to calls for funding proposals, from European, National and Regional Government Departments in relation to Domestic, International and European Service activities.
- 2.4.15 Following consultation with the relevant Policy Coordinator, to grant licences for works on land within the major Development project sites.
- 2.4.16 To approve the temporary use of property, pending long-term use.
- 2.4.17 To perform all functions of the Council in respect of its responsibilities and powers under the Party Walls etc Act 1996, including the service and response to Statutory Notices, appointments of Party Wall Surveyors and compliance with all steps required by any Party Walls Award in respect of Major Projects.
- 2.4.18 To make minor amendments to boundaries [in consultation with the Cabinet Member] to disposals in respect of approved major development schemes.
- 2.4.19 To allow developers on to council land to carry out site investigations subject to the granting of an appropriate licence.

~~2.5 PARTNERSHIP DIRECTOR (THORNHILL PLUS YOU)~~

~~No delegations at present.~~

**2.57 HEAD OF CORPORATE POLICY AND PERFORMANCE ASSISTANT CHIEF EXECUTIVE (STRATEGY)**

2.6.1 To be responsible for the completion and updating of the Policy Framework Plans and implementing the council's Performance Management Framework.

2.6.2 To submit to the Audit Commission and Inspectorates, plans, documents and relevant information relating to the council's medium term planning and performance.

2.6.3 To authorise the attendance by any Member at a conference, meeting or other event, following consultation with the Solicitor to the Council, provided the costs are to be met from the relevant Portfolio budget.

2.6.4 To respond to consultations and requests for submission from Government Departments, other local authorities, international, European, academic, research, business representatives and other bodies in respect of: provision and sharing of data and research initiatives; policies, strategies and plans; performance and partnership working

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

2.6.6 To commission market research.

2.6.7 The provision and sharing of data and research initiatives.

2.6.8 To exercise any specific or general powers in this Division's section of this Scheme which are delegated to other Officers.

~~2.6.1 Following consultation with the Solicitor to the Council and Head of Finance, to take any steps necessary to implement and operate Overview and Scrutiny functions, including (but not limited to) administrative matters.~~

~~2.6.1 Without prejudice to the generality of the preceding paragraph, the delegation shall extend to cover any power or duty expressly referred to, or covered by necessary implication, in any procedures, rules or other decisions of similar effect, made by the authority, in relation to the post.~~

~~2.6.2 To commission market research.~~

~~2.6.3 The provision and sharing of data and research initiatives.~~

~~2.6.4 To respond to consultations and requests for submissions from central Government, regional bodies, local authorities and other organisations concerning strategic economic issues and research and information developments and initiatives.~~

**2.68 ~~HEAD OF COMMUNICATIONS~~ DIRECTOR**

- 2.7.1 To issue releases and comments to the media and public as and when necessary in the context of the relevant legal constraints and Council policy ~~and etc.~~
- 2.7.2 ~~To~~ edit and publish internal and external communications.
- 2.7.3 In cases of urgency, and/or when an appropriate Member or officer is not available, to act as a spokesperson for the Council.
- 2.7.4 To publish and edit the Council's website (Internet) and any subsequent related media.
- 2.7.5 To make any decisions about the sale of advertising or sponsorship in Council (or Council related) publications or on council property subject to legal, etc constraints and Council policy.
- 2.7.6 To undertake negotiations on behalf of the Council in respect of proposed special events in the City.
- 2.7.7 To prepare and implement communication plans where required by the Council.
- 2.7.8 To ensure that the council complies with the recommended code on local authority publicity.



**2.7 HEAD OF POLICY AND IMPROVEMENT**

2.8.1 Following consultation with the Solicitor to the Council and Head of Finance, to take any steps necessary to implement and operate Overview and Scrutiny functions, including (but not limited to) administrative matters.

2.8.2 Without prejudice to the generality of the preceding paragraph, the delegation shall extend to cover any power or duty expressly referred to, or covered by necessary implication, in any procedures, rules or other decisions of similar effect, made by the authority, in relation to the post.

### 3.1 EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES AND LEARNING

3.1.1 All Children's Services functions exercisable by the Council in its capacity as a local authority.

3.1.2 All functions relating to children contained within the Local Authority Social Services Act 1970.

3.1.3 Functions under Sections 23C to 24D of the Children Act 1989.

3.1.4 Functions under Sections 10 to 17 inclusive and 20(9) of the Children Act 2004. In particular, the Executive Director of Children's Services and Learning shall have the authority to discharge the responsibilities contained within Section 18 Children Act 2004 as well as any secondary and ancillary legislation (including but not limited to the Safeguarding Vulnerable Groups Act 2006).

~~3.1.4 Functions under Sections 10 to 17 inclusive and 20(9) of the Children Act 2004.~~

3.1.5 Any function exercised on behalf of an NHS body relating to children contained within Section 31 of the Health Act 1999.

3.1.6 To act on behalf of the Council in any matter where immediate action is necessary to safeguard any person or to materially safeguard the well being of any person or to preserve property.

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

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

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

3.1.10 To approve grants to voluntary organisations provided that such approval be limited to ~~£10,000~~£25,000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations in consultation with the Cabinet Member.

3.1.11 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Head of Finance.

3.1.12 Following consultation with the Solicitor to the Council, to take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any Magistrate, Court or other Tribunal on behalf of the Council in discharge of the Council's Children's Services functions arising under any law or Act.

3.1.13 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.

~~3.1.14 To write off bad debts (up to a limit of £1,000) owed to the Council linked with, attributed to, or associated with the discharge of the Council's Children's Services functions.~~

~~3.1.15~~ 3.1.14 To approve nominations of LEA representatives to serve on College Governing Bodies.

~~3.1.16~~ 3.1.15 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.

~~3.1.17~~ 3.1.16 To appoint annually on 1<sup>st</sup> April the Chair of the Local Safeguarding Children's Board. ~~(Cabinet, 09/01/06).~~

~~3.1.18~~ 3.1.17 Following consultation with the Cabinet Member to remove providers of nursery education who are failing to meet the national Code of Practice, or local conditions of funding, from the Directory of Registered Providers and where conditions of funding have been breached and cannot otherwise be remedied to the satisfaction of the Council, to seek the recovery of all or part of any nursery education grant paid to them ~~(Cabinet 16/10/2006).~~

~~3.1.19~~ 3.1.18 Following consultation with the Cabinet Member and Solicitor to the Council, 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. ~~(Cabinet, 16/10/06).~~

3.1.19 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.

3.1.20 To issue Penalty Notices for non attendance at all Southampton Schools in accordance with the Education (Penalty Notices) (England) Regulations 2004, ~~(Cabinet, 16/10/06).~~

3.1.21 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.

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

3.1.23 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.

3.1.24 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.

3.1.25 To write off debt or waive future charges in respect of care provision where it is felt that an individual would be at risk if the debt were pursued or they chose to withdraw from care on financial grounds. A written record of these decisions setting out the reasons for the write-off or waiving of charges should be kept and a copy provided to the Accounts Receivable department. Such reductions or waiving of charges would only be for the minimum period that such risks exist.

### **School Term and Holiday Dates**

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

**Sixth Form Colleges**

3.1.27 In consultation with the Executive Director of Resources and the Solicitor to the Council, to approve, cancel or amend funding agreements for learning providers in relation to post 16 learning.

**3.2 HEAD OF ~~CHILDREN AND FAMILIES~~SAFEGUARDING**

3.2.1 In relation to the Children Act 1989:

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

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

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

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

- 3.2.5 To approve the reimbursement of or a contribution towards the legal expenses of prospective adopters reasonably incurred during the course of applications to adopt children in the care of the Council, where the Executive Director considers that the prospective adopter's application is in the best interests of the child.
- 3.2.6 To reduce or waive the charge of providing a home study report for prospective inter-country adopters.
- 3.2.7 To exercise the functions of the Council in relation to individual children boarded out under the Children Act 1989 and other Regulations.
- 3.2.8 To take such actions and decisions as are necessary to discharge the Council's duties to promote the welfare of individual children and young persons in the Council's care including:-
- a. giving consent for medical, dental and other treatment, for the issue of passports; and for such other purposes as may be required from time to time;
  - b. appointing persons to review cases where children are kept in secure accommodation;
  - c. appointing an independent person to be a visitor to a particular child in the circumstances set out in paragraph 17 of Schedule 2 to the Children Act 1989 in accordance with the Definition of Independent Visitors (Children) Regulations 1991.

~~3.2.9 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Head of Finance.~~

~~3.2.10 To take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any Magistrate, Court or other Tribunal on behalf of the Council in discharge of the Council's Children's Services functions arising under any law or Act.~~

~~3.2.11~~ 3.2.9 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.

~~3.2.12 To write off bad debts (up to a limit of £1,000) owed to the Council, linked with, attributed to or associated with the discharge of the Council's Children's Services functions.~~

~~3.2.13 To decide day-to-day expenditure and monitoring of Southampton's Teenage Pregnancy Implementation Grant.~~

3.2.10 To exercise all the powers and duties exercisable by the Council relating to the enforcement of legislation and byelaws (which for the avoidance of doubt also

includes regulations, orders etc) relating to Children's Services, including the licensing of the employment of children.

3.2.11 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.

### **School Transport and Travelling Expenses**

3.2.12 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.

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

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

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

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

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

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

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

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

3.2.21 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.

3.2.22 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.

### **Boarding Policy**



- 3.2.23 To administer boarding policies.
- 3.2.24 To provide assistance with appropriate incidental expenses in cases where the standard parental contribution towards boarding fees is nil.
- 3.2.25 Where appropriate, to deal with the requirements of particular cases outside the limitations of the policies outlined in 3.2.23 and 3.2.24.
- 3.2.26 All functions relating to children contained within the local authority social services act 1970.
- 3.2.27 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.
- 3.2.28 Any function exercised on behalf of an NHS body relating to children contained within section 31 of the health act 1999.
- 3.2.29 To make such directions and to take such other steps as necessary or expedient to prevent a breakdown, or continuing breakdown, of discipline at any school in accordance with section 155 of the education act 1996.
- 3.2.30 To approve grants to voluntary organisations provided that such approval be limited to £25,000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations, in consultation with the Cabinet Member.
- 3.2.31 All children's services functions exercisable by the council in its capacity as a local authority.
- 3.2.32 Functions under sections 10 to 17 inclusive and 20(9) of the Children Act 2004.
- 3.2.33 To appoint annually on 1st April the chair of the Local Safeguarding Children's Board.
- 3.2.34 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Head of Finance.
- 3.2.35 To act on behalf of the Council in any matter where immediate action is necessary to safeguard any person or to materially safeguard the well being of any person or to preserve property.
- 3.2.36 To issue penalty notices for non attendance at all Southampton schools in accordance with the education (penalty notices) (England) regulations 2004 (cabinet, 16/10/06).
- 3.2.37 Following consultation with the Solicitor to the Council and Head of Finance, to submit bids for or tenders involving funding or assistance from central government, the European Commission or from any other source (direct or indirect to the Council itself), and to take any further steps including the entering into of any relevant

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

**3.3 HEAD OF ~~STRATEGIC DEVELOPMENT~~INFRASTRUCTURE**

~~3.3.1 Following consultation with the Head of Finance to write off debts accrued where~~

- ~~a. — it is considered that all possible means of recovery have been utilised and/or would prove ineffective, and~~
- ~~b. — where it is considered recovery to be inappropriate.~~

~~3.3.1 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.~~

~~3.3.2 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.~~

**~~School and College Transport and Travelling Expenses~~**

~~3.3.2 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.~~

~~3.3.3 To determine when supervision is necessary in motorcars and to arrange accordingly for pupils attending day schools.~~

~~3.3.4 To arrange with parents or private motorists for the transport of children who qualify for transport to ordinary or special schools and to pay mileage rates equivalent to those paid for cars employed by the Ambulance Car Service, and to meet where appropriate any additional insurance premium which may be payable.~~

~~3.3.5 To make payments to parents on a mileage rate in excess of the Ambulance Car rates where it is not possible to provide transport at a lower total cost from transport contractors.~~

~~3.3.6 To apply distance limits to obviate the division of groups of children living in specific roads where it is considered to be desirable.~~

~~3.3.7 To arrange transport where this is justified by exceptional family circumstances or on medical grounds.~~

~~3.3.8 To accept a route other than the shortest available in cases where the shortest route could constitute a temporary danger to a pupil.~~

~~3.3.9 To pay travelling allowances to eligible students at Further Education establishments on the basis of public transport season ticket costs.~~

~~3.3.10 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 Head of Finance~~

~~3.3.11 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.~~

~~3.3.12 To vary the charge for privilege transport from time to time.~~

~~3.3.13 To approve additional payments in exceptional cases in respect of travel expenses incurred by pupils with special educational needs attending boarding schools.~~

~~3.3.14 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.~~

### **Clothing Allowances**

~~3.3.15 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.~~

~~3.3.16 Where a family is in receipt of income support to pay for all initial replacement clothing and incidental expenses while the child is at a boarding school, as long as the family's financial circumstances make them eligible.~~

~~3.3.17 To make the maximum clothing grant available to children at boarding schools with expensive clothing lists where families have a very low income, although not qualifying for Income Support.~~

~~3.3.18 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.~~

~~Note: Delegations 3.2.16 to 3.2.19 may be devolved to schools as part of their budget share following consultation between the Executive Director for Children's Services and Learning, the Head of Strategic Development and the Head of Finance.~~

### **School Meals**

~~3.3.19 To decline requests for the provision of school meals in school holidays.~~

~~3.3.20 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.~~

~~3.3.21 Following consultation with the Head of Finance, 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.~~

### **Staffing**

~~3.3.22 [Retain as blank]~~

## School Organisation and Administration

~~3.3.23~~3.3 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.

~~3.3.24~~To approve individual exceptions to the general principle of including the names and addresses of all governors in written information for parents.

~~3.3.25~~3.3.4 Following consultation with the appropriate Governing Body, to raise or lower the admission limit for a school on a temporary basis.

~~3.3.5~~ To agree, following consultation with the Solicitor to the Council, the wording, form and content of any Statutory Notice for School Organisational Changes and the arrangements for their publication.

~~3.3.26~~To submit reports to the Schools Organisation Committee in connection with matters referred to that Committee under the School Standards and Framework Act 1998.

~~3.3.27~~To agree, following consultation with the Solicitor to the Council, the wording, form and content of any Statutory Notice for School Organisational Changes and the arrangements for their publication.

## Premises and Equipment

~~3.3.28~~3.3.6 To provide financial assistance to community organisations hiring education facilities in the City in order to encourage dual use.

~~3.3.29~~3.3.7 To permit playgroups to use any surplus school furniture or equipment as appropriate.

~~3.3.30~~3.3.8 Following consultation with the Head of Organisational Development, 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.

~~3.3.31~~3.3.9 To make suitable adjustments to the charge for school milk as necessary to ensure that no expense falls on the Council.

## Swimming

~~3.3.32~~To approve all arrangements with regard to swimming.

## General

~~3.3.10~~ Following consultation with the Cabinet Member to remove providers of nursery education who are failing to meet the national Code of Practice, or local conditions of

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

3.3.11 Following consultation with the Cabinet Member and Solicitor to the Council, 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.

3.3.12 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.

~~3.3.33 To exercise (following consultation with the Section 151 Officer or Head of Finance 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.~~

~~3.3.34 To administer within budgetary provision any scheme of aid to pupils with outstanding ability in sport.~~

~~3.3.35 To approve, for music or performing arts courses, any college a Discretionary Award applicant wishes to attend.~~

~~3.3.36 To review and amend the scale of grants for extra-curricular activities to pupils at non-maintained schools as necessary.~~

~~3.3.37 To make modifications / amendments to the approved standard conditions of grant aid.~~

~~3.3.38 To adjust figures for financial assistance to summer school fees and expenses in line with the rate of inflation.~~

~~3.3.39 To write off any debts accrued where the Manager is satisfied that~~

~~a. — the debt arose because incorrect or insufficient Student Award advice was given by an officer in the Student Awards team; and~~

~~b. — the recipient was not warned that this advice was a provisional estimate and any difference would have to be made good.~~

~~3.3.40 To introduce an entitlement for local providers to claim funding for eligible children in respect of up to 55 nursery sessions per term over periods of more than 11 weeks per term once a reliable method for administering the management of this has been identified.~~

### **Charges and Fees**

~~3.3.41 Following consultation with Head of Finance to approve increases in charges and fees in accordance with the rate of inflation.~~

### **Corporate**

~~3.3.42 To commission, monitor and approve all reports for submission to any decision-making body of the Executive, the Council, Committees, Panels and Sub-Committees and to ensure their compliance with all the Procedures and other rules contained within the Constitution and with Corporate Standards and legal and financial requirements, following consultation with the Heads of Services, particularly the Head of Finance and Solicitor to the Council, particularly (but not limited to):~~

~~a. — defining the overall standards to be adhered to for that particular service area; and~~

~~b. — commissioning advice on changes to policy.~~

~~3.3.43 To approve Members to attend courses, seminars, other training and conferences subject to consultation with the Solicitor to the Council.~~

~~3.3.44 Following consultation with the Solicitor to the Council and Head of Finance, to submit bids for or tenders involving funding or assistance from central government, the European Commission or from any other source (direct or indirect to the Council itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the~~

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

~~3.3.453.3.13~~ Following consultation with the Heads of Finance and Property & Procurement Services, to change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees.

~~3.3.14~~ To make such directions and to take such other steps as necessary or expedient to prevent a breakdown, or continuing breakdown, of discipline at any school in accordance with section 155 of the Education Act 1996.

~~3.3.15~~ To serve notices under section 117 of the Education Act 1996 to suspend the financial delegation of any school.

~~3.3.16~~ To approve grants to voluntary organisations provided that such approval be limited to £25,000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations in consultation with the Cabinet Member.

~~3.3.17~~ All children's services functions exercisable by the council in its capacity as a local authority

~~3.3.18~~ Functions under sections 10 to 17 inclusive and 20(9) of the Children Act 2004.

~~3.3.19~~ To act on behalf of the council in any matter where immediate action is necessary to safeguard any person or to materially safeguard the well being of any person or to preserve property.

~~3.3.20~~ To act on behalf of the council in any matter where immediate action is necessary to safeguard any person or to materially safeguard the well being of any person or to preserve property.

~~3.3.21~~ Following consultation with the solicitor to the council and Head of Finance, to submit bids for or tenders involving funding or assistance from central government, the European Commission or from any other source (direct or indirect to the council itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB: this delegation applies not only to SRB and lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should apply in the same way).

~~3.3.22~~ To approve individual exceptions to the general principle of including the names and addresses of all governors in written information for parents.



**School Meals**

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

3.3.24 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.

3.3.25 Following consultation with the Head of Finance, 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.

~~3.3.46 Following consultation with the Solicitor to the Council and Head of Finance, to vary or set the charges or fees, subject to the limitations that:~~

- ~~a. — such power is only exercisable in accordance with any / all legal requirements;~~
- ~~b. — where the power is vested in a Committee or Sub-Committee or Executive decision-making body, this delegation shall not be exercisable; and~~
- ~~c. — whenever the power is exercised, Members and the public should be advised.~~

~~3.3.47 Following consultation with the Cabinet Member for Children's Services and Learning, the Solicitor to the Council and the Head of Finance 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.~~

**3.4 HEAD OF LEARNING SERVICES STANDARDS**

~~3.4.1 To approve the local authority's Statement of Action for a school in "special measures"~~

~~3.4.23.4.1~~ To appoint members to a panel which will make recommendations for the appointment of LEA governors to Southampton Schools.

~~3.4.33.4.2~~ Following consultation with the panel mentioned in 3.4.12, to appoint LEA governors.

~~3.4.43.4.3~~ Following consultation with the appropriate Governing Body and acting on behalf of the Executive Director for Children's Services and Learning, to short-list candidates for interview for appointment as headteacher.

3.4.4 To approve individual exceptions to the general principle of including the names and addresses of all governors in written information for parents.

3.4.5 To administer within budgetary provision any scheme of aid to pupils with outstanding ability in sport.

3.4.6 To adjust figures for financial assistance to summer school fees and expenses in line with the rate of inflation.

3.4.7 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.

3.4.8 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.

~~3.4.5 To determine those Youth Service training courses at which attendance may be grant aided; the maximum amount of grant to be allowed in respect of each course; and the exact amount of grant, subject to the maximum amount not being exceeded.~~

~~3.4.6 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.~~

**Boarding Policy**

~~3.4.7 To administer boarding policies.~~

~~3.4.8 To provide assistance with appropriate incidental expenses in cases where the standard parental contribution towards boarding fees is nil.~~

~~3.4.9 Where appropriate, to deal with the requirements of particular cases outside the limitations of the policies outlined in 3.4.7 and 3.4.8.~~

### **Youth Bands and Orchestras**

~~3.4.10~~ 3.4.9 Following consultation with the Heads of Finance and Organisational Development, to approve all staffing and insurance arrangements for the visits of Youth Bands Orchestras and Choirs.

### **Music Service**

~~3.4.11~~ 3.4.10 In exceptional cases, to make available awards to pupils with musical talent who do not attend Southampton schools.

3.4.11 To approve, for music or performing arts courses, any college a Discretionary Award applicant wishes to attend.

### **Clothing Allowances**

3.4.12 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.

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

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

Note: Delegations 3.4.12 to 3.4.14 may be devolved to schools as part of their budget share following consultation between the Executive Director for Children's Services and Learning, the Head of School Standards and the Head of Finance.

3.4.15 Functions under Sections 10 to 17 inclusive and 20(9) of the Children Act 2004.

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

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

3.4.18 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.

- 3.4.19 To approve grants to voluntary organisations provided that such approval be limited to £25,000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations in consultation with the Cabinet Member.
- 3.4.20 All Children's Services functions exercisable by the Council in its capacity as a local authority.
- 3.4.21 To act on behalf of the Council in any matter where immediate action is necessary to safeguard any person or to materially safeguard the well being of any person or to preserve property.
- 3.4.22 Following consultation with the Solicitor to the Council and Head of Finance, to submit bids for or tenders involving funding or assistance from central government, the European Commission or from any other source (direct or indirect to the Council itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB: this delegation applies not only to SRB and lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should apply in the same way).
- 3.4.23 To permit playgroups to use any surplus school furniture or equipment as appropriate.
- 3.4.24 Following consultation with the Head of Organisational Development, 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.
- 3.4.25 Following consultation with the Heads of Finance and Property Services, to change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees.
- 3.4.26 Following consultation with the Cabinet Member for Children's Services and Learning, the Solicitor to the Council and the Head of Finance 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.
- 3.4.27 To provide financial assistance to community organisations hiring education facilities in the City in order to encourage dual use.
- 3.4.28 To review and amend the scale of grants for extra curricular activities to pupils at non-maintained schools as necessary.

**Swimming**

3.4.29 To approve educational arrangements with regard to swimming.

**School Term and Holiday Dates**

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

**3.5** HEAD OF COMMISSIONING, ~~PERFORMANCE AND PLANNING~~

3.5.1 To exercise (following consultation with the Section 151 Officer or Head of Finance 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.

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

3.5.3 Following consultation with the Cabinet Member for Children's Services and Learning, the Solicitor to the Council and the Head of Finance 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.

3.5.4 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.

3.5.5 To determine those Youth Service training courses at which attendance may be grant aided; the maximum amount of grant to be allowed in respect of each course; and the exact amount of grant, subject to the maximum amount not being exceeded.

3.5.6 To decide day-to-day expenditure and monitoring of Southampton's Teenage Pregnancy Implementation Grant.

3.5.7 All Children's Services functions exercisable by the Council in its capacity as a local authority.

3.5.8 Functions under Sections 10 to 17 inclusive and 20(9) of the Children Act 2004.

3.5.9 Any function exercised on behalf of an NHS body relating to children contained within Section 31 of the Health Act 1999.

- 3.5.10 To act on behalf of the Council in any matter where immediate action is necessary to safeguard any person or to materially safeguard the well being of any person or to preserve property.
- 3.5.11 To make such directions and to take such other steps as necessary or expedient to prevent a breakdown, or continuing breakdown, of discipline at any school in accordance with Section 155 of the Education Act 1996.
- 3.5.12 To approve grants to voluntary organisations provided that such approval be limited to £25,000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations in consultation with the Cabinet Member.
- 3.5.13 Following consultation with the Solicitor to the Council, to take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any Magistrate, Court or other Tribunal on behalf of the Council in discharge of the Council's Children's Services functions arising under any law or Act.
- 3.5.14 To provide financial assistance to community organisations hiring education facilities in the City in order to encourage dual use.
- 3.5.15 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.
- 3.5.16 Following consultation with the Solicitor to the Council and Head of Finance, to submit bids for or tenders involving funding or assistance from central government, the European Commission or from any other source (direct or indirect to the Council itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB: this delegation applies not only to SRB and lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should apply in the same way).
- 3.5.17 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.
- 3.5.18 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.

**College Transport & Travelling Expenses**

3.5.19 To pay travelling allowances to eligible students at Further Education establishments on the basis of public transport season ticket costs.

3.5.20 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 Head of Finance.

3.5.21 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.



**3.6 — HEAD OF SAFE-GUARDING**

## 4.1 EXECUTIVE DIRECTOR OF ENVIRONMENT

### 4.1.1 To:

- a. Enter into any partnership and governance arrangements with external organisations which will benefit the functions of the Environment and Transport Portfolio
- b. Contribute to the work of the Partnership for Urban South Hampshire (PUSH) in the preparation of strategic plans.
- c. Set and vary fees and charges associated with the functions of the Environment and Transport Portfolio;
- d. Enter into contracts for the delivery of services associated with the functions of the Environment and Transport Portfolio
- e. Agree the settlement of both capital and revenue elements of the concessionary fares schemes in accordance with DfT guidance and the council's own Appeals procedures.

Following consultation with the Solicitor to the Council, Head of Property and Procurement and the Cabinet Member for Environment and Transport.

~~(a)make final textual changes to the Interim (Investment) Plan and submit to South East England Development Agency (SEEDA);~~

~~(b)initiate project implementation through the relevant portfolios, following SEEDA approval.~~

~~Following consultation with the Executive Director of Housing, Communities and Regeneration and the Leader of the Council.~~

~~4.1.2To introduce mini-roundabouts where it is thought that these may improve traffic conditions.~~

4.1.34.1.2 To make any order or decision, grant any license or take any ancillary action (including fees and setting charges), relating to any aspect of work undertaken by or on behalf of the Environment and Transport Portfolio highways and traffic management matters such as but not confined to, Traffic Regulation Orders, under the following and any other relevant environmental legislation, subject to the right of appeal to the Appeals Panel by any person permitted under the relevant legislation to object to the making of any such order or decision:

Clean Neighbourhood and Environment Act 2005

Criminal Justice and Public Order Act 1994

Countryside and Rights of Way Act 2000

Highways Act 1980

Local Government (Miscellaneous Provisions) Act 1976

New Roads and Street Works Act 1991

Public Health Act 1925

Public Health Act 1875

Refuse Disposal (Amenity) Act 1978

Road Humps Regulations 1990

Road Traffic Act 1988 (re cycle races)

Road Traffic Act 1991

Road Traffic Regulation Act 1984 (including orders made under Pedestrian Crossings Regulations and Traffic Signs Regulations and General Directions.

Transport Acts 1985 and 2000

Road Traffic Regulation (Special Events) Act 1994

Road Traffic (Temporary Restrictions) Act 1991

Town and Country Planning Acts

Town Police Clauses Act 1847

Traffic Calming Act 1992

Traffic Management Act 2004

~~4.1.4 To issue permits allowing vehicles into “Pedestrian Only” streets in order to carry out essential works, in consultation with the Head of Roads and Transport.~~

~~4.1.5 To agree street naming and numbering.~~

~~4.1.6 To issue permits allowing building materials to be temporarily deposited on the highway.~~

~~4.1.7 To issue street works licences allowing excavations to be made in the public highway.~~

~~4.1.8 To issue permits allowing the temporary erection of scaffolding and hoardings on highways.~~

~~4.1.9 To affix statutory notices to and to arrange for the removal of, vehicles deemed to be abandoned on public land.~~

~~4.1.10 To advertise proposed disabled persons’ parking bays in accordance with Council Policy.~~

4.1.114.1.3 To respond to consultations and requests for submission from Government Departments, other local authorities, international, European, academic, research, business representatives and other bodies in respect of any aspects of the undertakings of the Environment and Transport Portfolio:-

~~a. — provision and sharing of data and research initiatives;~~

~~b. — transport, highways and infrastructure issues;~~

~~e. professional engineering issues.~~

~~4.1.124.1.4 To complete and submit expressions of interest, enter into and vary, research and development projects and associated partnerships within estimates, including seeking external funding or joining funding partnerships.~~

~~4.1.13 To serve notice requiring payment for works carried out in default.~~

~~4.1.14 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the Local Authority.~~

~~4.1.154.1.5 To purchase services or sell spare capacity where there is a financial, service or other benefit to the authority.~~

~~4.1.16 To enter into professional transport and engineering memberships in the interests of the authority.~~

~~4.1.17 To act as “Engineer”, “Employer” or any designation attributable to any other officer under a standard form of contract for the purposes of engineering contracts let by the authority.~~

~~4.1.18 To take any action in relation to or associated with HGV Operators’ Licences.~~

~~4.1.19 Authority to do anything necessary on behalf of the Highway Authority to give effect to decisions relating to Sections 37, 38 and 278 of the Highways Act, 1980, including entering into agreements, approving plans, inspecting works and requiring the necessary fees from developers on behalf of the City Council when negotiating works and agreements for the adoption of highways on behalf of the Highway Authority.~~

~~4.1.20 To determine and vary the highways’ planned maintenance programme in accordance with policies and other criteria set by the Authority.~~

~~4.1.21 To serve a remedial notice on the landowner from which trees, hedges or shrubs emanate where they are considered to endanger or obstruct the passage of vehicles or pedestrians. To carry out works in default of this notice and do anything ancillary to this work pursuant to section 154 of Highways Act 1980.~~

~~4.1.224.1.6 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 Solicitor to the Council.~~

4.1.7 To undertake all functions in relation to planning, transport planning, flood risk management, energy management and sustainability exercisable by the Council, save where expressly referred by law or by other provisions contained within this Constitution to another decision-making.

## 4.2 HEAD OF WASTE AND FLEET TRANSPORT

- 4.2.1 The Head of Waste and Fleet Transport shall have authority to act under all current and future legislation and Council plans, policies, guidelines and procedures relating to the services and functions managed, operated and controlled by the Head of Services. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.
- 4.2.2 All Waste and Fleet Transport services functions exercisable by the Council in its capacity as a local authority shall be delegated to the Head of Waste and Fleet Transport.
- 4.2.3 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.
- 4.2.4 To complete and submit expressions of interest for waste and sustainable resource management, funding or initiatives to any UK or EU funding organisations.
- 4.2.5 To liaise with Hampshire County Council, Portsmouth City Council and other waste collection authorities in Hampshire on all strategic waste issues, ensuring appropriate consultation with colleagues on non-specific waste issues such as spatial planning.
- 4.2.6 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to the Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation following consultation with the solicitor of the council.
- 4.2.7 To undertake or instigate any necessary investigative work for the purposes of enforcement including issuing of fixed penalty notices or any other notice on any person or persons found:
- not using the designated waste receptacle for the purpose of depositing waste prior to collection;
  - not presenting the waste receptacle for collection on the designated day;
  - not removing the waste receptacle (wheeled bin) from the public highway following collection pursuant to the Environmental Protection Act 1990.
- 4.2.8 To take any action in relation to, or associated with the Council's LGV Operators Licences.
- 4.2.9 To procure and maintain the Council's vehicle fleet in accordance with the Council's standing orders and the relevant regulatory frameworks.

- 4.2.10 To determine the charges for the collection of trade refuse and skip hire.
- 4.2.11 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.
- 4.2.12 To determine charges for the provision of a specified type of bulk bin container as specifically requested for by customers.
- 4.2.13 To require the production of a trade waste transfer document and the power to issue a fixed penalty for failing to so provide pursuant to section 34A of the Clean Neighbourhood and Environment Act 2005.
- 4.2.14 To complete and submit expressions of interest for waste management (sustainable resource management), funding or initiatives to any UK or EU funding organisations.
- ~~4.2.1 To determine the charges for the collection of trade refuse and skip hire.~~
- ~~2.6.5 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.~~
- ~~4.2.1 To determine charges for the provision of a specified type of bulk bin container as specifically requested for by customers.~~
- ~~2.6.6 To require the production of a trade waste transfer document and the power to issue a fixed penalty for failing to so provide pursuant to section 34A of the Clean Neighbourhood and Environment Act 2005.~~

**4.3 HEAD OF ENVIRONMENTAL HEALTH AND CONSUMER PROTECTION**

4.3.1 All Environmental Health and Consumer Protection Services functions exercisable by the Council in its capacity as a local authority shall be delegated to the Head of Environmental Health & Consumer Protection. This includes Registration and Bereavement Services' functions.

4.3.2 The Head of Environmental Health & Consumer Protection shall have authority 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 Head of the Service. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.

4.3.3 The Head of Environmental Health & Consumer Protection will exercise the functions of the Council in terms of the following legislation and any subsequent or similar legislation or replacing or expanding legislation:-

Administration of Justice Act 1970

Administration of Justice Act 1985

Agriculture (Miscellaneous Provisions) Act 1968

Agriculture Acts

Agriculture Produce (Grading and Marketing) Acts 1928 and 1931

Animal and Animal Products (Import and Export) (England and Wales) Regulations 2000

Animal Boarding Establishments Act 1963

Animal Health Act 1981

Animal Health Act 2002

Animal Welfare Act 2006

Anti-social Behaviour Act 2003

Beef Labelling (Enforcement) (England) Regulations 2000

Bovines and Bovine Products (Trade) Regulations 1998

Breeding of Dogs Act 1973 & 1991

Breeding and Sale of Dogs (Welfare) Act 1999

Breeding of Dogs (Licensing Records) Regulations 1999

Building Act 1984

Burial Act 1853

Business Names Act 1985

Business Protection from Misleading Marketing Regulations 2008

Bye-laws for Hairdressers and Barbers

Cancer Act 1939

Cattle Identification Regulations 2007

Cemeteries Order 1977

Children and Young Persons (Protection from Tobacco) Act 1991

Children and Young Persons Act 1933

[Civil Partnership Act 2004](#)  
[Clean Air Act 1993](#)  
[Clean Neighbourhood and Environment Act 2005](#)  
[Common Agriculture Policy \(Wine\) \(England and Northern Ireland\) Regulations 2001](#)  
[Companies Act 1985](#)  
[Consumer Credit Act 1974](#)  
[Consumer Protection \(Distance Selling\) Regulations 2000](#)  
[Consumer Protection Act 1987](#)  
[Consumer Protection from Unfair Trading Regulations 2008](#)  
[Control of Pesticide Regulations 1986](#)  
[Control of Pollution \(Anti-Fouling Paint\) Regulations 1986](#)  
[Control of Pollution Act 1974](#)  
[Control of Pollution \(Amendment\) Act 1989](#)  
[Copyright, Designs and Patents Act 1988](#)  
[Courts and Legal Services Act 1990](#)  
[Customs and Excise Management Act 1979](#)  
[Dangerous Wild Animals Act 1976](#)  
[Designation of Local \(Southampton Port Health Authority\) District Order 1978.](#)  
[Development of Tourism Act 1969 Tourism \(Sleeping Accommodation Price Display\) Order 1977](#)  
[Education Reform Act 1988](#)  
[Energy Act 1976](#)  
[Energy Conservation Act 1981](#)  
[Enterprise Act 2002](#)  
[Environment Act 1995](#)  
[Environmental Protection Act 1990](#)  
[Estate Agents Act 1979](#)  
[European Communities Act 1972](#)  
[Explosives Acts 1875](#)  
[Fireworks Act 2003](#)  
[Food Act 1984](#)  
[Food and Environment Protection Act 1985](#)  
[Food Safety Act, 1990](#)  
[Food Hygiene \(England\) Regulations 2006](#)  
[Food Standards Act 1999](#)  
[Foot and Mouth Disease \(Control of Vaccinations\) \(England\) Regulations 2001](#)  
[Forgery and Counterfeiting Act 1981](#)  
[Fraud Act 2006](#)  
[Fuel \(Lead Content of Petrol\) Regulations 1981 \(as amended\);](#)  
[Fur Farming \(Prohibition\) Act 2000](#)  
[Hall Marking Act 1973](#)  
[Hampshire Act 1983](#)  
[Health Act 2006](#)  
[Health and Safety at Work etc Act 1974](#)  
[Home Safety Act 1961](#)



[Housing Act 1985](#)  
[Housing Act 1996](#)  
[Housing Act 2004](#)  
[Housing Act 2004](#)  
[International Health Regulations 2005](#)  
[Intoxicating Substances \(Supply\) Act 1986](#)  
[Licensing Act 2003](#)  
[Local Authority Cemeteries Order 1977](#)  
[Local Government \(Miscellaneous Provisions\) Acts 1976 and 1982](#)  
[Marriage Act 1994](#)  
[Medicines Act 1968](#)  
[Motor Cycle Noise Act 1987](#)  
[Motor Fuel \(Sulphur Content of Gas Oil\) Regulations 1981](#)  
[Motor Vehicle \(Safety Equipment for Children\) Act 1991](#)  
[Noise Act 1996](#)  
[Noise and Statutory Nuisance Act 1993](#)  
[Non-Automatic Weighing Instruments Regulations 2000](#)  
[Olympic Symbol etc \(Protection\) Act 1995](#)  
[Organic Products Regulations 2001](#)  
[Performing Animals \(Regulation\) Act 1925](#)  
[Pesticides \(Fees and Enforcement\) Act 1989](#)  
[Pet Animals Act 1951 and Pet Animals Act 1951 \(Amendment\) Act 1983](#)  
[Petroleum \(Consolidation\) Act 1928.](#)  
[Poisons Act 1972](#)  
[Police and Criminal Evidence Act 1984](#)  
[The Southampton Port Health Authority Order 2010](#)  
[Prevention of Damage by Pests Act 1949](#)  
[Prices Act 1974](#)  
[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 Misdemeanors Act 1991](#)  
[Protection of Animals \(Amendment\) Act 2000](#)  
[Protection of Animals Act 1911](#)  
[Public Health \(Control of Disease\) Act 1984](#)  
[Public Health \(Infectious Diseases\) Regulations 1988](#)  
[Public Health Act 1936](#)  
[Public Health Act 1961](#)  
[Refuse Disposal \(Amenity\) Act 1978](#)  
[Road Traffic Acts 1988 and 1991](#)  
[Site Waste Management Plans Regulations 2008](#)  
[Slaughterhouses Act 1974](#)  
[Solicitors Act 1974](#)  
[Telecommunications Act 1984](#)  
[Theft Act 1968](#)  
[Timeshare Act 1992](#)

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

## **ENVIRONMENTAL HEALTH SERVICES**

### **Animal Legislation**

**Stray Dogs:** see Environmental Protection Act (as amended): section 4.3.23

4.3.4 All powers and duties under the Animal Boarding Establishments Act 1963 and Breeding of Dogs Act 1973 and 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999 relating to licensing including but not restricted to grant and revocation.

4.3.5 To appoint veterinary practitioners to inspect and report upon premises requiring a licence.

4.3.6 All powers and duties under the Pet Animals Act 1951 relating to licensing, including but not restricted to grant and revocation.

4.3.7 All powers and duties under the Dangerous Wild Animals Act 1976 relating to licensing, including but not restricted to grant and revocation.

4.3.8 To authorise an officer to seize a dangerous dog in accordance with section 5 Dangerous Dogs Act 1991.

4.3.9 To continue to appoint veterinary practitioners to inspect premises requiring a licence under the Pet Animals Act 1951

4.3.10 All powers and duties under the Zoo Act 1981 relating to licensing, including but not restricted to grant and revocation.

4.3.11 To appoint Inspectors under the Animal Welfare Act 2006.

### **Anti-Social Behaviour Act**

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

### **Building Act 1984**

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

#### **Clean Air Acts**

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

#### **Clean Neighbourhood and Environment Act**

4.3.15 All powers and duties under the Clean Neighbourhood and Environment Act 2005 including but not restricted to the power to serve notice under Section 77 of the Act to silence an alarm.

#### **Control of Pollution Act 1974 and 1989**

4.3.16 All powers and duties under the Control of Pollution Act 1974 and to serve notice under Sections 60, 61 and 62 of the Act to deal with noise.

4.3.17 All powers and duties under the Control of Pollution (amendment) act 1989 including, but not restricted to serve notice under sections 5 and 7.

#### **Environment Act**

4.3.18 All powers and duties under the Environment Act 1995 including but not restricted to the powers outlined below.

4.3.19 Powers under sections 108 subsection 4 and 09 of the Act to deal with pollution.

4.3.20 To discharge all powers and duties in connection with air quality management areas including carrying out the review and assessment of air quality.

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

#### **Environmental Protection Act (as amended)**

4.3.22 All powers and duties under the Environmental Protection Act 1990 including but not restricted to the powers outlined below.

4.3.23 To discharge powers and duties relating to contaminated land, under sections 78A to 78YC of the Act, including inspection and the service of notices and enforcement.

4.3.24 To discharge the functions, duties and powers imposed by Sections 149 –151 of the Environmental Protection Act 1990 for the purpose of dealing with stray dogs.

4.3.25 To determine applications for information to be treated as commercially confidential under Section 22 of the Act.

4.3.26 All powers and duties relating to the processes referred to in Section 6 of the Environmental Protection Act 1990 and Regulations made there under which will include but not be restricted to the grant and refusal of authorisations.

4.3.27 To sign and serve notices under Section 13, 14 and 19 of the Act (Enforcement and Prohibition Notices) relating to authorisations and requests for information.

4.3.28 To sign and serve notices under Sections 33, 34, 46, 47, 59 and 71 to deal with waste.

4.3.29 To sign and serve notices under Sections 80 and 80A dealing with the abatement of nuisances.

4.3.30 To sign and serve notices under Sections 92A, 93 and 94A dealing with litter.

#### **European Communities Act**

4.3.31 To enforce any orders or regulations made under any of the legislation contained in any power delegated in this Division's section of the Officer Scheme of Delegation or orders or regulations made there under or having effect by virtue of the European Communities Act 1972 and any modification or enactment of that Act.

4.3.32 The European Communities Act 1972 provides for the incorporation of European Law into domestic law including but not restricted to Regulation (EC) 852/2004 on the hygiene of foodstuffs, Regulation (EC) 853/2004 laying down specific hygiene rules for food of animal origin and Regulation (EC) 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption as amended by Regulation (EC) 882/2004, the Official Feed and Food Controls Regulation.

#### **Food and Environment Protection Act**

4.3.33 To authorise as enforcement officers such members of the Directorate's professional and technical support staff who are deemed to have suitable qualifications in respect of Section 19 of the Food and Environment Protection Act 1985, as amended by the Pesticides (Fees and Enforcement) Act 1989.

4.3.34 To issue and sign written instruments of appointment under the Act and regulations.

4.3.35 To grant authorised officers the power to sign and serve notices under Section 19 of the Food and Environment Protection Act 1985.

#### **Food Safety Act 1990**

4.3.36 All powers and duties under the Food Safety Act 1990 including but not restricted to the powers to serve notices under Sections 59, 60, 64, 65, 66, 76, 79 and 84 of the Act relating to the sanitation, drainage and condition of buildings.

4.3.37 To register premises covered by regulations made under Section 19.

4.3.38 To appoint such members of the Environment Directorate professional and support staff deemed to have suitable qualifications under Section 5(6).

4.3.39 To appoint suitable specialists under Section 32(4).

4.3.40 All powers and duties under the Dairy Products (Hygiene) Regulations 1995 which will include but not be restricted to the grant and refusal of licences.

### **Health Protection (Local Authority Powers) Regulations**

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

### **Home Safety Act 1961**

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

### **International Health Regulations**

4.3.43 To undertake functions, duties and powers, as specified under the International Health Regulations 2005 including but not restricted to the issue of Ship Sanitation Control/Exemption Certificates.

4.3.44 To introduce increased charges for the issue of Ship Sanitation control and exemption certificates for coastal vessels.

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

### **Local Government (Miscellaneous Provisions) Act 1976**

4.3.46 All powers and duties under the Local Government (Miscellaneous Provisions) Act 1976 including but not restricted to the powers outlined below.

4.3.47 To sign and serve notices under Section 16 requiring information.

4.3.48 To sign and serve notices under sections 23 and 25 to deal with dangerous trees and dangerous excavations

4.3.49 To sign and serve notices under section 35 to remove obstructions from private sewers.

**Local Government (Miscellaneous Provisions) Act 1982**

4.3.50 To determine applications for registration under Part VII of the Local Government (Miscellaneous Provisions) Act, 1982 (Skin Piercing Activities) and with the Solicitor to the Council institute legal proceedings for contraventions.

4.3.51 To sign and serve notices under Section 9 to deal with buildings that are open to unauthorised entry or are likely to become a danger to public health.

**Noise Act**

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

**Petroleum (Consolidation) Act**

4.3.53 To discharge the Council's Petroleum Licensing functions.

4.3.54 To grant, revoke, or refuse licences under the Petroleum (Consolidation) Act 1928.

**Prevention of Damage by Pests Act**

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

**Private Water Supply Regulations**

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

**Public Health Acts**

4.3.57 All powers and duties under the Public Health Act 1936 including but not restricted to the power to serve notice under Sections 45, 50, 78, 79 and 83 of the Act to deal with defective premises.

4.3.58 All powers and duties under the Public Health Act 1961 including but not restricted to the power to serve notice under Sections 17 and 34 of the Act to deal with rubbish and defective drainage.

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

4.3.59 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.

4.3.60 To exercise duties under Sections 46 and 48 to arrange for a body to be removed to a mortuary for burial or cremation.

4.3.61 In accordance with paragraph 5 of Schedule 4 of the Public Health (Infectious Diseases) Regulations 1988, to require persons to discontinue or refrain from engaging in any occupations connected with food and to take such other step as empowered under the Regulations.

4.3.62 To make payments by way of compensation, to persons required to discontinue or refrain from engaging in any occupation connected with food.

4.3.63 To authorise an application to the Magistrates Courts under Section 38(i) of the Public Health (Control of Disease) Act 1984.

#### **Refuse Disposal (Amenity) Act**

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

#### **Site Waste Management Plans Regulations**

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

#### **Bye-laws for Hairdressers and Barbers**

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

#### **Appointment of Public Analysts**

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

#### **Healthcare Waste Services**

4.3.68 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.

#### **BEREAVEMENT SERVICES**

#### **The Local Authority Cemeteries Order**

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

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

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

**Burial Act**

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

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

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

4.3.74 To remove unauthorised memorials situated within the burial authority's land, including Cemeteries and Crematoria.

4.3.75 To keep a register of all burials and cremations.

4.3.76 To authorise the disposal of cremated remains.

**REGISTRATION SERVICES**

**Marriage Act**

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

**Civil Partnership Act**

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

**POWERS OF ENTRY**

4.3.79 To authorise officers of the Environmental Health and Consumer Protection Division to exercise powers of entry in respect of the following acts of legislation. This is deemed to include all secondary legislation and any other superseding enactments relating to the acts below that may from time to time come into force:

Animal Health Act 2002

Animal Welfare Act 2006

Anti-social Behaviour Act 2003



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

#### **GENERAL POWERS AND APPOINTMENT OF OFFICERS**

- 4.3.80 To appoint officers for the implementation of the Council's functions under all legislation. This is to include the power to appoint a Chief Inspector of Weights and Measures as prescribed by s72 of the Weights and Measures Act 1985.
- 4.3.81 To execute works by agreement, at the expense of the owner or occupier, in respect of any notice served.
- 4.3.82 To authorise the institution of legal proceedings for the contravention or failure to comply with notices served under the legislation in this Division's section of this Scheme.
- 4.3.83 To exercise any specific or general powers in this Division's section of this Scheme that are delegated to other Officers.

- 4.3.84 To authorise and institute any legal proceedings and, where authorised by the Solicitor to the Council, to prosecute or defend any such proceedings, in relation to any powers listed or implied under the delegations to the Head of Environmental Health & Consumer Protection, Environmental Health Practitioners, the Chief Inspector of Weights & Measures, Trading Standards Officers and Fair Trading Officers.
- 4.3.85 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 Solicitor of the Council.
- 4.3.86 To appoint professional and technical support staff that are deemed to have suitable qualifications, as inspectors under Section 19 Health and Safety at Work etc. Act 1974 and for those officers to exercise all statutory powers relating to enforcement, including but not limited to bringing proceedings.
- 4.3.87 To authorise suitable specialists under Section 20 (2)(c)(i) of the Health and Safety at Work etc Act 1974.
- 4.3.88 To sign and issue written instruments of appointment for all persons appointed under above, except in the case of the appointments of Head of Service when the Solicitor to the Council shall sign and issue a written instrument of appointment.

#### **4.4 ENVIRONMENTAL HEALTH AND ENFORCEMENT OFFICERS**

4.4.1 All professionally qualified Environmental Health Officers, and Environmental Health Practitioners (to include Environmental Health Technicians, Scientific Officers etc) deemed to have sufficient qualification, knowledge and experience by the relevant Head of Service and employed by the Council in any Directorate, shall have, save for reservations listed below in this subsection of the Scheme, a range of powers also set out below and anywhere in this Scheme relating to Environmental Health Officers, or Environmental Health practitioners. 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 he or she 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;
- c. any other situation where an individual officer is prevented, for whatever proper reason, from exercising such a power.

The powers that may be exercised are any which are permitted by law in relation to the particular topics covered by the legislation referred to below and anywhere in this Scheme relating to Environmental Health Officers, or Environmental Health practitioners and shall include, but not be limited to, the service (which term includes signature and issue, etc) of notices, and the power to exercise any statutory (or common law) powers including, but not limited to, search and seizure, conferred by the legislation referred to below and anywhere in this Scheme relating to Environmental Health Officers, or Environmental Health Practitioners (to include Environmental Health Technicians, Scientific Officers etc). This legislation will be deemed to include subordinate legislation, i.e. Regulations, Orders and Byelaws etc.. made there under. Such powers will also extend to legislation (primary and subordinate etc.) not referred to below, provided that it is within his/her actual authority but always provided that the officer is not excluded by virtue of any reservation set out in the preceding paragraph.

4.4.2 Without prejudice to the generality of the above paragraphs, officers covered by the above delegations will also be permitted to exercise the delegated powers listed anywhere in this Scheme relating to Environmental Health Officers, or Environmental Health Practitioners(to include Environmental Health Technicians, Scientific Officers etc).. All of these powers are also exercisable by the Head of Environmental Health and Consumer Protection and the Head of Housing Solutions (the latter being subject

to the caveats set out at 4.4.1(a) – (c) above and subject to exercising this delegation only to matters falling entirely within his/her managerial control).

Animal Welfare Act 2006

Anti-Social Behaviour Act 2003

Breeding of Dogs Act 1973 and 1991

Building Act 1984

Clean Air Act 1993

Clean Neighbourhood and Environment Act 2005

Control of Pollution Act 1974 (as amended by the Noise and Statutory Nuisance Act 1993)

Control of Pollution (Amendment) Act 1989

Environment Act 1995

Environmental Protection Act 1990 (as amended)

European Communities Act 1972

Food Safety Act 1990

Food Hygiene (England) Regulations 2006

Health Act 2006

Housing Act 1985 (as amended by Local Government and Housing Act 1989 and the Housing Act 1996) and 2004 and related Housing legislation

Local Government (Miscellaneous Provisions) Act 1976

Local Government (Miscellaneous Provisions) Act 1982

Noise Act 1996

Noise and Statutory Nuisance Act 1993

Police and Criminal Evidence Act 1984

Prevention of Damage by Pests Act 1949

Products of Animal Origin (Import and Export) Regulations 1991

Products of Animal Origin (Import and Export)(Amended) Regulations 1997

Public Health Act 1936

Public Health Act 1961

Refuse Disposal (Amenity) Act 1978

Site Waste Management Plans Regulations 2008

The Designation of Local (Southampton Port Health Authority) District Order 1978

The Food and Environment Protection Act 1985

Town and Country Planning Act 1990

4.4.3 To prosecute or defend on behalf of the City Council or to appear on its behalf in proceedings taken in a Magistrates' Court or other Courts (Environmental Health Manager and other officers authorised by the Solicitor to the Council), in consultation with the Solicitor to the Council.

#### **4.5 TRADING STANDARDS AND ENFORCEMENT OFFICERS**

4.5.1 All qualified Trading Standards Officers employed by the Council and qualified Fair Trading and Enforcement Officers involved in Trading Standards and related matters, shall have, save for reservations listed below, a range of powers and duties, also set out below. The powers and duties referred to above shall not include the following:

- a. powers or duties where an individual officer is required by law to hold a relevant qualification and he or she does not hold that qualification.
- b. any other situation where an individual officer is prevented, for whatever reason, from exercising such a power.
- c. these powers and duties shall be subject to the requirement that they fall within the officer's actual authority as determined by his/her post or by management instruction.

The powers and duties referred to above include the exercise of any statutory (or common law) power conferred by the legislation referred to below, including any subordinate legislation, ie orders etc, made thereunder. The powers shall also extend to legislation (primary or subordinate etc) not referred to below but which may subsequently be enacted and fall within the officer's actual authority as determined by his/her post or by management instruction.

4.5.2 Without prejudice to the generality of the above paragraph, officers covered by the delegation above will exercise the delegated powers listed below. All of these powers are also exercisable by the Head of Environmental Health and Consumer Protection.

Administration of Justice Act 1970

Administration of Justice Act 1985 Sections 6 and 35 and, by virtue of Section 6, Section 22 of the Solicitors Act 1974

Agriculture Act 1970 Parts IV and VII. Officers authorised under this Act to hold the appointment of Inspector in accordance with Section 67

Agriculture (Miscellaneous Provisions) Act 1968 Part 1

Agriculture Produce (Grading and Marketing) Acts 1928 and 1931

Animal Health Act 1981 Officers authorised under this Act to hold appointment of inspector in accordance with Section 51

Animal Welfare Act 2006

Animal and Animal Products (Import and Export) (England and Wales) Regulations 2000

Anti-Social Behaviour Act 2003

Beef Labelling (Enforcement) (England) Regulations 2000

Bovines and Bovine Products (Trade) Regulations 1998

Business Names Act 1985

Business Protection from Misleading Marketing Regulations 2008

Cancer Act 1939

[Cattle Identification Regulations 2007](#)  
[Children and Young Persons Act 1933](#)  
[Children and Young Persons \(Protection from Tobacco\) Act 1991](#)  
[Clean Air Act 1993](#)  
[Common Agriculture Policy \(Wine\) \(England and Northern Ireland\) Regulations 2001](#)  
[Companies Act 1985 In particular, Sections 305 and 348 to 351 inclusive](#)  
[Consumer Credit Act 1974](#)  
[Consumer Protection Act 1987](#)  
[Consumer Protection \(Distance Selling\) Regulations 2000](#)  
[Consumer Protection from Unfair Trading Regulations 2008](#)  
[Control of Pollution Act 1974 In particular, regulations made under this Act including the Motor Fuel \(Lead Content of Petrol\) Regulations 1981 \(as amended\); The Motor Fuel \(Sulphur Content of Gas Oil\) Regulations 1981 and The Control of Pollution \(Anti-Fouling Paint\) Regulations 1986](#)  
[Copyright, Designs and Patents Act 1988 Sections 300 and, by virtue of that Section, Section 58a of the Trade Marks Act 1938](#)  
[Courts and Legal Services Act 1990](#)  
[Customs and Excise Management Act 1979](#)  
[Development of Tourism Act 1969 Tourism \(Sleeping Accommodation Price Display\) Order 1977](#)  
[Education Reform Act 1988 Sections 214 and 215](#)  
[Energy Act 1976](#)  
[Energy Conservation Act 1981 Part 1 as described in Section 20](#)  
[Environmental Protection Act 1990](#)  
[Enterprise Act 2002 In particular, Parts 8 and 9](#)  
[Estate Agents Act 1979](#)  
[European Communities Act 1972](#)  
[Explosives Acts 1875](#)  
[Fireworks Act 2003](#)  
[Food Act 1984](#)  
[Food and Environment Protection Act 1985 Part III and, in particular, the Control of Pesticide Regulations 1986](#)  
[Food Hygiene \(England\) Regulations 2006](#)  
[Food Safety Act, 1990](#)  
[Foot and Mouth Disease \(Control of Vaccinations\) \(England\) Regulations 2001](#)  
[Forgery and Counterfeiting Act 1981](#)  
[Fraud Act 2006](#)  
[Hall Marking Act 1973](#)  
[Health and Safety at Work Act, 1974 Those “relevant statutory provisions” that are the responsibility of the Local Authority by virtue of Section 18](#)  
[Housing Act 2004](#)  
[Intoxicating Substances \(Supply\) Act 1986](#)  
[Licensing Act 2003](#)  
[Medicines Act 1968 those provisions particularly required by the Act to be enforced by Local Authorities](#)  
[Motor Cycle Noise Act 1987](#)

Motor Vehicle (Safety Equipment for Children) Act 1991  
Non-Automatic Weighing Instruments Regulations 2000  
Olympic Symbol etc (Protection) Act 1995  
Organic Products Regulations 2001  
Performing Animals (Regulation) Act 1925  
Poisons Act 1972  
Prices Act 1974  
Processed Animal Proteins (England) Regulations 2001  
Property Misdescriptions Act 1991  
Protection of Animals Act 1911  
Protection of Animals (Amendment) Act 2000  
Road Traffic Acts 1988 and 1991  
Solicitors Act 1974 In particular, Section 22  
Telecommunications Act 1984 in particular, Sections 28, 29 & 30  
Theft Act 1968  
Timeshare Act 1992  
Tobacco Advertising and Promotion Act 2002  
Trade Descriptions Act 1968  
Trade Marks Acts 1994  
Unsolicited Goods and Services Acts 1971 and 1975  
Video Recordings Act 1984  
Weights and Measures Act 1985

4.5.3 To prosecute or defend on behalf of the City Council or to appear on its behalf in proceedings taken in a Magistrates' Court or other Courts (Trading Standards Manager and other officers where specifically authorised to do so by the Solicitor to the Council)

4.5.4 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 Solicitor of the Council.

### **4.3 — HEAD OF ENVIRONMENTAL HEALTH AND CONSUMER PROTECTION**

~~4.3.1 All powers necessary and expedient in relation to the Council's collection of clinical 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.~~

~~4.3.2 To enforce any orders or regulations made under any of the legislation contained in any power delegated under paragraphs 4.3, 4.4 or 4.5 or orders or regulations made~~

~~thereunder or having effect by virtue of the European Communities Act 1972 and any modification or enactment of that Act.~~

**~~The Food and Environment Act 1985~~**

~~4.3.3 To authorise as enforcement officers such members of the Directorate's professional and technical support staff who are deemed to have suitable qualifications in respect of Section 19 of the Food and Environment Protection Act 1985, as amended by the Pesticides (Fees and Enforcement) Act 1989.~~

~~4.3.4 To issue and sign written instruments of appointment under the Act and regulations.~~

~~4.3.5 To grant authorised officers the power to sign and serve notices under Section 19 of the Food and Environment Protection Act 1985.~~

**~~Public Health (Control of Disease) Act 1984~~**

~~4.3.6 In accordance with paragraph 5 of Schedule 4 of the Public Health (Infectious Diseases) Regulations 1988, to require persons to discontinue or refrain from engaging in any occupations connected with food and to take such other step as empowered under the Regulations.~~

~~4.3.7 To make payments by way of compensation, to persons required to discontinue or refrain from engaging in any occupation connected with food.~~

~~4.3.8 To authorise an application to the Magistrates Courts under Section 38(i) of the Public Health (Control of Disease) Act 1984.~~

**~~Environmental Protection Act 1990 (as amended)~~**

~~4.3.9 To discharge the functions, duties and powers imposed by Sections 149–151 of the Environmental Protection Act 1990 for the purpose of dealing with stray dogs.~~

~~4.3.10 To determine applications for information to be treated as commercially confidential under Section 22 of the Act.~~

~~4.3.11 All powers and duties relating to the processes referred to in Section 6 of the Environmental Protection Act 1990 and Regulations made thereunder which will include but not be restricted to the grant and refusal of authorisations.~~

~~4.3.12 To sign and serve notices under Section 13, 14 and 19 of the Act (Enforcement and Prohibition Notices) and requests for information.~~

**~~Environment Act 1995 Part IV~~**

~~4.3.13 To discharge all powers and duties in connection with air quality management areas including carrying out the review and assessment of air quality.~~



- ~~4.3.14 To introduce increased charges for rodent control certificates for coastal vessels from 1st October each year based on the recommendations of the Department of Health for de-ratting certificates.~~
- ~~4.3.15 To waive charges for the cleaning of filthy and verminous premises, or cleansing and/or disposal of filthy articles where payment would cause unnecessary hardship or distress and for the treatment of insect pests in domestic premises.~~
- ~~4.3.16 To undertake functions, duties and powers, as specified under the Home Safety Act 1961.~~
- ~~4.3.17 To discharge the Council's Petroleum Licensing functions.~~
- ~~4.3.18 To grant, revoke, or refuse licences under the Petroleum (Consolidation) Act 1928.~~
- ~~4.3.19 To appoint Public Analysts under the Food Safety and Agriculture Acts.~~
- ~~4.3.20 To sign a grant (of exclusive right of burial) under article 10 of the Local Authority Cemeteries Order 1977.~~
- ~~4.3.21 To carry out all powers and duties conveyed under section 46 of Part III of the Public Health (Control of Disease) Act 1984.~~
- ~~4.3.22 To enter into agreements with external bodies for the purposes of maintaining graves, memorials and crematoria.~~
- ~~4.3.23 To set out rules and regulations in connection with powers and duties under the Burial Act 1853.~~
- ~~4.3.24 To inspect burial grounds for the purposes of ensuring that the rules and regulations imposed by the burial authority are adhered to.~~
- ~~4.3.25 To remove unauthorised memorials situated within the burial authority's land, including Cemeteries and Crematoria.~~
- ~~4.3.26 To keep a register of all burials and cremations.~~
- ~~4.3.27 To authorise the disposal of cremated remains.~~
- ~~4.3.28 To approve the grant, renewal, refusal and revocation of licences to approved premises under the Marriage Act 1994 as the Proper Officer for Registration.~~
- ~~4.3.29 To undertake all powers and functions on behalf of the Council as the Registration Authority under the Civil Partnership Act 2004.~~
- ~~4.3.30 To appoint professional and technical support staff that are deemed to have suitable qualifications, as inspectors under Section 19 Health and Safety at Work etc. Act 1974 and for those officers to exercise all statutory powers relating to enforcement, including but not limited to bringing proceedings.~~

~~4.3.31 To sign and issue written instruments of appointment for all persons appointed under above, except in the case of the appointments of Head of Service when the Solicitor to the Council shall sign and issue a written instrument of appointment.~~

~~4.3.32 To authorise suitable specialists under Section 20 (2)(c)(i) of the Health and Safety at Work etc Act 1974.~~

~~**Local Government (Miscellaneous Provisions) Acts 1976 and 1982**~~

~~4.3.33 To determine applications for registration under Part VII of the Local Government (Miscellaneous Provisions) Act, 1982 (Skin Piercing Activities) and with the Solicitor to the Council institute legal proceedings for contraventions.~~

~~**Environmental Protection Act, 1990 Part 11a**~~

~~4.3.34 To discharge powers and duties relating to contaminated land, under sections 78A to 78YC of the Act, including inspection and the service of notices and enforcement.~~

~~**The Food Safety Act 1990**~~

~~4.3.35 To register premises covered by regulations made under Section 19.~~

~~4.3.36 To appoint such members of the Environment Directorate professional and support staff deemed to have suitable qualifications under Section 5(6).~~

~~4.3.37 To appoint suitable specialists under Section 32(4).~~

~~4.3.38 All powers and duties under the Dairy Products (Hygiene) Regulations 1995 which will include but not be restricted to the grant and refusal of licences.~~

~~**Bye-laws for Hairdressers and Barbers**~~

~~4.3.39 To determine applications for registration under Section 4 Hampshire Act 1983 and to issue certificates of registration.~~

## **Animal Legislation**

~~4.3.40 All powers and duties under the Animal Boarding Establishments Act 1963 and Breeding of Dogs Act 1991 relating to licensing including but not restricted to grant and revocation.~~

~~4.3.41 To appoint veterinary practitioners to inspect and report upon premises requiring a licence.~~

~~4.3.42 All powers and duties under the Pet Animals Act 1951 relating to licensing, including but not restricted to grant and revocation.~~

~~4.3.43 All powers and duties under the Dangerous Wild Animals Act 1976 relating to licensing, including but not restricted to grant and revocation.~~

~~4.3.44 To authorise an officer to seize a dangerous dog in accordance with section 5 Dangerous Dogs Act 1991.~~

~~4.3.45 To continue to appoint veterinary practitioners to inspect premises requiring a licence under the Pet Animals Act 1951~~

~~4.3.46 All powers and duties under the Zoo Act 1981 relating to licensing, including but not restricted to grant and revocation.~~

~~4.3.47 To appoint Inspectors under the Animal Welfare Act 2006 (Cabinet, 28/07/08).~~

~~4.3.48 To approve, refuse, suspend or revoke a licence to butchers shops as defined in the General Food Hygiene (Butchers Shops) Amendment Regulations, 1999. This power to be exercised by the Environmental Health (Food) Safety Manager in the absence of the Head of Environmental Health and Consumer Protection.~~

~~4.3.49 To authorise officers of the Environment Health and Consumer Protection Division to exercise powers of entry in respect of the following list of legislative powers. This is deemed to include all secondary legislation and any other superseding enactments relating to the below that may from time to time come into force:~~

~~Housing Act 2004~~

~~Anti-social Behaviour Act 2003~~

~~Licensing Act 2003~~

~~Animal Health Act 2002~~

~~Protection of Animals (Amendment) Act 2000~~

~~Fur Farming (Prohibition) Act 2000~~

~~Food Standards Act 1999~~

~~Housing Act 1996~~

~~Noise Act 1996~~

~~Clean Air Act 1993~~

~~Environmental Protection Act 1990~~

~~Food Safety Act 1990~~

~~Housing Act 1985~~

~~Public Health (Control of Disease) Act 1984~~

~~Prevention of Damage by Pests Act 1949~~

~~Public Health Act 1936~~

~~Health and Safety at Work etc Act 1974~~

~~4.3.50 To appoint officers for the implementation of the Council's functions under all legislation.~~

~~4.3.51 To execute works by agreement, at the expense of the owner or occupier, in respect of any notice served.~~

~~4.3.52 To authorise the institution of legal proceedings for the contravention or failure to comply with notices served under the legislation in this Division's section of this Scheme.~~

~~4.3.53 To exercise any specific or general powers in this Division's section of this Scheme that are delegated to other Officers.~~

~~4.3.54 To write off debts of the Council linked with, attributable to or associated with the discharge of the Council's environmental services and consumer protection functions.~~

~~4.3.55 To authorise and institute any legal proceedings, and to prosecute or defend any such proceedings, in relation to any powers listed or implied under the delegations to the Head of Environmental Health & Consumer Protection, Environmental Health Officers, Trading Standards Officers and Fair Trade Officers.~~

~~4.3.56 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 Solicitor to the Council.~~

~~4.3.57 All powers and duties under the Breeding of Dogs Act 1973 and Breeding and Sale of Dogs (Welfare) Act 1999.~~

#### ~~4.4 ENVIRONMENTAL HEALTH OFFICERS~~

~~4.4.1 All professionally qualified Environmental Health Officers, and Environmental Health practitioners deemed to have sufficient qualification, knowledge and experience to act by the relevant Head of Service and employed by the Council in any Directorate, shall have, save for reservations listed below in this subsection of the Scheme a range of powers, also set out below and anywhere in this Scheme relating to Environmental Health Officers, or Environmental Health practitioners. 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 he or she does not hold that qualification;~~
- ~~a. powers which fall outside the individual's actual authority as determined by his/her post or are not covered by an instruction by management;~~
- ~~b. any other situation where an individual officer is prevented, for whatever proper reason, from exercising such a power.~~

~~The powers that may be exercised are any which are permitted by law in relation to the particular topics covered by the legislation referred to below and anywhere in this Scheme relating to Environmental Health Officers, or Environmental Health practitioners and shall include, but not be limited to, the service (which term includes signature and issue, etc) of notices, and the power to exercise any statutory (or common law) powers including, but not limited to, search and seizure, conferred by the legislation referred to below and anywhere in this Scheme relating to Environmental Health Officers, or Environmental Health practitioners. This legislation will be deemed to include subordinate legislation, i.e. Regulations, Orders and Byelaws etc., made thereunder. Such powers will also extend to legislation (primary and subordinate etc.) not referred to below, provided that it is within his/her actual authority but always provided that the officer is not excluded by virtue of any reservation set out in the preceding paragraph.~~

~~4.4.2 Without prejudice to the generality of the above paragraphs, officers covered by the above delegations will also be permitted to exercise the delegated powers listed anywhere in this Scheme relating to Environmental Health Officers, or Environmental Health practitioners. All of these powers are also exercisable by the Head of Environmental Health and Consumer Protection and the Head of Housing Strategy and Development and Private Sector Housing (the latter being subject to the caveats set out at 4.4.1(a) – (c) above and subject to exercising this delegation only to matters falling entirely within his/her managerial control).~~

~~Housing Act 1985 (as amended by Local Government and Housing Act 1989 and the Housing Act 1996) and 2004 and related Housing legislation~~

- ~~4.4.3 To serve notice to repair unfit house (Section 189).~~
- ~~4.4.4 To serve notice in respect of house in disrepair (Section 190).~~
- ~~4.4.5 To serve notice to execute works in default and recover costs (Section 194).~~
- ~~4.4.6 To serve notice to quit on any occupier of a dwelling subject to a demolition order (Section 270).~~
- ~~4.4.7 To serve notice to cleanse a house to which a demolition order applies (Section 273).~~
- ~~4.4.8 To serve notice to abate overcrowding (Section 338).~~
- ~~4.4.9 To serve notice to require execution of works to render premises fit for number of occupants including means of escape in case of fire (Section 352).~~
- ~~4.4.10 To serve notice, revoke or vary directions limiting the number of occupants (Section 354).~~
- ~~4.4.11 To serve notice requiring information about occupation of house (Section 356).~~
- ~~4.4.12 To serve overcrowding notice (Section 358).~~
- ~~4.4.13 To serve notice requiring information about overcrowding (Section 364).~~
- ~~4.4.14 To serve notice to remedy neglect of management (Section 372).~~
- ~~4.4.15 To execute works by agreement.~~
- ~~4.4.16 To serve notice of local authority's intention to execute works.~~
- ~~4.4.17 To authorise the determination of individual Demolition and Closing Orders.~~
- ~~4.4.18 To revoke Closing Orders and to make and serve Demolition Orders (Section 279).~~
- ~~4.4.19 To revoke a Demolition Order and to substitute with a Closing Order.~~
- ~~4.4.20 To accept undertakings not to use an unfit dwelling or part of a dwelling for human habitation.~~
- ~~4.4.21 Power to make a Closing Order (Section 264).~~
- ~~4.4.22 Power to make a Demolition Order (Section 265).~~
- ~~4.4.23 Power to serve a Deferred Action Notice under Section 81 Housing Grants, Construction and Regeneration Act 1996.~~
- ~~4.4.24 To serve and publish notice of intention to declare a Clearance Area (Section 289).~~
- ~~4.4.25 To serve Control Orders subject to this being reported for information:~~

~~a. To accept an undertaking that part of a house be secured and not used for human habitation in cases where there is no rehousing implication to the City Council (Section 368);~~

~~b. To accept an undertaking that part of a house be secured and not used for human habitation in cases where there is a rehousing implication to the City Council following consultation with the Policy Coordinator (Section 368);~~

~~following consultation with the Policy Coordinator and Solicitor to the Council.~~

~~4.4.26 All powers relating to the registration of houses in multiple occupation, including but not restricted to refusal, revocation, imposition of conditions, variation and making of occupancy directions.~~

~~4.4.27 To institute proceedings (Section 369).~~

~~4.4.28 To institute proceedings for alleged offences under the Rent Acts 1965-74 and the Landlord Tenant Act 1962 or any other statutory re-enactments thereof.~~

~~4.4.29 To institute proceedings under Section 1 Accommodation Agencies Act 1953.~~

~~4.4.30 To institute proceedings for offences under the Protection from Eviction Act 1977.~~

#### **Building Act 1984**

~~4.4.31 To serve notice for the satisfactory provision or repair of drainage (Section 59).~~

~~4.4.32 To serve notice requiring the ventilation of soil pipes (Section 60).~~

~~4.4.33 To serve notice to disconnect or seal drains (Section 62).~~

~~4.4.34 To serve notice to provide a WC and put into satisfactory condition (Section 64).~~

~~4.4.35 To serve notice to provide food storage accommodation in existing houses (Section 70).~~

~~4.4.36 To serve notices regarding entrances, exits, etc (Section 71).~~

~~4.4.37 To serve notice to provide means of escape in case of fire (Section 72).~~

~~4.4.38 To serve notice to raise chimney heights. (Section 73).~~

~~4.4.39 To serve notice regarding defective premises. (Section 76).~~

~~4.4.40 To serve notice regarding ruinous and dilapidated buildings and neglected sites. (Section 79).~~

~~4.4.41 To serve notice requiring drainage of yards and passages (Section 84).~~

**~~The Food and Environment Protection Act 1985~~**

~~4.4.42 To grant to authorised officers, the power to sign and serve notices under Section 19 of the Food and Environment Protection Act 1985.~~

**~~Food Safety Act 1990~~**

~~4.4.43 To exercise all powers and duties in relation to enforcement of the Act and regulations made thereunder.~~

**~~Public Health Act 1936~~**

~~4.4.44 To examine and test drains believed to be defective (Section 48).~~

~~4.4.45 To serve notice re overflowing and leaking cesspool (Section 50).~~

~~4.4.46 To serve notice to cleanse filthy or vermin infested premises (Section 83).~~

~~4.4.47 To cleanse or destroy filthy or vermin infested articles (Section 84).~~

~~4.4.48 To cleanse vermin infested persons and their clothing (Section 85).~~

**~~Prevention of Damage by Pests Act 1949~~**

~~4.4.49 To serve notice requiring the destruction, of rats and mice (Section 4).~~

~~4.4.50 To serve notice of intention to treat in relation to a group of premises (Section 6).~~

~~4.4.51 To enter into contracts with commercial premises for the provision of pest control services.~~

~~4.4.52 To vary charges for pest control treatment in commercial premises.~~

**~~Public Health Act 1961~~**

~~4.4.53 To serve notice to remedy blocked up drains (Section 17).~~

~~4.4.54 To serve notice to remove accumulations of rubbish (Section 34).~~

~~4.4.55 To serve notice to vacate premises for fumigation (Section 36).~~

**~~Local Government (Miscellaneous Provisions) Acts 1976 and 1982~~**

~~4.4.56 To serve notice to provide sanitary appliances at relevant places under Section 20 Local Government (Miscellaneous Provisions) Act 1982.~~

~~4.4.57 To serve notices or undertake works under Sections 29 and 30 of the Local Government (Miscellaneous Provisions) Act, 1982.~~

~~4.4.58 To serve notice to remedy stopped drains. (Section 27).~~

~~4.4.59 To repair drains and private sewers. (Section 27).~~

~~4.4.60 To serve notice requiring removal of an obstruction in a private sewer. (Section 35).~~



~~4.4.61 To serve notices and undertake work to protect unoccupied dwellings. (Section 29).~~

~~4.4.62 To serve notice requiring information as to the ownership of premises or land. (Section 16 Local Government (Miscellaneous Provisions) Act 1976).~~

### **~~Clean Air Act 1993~~**

~~4.4.63 To approve furnaces in relation to smoke, grit, dust and fumes emissions (Section 4).~~

~~4.4.64 To approve arrestment plant in relation to smoke, grit, dust and fumes control (Section 6).~~

~~4.4.65 To approve chimney heights for furnaces. (Section 15).~~

~~4.4.66 Service of notice under Sections 10 and 11 Clean Air Act 1993.~~

### **~~Town and Country Planning Act 1990~~**

~~4.4.67 To serve a notice or take any necessary action in pursuit of section 215 of the Town and Country Planning Act 1990.~~

### **~~Environmental Protection Act 1990 (as amended)~~**

~~4.4.68 To serve notice under Section 80 requiring the abatement of nuisance or restricting its occurrence or recurrence.~~

~~4.4.69 To serve notice in raising chimneys. (Section 73).~~

### **~~Control of Pollution Act 1974 (as amended by the Noise and Statutory Nuisance Act 1993)~~**

~~4.4.70 To serve notice to control noise on construction sites. (Section 60).~~

~~4.4.71 To serve notice to give prior consent and impose conditions re construction sites. (Section 61).~~

~~4.4.72 To serve notice to control the use of loudspeakers in the street. (Section 62).~~

~~4.4.73 To execute works by agreement with, and at the expense of, the owner or occupier.~~

~~4.4.74 To enter premises and seize equipment following service of a notice under the Environmental Protection Act 1990.~~

~~4.4.75 All powers and duties under the Southampton Port Health Authority Order 1990.~~

~~4.4.76 All powers and duties under the Designation of Local (Southampton Port Health Authority) District Order 1978.~~

~~4.4.77 All relevant powers and duties conferred by the European Communities Act 1972, in relation to port health functions.~~

- ~~4.4.78 All powers and duties under the Products of Animal Origin (Import and Export) Regulations 1991.~~
- ~~4.4.79 All powers and duties under the Products of Animal Origin (Import and Export) (Amended) Regulations 1997.~~
- ~~4.4.80 To make application to the courts as specified in Section 12 of the Food Safety Act, 1990 with a view to obtaining an emergency prohibition order.~~
- ~~4.4.81 To execute works in default of compliance of any notice served and to demand the recovery of the expenses incurred by the Local Authority.~~
- ~~4.4.82 To serve notice requiring payment for works carried out in default.~~
- ~~4.4.83 To serve notice requiring payment of rent or discontinuing the requirement to pay rent to the Local Authority.~~
- ~~4.4.84 To serve notice requiring information as to the ownership of premises or land specified in section 16 of the Local Government (Miscellaneous Provisions) Act 1976~~
- ~~4.4.85 To authorise, as appropriate, any officer within Environmental Health and Consumer Protection Division to issue formal cautions in respect of any matter.~~
- ~~4.4.86 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 Solicitor to the Council.~~

**4.5 TRADING STANDARDS AND ENFORCEMENT OFFICERS**

~~4.5.1 All qualified Trading Standards Officers employed by the Council and qualified Fair Trading and Enforcement Officers involved in Trading Standards and related matters, shall have, save for reservations listed below, a range of powers and duties, also set out below.~~

~~The powers and duties referred to above shall not include the following:~~

- ~~a. powers or duties where an individual officer is required by law to hold a relevant qualification and he or she does not hold that qualification.~~
- ~~a. any other situation where an individual officer is prevented, for whatever reason, from exercising such a power.~~
- ~~b. these powers and duties shall be subject to the requirement that they fall within the officer's actual authority as determined by his/her post or by management instruction.~~

~~The powers and duties referred to above include the exercise of any statutory (or common law) power conferred by the legislation referred to below, including any subordinate legislation, ie orders etc, made thereunder. The powers shall also extend to legislation (primary or subordinate etc) not referred to below but which may subsequently be enacted and fall within the officer's actual authority as determined by his/her post or by management instruction.~~

~~4.5.2 Without prejudice to the generality of the above paragraph, officers covered by the delegation above will exercise the delegated powers listed below. All of these powers are also exercisable by the Head of Environmental Health and Consumer Protection.~~

<b>TITLE</b>	<b>NOTES</b>
<del>Administration of Justice Act 1970</del>	
<del>Administration of Justice Act 1985</del>	<del>Sections 6 and 35 and, by virtue of Section 6, Section 22 of the Solicitors Act 1974</del>
<del>Agriculture Act 1970</del>	<del>Parts IV and VII. Officers authorised under this Act to hold the appointment of Inspector in accordance with Section 67</del>
<del>Agriculture (Miscellaneous Provisions) Act 1968</del>	<del>Part 1</del>
<del>Agriculture Produce (Grading and Marketing) Acts 1928 and 1931</del>	

PART 4 – ENVIRONMENT DIRECTORATE

TITLE	NOTES
<del>Animal Health Act 1981</del>	<del>Officers authorised under this Act to hold appointment of inspector in accordance with Section 51</del>
<del>Animal Welfare Act 2006</del>	
<del>Animal and Animal Products (Import and Export) (England and Wales) Regulations 2000</del>	
<del>Anti-Social Behaviour Act 2003</del>	
<del>Beef Labelling (Enforcement) (England) Regulations 2000</del>	
<del>Bovines and Bovine Products (Trade) Regulations 1998</del>	
<del>Business Names Act 1985</del>	
<del>Business Protection from Misleading Marketing Regulations 2008</del>	
<del>Cancer Act 1939</del>	
<del>Cattle Identification Regulations 2007</del>	
<del>Children and Young Persons Act 1933</del>	
<del>Children and Young Persons (Protection from Tobacco) Act 1991</del>	
<del>Clean Air Act 1993</del>	
<del>Common Agriculture Policy (Wine) (England and Northern Ireland) Regulations 2001</del>	
<del>Companies Act 1985</del>	In particular, Sections 305 and 348 to 351 inclusive
<del>Consumer Credit Act 1974</del>	
<del>Consumer Protection Act 1987</del>	
<del>Consumer Protection (Distance Selling) Regulations 2000</del>	
<del>Consumer Protection from Unfair Trading Regulations 2008</del>	
<del>Control of Pollution Act 1974</del>	In particular, regulations made under this Act including the Motor Fuel (Lead Content of Petrol) Regulations 1981 (as amended); The Motor Fuel (Sulphur Content of Gas Oil) Regulations 1981 and The Control of Pollution (Anti-Fouling Paint) Regulations 1986
<del>Copyright, Designs and Patents Act 1988</del>	Sections 300 and, by virtue of that Section, Section 58a of the Trade Marks Act 1938
<del>Courts and Legal Services Act 1990</del>	
<del>Customs and Excise Management Act 1979</del>	
<del>Development of Tourism Act 1969</del>	Tourism (Sleeping Accommodation Price Display) Order 1977
<del>Education Reform Act 1988</del>	Sections 214 and 215

PART 4 – ENVIRONMENT DIRECTORATE

TITLE	NOTES
<del>Energy Act 1976</del>	
<del>Energy Conservation Act 1981</del>	Part 1 as described in Section 20
<del>Environmental Protection Act 1990</del>	
<del>Enterprise Act 2002</del>	In particular, Parts 8 and 9
<del>Estate Agents Act 1979</del>	
<del>European Communities Act 1972</del>	
<del>Explosives Acts 1875</del>	
<del>Fireworks Act 2003</del>	
<del>Food Act 1984</del>	
<del>Food and Environment Protection Act 1985</del>	Part III and, in particular, the Control of Pesticide Regulations 1986
<del>Food Safety Act, 1990</del>	
<del>Foot and Mouth Disease (Control of Vaccinations) (England) Regulations 2001</del>	
<del>Forgery and Counterfeiting Act 1981</del>	
<del>Fraud Act 2006</del>	
<del>Hall Marking Act 1973</del>	
<del>Health and Safety at Work Act, 1974</del>	Those “relevant statutory provisions” that are the responsibility of the Local Authority by virtue of Section 18
<del>Housing Act 2004</del>	
<del>Intoxicating Substances (Supply) Act 1986</del>	
<del>Licensing Act 2003</del>	
<del>Medicines Act 1968</del>	These provisions particularly required by the Act to be enforced by Local Authorities
<del>Motor Cycle Noise Act 1987</del>	
<del>Motor Vehicle (Safety Equipment for Children) Act 1991</del>	
<del>Non-Automatic Weighing Instruments Regulations 2000</del>	
<del>Olympic Symbol etc (Protection) Act 1995</del>	
<del>Organic Products Regulations 2001</del>	
<del>Performing Animals (Regulation) Act 1925</del>	
<del>Poisons Act 1972</del>	
<del>Prices Act 1974</del>	
<del>Processed Animal Proteins (England) Regulations 2001</del>	
<del>Property Misdemeanors Act 1991</del>	
<del>Protection of Animals Act 1911</del>	
<del>Protection of Animals (Amendment) Act 2000</del>	
<del>Road Traffic Acts 1988 and 1991</del>	
<del>Solicitors Act 1974</del>	In particular, Section 22

TITLE	NOTES
<del>Telecommunications Act 1984</del>	In particular, Sections 28, 29 & 30
<del>Theft Act 1968</del>	
<del>Timeshare Act 1992</del>	
<del>Tobacco Advertising and Promotion Act 2002</del>	
<del>Trade Descriptions Act 1968</del>	
<del>Trade Marks Acts 1994</del>	
<del>Unsolicited Goods and Services Acts 1971 and 1975</del>	
<del>Video Recordings Act 1984</del>	
<del>Weights and Measures Act 1985</del>	
4.5.3 <del>To prosecute or defend on behalf of the City Council or to appear on its behalf in proceedings taken in a Magistrates' Court or other Courts (Trading Standards Manager and other officers authorised by the Solicitor to the Council), in consultation with the Solicitor to the Council.</del>	
4.5.4 <del>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 Solicitor to the Council.</del>	

## 4.6 HEAD OF PLANNING AND SUSTAINABILITY

~~4.6.1 To complete and submit expressions of interest for waste management (sustainable resource management), funding or initiatives to any UK or EU funding organisations.~~

~~4.6.2 Authority to do anything necessary on behalf of the Highway Authority to give effect to decisions relating to Sections 37, 38 and 278 of the Highways Act, 1980, including entering into agreements, approving plans, inspecting works and requiring the necessary fees from developers on behalf of the City Council when negotiating works and agreements for the adoption of highways on behalf of the Highway Authority.~~

4.6.1 All Planning, Transport Planning, Flood Risk Management, Energy Management and Sustainability functions exercisable by the Council in its capacity as a local authority shall be delegated to the Head of Planning and Sustainability.

4.6.2 The Head of Planning and Sustainability shall have authority 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 Head of the Service. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.

4.6.3 The Head of Planning and Sustainability will exercise the functions of the Council in terms of the following legislation and any subsequent or similar legislation or replacing or expanding legislation:-

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

4.6.5 To enter into professional transport and planning memberships in the interests of the authority.

~~4.6.3~~ 4.6.6 Unless directed by the appropriate Cabinet Member or the Executive Director of Environment to consult them or others;

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

- a. Government Green and White Papers, draft guidance notes;
- b. Development Plans and Procurements;
- c. in relation to Planning and Sustainability, the provision and sharing of data and research initiatives;
- d. planning applications and pre-application enquiries;

- e. European and other international service programme activities (following, as appropriate, consultation with the International Affairs Manager).

4.6.44.6.7 To liaise with the County Council, Portsmouth City Council, PUSH and other ~~waste collection~~relevant authorities in Hampshire on strategic spatial planning issues.

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

4.6.64.6.9 To determine fees and charges under the Building (Local Authority Charges) Regulations, in consultation with the Policy Coordinator and the BC Partnership. ~~(Cabinet, 10/12/07).~~

4.6.74.6.10 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.

4.6.84.6.11 Power to obtain information under Section 330 of the Town and Country Planning Act 1990 about interests in land.

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

4.6.104.6.13 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 Solicitor to the Council.

4.6.114.6.14 To authorise staff under the authority of the Head of Planning and Sustainability to enter premises where such action is necessary to conduct duties and is authorised by legislation.

4.6.124.6.15 Following consultation with the Cabinet Member, the spokespersons of other political groups for Environment and Transport, and the Members' Liaison Panel of the four authorities (Southampton City Council, Hampshire County Council, Portsmouth City Council and the New Forest National Park Authority) to prepare "proofs of evidence" presented on behalf of the Council to ~~the Minerals and Waste Strategy Examination~~any relevant examination or inquiry which suggest minor changes to that strategy including a relatively minor change regarding London's Waste provided these do not change its overall direction, shape and emphasis, or raise significant new issues. ~~(Added by Full Council 15/11/06)~~

4.6.134.6.16 To monitor the application of the Planning Enforcement Policy, conduct any necessary reviews of the policy and, in consultation with the Solicitor to the Council, to make any changes to the policy necessary. ~~(Cabinet, 28/07/08).~~



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

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

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

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

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

4.6.174.6.20 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 Solicitor to the Council.

**Byelaws**

4.6.21 To determine applications for registration under s4 of the Hampshire Act 1983.

**Powers of Entry**

4.6.22 To authorise officers of the Planning and Sustainability Division to exercise powers of entry in respect of legislation relating to their functional responsibilities.

**General Powers and Appointment of Officers**

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

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

**Travel and Transport Manager**

4.6.25 To amend the proposed five year Capital Programme in the light of ongoing consultation with the Government Office for the South East, following consultation with the appropriate Policy Coordinator,

4.6.26 To enter into, vary and determine public transport contracts in order to optimise the delivery of transport policy objectives and maintain reliable services.

4.6.27 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.

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

a. provision and sharing of data and research initiatives;

b. transport and infrastructure issues;

c. professional engineering issues

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

## 4.7 BUILDING CONTROL SURVEYORS

4.7.1 Qualified Building Control Surveyors shall have, 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;
- c. any other situation where an individual officer is prevented, for whatever proper reason, from exercising that power.

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

### **Building Act 1984**

- 4.7.2 To serve notice giving approval / rejection in respect of Building Regulations plans. (Section 16).
- 4.7.3 To serve notice giving approval / rejection in respect of building over sewers. (Section 18).
- 4.7.4 To serve notice giving approval of buildings with short-lived materials and get appropriate conditions or to reject the plans. (Section 19).
- 4.7.5 To reject plans for buildings with unsatisfactory drainage. (Section 21).
- 4.7.6 To serve notice re lapse of deposit of plans. (Section 32).
- 4.7.7 To carry out tests on materials and components etc for conformity with Building Regulations. (Section 33).
- 4.7.8 To serve notice to alter / remove work etc. (Section 36).
- 4.7.9 To serve notice to make satisfactory provision for drainage. (Section 59).

- 4.7.10 To serve notice regarding entrances, exits, etc. (Section 71).
- 4.7.11 To serve notice regarding means of escape in case of fire. (Section 72).
- 4.7.12 To serve a notice regarding the raising of chimneys. (Section 73).
- 4.7.13 To take any action necessary in respect of dangerous structures. (Sections 77 & 78).
- 4.7.14 To serve notice re ruinous dilapidated and neglected sites. (Section 79).
- 4.7.15 To accept notices of intention to demolish. (Section 80).
- 4.7.16 To serve notice requiring shoring and weatherproofing to adjoin buildings. (Section 81).
- 4.7.17 To enter buildings to ascertain if a breach of relevant legislation has occurred (Section 95).

### **Building Regulations**

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

### **Local Government Miscellaneous Provisions Act 1982**

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

### **Other Relevant Powers**

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

**Sustainable and Secure Buildings Act 2004**

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

**Safety at Sports Grounds Act 1975**

4.7.27 To enter premises and issue safety certificates for Sports Stadia.

**Disability Discrimination Act 1995**

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

**Licensing Act 2003**

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

**Local Government (Miscellaneous Provisions) Act 1982**

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

4.7.31 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 Solicitor to the Council.

**4.8 ~~DEVELOPMENT CONTROL~~ PLANNING AND DEVELOPMENT MANAGER**

4.8.1 To determine planning applications and other submissions required to be made and to be determined by the Local Planning Authority subject to the following restrictions:

- a. the submission shall have been the subject of consultation and notification in accordance with prevailing legislation and the Council's Code of Practice;
- b. the determination shall be in accordance with the City of Southampton ~~Local Plan~~ Local Development Framework and adopted Council Policies;
- c. applications shall not be approved if valid planning objections have been received from elected Members, members of the public or other consultees. The Planning and Development ~~Control~~ Manager may turn away invalid objections and determine the application provided that an explanation is given in writing to the objector giving the reasons why the objection is invalid in planning terms;
- d. applications which the Planning and Development ~~Control~~ Manager considers to be of particular strategic importance or wide public interest shall be referred to the Planning and Rights of Way Panel;
- e. all submissions under the Planning (Hazardous) Substances Act 1990 shall only be determined after consultation with the Head of Environmental Health and Consumer Protection.

**Note 1:** Within the standard 21-day publicity period applicable to a minor planning application, a request made in writing by a Ward Member of the Ward in which the application site predominantly lies, if supported by at least five written letters of objection (discounting petitions, proforma and circulated standard letters) on valid and appropriate planning grounds from individual property addresses within the administrative ward of the City the development lies) shall be brought to the next available Planning and Rights of Way Panel meeting for discussion. If a request by a Member is received after the publicity period, or the necessary five independent property addressed letters of objection are received after the publicity period, the consideration of referral to the Panel will be at the discretion of the Planning and Development ~~Control~~ Manager following consultation with the Chair of the Planning and Rights of Way Panel.

**Note 2:** Paragraphs 4.8.1(c) to (e) do not apply to:

- i. minor applications for minor developments, including householder applications unless a written request from a Ward Member of the Ward in which the application site predominantly lies, supported by at least five written letters of objection (discounting petitions, proforma and circulated standard letters) on valid and appropriate planning grounds from individual property addresses within the administrative ward of the City the development lies) is received within the standard 21-day publicity period.;
- ii. applications where conditions may be applied to overcome objections;
- iii. applications under Sections 191 and 192 of the Town and Country Planning Act 1990; or
- iv. applications for advertisement consent.

4.8.2 Where appropriate, to instruct the Solicitor to the Council to serve the following notices, commence court proceedings and to complete or seal agreements, and where appropriate, the Planning and Development Control Manager to act, in respect of 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. To institute emergency proceedings to take necessary enforcement action to restrain unlawful breaches of planning control (including listed building control), subject to a report being submitted to a subsequent meeting of the Planning and Rights of Way Panel, following consultation with the Solicitor to the Council;
- e. 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;
- f. Hazardous substances contravention's notices;
- g. Revocation or modification of Hazardous Substances Consents;

#### PART 4 – ENVIRONMENT DIRECTORATE

- h. Prosecution for illegal display of advertisements;
- i. 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;
- j. To decide whether development is likely to have a significant affect on land protected under international designation; and to carry out appropriate assessment as required by the Habitat Regulations where the Council is the competent authority;
- k. 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;
- l. 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;
- m. To allocate or reallocate postal numbers in respect of any properties in the City;
- n. To issue and serve notices under the Advance Payment Code of the Highways Act 1980;
- o. To inspect Private Streets and where necessary instruct the Solicitor to the Council to serve notices where required for the repair of such streets. To initiate works in default of compliance with the requirements of such notices;
- p. 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;
- q. Notices under Section 171E (Temporary Stop Notices) of the Town and Country Planning Act 1990;
- r. To complete agreements under Section 106 of the Town and Country Planning Act 1990 in respect of planning obligations required for “minor” or “other “ planning applications; or otherwise where the heads of terms of the agreement have previously been approved by the Planning and Rights of Way Panel within a period of 12 months;
- s. To complete agreements under Section 106 of the Town and Country Planning Act 1990 in respect of planning obligations which are consistent with



the Council's Supplementary Planning Guidance on Planning Contributions dealing with affordable housing; transportation obligations; public realm obligations; open space and leisure obligations; public art; community safety; recruitment and training; and waste management obligations;

- t. Where the Planning and Rights of Way Panel have delegated the Planning and Development Control Manager to grant planning permission subject to the completion of legal agreements or subject to other requirements, but those agreements or other requirements have not been met, to refuse planning permission.

4.8.3 To grant planning permission where:

- a. the application falls within the definition of "Minor" or "Other";
- b. a previous application in substantially the same terms has already been approved by Panel but the applicant has missed the date for the completion of the agreement;

4.8.4 To decline to determine:

- (a) subsequent applications under Section 79A of the Town and Country Planning Act 1990;
- (b) overlapping applications under Section 70B of the Town and Country Planning Act 1990;
- (c) Listed Building and Conservation Area applications under Section 81A of the Town and Country Planning Act 1990;
- (d) overlapping Listed Building and or Conservation Area applications under Section 81B of the Town and Country Planning Act 1990.

4.8.5 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 ~~(granted by Planning & Rights of Way Panel 03/4/07)~~.

4.8.6 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 Solicitor to the Council.

4.8.7 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. ~~(Granted by Planning and Rights of Way Panel 03/04/07)~~

4.8.8 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. ~~(Planning and Rights of Way Panel 03/04/07)~~

4.8.9 To execute works in default of non-compliance with a notice to replant trees and to recover all reasonable costs from the landowner. ~~(Planning and Rights of Way Panel 03/04/07)~~

4.8.10 To agree street naming and numbering.

## 4.9 HEAD OF POLICY AND PERFORMANCE

4.9.1 To deputise for the Executive Director Environment in respect of any matters relating to the Environment and Transport Portfolio.

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

~~4.9.2 To commission, monitor and approve all reports for submission to any decision-making body of the Executive, the Council, Committees, Panels and Sub-Committees and to ensure their compliance with all the Procedures and other rules contained within the Constitution and with Corporate Standards and legal and financial requirements, following consultation with the Heads of Services, particularly the Head of Finance and Solicitor to the Council, particularly (but not limited to):~~

~~a. — defining the overall standards to be adhered to for that particular service area; and~~

~~b. — commissioning advice on changes to policy.~~

~~4.9.3 To approve Members to attend courses, seminars, other training and conferences subject to consultation with the Solicitor to the Council.~~

4.9.44.9.3 To submit bids for tenders involving funding or assistance from central government, European Commission or from any other source (direct or indirect to the authority itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders following consultation with the Solicitor to the Council and the Head of Finance. (NB: this delegation applies not only to Single Regeneration Budget and lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should apply in the same way).

4.9.54.9.4 To change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Head of Finance and Head of Property and Procurement.

4.9.64.9.5 Following consultation with the Solicitor to the Council, 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.

## 4.10 HEAD OF HIGHWAYS AND PARKING SERVICES

4.10.1 All Highways and City Parking and Patrol Services functions exercisable by the Council in its capacity as a local authority shall be delegated to the Head of Highways and Parking.

4.10.2 The Head of Highways and Parking shall have authority to act under all current and future legislation and Council plans, policies, guidelines and procedures relating to the services and functions managed, operated and controlled by the Head of Service. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions

4.10.3 To enter into agreement with external bodies for the purpose of maintaining and managing the highway, transport asset management, on and off street car parks maintenance and management and management of City Patrol

4.10.14.10.4 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 Solicitor to the Council,

4.10.24.10.5 To grant permission for use of Council car parks for display purposes, following consultation with the Solicitor to the Council,

4.10.34.10.6 To introduce mini-roundabouts where it is thought that these may improve traffic conditions.

4.10.44.10.7 To advertise proposed disabled persons' parking bays in accordance with Council policy.

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

a. provision and sharing of data and research initiatives;

b. transport, highways and infrastructure issues;

c. professional engineering issues.

4.10.54.10.9 In accordance with orders made under the Road Traffic Regulation Act 1984 and subsequent legislation, to take any actions necessary in relation to parking control, car parks, lorry parks, the issue of penalty, standard and excess charge notices and notices of offence.

4.10.64.10.10 In accordance with orders made under the Road Traffic Regulation Act 1984 and subsequent legislation and Council policy to take actions to manage the residents parking schemes, and in relation to parking control the waiving of the penalty, standard or excess charge: the acceptance of an alternative amount in lieu of the penalty, standard or excess charge: the service of notices to ascertain the identify of the driver of a vehicle, the initiation of prosecutions and the issue of permits, dispensations and waivers.

4.10.74.10.11 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.

4.10.84.10.12 Following consultation with the Solicitor to the Council;

- a. To introduce temporary road closures and other temporary traffic restrictions on the highway within Southampton;
- 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;

4.10.94.10.13 To issue consent under the Highways Act 1980 to build over an improvement line where planning permission is granted for the development which crosses an improvement line, following consultation with the Head of Planning and Sustainability

~~4.10.10 To issue passes in accordance with the Concessionary Fares Scheme agreed by the Council under the Transport Acts 1985 and 2000.~~

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

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

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

~~4.10.134.10.16 To determine and vary amend the proposed five year the Highways and Parking Capital and Planned Maintenance Programmes in accordance with the policies and other criteria set by the Authority, in consultation with the in the light of ongoing consultation with the Government Office for the South East, following consultation with the~~ appropriate Policy Coordinator,

~~4.10.144.10.17~~ To issue permits allowing vehicles into “Pedestrian Only” streets in order to carry out essential works.

~~4.10.15 To enter into, vary and determine public transport contracts in order to optimise the delivery of transport policy objectives and maintain reliable services.~~

~~4.10.16 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.~~

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

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

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

4.10.194.10.20 To serve notice requiring payment for works carried out in default.

4.10.204.10.21 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the local authority.

4.10.214.10.22 To affix statutory notices to and to arrange for the removal of, vehicles deemed to be abandoned on public land.

4.10.224.10.23 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.

4.10.234.10.24 To present the Council's evidence to the National Parking Adjudication Service.

4.10.244.10.25 To make decisions in respect of the use and release of videotapes and other data arising from CCTV equipment under the control of the division, including responding to requests from the police, insurers, media and members of the public.

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

4.10.264.10.27 To enter into professional transport and engineering memberships in the interests of the authority.

4.10.274.10.28 To act as "Engineer", "Employer" or any designation attributable to any other officer under a standard form of contract for the purposes of engineering contracts let by the authority.

~~4.10.28 To take any action in relation to or associated with HGV Operators' Licences.~~

~~4.10.29 To agree street naming and numbering.~~

4.10.304.10.29 To issue permits allowing building materials to be temporarily deposited on the highway.



4.10.314.10.30 To issue street works licences allowing excavations to be made in the public highway.

4.10.324.10.31 To issue permits allowing the temporary erection of scaffolding and hoardings on highways.

4.10.334.10.32 To issue permits allowing builders' skips to be temporarily deposited on the highway.

4.10.344.10.33 To take action, where necessary, under Sections 148 and 154 of the Highways Act 1980 including the institution of prosecutions to remove deposits from footpaths and pavements and to control overhanging vegetation.

4.10.34 To serve a remedial notice on the landowner from which trees, hedges or shrubs emanate where they are considered to endanger or obstruct the passage of vehicles or pedestrians. To carry out works in default of this notice and do anything ancillary to this work pursuant to section 154 of Highways Act 1980.

4.10.35 To respond on behalf of the Council to statutory undertakers proposals to install their equipment in the highway.

4.10.36 Following consultations with the Cabinet Member for Environment and Transport, annually review the Transport Asset Management Plan. ~~-(Cabinet, 30/06/08).~~

4.10.37 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 Solicitor to the Council.

4.10.38 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 Solicitor to the Council.

4.10.39 To serve street litter control notices.

4.10.40 To undertake any necessary investigative work for the purposes of enforcement including issue a fixed penalty notices or any other notice on any person or person found littering, flyposting, or committing graffiti pursuant to the Environmental Protection Act 1990, Clean Neighbourhood and Environment Act 2005, the Anti-Social Behaviour Act 2003, the Highways Act 1980 and the Town and Country Planning Act 1990.

## **Highways Act 1980**

4.10.374.10.41 Under Section 31A, a duty to keep a register of information with respect to maps, statements and declarations.

4.10.384.10.42 Under Section 119A, power to make a rail crossing diversion order.

4.10.394.10.43 Under Section 119B, power to make a special diversion order.

4.10.404.10.44 Under Section 119C(3), power to require application for order to enter into agreement.

4.10.414.10.45 Under Section 119D, power to make an SSSI diversion order.

4.10.424.10.46 Under Section 121B, duty to keep a register with respect to applications under section 118ZA, 118C, 119ZA and 119C.

4.10.434.10.47 Under Section 130, duty to assert and protect the rights of the public to use and enjoyment of highways.

4.10.444.10.48 Under Section 130A, duty to serve notice of proposed action in relation to obstruction.

4.10.454.10.49 Under Section 135, power to authorise temporary disturbance of surface of footpath or bridleway.

4.10.464.10.50 Under Section 153B, functions relating to the making good of damage and the removal of obstructions.

4.10.474.10.51 To issue Licences under Section 176, 177 and 178.

4.10.484.10.52 Power to licence planting, retention and maintenance of trees etc in part of the highway (Section 142).

4.10.494.10.53 Power to consent to the construction of cellars etc under the street (Section 179).

4.10.504.10.54 Power to consent to the making of openings into cellars, etc under the street and pavement lights and ventilators (Section 180).

4.10.514.10.55 In consultation with the Solicitor to the Council, to approve the issue of civil penalty notices in Cemetery Road and to respond to appeals (challenges) against the issue of any notice. ~~(Granted by cabinet 22/12/08)~~

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

4.10.57 To issue permits allowing vehicles into “Pedestrian Only” streets in order to carry out essential works, in consultation with the Head of Highways and Parking.

4.10.58 To agree street naming and numbering.

4.10.59 To advertise proposed disabled persons’ parking bays in accordance with Council Policy.

4.10.60 To serve notice requiring payment for works carried out in default.

4.10.61 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the Local Authority.

4.10.62 To take any action in relation to or associated with HGV Operators’ Licences.

## 5.1 EXECUTIVE DIRECTOR HEALTH AND ADULT SOCIAL CARE

- 5.1.1 To act on behalf of the Council in any matter where immediate action is necessary to safeguard any person or materially to safeguard the well being of any adult or to preserve property.
- 5.1.2 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.
- 5.1.3 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).
- 5.1.4 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Head of Finance.
- 5.1.5 To approve the letting of contracts for the provision of social care support in Extra Care Housing subject to best value considerations upon such terms as the Solicitor to the Council considers reasonable ~~(Cabinet, 30/06/08).~~
- 5.1.6 To set the fess and charges associated with the Southampton Adult Placement Scheme ~~(Cabinet, 28/07/08).~~
- 5.1.7 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.
- 5.1.8 To enter into partnership arrangements with HPFT and approve future variations to the arrangements for the Section 75 contract to enable the Council to act as host of the pooled fund and lead the commissioning of services for people with learning disabilities and their carers, following consultation with the Executive Director of Resources, Solicitor to the Council and the Cabinet Member for Adult Social Care and Health.
- 5.1.9 To establish a Partnership Board to manage the partnership arrangements agreed in delegation 5.1.8 and to agree the constitution and terms of reference for the Board, following consultation with the Solicitor to the Council.

5.1.10 To make arrangements and carry out all such ancillary acts as are necessary for the transfer of any properties from the NHS to the City Council in order to achieve the objectives of the Partnership arrangement in delegation 5.1.8, following consultation with the Executive Director of Resources.

5.1.11 To approve the spending plans for the IT infrastructure Capital Grant of £77,114 in 2010/11, following consultation with the Cabinet Member for Adult Social Care and Health.

5.1.12 To approve changes to the Health and Wellbeing Strategic Plan to ensure that it is kept updated.

5.1.13 To implement the developments agreed regarding the Council's own home care services, following consultation with the Cabinet Member for Adult Social Care and Health and the Solicitor to the Council.

5.1.14 To continue to oversee the role of the Partnership Board which shall govern the arrangements agreed to continue to deliver integrated Mental Health Services for a period of two (2) years from 1st April 2010 to 31st March 2012 under a section 75 agreement with HPFT, following consultation with the Cabinet Member for Adult Social Care and Health.

## 5.2 HEAD OF HEALTH AND COMMUNITY CARE

- 5.2.1 To discharge the Council's functions with regard to the assessment of need for, and provision of, community care services in accordance with the Part III of the National Health Service and Community Care Act 1990 and any Regulations thereunder.
- 5.2.2 To approve expenditure on the following matters:
- a. contributions to the funds of voluntary organisations providing services for the elderly and/or the disabled, in accordance with the approved policy, including initial grants to newly formed clubs and centres, annual grants and contributions towards running costs;
  - b. contributions towards the running costs of new meals-on-wheels schemes and luncheon clubs and variations in costs of existing schemes.
- 5.2.3 To accept guardianship applications and subsequent renewals such action to be reported to the appropriate Cabinet Member and to determine subsequent applications for discharge by the Authority.
- 5.2.4 To act as receiver under legislation relating to mental health.
- 5.2.5 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.
- 5.2.6 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.
- 5.2.7 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Head of Finance.
- 5.2.8 To take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any Magistrate, Court or other Tribunal on behalf of the Council in discharge of the Council's Adult Social Care functions arising under any law or Act.

~~5.2.9 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.~~

~~5.2.10 To write off bad debts (up to a limit of £1,000) owed to the Council, linked with, attributed to, or associated with the discharge of the Council's Adult Social Care functions.~~

### 5.3 HEAD OF STRATEGIC DEVELOPMENT

- 5.3.1 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Head of Finance.
- 5.3.2 To take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any Magistrates, Court or other Tribunal on behalf of the Council in discharge of the Council's Adult Social Services functions arising under any law or Act.

~~5.3.3 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.~~

~~5.3.4 To write off debts, to a limit of £1,000, owed to the Council linked with, attributable to or associated with the discharge of the Council's Adult Social Services functions.~~

~~5.3.5 To commission, monitor and approve all reports for submission to any decision-making body of the Executive, the Council, Committees, Panels and Sub-Committees and to ensure their compliance with all the Procedures and other rules contained within the Constitution and with Corporate Standards and legal and financial requirements, following consultation with the Heads of Services, particularly the Head of Finance and Solicitor to the Council, particularly (but not limited to):~~

~~a. defining the overall standards to be adhered to for that particular service area; and~~

~~b. commissioning advice on changes to policy.~~

~~5.3.6~~ 5.3.3 To make modifications / amendments to the approved standard conditions of grant aid.

~~5.3.7 To approve Members to attend courses, seminars, other training and conferences subject to consultation with the Solicitor to the Council.~~

~~5.3.8~~ 5.3.4 To submit bids for or tenders involving funding or assistance from central government, European Commission or from any other source (direct or indirect to the authority itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB : this delegation applies not only to Single Regeneration Budget and lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should

applied in the same way), following consultation with the Solicitor to the Council and Head of Finance.

5.3.95.3.5 To change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Heads of Finance and Property Services.



## 6.1 EXECUTIVE DIRECTOR OF NEIGHBOURHOODS

- 6.1.1 In relation to the resolution of Cabinet Member dated 23<sup>rd</sup> April 2002 entitled “Social Housing Partnership Agreement” (together with an amendment to the agreement) to take any action necessary to implement the decision, including but not limited to participation in the proposed Dispute Resolution machinery.
- 6.1.2 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 Solicitor to the Council.
- 6.1.3 To acquire dwellings repurchased under Part XVI ~~of the~~ Housing Act 1985, following consultation with the Head of Finance, to a limit of £70,000, subject to finance being available.
- 6.1.4 To set the rent to be charged to tenants for each leased dwelling to ensure that the costs of the overall scheme are at least covered by rental income.
- 6.1.5 To submit bids for or tenders or to receive external competitively secured funding (in compliance with the SCC Financial Procedure Rules) that contribute to the delivery of corporate priorities and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action to comply with SCC’s Financial Procedure Rules (including the purchase of services, supplies, and works) in the consequential administration of any such bids or tenders.
- 6.1.6 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 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.
- 6.1.7 To make an ex-gratia payment to ‘under occupying’ tenants who move to smaller properties in accordance with housing policy.
- 6.1.8 To grant tenancies to applicants in accordance with the Rehousing Policy and local lettings policy decisions and to grant temporary service tenancies.

- 6.1.9 To grant new 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.
- 6.1.10 To determine transfer by application by tenants on management grounds.
- 6.1.11 To determine appropriate officers to act as security administrators for the Housing Corporate Investment Management System.
- 6.1.12 In relation to the Private Sector Housing Strategy to:
- a. alter existing or introduce new formulae to calculate loan repayment sums in respect of financial assistance packages;
  - b. approve adjustments to the occupancy terms for the grant element of existing and new financial assistance packages; and
  - c. approve the introduction of subsequent financial assistance packages developed, and any significant alterations to the criteria of existing packages following consultation with the appropriate Cabinet Member and the Chief Financial Officer.
- 6.1.13 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 Head of Finance, to approve capital expenditure under Financial Procedure Rules for 2008/09 and subsequent years. in accordance with the sums included in the approved capital programme subject to the capital resources being available ~~(Cabinet 02/04/07).~~
- 6.1.14 In consultation with the Solicitor to the Council and the Head of Finance, to implement the New Heritage Centre at the former Magistrates' Courts up to and including the submission of a Project Planning Application to the Heritage Lottery Fund ~~(Cabinet 17/09/07).~~
- 6.1.15 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 ~~(Cabinet 21/01/08).~~
- 6.1.16 To authorise and implement minor changes to the “Decants and Permanent Rehousing due to the decommissioning of Council Housing Stock – Rented or Leasehold” as required, following consultation with the Cabinet Member responsible and Head of Finance ~~(Cabinet 14/04/08).~~
- 6.1.17 To take any decisions or actions necessary in relation to community safety and anti-social behaviour, including, ~~but not limited to,~~ 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 Neighbourhood Partnership corporate plans and any projects relating to community cohesion, tackling social exclusion and discrimination.

6.1.18 To make decisions on the application of the Disabled Adaptations in Council Housing policy in individual cases and to make minor amendments to the policy as required ~~(Cabinet, 24/11/08).~~

6.1.19 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.

6.1.20 To approve grants to voluntary organisations, following consultation with the Cabinet Member and Chief Financial Officer and the approved budget being available. ~~provided that such approval be limited to £10,000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations.~~

~~6.1.23 Following consultation with the Cabinet Member for Housing and Local Services to finalise the (Race Equality) scheme.~~

~~6.1.24~~ 6.1.23 To undertake all functions and responsibilities associated with Emergency Planning.

~~6.1.25~~ 6.1.21 Following consultation with the Cabinet Member for Housing and Local Services, for the 2006/07 capital programme for Disability Discrimination Act 1995 (Part III Compliance) to add to or amend the list of priority sites in accordance with the agreed criteria and to determine the allocation of the capital budget. ~~(Cabinet, 19/06/06).~~

~~6.1.26~~ 6.1.22 .To make amendments to the Council's Equality Schemes in order to address evolving legal and performance requirements. ~~(Cabinet, 13/11/06).~~

6.1.23 To make applications to the Secretary of State following consultation with the Cabinet Member and Solicitor to the Council in respect of works on common land.

6.1.24 Following consultation with the relevant Cabinet Member and appropriate stakeholders to review and amend Directorate policies and strategies.

6.1.25 Following consultation with the relevant Cabinet Member and the Executive Director for Resources, 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 £250,000 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.

6.1.26 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.

### **Estate Regeneration Programme**

6.1.27 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.

6.1.28 Following consultation with the Cabinet Member responsible, Solicitor to the Council, Head of Finance and Head of Property and Procurement to 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.

6.1.29 Following consultation with the Cabinet Member responsible, Solicitor to the Council, Head of Finance and Head of Property and Procurement and subject to funding and budgetary approval being in place, to acquire land for the purposes of estate regeneration.

6.1.276.1.30 To commence a programme of consultation and engagement with residents and stakeholders on sites identified for redevelopment, subject to consultation with the Cabinet Member responsible. ~~(Cabinet 24/11/08)~~

6.1.286.1.31 To accept, in accordance with FPR any grant funding towards the costs of the Estate Regeneration project and as a consequence:

- a) increase the capital budget for this project by the value of the grants received; and
- b) increase the scheme approval sums by the value of the grant received ~~(Cabinet 24/11/08)~~.

6.1.296.1.32 Following consultation with the Cabinet Member responsible, Solicitor to the Council, Head of Finance and Head of Property and Procurement:

- a) Procure a development partner using the OJEU process to redevelop Hinkler Parade;
- b) Enter into a development agreement to deliver the redevelopment, including, if required the disposal of land, subject to best consideration being received and conditional on the Council securing vacant possession. ~~(Cabinet 24/11/08)~~

~~6.1.33 To grant a service concession to procure services that meet the Council's service plans, following consultation with the Executive Director for Resources, Solicitor to the Council and the relevant Cabinet Member.~~

~~6.1.29 Following consultation with the Cabinet Member responsible, Solicitor to the Council, head of Finance and Head of Property and Procurement to dispose of vacant homes in poor repair, vacant sites and underused garages (Cabinet 24/11/08)~~

### **Sheltered Housing**

~~6.1.316.1.34 To amend the allocations criteria for sheltered housing, following consultation with the responsible Cabinet Member and tenants. (Cabinet 24/11/08)~~

## 6.2 HEAD OF LEISURE AND CULTURE

- 6.2.1 To approve the provision of new leisure and culture facilities identified and provided for in current Service and Financial Plans subject to:
- a. the necessary finance being available; and
  - b. compliance with all statutory requirements including but not limited to the Planning Acts and all Council Procedure Rules; and
  - c. the proposals do not require the appropriation or disposal of an interest in an Open Space within the meaning of Section 229 or 232 of the Town and Country Planning Act 1990.
- 6.2.2 To approve the implementation of discount prices where considered appropriate to meet market conditions, to improve operational efficiency, to achieve financial benefits or to encourage participation by the Authority's target groups.
- 6.2.3 To negotiate fees for hiring of indoor and outdoor entertainment.
- 6.2.4 To subsidise the cost of facilities for any event held at any of the City Council's leisure, libraries and cultural facilities in accordance with the Council's approved terms and conditions.
- 6.2.5 To grant permission for events on public lands (including the refurbished Guildhall Square open space and Cultural Quarter) and, where applicable, to make ~~proper~~ appropriate charges.
- 6.2.6 To grant permission for the use of Speakers' Corner at Hoglands Park, and where appropriate, to make proper charge.
- 6.2.7 In association with the Director of the National Gallery, to select and acquire works of art for the collection under the Chipperfield Bequest, up to the value of £25,000, subject to the necessary finance being available.
- 6.2.8 To select and acquire works of art for the collection under the Smith Bequest.
- 6.2.9 To grant permission for loans from and to the collections and to permit the reproduction of work from the collection.
- 6.2.10 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.
- 6.2.11 To enter into standard agreements for the carrying out of archaeological works, following consultation with the Solicitor to the Council.

- 6.2.12 To allocate the annual interest on the sports fund to support outstanding individual sportsmen and sportswomen resident in the City.
- 6.2.13 To design and implement such short term incentive and/or promotional / marketing schemes that are considered necessary to meet market conditions, to improve operational efficiency and/or to achieve financial benefits at any leisure venue or within any area of leisure activity.
- 6.2.14 To approve the hosting of national or international events at facilities within the leisure and culture portfolio.
- 6.2.15 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.
- 6.2.16 To obtain additional software licences for any library computer systems when the user base expands.
- 6.2.17 To set levels of royalty payment and agree licences to print.
- 6.2.18 To sign agreements for copying from books and journals.
- 6.2.19 Subject to obtaining the necessary licences, to take multiple abstracts from national newspapers.
- 6.2.20 To accept publicity for display from outside bodies, subject to any legal requirements and policies adopted by the Council.
- 6.2.21 To take whatever action is necessary in respect of library fines, and costs / charges for lost books, photocopying, loans, etc.
- 6.2.22 To have the discretion to waive, or reduce, the items referred to in paragraph 6.2.21.
- 6.2.23 To decide and accept the most suitable tender for the mobile catering services in the parks and enter into a contract with that operator.
- 6.2.24 To determine eligibility for the award of Historic Building Grants in accordance with statutory criteria.
- 6.2.25 To make Historic Building Grants subject to the Council's Standard Terms and Conditions for the appropriate portfolio Historic Grants budget.
- 6.2.26 To draft and action an implementation plan for the Arts and Heritage Acquisition and Disposal Policies for Museum Accreditation and to make minor and consequential amendments to the policy prior to its finalisation, following consultation with the appropriate Cabinet Member and the Arts and Culture Manager.
- 6.2.27 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. ~~-(Cabinet-18/09/06)-~~

6.2.28 To provide appropriate support to the Southampton Cultural Development Trust following consultation with the Cabinet Member for Leisure, Culture and Heritage.

### **Film Requests**

6.2.286.2.29 To grant permission for filming requests on Council land or premises and to make a charge, where applicable. ~~(Cabinet Member 16/03/09)~~

6.2.296.2.30 Wherever possible acts as City liaison to promote filming at privately owned locations within Southampton and retains a location finder's administrative charge, where applicable. ~~(Cabinet Member 16/03/09)~~

### **Arts and Heritage Collection Policy**

6.2.31 To revise the Arts and Heritage Collection Development Policy 2009-13 if required, following consultation with the Cabinet Member. ~~(Cabinet 1/6/09)~~



### 6.3 HEAD OF HOUSING MANAGEMENT

These powers relate to Council dwellings within the HRA

6.3.1 To serve Notices of Seeking Possession and/or Notices to Quit where appropriate and to take necessary action upon the expiry of such Notices.

6.3.2 To institute proceedings for the recovery of possession of property and/or land occupied by squatters.

6.3.3 To serve notices and to institute forfeiture proceedings to Council tenants in appropriate cases.

6.3.4 To evict, where lawful, necessary and expedient.

6.3.5 To authorise a one-off reduction in rent by up to a maximum of £500 where some or all of the dwelling is unusable due to major works or loss of services.

6.3.6 To authorise the sale of Council houses and flats in accordance with the Right to Buy legislation and the shared ownership scheme for all mortgagees, their management and subsequent repayment. ~~following consultation with the Head of Property Services.~~

6.3.7 To operate the deferred payment mortgage scheme.

6.3.8 To operate the Housing Act Advances Scheme including the granting of Maturity Loans as well as operating the Right to Buy Mortgages Scheme including administration and subsequent redemption of the mortgage.

6.3.9 In relation to water rates and budget warmth debts, to write off any debts which have been accepted and cannot be recovered.

~~6.3.10 To write off debts of the Council linked with, attributable to or associated with the discharge of the Council's Housing functions.~~

~~6.3.11~~ 6.3.10 To authorise variations in shop leases, rents and terms of tenure where this is consistent with effective management of estates. contributes to social enterprise or tackling worklessness, or provides services which support the local community.

~~6.3.12~~ 6.3.11 To authorise the repossession, under the County Court Rules 1981 (Order 6 Rule 5a 1-4) 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.

~~6.3.13~~ 6.3.12 To approve homeloss, disturbance and ex-gratia payments for removal expenses for displayed tenants on modernisation or major works of Council dwellings.

## 6.4 HEAD OF HOUSING SOLUTIONS

- 6.4.1 To determine applications made under the Leasehold Reform, Housing and Urban Development Act 1993.
- 6.4.2 To institute proceedings under the Protection from Eviction Act 1977.
- 6.4.3 To institute proceedings under Section 1 Accommodation Agencies Act 1953.
- 6.4.4 To make minor modifications to the approved terms and conditions of financial assistance provided in accordance with the Council's Private Sector Housing Strategy.
- 6.4.5 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.
- 6.4.6 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.
- 6.4.7 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.
- 6.4.8 To approve applications for the provision of financial assistance in accordance with the Council's Private Sector Housing Strategy.
- 6.4.9 To waive financial assistance repayment conditions in relation to the Council's Private Sector Housing Strategy.
- 6.4.10 To make amendments to the Tenants Incentive Scheme eligibility criteria and authorise payments under the scheme if local circumstances require.
- ~~6.4.11 To make minor or necessary revisions of the Housing Enforcement Policy and Procedure as the need arises.~~
- ~~6.4.12~~ 6.4.11 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 Private Sector Housing Enforcement Policy and the Cabinet Office Enforcement Concordat.
- ~~6.4.13~~ 6.4.12 In consultation with the Executive Director for Neighbourhoods:
- 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
- c. determine and alter as necessary an administrative fee for works carried in default of notices.

6.4.146.4.13 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.

6.4.156.4.14 To seek confirmation from the appropriate national authority of a designation for a Selective Licensing Scheme under section 80 of the Housing Act.

6.4.166.4.15 To approve the use of the Enforced Sale Procedure.

6.4.176.4.16 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 Solicitor to the Council.

6.4.186.4.17 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.

6.4.196.4.18 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.

6.4.206.4.19 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.

6.4.216.4.20 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 Head of Finance.

6.4.226.4.21 To grant secure tenancies to decanted tenants where a return to their previous address is either not feasible or where to do so would be in the interests of the best management of the stock.

6.4.236.4.22 To grant approval to offers to applicants as laid down in the policy approved by H&CR Committee in 1997 where properties have proved hard to let.

6.4.246.4.23 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.

6.4.256.4.24 To determine the appropriate number of temporary units of accommodation to be used for this purpose at any one time, including the approval to use SCC "normal" stock as temporary accommodation for the discharge of duties under the Homelessness Act 2002.

~~6.4.26 To authorise payments under the Tenants' Incentive Scheme~~

6.4.276.4.25 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.

6.4.286.4.26 To grant tenancies, in accordance with the Council's policy, to wardens who retire and approve exceptions to that policy in exceptional circumstances.

6.4.296.4.27 To review and amend the current allocations policy.

6.4.306.4.28 To make final amendments to the Housing Strategy 2007 – 2011 following consultation with the Cabinet Member and further consultation with the relevant Scrutiny Panel. ~~(Council, 21/03/07).~~

6.4.316.4.29 To allocate Department for Communities and Local Government (DCLG) Homelessness Directorate grant received for 2008/09 and subsequent years, following consultation with the Homelessness Steering Group, relevant Cabinet Member and Head of Finance and IT. ~~(Cabinet, 05/03/07).~~

6.4.326.4.30 To approve homeloss, disturbance and ex-gratia payments for removal expenses for displayed tenants on modernisation or major works of Council dwellings. ~~(Council, 13/05/09)~~

6.4.336.4.31 To make minor or necessary revision to the Private Sector Enforcement Policy as the need arises, following consultation with the relevant Cabinet Member. ~~(Cabinet 29/6/09)~~

### **Estate Regeneration**

6.4.32 To serve Notices of Seeking Possession and/or Notices to Quit where appropriate and to take necessary action upon the expiry of such Notices.

6.4.33 To institute proceedings for the recovery of possession of property and/or land occupied by squatters.

6.4.34 To serve notices and to institute forfeiture proceedings to Council tenants in appropriate cases.

6.4.35 To evict, where lawful, necessary and expedient.

6.4.36 To authorise variations in shop leases, rents and terms of tenure where this is consistent with effective management of estates.

## 6.5 HEAD OF DECENT HOMES

- 6.5.1 To determine applications under Section 3(5) Housing Defects Act 1984.
- 6.5.2 To approve ex-gratia payments for removal expenses for displaced tenants on modernisation or major works of Council dwellings.
- 6.5.3 To authorise payments under the Tenants Right to Compensation or Improvements and the Right to Repair.
- 6.5.4 To accept written in-house bids in respect of housing repairs, housing window replacement contracts and any housing works following consultation with the Head of Property and Procurement.
- 6.5.5 To determine when the Landlord Controlled Heating should be switched on and off.
- 6.5.6 To determine the level of charges for Landlord Controlled Heating.
- 6.5.7 To arrange and enter into suitable contract arrangements for the provision of these schemes (Additional Heating and Ventilation Works in Tower Blocks and Heating Improvements in Castle House) and to do anything necessary to implement this decision, subject to the formal approval of the proposed partnering arrangements by the ~~Head of Procurement~~Head of Property and Procurement, in consultation with the Solicitor to the Council.
- 6.5.8 To make annual financial final amendments to the Housing Revenue Account Business Plan 2007 – 2037 and refresh every five years, following consultation with the Cabinet Member. ~~(Council, 21/03/07)~~.

## 6.6 HEAD OF DIRECTOR'S OFFICE

~~6.6.1 To commission, monitor and approve all reports for submission to any decision-making body of the Executive, the Council, Committees, Panels and Sub-Committees and to ensure their compliance with all the Procedures and other rules contained within the Constitution and with Corporate Standards and legal and financial requirements, following consultation with the Heads of Service, particularly the Head of Finance and Solicitor to the Council, particularly (but not limited to):~~

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

~~6.6.2 To approve Members to attend courses, seminars, other training and conferences subject to consultation with the Solicitor to the Council.~~

~~6.6.3~~ 6.6.1 To change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Heads of Finance and Property and Procurement Services.

## **6.7 HEAD OF NEIGHBOURHOOD SERVICES**

- 6.7.1 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).
- 6.7.2 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).
- 6.7.3 To execute works in default of the remedial work detailed in any remedial notice under the Anti-Social Behaviour Act 2003 (High Hedges).
- 6.7.4 In consultation with the Head of Finance and the Solicitor to the Council, 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).
- 6.7.5 To authorise an appropriate officer to enter land for any purpose pursuant to Part 8 of the Anti-Social Behaviour Act 2003. (High Hedges).
- 6.7.6 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, in consultation with the Solicitor to the Council.
- 6.7.7 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.
- 6.7.8 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 Solicitor to the Council.
- 6.7.9 To serve street litter control notices.
- 6.7.10 To agree to waive charges for allotments.
- 6.7.11 Power to obtain information under Section 330 of the Town and Country Planning Act 1990 and Section 16 Local Government (Miscellaneous Provisions) Act 1976 about interests in land.
- 6.7.12 To undertake any necessary investigative work for the purposes of enforcement including issue a fixed penalty notices or any other notice on any person or person found littering, flyposting, or committing graffiti pursuant to the Environmental



Protection Act 1990, Clean Neighbourhood and Environment Act 2005, the Anti-Social Behaviour Act 2003, the Highways Act 1980 and the Town and Country Planning Act 1990.

- 6.7.13 To decide and accept the most suitable tender for mobile catering services in the parks and enter into a contract with that operator.
- 6.7.14 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. ~~(granted by Planning & Rights of Way Panel 3.4.07 in addition to Development Control Manager)~~
- 6.7.15 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. ~~(Granted by Planning and Rights of Way Panel 03/04/07)~~
- 6.7.16 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. ~~(Granted by Planning and Rights of Way Panel 03/04/07)~~
- 6.7.17 To execute works in default of non-compliance with a notice to replant trees and to recover all reasonable costs from the landowner. ~~(Granted by Planning and Rights of Way Panel 03/04/07)~~
- 6.7.18 To approve modifications to the Southampton's Tree Operational Risk Management System (STORMS) following consultation with the Solicitor to the Council, the Council's Risk and Insurance Manager and the Council's Health and Safety Manager to ensure the system remains fully effective. ~~(Council 13/05/09)~~
- 6.7.19 Following consultation with the Head of Finance and the appropriate officers dealing with European matters, to complete and submit expressions of interest for funding or initiatives relating to equalities, cohesion, community safety and community involvement to any UK or EU funding agencies ~~(Transferred from Head of Communities & Regeneration, Council 13/05/09).~~
- 6.7.20 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 Head of Finance, Solicitor to the Council and the Head of Planning and Sustainability. Where there is existing or intended Council ownership this must include the Head of Property and Procurement Services. As appropriate, this shall also include clients such as, but not confined to, Children Services and Learning and Neighbourhoods. ~~(Transferred from Head of Communities & Regeneration, Council 13/05/09).~~

- 6.7.21 The power to enter into grant agreements for the award of grants derived from Government funded regeneration programmes and to determine when a legal charge is required on property to secure the repayment of any grant award. ~~(Transferred from Head of Communities & Regeneration, Council 13/05/09).~~
- 6.7.22 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 Head of Finance. ~~(Transferred from Head of Communities & Regeneration, Council 13/05/09).~~
- 6.7.23 To determine Community Chest Grant applications taking into account recommendations made by the Grants Advisory Panel. ~~(Transferred from Head of Communities & Regeneration, Council 13/05/09).~~
- 6.7.24 To undertake any duties in respect of new work in the areas of community safety, new communities, community cohesion, community involvement and equalities as a result of any revisions to Service and Financial Plans. ~~(Transferred from Head of Communities & Regeneration, Council 13/05/09).~~
- 6.7.25 To revise, if required, revenue subsidies to Category B Council owned community centres and the funding to support the development of community involvement activities linked to the operation of such centres. ~~(Transferred from Head of Communities & Regeneration, Council 13/05/09).~~
- 6.7.26 To authorise legal proceedings or other action to be taken to recover possession of any property or land owned by Southampton City Council which is being occupied by travellers, squatters or other unlawful occupants.

~~6.8 HEAD OF ESTATE REGENERATION (COUNCIL 13/05/09)~~

~~6.8.1 TO SERVE NOTICES OF SEEKING POSSESSION AND/OR NOTICES TO QUIT WHERE APPROPRIATE AND TO TAKE NECESSARY ACTION UPON THE EXPIRY OF SUCH NOTICES.~~

~~6.8.1 To institute proceedings for the recovery of possession of property and/or land occupied by squatters.~~

~~6.8.2 To serve notices and to institute forfeiture proceedings to Council tenants in appropriate cases.~~

~~6.8.3 To evict, where lawful, necessary and expedient.~~

~~6.8.4 To authorise variations in shop leases, rents and terms of tenure where this is consistent with effective management of estates.~~

~~6.8.5 To approve homeless, disturbance and ex-gratia payments for removal expenses for displayed tenants on modernisation or major works of Council dwellings.~~

## 7.1 EXECUTIVE DIRECTOR OF RESOURCES

The Executive Director of Resources is responsible for the purposes of Section 151 Local Government Act 1972 for the Council's Financial Affairs.

- 7.1.1 To vary the limit on the value of houses on which advances under the Housing (Financial Provisions) Act 1958, may be made to employees subject to existing income requirements.
- 7.1.2 To provide ~~loanseases~~ under the Assisted Car Purchase Scheme and review the minimum loan in accordance with the increase in R.P.I. for the Council's benchmark cars.
- 7.1.3 To review the Council's contribution towards the Employee Car Scheme by the variation in annual rentals and insurance premiums for the Council's benchmark cars.
- 7.1.4 To annually review and set the interest rate for the car loan scheme
- 7.1.5 To review the mileage allowance for the Employee Car Scheme following any significant variations in petrol prices and the rental / mileage differentials, in addition to the annual review each April.
- 7.1.6 To finalise details of the operation of the Employee Car Scheme within the Council's policy.
- 7.1.7 To determine the instalment date in respect of the Statutory Instalment Scheme for the Council Tax.
- 7.1.8 To make arrangements with the Council's bankers regarding the operation of the Council's bank accounts and the terms on which they are conducted.
- 7.1.9 To exercise all the powers and duties exercisable by the City Council under the legislation (which for the avoidance of doubt also includes regulations, orders, etc.) concerning:
  - Council Tax
  - Community Charges
  - Housing Benefit
  - General Rates
  - National Non-Domestic Rating
  - Community Charge Benefit
  - Council Tax Benefitreserving only to the Council those functions specifically precluded from delegation by legislation.
- 7.1.10 To approve the Council Tax Base for the City Council from 2008/09 and for future years. ~~in consultation with the Cabinet Member for Resources (Cabinet, 17/01/06).~~

7.1.11 To take all and any decisions necessary or required to be taken by an officer of the Council in relation to the SSP contract with Capita Business Services Limited including but not limited to chairing the Transformation Board except where the decision to be made is significant in which case the delegation may only be exercised following consultation with the Cabinet Member for Resources and Workforce Planning.

7.1.12 To take all and any decisions necessary or required to be taken by an officer of the Council in relation to the Council's Treasury Management activities and to authorise all officers within the Finance Division to undertake operational Treasury Management activity consistent with those decisions and the Annual Treasury Management Strategy.

### **Sixth Form Colleges**

7.1.13 in consultation with the Executive Director of Children's Services and Learning, to make an advance of funds to a college.

7.1.14 To issue a Financial Notice to Improve in accordance with the Apprenticeships, Skills, Children & Learning Act 2009.

7.1.15 In consultation with the Executive Director of Children's Services and Learning, to issue a capital related borrowing consent in relation to post 16 learning providers.

7.1.16 In consultation with the Executive Director of Children's Services and Learning, to issue a solvency related borrowing consent in relation to post 16 learning providers

7.1.17 In consultation with the Executive Director of Resources and the Solicitor to the Council, to give consent to the establishment of a college company for the purpose of education.

7.1.18 In consultation with the Executive Director of Children's Services and Learning, to use intervention powers under the Apprenticeships, Skills, Children and Learning Act 2009

## 7.2 CHIEF INTERNAL AUDITOR

7.2.1 Within the scope of the postholders' employment, to manage investigations and grant authorisations under Section 28 and 29 of the Regulation of Investigatory Powers Act 2000.

7.2.2 To act as the Council's Money Laundering Officer.

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

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

### **Specialist Investigations Auditor**

~~7.2.3 Within the scope of the postholders' employment, to manage investigations and grant authorisations under Section 28 and 29 of the Regulation of Investigatory Powers Act 2000.~~

**7.3 HEAD OF FINANCE ~~AND IT~~**

- 7.3.1 To set the mortgage interest rate for Council mortgages in accordance with the Housing Act 1985
- 7.3.2 To finalise details of the operation of the Mortgage Equity Scheme within the Council policy.
- 7.3.3 To introduce and operate a Discretionary Housing Payments Scheme in accordance with the Discretionary Financial Assistance Regulations 2001.
- 7.3.4 To write off any arrears accrued after 1988 by tenants where he or she is satisfied that;
  - a. arrears arose because the tenant was given incorrect or insufficient Housing Benefit advice; and
  - b. the tenant was not warned that this advice was a provisional estimate and any difference would have to be made good.
- 7.3.5 Within the scope of the postholder's employment, to manage investigations and grant authorisations under Section 28 and 29 of the Regulation of Investigatory Powers Act 2000
- 7.3.6 Within the scope of the postholder's employment, to authorise other Council officers below the level of first level officer for the management of investigations and the grant of authorisations under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.
- 7.3.7 In consultation with the Head of Housing Solutions and the Solicitor to the Council, to enter into business agreements for the provision of financial assistance provided by external partners in relation to the Private Sector Housing Strategy.
- 7.3.8 The Head of Finance as nominated deputy under Section 151 Officer shall have authority to take all action as is necessary or expedient to fulfil the statutory obligations under Section 151 Local Government Act 1972.
- 7.3.9 To vary the limit on the value of houses on which advances under the Housing (Financial Provisions) Act 1958, may be made to employees subject to existing income requirements.
- 7.3.10 To provide ~~leases-loans~~ under the Assisted Car Purchase Scheme and review the minimum loan in accordance with the increase in Retail Price Index for the Council's benchmark cars.

- 7.3.11 To review the Council's contribution towards the Employee Car Scheme by the variation in annual rentals and insurance premiums for the Council's benchmark cars.
- 7.3.12 To annually review and set the interest rate for the car loan scheme
- 7.3.13 To review the mileage allowance for the Employee Car Scheme following any significant variations in petrol prices and the rental / mileage differentials, in addition to the annual review each April.
- 7.3.14 To finalise details of the operation of the Employee Car Scheme within the Council's policy.
- 7.3.15 To provide or arrange for the provision of financial advice to the Council, including from external sources.
- 7.3.16 To make arrangements with the Council's Bankers regarding the operation of the Council's bank accounts and the terms on which they are conducted.

~~7.3.17 To review annually or at such other periods as is considered necessary all risks and insurances following consultation with appropriate Heads of Services, and make arrangements and agree terms with insurers for those risks considered to be economic to transfer to the Council's insurers.~~

~~7.3.18~~ 7.3.17 To negotiate all loans of money to the City Council (including bank overdrafts) within the City Council's overall borrowing powers.

~~7.3.19~~ 7.3.18 To act as the Council's Registrar of stocks, bonds, mortgages and other securities, and maintain adequate records of all borrowings of money by the City Council.

~~7.3.20~~ 7.3.19 To nominate a Deputy Registrar from his / her staff in relation to 7.3.19.

~~7.3.21~~ 7.3.20 To invest or utilise such surplus monies of the City Council and to realise such investments as considered proper and in the City Council's interest.

~~7.3.22~~ 7.3.21 To be responsible to the Council for the purchase, sale, realisation or exchange of investments.

~~7.3.23 To indemnify / insure directly or indirectly persons, other than councillors / officers, involved in Council activities.~~

~~7.3.24~~ 7.3.22 To enter into any operating leasing agreements that might be required.

~~7.3.25~~ 7.3.23 To write off any debts of the Council up to £250,000+100,000 and to establish, following consultation with the Chief Financial Officer write-off limits for Council Officers and guidance for debt write-off in the case of hardship or safeguarding individuals.



7.3.24 To approve any Direct Debit arrangements for the Council.

7.3.25 To authorise requests for Assisted Car Purchase Scheme loans in consultation with the Head of Organisational Development.

## 7.4 HEAD OF ORGANISATIONAL DEVELOPMENT

### General

- 7.4.1 To review the defined levels of post at which action can be taken under Organisational Development procedures, including termination of employment, consistent with changes in the Council's organisational structures.
- 7.4.2 Following consultation with the relevant Cabinet Member, to negotiate and adopt revised personnel procedures and associated conditions of service where there is no change in policy or strategy.
- 7.4.3 Be proper officer for the appointment or dismissal of statutory or non-statutory chief officer and deputy chief officers.
- 7.4.4 In respect of the resolution dated 16th April 2002 of Employment Panel regarding Appointment and Dismissal of Chief Officers submitted to the Employment Panel, to implement and adopt arrangements in the event of exceptional circumstances and following consultation with the relevant Cabinet Member.

### Structures and Establishments

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

7.4.6 To approve changes in the designation of posts.

### Pay and Benefits

7.4.67.4.7 To apply, vary or end the payment of a market supplement provided that funding is available within divisional budgets, following consultation with the relevant Cabinet Member.

7.4.77.4.8 To approve the payment of honoraria where it does not relate to covering a higher graded post.

7.4.9 In the case of covering for a post, approve the payment of an honorarium.

7.4.87.4.10 To approve merit increments in excess of two in any year.

7.4.97.4.11 To determine applications for the re-assessment of the grade of posts, whether initiated by management or an employee.

7.4.107.4.12 To waive the conditions under which payments are made under the Relocation Expenses Scheme.

7.4.117.4.13 To review and vary the value of long service awards, following consultation with the relevant Cabinet Member.

7.4.127.4.14 To review and update the level of allowances paid to employees in accordance with the conditions of service, eg the allowance paid to appointed first aiders, following consultation with the relevant Cabinet Member,

7.4.137.4.15 To adjust the Taxi Allowance in line with taxi fare increases.

7.4.147.4.16 To make payments to staff in accordance with the adopted Policy Statement on Discretionary Severance and Payments arrangements where an unreduced pension is payable and where there is no discretionary element, after consultation with the Head of Finance

7.4.17 Provided that the cost can be met from within existing budgetary provision and the maximum of the grade is not exceeded, to authorise up to two accelerated increments following examination success or for other reasons.

7.4.18 To authorise the allocation and payment of car allowances.

7.4.19 To authorise advance of pay on appointment to monthly pay.

### **Sickness**

7.4.157.4.20 To approve payments of up to twice the maximum salary of spinal column point 21 in respect of the Personal Injury Scheme, following consultation with the relevant Cabinet Member.

7.4.21 To grant extensions of sick pay for up to two months at either full or half pay dependent on the circumstances.

### **Trade Union Facilities**

~~7.4.15~~~~To vary the amount of trade union facility time approved corporately, subject to the availability of finance, following consultation with the relevant Cabinet Member.~~

7.4.22 To commission, monitor and approve all reports for submission to any decision-making body of the Executive, the Council, Committees, Panels and Sub-Committees and to ensure their compliance with all the Procedures and other rules contained within the Constitution and with Corporate Standards and legal and financial requirements, following consultation with the Heads of Service, particularly the Head of Finance and Solicitor to the Council:

- a. defining the overall standards to be adhered to for that particular service area:  
and

b. commissioning advice on changes to policy.

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

7.4.24 To submit bids for or tenders involving funding or assistance from central Government, the European Commission or from any other source (direct or indirect to the authority itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB: this delegation applies not only to SRB and lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should applied in the same way), following consultation with the Solicitor to the Council and Head of Finance.

7.4.25 To change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Heads of Finance and Property Services.

7.4.26 To respond to consultations and requests for submissions, including responses to calls for funding proposals, from European, National and Regional Government Departments in relation to Domestic, International and European Service activities.

#### **Trade Union Facilities**

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

**NOTE:** In relation to delegated powers ~~7.4.2, 7.4.4, 7.4.5, 7.4.6, 7.4.10, 7.4.12, 7.4.13, 7.4.15 and 7.4.16~~ 7.4.2, 7.4.4, 7.4.5, 7.4.7, 7.4.13, 7.4.15, 7.4.16, 7.4.21 and 7.4.27, where the Head of Organisational Development exercises any of those delegated powers, s/he shall, as reasonably practicable after exercising those powers, advise the Chair of Employment and Appeals Panel as to the exercise of that delegated power.

**7.5 HEAD OF EFFICIENCY AND IT SOLUTIONS**

- 7.5.1 To initiate tendering processes for IS/IT products and services, subject to consultation with the Solicitor to the Council and ~~Head of Procurement~~Head of Property and Procurement.
- 7.5.2 To vary, renegotiate and amend leases and other IT contract details in agreement with the Solicitor to the Council, where these improve service or reduce costs.
- 7.5.3 To approve changes and enhancements to “City Web” and its technology and standards and similar initiatives.
- 7.5.4 To approve changes and exceptions to IS/IT Corporate Standards and Policy.
- 7.5.5 To enter into professional IT memberships in the interests of the Authority.
- 7.5.6 To initiate projects to explore new technology opportunities for the Authority, subject to appropriate budgetary provision.
- 7.5.7 Enter into any arrangements necessary in the event of a disaster recovery situation affecting IT, and to approve exceptions, following consultation with Solicitor to the Council and Head of Finance, 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 Solicitor to the Council and the appropriate Executive Director.
- 7.5.8 To produce and vary IT procedures, including IT ordering procedures provided these do not conflict with Financial Procedure Rules or Contract Procedure Rules subject (in respect of ordering / contractual issues) to the agreement of the ~~Head of Procurement~~Head of Property and Procurement and the Solicitor to the Council.
- 7.5.9 To review annually or at any such other periods as may be considered necessary, all IT plans and risks associated with them following consultation with Heads of Service and Policy Coordinators.
- 7.5.10 To prepare or approve the form and content of all IT plans, proposals, policies, standards, strategy and acquisitions.
- 7.5.11 To approve the acceptance of IT contracts other than the lowest for contracts up to £100,000 in value subject to the approval of the ~~Head of Procurement~~Head of Property and Procurement.
- 7.5.12 To vary prices for divisional services following consultation with the appropriate Level One Manager.

## PART 7 - RESOURCES DIRECTORATE

- 7.5.13 To adopt methodologies, procedures and practices to optimise the management implementation and maintenance of information systems including project and financial management.
- 7.5.14 To approve dispensation for those not able to adopt IS/IT Corporate Standards, policies or strategy.

## 7.6 HEAD OF PROPERTY AND PROCUREMENT

### PROCUREMENT

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

~~7.6.2 To approve short lists of firms for interviewing prior to selection of final tender list.~~

~~7.6.3 To approve final tender lists for contracts with the exception of lists for Best Value Tenders which must be reported to the appropriate Cabinet Member.~~

~~7.6.4~~ 7.6.2 To authorise named individuals to be the Council's nominated professional officers for inclusion in appropriate contracts.

~~7.6.5~~ 7.6.3 To approve all exceptions and relaxations to Contract Procedure Rules.

~~7.6.6~~ 7.6.4 To approve acceptance of tenders other than the lowest for all contracts.

~~7.6.7 To receive tender.~~

~~7.6.8 To maintain the Council's Standing List of Contractors, including the power to add, suspend or remove firms from the list and utilise national registers where appropriate.~~

~~7.6.9~~ 7.6.5 To authorise the Heads of Service to participate in contracts arranged by the Central Business Consortium member authorities.

~~7.6.10~~ 7.6.6 To approve procedures specifying the requirements of Contract Procedure Rules and local procedures implementing those requirements.

~~7.6.11~~ 7.6.7 a. ~~To approve a final tender lists for contracts.~~

~~a~~ b. ~~To a~~Approveing the appropriate procurement route;

~~b.~~ To approve requests for contracts;

c. ~~To a~~Approveing OJEU advertisements;

d. ~~To a~~Approve a regime for setting up, amending, reviewing and managing tender lists

e. Approve payments in advance, only with prior written approval of the Chief Financial Officer and Monitoring Officer.

~~7.6.8~~ To approve framework agreements (including those available under Catalist from OGCbuying.solutions) for use within the Council following an assessment of the terms of the framework ensuring that it offers best value and legal compliance.

~~7.6.9~~ To manage all EU procurement procedures and authorise such other person or department as he or she may direct, to do so.

~~7.6.10~~ 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.

7.6.11 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 (which ever is the lesser).

7.6.12 To authorise all extensions and variations to a contract awarded under the EU Procurement Directives.

7.6.13 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.

(N.B. Such interests must be declared by any officer of the Council participating in a contract award decision or employee of Procurement Services or Property Services managing the procurement).

## **PROPERTY**

~~7.6.12~~ 7.6.14 To deal with applications for landlord's consent to submitted plans, except in cases where some unusual factor is present and on which a policy decision is needed. Where consent is given, the under mentioned Standard Conditions I or II be attached as appropriate:

### Standard Condition I:

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

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

- i. Compliance in all respects with all byelaws, licences and other consents applicable to the property and, in particular, with the conditional planning permission  
Code No ..... dated .....



- ii. The execution of such formal deed containing such provisions to safeguard the interests of the City Council as the Solicitor to the Council may determine.

- 7.6.127.6.15 a. To approve the principle of and negotiate and agree terms of sale of freehold reversionary interests secured on individual dwellings originally constructed by either the Council or self-build groups to the owner-occupier;
- b. To negotiate and agree the terms of sale of all other property providing the consideration does not exceed £~~50,000~~20,000.
- c. To negotiate and agree terms of sale of property exceeding £50,000 in value providing the consideration does not exceed £500,000, following consultation with the Cabinet Member for Resources and Workforce Planning.

7.6.137.6.16 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.

7.6.147.6.17 To determine applications for home loss payments under the Land Compensation Act. 1973.

7.6.157.6.18 To revise charges made for room bookings within Civic Buildings.

7.6.167.6.19 To approve the surrender or assignment of any lease, licence, wayleave or easement by Agreement between the parties.

7.6.177.6.20 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.

7.6.187.6.21 To approve variations to the terms of leases, licences, easements or wayleaves, covenants or any other transaction when the consideration for the variation does not exceed £~~75~~50,000 per annum or a premium payment of £~~750~~500,000, provided sufficient finance is available.

7.6.197.6.22 To approve the following up to the financial limits specified, subject to sufficient finance being available:

- a. easements granted by or granted to the Council ;
- b. disturbance claims or ex gratia payments;

- c. settlement and apportionment of well maintained payments due under the Housing Acts where agreement can be reached with the parties;
- d. lettings up to and including on a year to year basis;
- e. any other lettings, renewals or rent / licence fee reviews where the reviewed rent / fee is no less than the amount previously due, except where the reduction is no more than £25,000 does not exceed £50,000 per annum, 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 £750,000; 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 Head of Finance).

7.6.207.6.23 Following consultation with the relevant Policy Coordinator, to grant licences for works on land.

7.6.24 a. To approve the exchange of land with a third party where the Council's existing land value is estimated to be no more than £50,000; and

b. To approve the exchange of land with a third party where the Council's existing land value is estimated to be greater than £50,000 providing the consideration does not exceed £500,000, following consultation with Cabinet Member for Resources and Workforce Planning.

7.6.227.6.25 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.

7.6.237.6.26 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 £500,000.

7.6.247.6.27 To approve the temporary use of property, pending long-term use.

7.6.257.6.28 To manage the Council's investment, social and general purpose property portfolios.

7.6.267.6.29 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.

~~7.6.277.6.30~~ Authority to exercise the powers and duties of the Council under the Landlord and Tenant (Covenants) Act 1995.

~~7.6.287.6.31~~ To grant and sign licences in a form approved by the Solicitor to the Council.

~~7.6.297.6.32~~ To approve the acceptance of tenders for land disposals, whether the highest bid or not, up to £~~500~~~~250~~,000 capital (where the principle of the disposal has already been approved) or £~~750~~,000 per annum revenue income.

~~7.6.307.6.33~~ To agree compensation under Land Compensation legislation where no interest in the land is acquired by the Council.

~~7.6.311~~In connection with the ~~St Mary Street Compulsory Purchase Order 2000~~, to determine by agreement, the amount of total compensation payable for the acquisition of outstanding property interests and agreeing interim payments if requested

~~7.6.327.6.34~~ 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.

~~7.6.337.6.35~~ To place property on the market in accordance with Corporate Standards with a view to a disposal.

~~7.6.347.6.36~~ 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.

~~7.6.35~~Following consultation with the Leader, to vary the approved programme (Planned Maintenance and Backlog Repairs Projects, Non-HRA Property) to meet urgent maintenance needs arising during the implementation of the programme.

~~7.6.367.6.37~~ 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.

7.6.38 To approve the acquisition of minor interests in property, provided the consideration does not exceed a premium payment of £~~200~~~~1~~,000 or £~~20.000~~~~100~~ per annum, provided sufficient finance is available, in consultation with the Cabinet Member for Resources and Workforce Planning.

~~7.6.39~~ To authorise the variation of individual projects in the approved Capital Building Maintenance (non-housing) programme during it's implementation, should this be

required as a result of urgent or unforeseen repair needs arising, or services requirement changes.

7.6.40 To add new projects or remove projects from the approved Capital Building Maintenance (non-housing) programme project list following consultation with the Cabinet Member for Resources and Workforce Planning

7.6.41 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 Cabinet Member for Resources and Workforce Planning and the relevant Cabinet Member for the building concerned.

7.6.42 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 £500,000, and provided sufficient finance is available.

~~7.7 HEAD OF PERFORMANCE AND PLANNING~~

~~7.7.1 TO COMMISSION, MONITOR AND APPROVE ALL REPORTS FOR SUBMISSION TO ANY DECISION-MAKING BODY OF THE EXECUTIVE, THE COUNCIL, COMMITTEES, PANELS AND SUB-COMMITTEES AND TO ENSURE THEIR COMPLIANCE WITH ALL THE PROCEDURES AND OTHER RULES CONTAINED WITHIN THE CONSTITUTION AND WITH CORPORATE STANDARDS AND LEGAL AND FINANCIAL REQUIREMENTS, FOLLOWING CONSULTATION WITH THE HEADS OF SERVICE, PARTICULARLY THE HEAD OF FINANCE AND SOLICITOR TO THE COUNCIL:~~

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

~~7.7.1 To make modifications / amendments to the approved standard conditions of grant aid.~~

~~7.7.2 To approve Members to attend courses, seminars, other training and conferences subject to consultation with the Solicitor to the Council.~~

~~7.7.3 To submit bids for or tenders involving funding or assistance from central Government, the European Commission or from any other source (direct or indirect to the authority itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB: this delegation applies not only to SRB and lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should applied in the same way), following consultation with the Solicitor to the Council and Head of Finance.~~

~~7.7.4 To change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Heads of Finance and Property Services.~~

~~7.7.5 To respond to consultations and requests for submissions, including responses to calls for funding proposals, from European, National and Regional Government Departments in relation to Domestic, International and European Service activities.~~

## **7.78 HEAD OF TRANSACTIONS AND CUSTOMER EXCELLENCE**

~~7.8.17.7.1~~ To determine the instalment date in respect of the Statutory Scheme for the Council Tax.

~~7.7.2 To make arrangements with the Council's bankers regarding the operation of the Council's bank accounts and the terms on which they are conducted.~~

~~7.8.37.7.2~~ To exercise all the powers and duties exercisable by the City Council under the legislation (which, for the avoidance of doubt, also includes regulations, orders, etc) concerning:

Council Tax	National Non-Domestic Rating
Community Charges	Community Charge Benefit
Housing Benefit	Council Tax Benefit
General Rates	

Relating only to the Council those functions specifically precluded from delegation by legislation.

~~7.8.47.7.3~~ To approve dispensation for those not able to adopt Customer Care Corporate Standards, policies or strategy.

~~7.8.57.7.4~~ To enter into professional Customer Service memberships in the interests of the Authority.

~~7.8.67.7.5~~ To initiate projects to improve Customer Service within the Authority, subject to appropriate budgetary provision.

### **Benefit Services Manager**

~~7.8.77.7.6~~ Within the scope of the postholders' employment, to manage investigations and grant authorisations under Section 28 and 29 of the Regulation of Investigatory Powers Act 2000.

### **Benefit Investigations Supervisor**

~~7.7.8 Within the scope of the postholders' employment, to manage investigations and grant authorisations under Section 28 and 29 of the Regulation of Investigatory Powers Act 2000.~~

DECEMBER 08

Addition of delegation 4.3.47 (and subsequent renumbering) (Head of Environmental Health & Consumer Protection)

Amendment to delegation 4.6.6 (Head of Planning & Sustainability)

Addition of delegation 4.6.13 (and subsequent renumbering) (Head of Planning & Sustainability)

Addition of delegation 4.10.36 (and subsequent renumbering) (Head of Highways & Parking Services)

Addition of delegations 5.1.12 and 5.1.13 (Executive Director for Communities, Health & Care)

Addition of delegations 6.1.16, 6.1.17, 6.1.18 and 6.1.19 (Executive Director for Neighbourhoods)

MAY 08

Change to delegation 2.2.68 (Solicitor to the Council)

Additional delegation 7.6.11 (Head of Property & Procurement) and subsequent renumbering

APRIL 2008

Changes to Neighbourhoods Directorate to bring the Scheme into line with new structure.

Minor changes to the list of Acts under 4.5.2 (Trading Standards & Enforcement Officers)

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## Recording Officer Decisions

### DECISION MAKING AND DELEGATION

#### 1. Background

- 1.1 This document sets out the legal framework to decision making and establishes a system to document decisions taken under delegated authority.

#### 2. Types of Decisions

- 2.1 The significance of decisions taken under delegated powers will vary, and officers authorised to make delegated decisions will need to exercise judgement in determining whether decisions are significant enough to require placing in the Forward Plan if they are Executive functions and/or formally recording. To assist in this process, decisions relating to Executive functions are defined as Key, Major or Administrative. All decisions other than Administrative need formally recording in accordance with paragraph 7. Administrative Decisions although not required to be formally recorded and reported, must be recorded so as to provide an audit trail as referred to in paragraph 7.

- 2.2 In relation to non-Executive functions, officers should adopt a similar approach to formal recording to ensure transparency of decision-making. Whilst Scrutiny Panels cannot consider decisions of Regulatory Panels, such officer decisions can be challenged externally through the courts. A delegated decision form to record Council functions is referred to in paragraph 5.2.

#### 2.3 A Key Decision is as defined in Article 12.

##### ~~2.3 Key Decision: an Executive decision which is likely:~~

- ~~i. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the City Council's budget for the service or function to which the decision relates;~~
- ~~ii. to be significant in terms of its effects on communities living or working in an areas comprising two or more wards or electoral divisions in the City; or~~
- ~~iii. to have a particularly significant impact on any community as experiencing social exclusion or discrimination, whether that community is defined by geography or interest and even if that community is only located in one ward or electoral division in the area of the local authority.~~

#### Notes

- ~~1. In relation to paragraph (i) above, the term "significant" shall be construed as meaning £200,000 (except that this does not apply to care packages where the value of the care package exceeds £200,000). For the purposes of this paragraph, the term "care package" is defined as a package of personal care and support purchased as a consequence of a community care assessment within the National Health Service and Community Care Act 1990 provided to an individual who has needs that meet the Council's Eligibility Criteria under "Fair Access to Care" Guidance. The decision to provide the care package is for the duration of the individual's life for as long as they are assessed as continuing to need such care".~~

~~2. In relation to paragraph (ii) above, the Council will, unless it is impracticable to do so, treat as if they were Key any decisions which are likely to have a significant impact on communities in one ward or electoral division. Where a decision is only likely to have a significant impact on a very small number of people in one ward or electoral division, the decision-maker should ensure that those people are nevertheless informed of the forthcoming decision in sufficient time for them to exercise their right to see the relevant papers and make an input into the decision-making process.~~

~~3. In considering whether a decision is likely to be significant, a decision-maker will also need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number or people living or working the locality affected. Regard should again be given to the underlying principles of open, transparent and accountable decision-making of this Constitution to ensure that there is a presumption towards openness.~~

~~4. In interpreting after the event whether or not a decision should or should not have been classified as a Key Decision, the following will be taken into account:~~

~~a. the issue must be assessed on the basis of the information which could reasonably have been available to the decision-maker at the time;~~

~~b. the "de minimus" rule will be applied;~~

~~c. the level and nature of advice sought by the decision-maker. The Monitoring Officer and Chief Financial Officer will have significant roles to play in this.~~

~~Note: "De minimus" means that (in this context) this rule does not apply to trifling, minor or insignificant variations, departures or breaches.~~

- 2.4 ~~Major Decisions: a Major Decision shall bear the same definition as a Key Decision in Article 12 of the Council's Constitution, save that the only criteria for a Major Decision is that a Executive decision where using the definition of a Key Decision set out above, the expenditure shall be is between £200,000 - £500,000. The exceptions and exemptions from Key Decisions shall also apply to Major Decisions. (except that this does not apply to care packages where the value of the care package exceeds £200,000).~~

### **3. The Process**

- 3.1 Before taking any decision, the authorised officer must take into account the principles of decision making set out the Constitution
- 3.2 All proposed Key Decisions need to be in the Council's Forward Plan which sets out key matters to be considered by the authority over the following four months and is updated on a monthly basis. Officers proposing to make a Key Decision and needing to place an item on the Council's Forward Plan should complete the Forward Plan template and supply this to the Democratic Services Officer. This is available on the Council's intranet site.
- 3.3 If it is impracticable to include the matter in the Forward Plan, then the officer must comply with the legal requirements relating to exceptional and urgent Executive decisions. These are laid out in full in the Access to Information Procedure Rules, Part 4 of the Council's Constitution. Officers will find the explanation of the constitutional and legal position set out in the Corporate Standards on Decision-Making.

- 3.4 If an officer is unable to give five clear days notice of a Key Decision that was not in the Forward Plan, s/he can take the decision only if the chair of the relevant Scrutiny Panel agreed that the decision is urgent and cannot reasonably be deferred. The full procedure is again set out in the Access to Information Procedure Rules and again laid out in the Corporate Standards on Decision-Making.

#### **4. Call-in**

- 4.1 ~~Relevant Key~~ decisions made by officers are subject to call-in by the relevant Scrutiny Panel and cannot be implemented until either the call-in period has expired or the Scrutiny Panel has made a decision regarding the call-in. ~~Directors can identify a decision as being exempt from call-in but only where the Director has declared that the decision is urgent and any delay in implementing the decision would seriously prejudice the Council's or public interest.~~ The call-in procedure is set out in the Overview and Scrutiny Procedure Rules within the Constitution.

#### **5. Recording the Decision**

- 5.1 Officer ~~Key~~ ~~Dec~~isions are recorded in the same manner as Cabinet / Cabinet Member Key Decisions. The nominated Democratic Services Officer will produce a Decision Record in the same format as those relating to Cabinet decisions following the officer decision taking as advertised on the Forward Plan.
- 5.2 Upon making a Major Decision in relation to an Executive function, the officer must provide the Democratic Services Officer with a completed Delegated Decision Form (available on the Council's intranet site) within two clear working days of the date of taking the decision. Any such forms must also be copied to the relevant Executive Director and Policy Co-ordinator.
- 5.3 Upon making a Major Decision relating to the exercise of a non-Executive function, the officer must provide the Democratic Services Officer with a completed Delegated Decision Form within two clear working days of the date of taking the decision unless agreed with the Solicitor to the Council that that decision (or class of decisions) does not require this. Any such forms must also be copied to the relevant Executive Director and Policy Co-ordinator.
- 5.4 The Democratic Services Officer will maintain a record of all decisions referred to in paragraphs 5.1 to 5.3, including any report upon which each decision was made and subject to any requirement for confidentiality, will ensure that this decision is recorded by the Council. S/he will also ensure that the record of decisions is available for public inspection during all normal office hours and that the public has the right to copy or to be provided with a copy of any part of that record upon payment of a reasonable copying and administrative charge.
- 5.5 It is essential that the contents of the Delegated Decision Form are clear in conveying the decision taken, i.e., it will not be sufficient to state that the recommendations in a report were agreed. The form and accompanying report must set out:
- a record of the decision;
  - the reasons for the decision;
  - details of any alternative options considered and rejected;

- a record of any conflict of interest declared by any Executive Member consulted; and
- in relation to any such declaration, a note of any dispensation granted by the Standards Committee; and
- any consultation carried out / responses.

5.6 The Delegated Decision Form includes a section for the recording of interests by officers. It is important that where officers involved in making decisions have a registerable interest this is declared on the form to preserve the integrity of the process.

## 6. Authorisation of Officers to exercise Delegated Powers

6.1 The ~~Officer Scheme of Delegation is Scheme~~ includes the power for officers to authorise other officers to exercise delegations that have been delegated to them under the Scheme. This must be to another officer or officers of suitable experience and seniority. Each Chief Officer will prepare a Departmental Scheme of Authorisations Delegations within 28 days of the Council's AGM when the Scheme of Delegation is approved, and revise it as appropriate during the year. It shall set out how decisions will be made in his/her ~~area~~ department. This should establish which officers will be given authority to make decisions under the Chief Officer ~~Director~~'s delegated powers, and subject to which terms and conditions. The ~~Departmental~~ Scheme of Authorisation Delegations will be lodged with the ~~Democratic Services Officer and shall be in the form as prescribed by the~~ Solicitor to the Council.

6.2 Whilst Executive Directors may authorise other officers to take delegated decisions, the decision is still the responsibility of the Chief Officer, who will be accountable for the decision to authorise and the exercise of that authorisation.

## 7. Referral

7.1 Whilst this Scheme is designed to encourage officers to take responsibility for decisions, an officer may decide that a particular issue is such that it should be referred to the body from whom authority was delegated. Such a referral must take place where the proposed decision relating to Executive function is in conflict with the Council's Budget and Policy Framework.

7.2 The Executive may also direct an officer's delegated authority should not be exercised and that the matter should be referred to the Executive.

7.3 In relation to the exercise of non-Executive functions, the officer may decide to refer a particular issue to the Committee or sub-committee from whom it was delegated, or if none, arrange for an appropriate recommendation to be made to Full Council.

## 8. Giving Reasons

8.1 A matter of increasing significance in local authority decision-making is when reasons have to be given. Generally, giving reasons is an accepted 'best practice' principle of good administration. Case law suggests that the practice may be important in ensuring that controversial decisions are rooted in relevant considerations and with proper regard to available legal powers.

## 9. Accountability

- 9.1 Officers are accountable to the Council for any decision they make, and with the exception of decisions relating to non-Executive functions, may be required to report to, and answer questions from a Scrutiny Panel in respect of any Decision. Scrutiny Panel may also call in Key and Major Decisions before they are implemented and may recommend a course of action when the matter is to be reconsidered by the officer.

## 10. Consultation with Members

### 10.1 General Provisions

- a. Decisions made by officers under delegated powers fall into two principal categories, namely:
  - decisions delegated to officers in or following consultation with Cabinet Member (which may or may not be Key Decisions); and
  - other decisions delegated to officer (which are not required to be taken in or following consultation with Cabinet Members) and which may or may not be Key Decisions.
- b. Officers to whom decisions have been delegated have a duty to ensure that effective consultation takes place in accordance with the Constitution.
- c. Every effort will be made to ensure that Members have a realistic time scale to respond to consultation and, where appropriate and reasonably practicable, this time scale will be sufficient to enable Members to consult with their constituents. Members will be informed of any time restrictions which may apply relating to the process of consultation, particularly where urgent action is needed in the Council's and/or the public interest.
- d. When preparing reports to Cabinet and/or Committees, officers will include details of any consultation with and any comments received from Members.
- e. ~~Some officer delegation decisions will be Key Decisions (as defined in the Constitution) and will be subject to the requirements of the regulations relating to such decisions (eg requirements relating to recording and publishing decisions) and to the call-in provisions outline in the Constitution.~~

### 10.2 Decisions by Officers following consultation with Cabinet Members

Officers to whom decision-making powers have been delegated, subject to consultation with Cabinet Members, will ensure that such consultation takes place.

### 10.3 Other Decisions delegated to officers

- a. Officers acting within the remit of their delegated powers will ensure that they identify, at an early stage, issues upon which Members should be consulted. ~~These will include:~~
  - ~~issues of interest to Cabinet Members;~~
  - ~~issues of interest to Ward Members;~~
  - ~~issues of general interest to all Members.~~
- b. Officers will ensure that appropriate consultation takes place.

#### 10.4 Consultation with Cabinet Members

Officers will ensure that appropriate consultation is undertaken with Cabinet Members on issues relating to their Portfolios.

## Financial Procedure Rules

(The Financial Procedure Rules consist of and should be interpreted as the Council's Financial Regulations)

### 1. STATUS OF FINANCIAL PROCEDURE RULES

- 1.1 The Council's financial procedure rules provide the framework for managing the authority's financial affairs. They apply to every Member and officer of the authority and anyone acting on its behalf. These rules must be read in conjunction with the whole of the Constitution and any other Council Standards.
- 1.2 The rules identify the financial responsibilities of the full Council, the Cabinet, Members and officers. Chief Officers are defined for the purpose of these rules as the Chief Executive, Executive Directors, two Assistant Chief Executives and Solicitor to the Council. The Executive Director of Resources is the Chief Financial Officer (CFO). ~~with effect from 8<sup>th</sup> August 2005. The Cabinet Members and Chief Officers should maintain a written record where decision making has been delegated to members of their staff, including seconded staff.~~
- 1.3 All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 1.4 The CFO is responsible for maintaining a continuous review of the financial procedure rules, and may where he/she considers it necessary, issue revisions during the year. Where the CFO considers the revisions to be significant and material additions or changes, these will be reported to the full Council for noting and/or approval. The CFO is also responsible for reporting, where appropriate, any breach of the financial procedure rules to the Council and/or to the Cabinet.
- 1.5 To underpin the financial procedure rules, the CFO is responsible for issuing any relevant advice and guidance that Members, officers and others acting on behalf of the authority are required to follow. Such advice and guidance will be reviewed, and amended as necessary, by the CFO.
- 1.6 Chief Officers are responsible for ensuring that all staff in their departments are aware of the existence and content of the authority's financial procedure rules and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their departments.

## **A: FINANCIAL MANAGEMENT**

### Responsibilities of the CFO

- A.1 To ensure the proper administration of the financial affairs of the authority.
- A.2 To monitor compliance with the financial procedure rules.
- A.3 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the authority.
- A.4 To advise on the key strategic controls necessary to secure sound financial management.
- A.5 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

### Responsibilities of Chief Officers

- A.6 To promote the financial procedure rules in their departments and to monitor adherence to the standards and practices, liaising as necessary with the CFO.
- A.7 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.

## **Financial Accountabilities in relation to the Scheme of Virement**

### Explanatory Note

The overall budget is agreed by the Cabinet and approved by the Full Council. ~~Executive Director~~Chief Officers and budget managers are therefore authorised to incur net expenditure in accordance with the estimates that make up the budget.

The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure.

### What is a Virement?

A virement is the:

*'planned transfer of a budget for use in a different purpose to that originally intended'.*

A Virement does not create additional budget; it changes the purpose for which the budget will be used compared to that originally intended.

~~Executive Director~~Chief Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from virements against one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources.



~~Executive Director~~**Chief Officers** must plan to fund such commitments from within their own budgets having regard to the overall forecast out turn for the service and the portfolio. Any budget provided by Council to meet specific pressures must be used for the identified purpose or returned to the General Fund balance.

A virement should in no circumstances be used to mask an over or under spend. The reporting of over and under spends is important so that Members have a full understanding of where spending pressures and savings opportunities may arise.

All virements in excess of £2050,000 ~~but less than £500,000 will be reported to Cabinet recorded in a Delegated Decision Notice~~ ~~and will be published on the forward plan~~ in the monthly virement report, regardless of whether the rules below require a formal cabinet decision.

For the purposes of the scheme set out below, a virement occurs when a budget is transferred from one subjective heading to another (e.g. from supplies and services to transport expenditure) or from one Service Activity to another. Transfers within a subjective heading within the same service activity are not defined as virements.

All virements should be cleared in the first instance by the relevant accounting support for the Service Activity concerned.

## **The Scheme of Virement for Portfolios**

### Employee Budgets

Except for a limit of one one-off virement of up to £10,000 within a Service Activity, no virements are allowed from Employee budgets to Non Employee budgets without approval from Cabinet.

#### A.8 Employee Budgets – Within a Service Activity

~~Heads of Service~~ and ~~Executive Director~~**Chief Officers** shall be entitled to vire any amount within and across controllable employee budgets within a Service Activity.

#### A.9 Employee Budgets – Across Service Activities or Portfolios

~~Executive Director~~**Chief Officers** shall be entitled to vire controllable employee budgets across Service Activities or Portfolios within a Portfolio in accordance with the rules below for Non Employee budget virements.

#### A.10 Employee Budgets – Across Portfolio's

~~Executive Directors shall be entitled to vire controllable employee budgets across Portfolio's Service Activities in accordance with the rules below for either cross Portfolio Non Employee budget virements (A.14) or cross portfolio virements for an increase in Support Service Activities (A.13).~~

## Non-Employee Budgets

### A.10+ Non Employee Budgets Within a Service Activity – Controllable Budgets

- i. Heads of Service following consultation with their Chief Officer shall be entitled to vire between controllable budgets, where each individual virement does not exceed £50,000. Such virements would need to be recorded locally by the Finance Support Teams. ~~and communicated to the Financial Planning and Resources Finance Manager.~~
- ii. Executive Director/Chief Officers following consultation with the relevant Cabinet Member and the Head of Finance shall be entitled to vire between controllable budgets, within a Service Activity where each individual virement is £50,000 or more but does not exceed £200,000. Such virements would need to be recorded on the Delegated Virement form and communicated to the Financial Planning and Resources Finance Manager.
- iii. Chief Officers following consultation with the relevant Cabinet Member and the Head of Finance shall be entitled to vire between controllable budgets, where each individual virement is £200,000 or more but does not exceed £500,000. Such virements would need to be recorded on a Delegated Decision Notice and published on the forward plan.
- ii. The Cabinet Member shall be entitled to vire between controllable budgets within a Service Activity where an individual virement is greater than £100,000, but does not exceed £250,000. Any virements in this category would need to be included in the monthly Cabinet Virement Report.
- iii.iv. One-off virements beyond the limit of £250,000, must be agreed by Full Council/Cabinet.
- iv.v. The cumulative virements to or from any budget within a Service Activity should not exceed £250,000 without the consent of Full Council/Cabinet.

### A.12 Across Service Activities (Same Portfolio) – Controllable Budgets

- i. Executive Directors shall be entitled to vire between controllable budgets across Service Activities where each individual virement does not exceed £50,000. Such virements would need to be recorded on the Delegated Virement form.
- ii. Executive Directors shall be entitled to vire between controllable budgets across Service Activities where each individual virement is greater than £50,000, and does not exceed £100,000 (this would need to be agreed with the Head of Finance). Such virements would need to be recorded on the Delegated Virement form.
- iii. the Cabinet Member shall be entitled to vire between controllable budgets within a Service Activity where an individual virement is greater than £100,000, but does not exceed £250,000. Any virements in this category would need to be included in the monthly Cabinet Virement Report.
- iv. One-off virements beyond the limit of £250,000, must be agreed by Full Council.
- v. The cumulative virements to or from any budget within a Service Activity should not exceed £250,000 without the consent of Full Council.

### A.13 Virements to Fund an Increase in Support Service Activity

- ~~i. Executive Directors shall be entitled to vire controllable budget across Portfolio's to deliver an increase in a support service up to the sum of £100,000, with the agreement of the Head of Finance. Such virements would need to be recorded on the Delegated Virement form.~~
- ~~ii. Virements in excess of £100,000 across Portfolio's to deliver an increase in a support service, shall only be allowable following the agreement of the Cabinet Members. Any virements in this category would need to be included in the monthly Cabinet Virement Report.~~

#### A.14 Cross Portfolio Virements

- ~~i. Virements up to £25,000 are allowable with the approval of the Executive Director(s).~~
- ~~ii. Any virement across Portfolio's from a controllable budget in excess of £25,000, shall only be allowable following the agreement of the Cabinet Members (this would need to be included in the monthly Cabinet Virement Report).~~
- ~~iii. Any cross Portfolio virements in excess of £250,000 will need Full Council approval.~~

#### A.115 Controllable Income

Controls on the use of additional controllable income are required to ensure that significant additional income is not spent without any control process in place (these rules do not apply to Grant Income and Trading Income – see separate section below). These also do not apply if additional expenditure is incurred to deliberately generate more income.

- ~~i. Up to £50,000, approval of the Head of Finance is required;~~
- ~~ii. Over £50,000 approval of Cabinet is required.~~
- ~~i. Up to £25,000, an Executive Director/Chief Officer shall be entitled to create an additional one off budget funded from excess income (assuming that overall the Portfolio is not overspent). Such virements would need to be recorded on the Delegated Virement form.~~
- ~~ii. Between £25,000 and £50,000, an Executive Director/Chief Officer shall be entitled to create additional budget funded from excess income (assuming that overall the Portfolio is not overspent) with the agreement of the Head of Finance.~~
- ~~ii. In excess of £50,000 an Executive Director/Chief Officer shall only be entitled to create additional budget funded from excess income (assuming that overall the Portfolio is not overspent), with the agreement of the Cabinet Member (this would need to be included in the monthly Cabinet Virement Report).~~

#### A.126 Grant Income

Where additional grant income is received, expenditure budgets can be increased in line with the increase in grant income without any additional approval, except where the additional grant is the result of an external funding bid, and the additional grant funding is in excess of £250,000 – in this instance a Cabinet report is required to accept the external bid funding as it is in excess of £250,000.

### **Financial Accountabilities in relation to the Treatment of Year-end Balances**

#### Responsibilities of the CFO

- ~~A.173~~ To administer the scheme of carry-forward within the guidelines approved by the Full Council.
- ~~A.148~~ To report all underspendings on service estimates carried forward to the Full Council for approval.

### Responsibilities of Chief Officers

- A.19 Any overspending will be reported by the CFO to the Cabinet and to the Full Council.
- A.20 Underspendings on specific estimates may be carried forward within guidelines issued by the CFO, subject to the approval of the Full Council
- A.21 All internal business unit surpluses shall be retained within balances for the benefit of the authority.
- A.22 Schools' balances shall be available for carry-forward to support the expenditure of the school concerned. Where an unplanned deficit occurs, the governing body shall prepare a detailed financial recovery plan for consideration by the Cabinet Member concerned, following evaluation by the relevant ~~Executive Director~~Chief Officer and the CFO. Schools will normally be expected to agree a plan to recover the deficit within a defined period.
- A.23 In exceptional circumstances, schools may seek to incur expenditure to be financed by anticipating the following year's budget share. Such arrangements require the prior approval of the Cabinet. Proposals shall be accompanied by a detailed plan setting out how the arrangement is to be accommodated as the first call on the reduced budget share.

### **Financial Accountabilities in relation to Accounting Policies**

#### Responsibilities of the CFO

- A.24 To select suitable accounting policies, and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year, and covers such items as:
- (a) separate accounts for capital and revenue transactions
  - (b) the basis on which debtors and creditors at year-end are included in the accounts
  - (c) details on substantial provisions and reserves
  - (d) fixed assets
  - (e) depreciation
  - (f) capital charges
  - (g) work in progress
  - (h) stocks and stores
  - (i) deferred charges
  - (j) accounting for value added tax
  - (k) government grants
  - (l) leasing
  - (m) pensions.

#### Responsibilities of Chief Officers

- A.25 To adhere to the accounting policies and guidelines approved by the CFO.

## **Financial Accountabilities in relation to Accounting Records and Returns**

### Responsibilities of the CFO

- A.26 To determine the accounting procedures and records for the authority. Where these are maintained outside the finance department, the CFO should consult the chief officer concerned.
- A.27 To arrange for the compilation of all accounts and accounting records under his or her direction.
- A.28 To comply with the following principles when allocating accounting duties:
- (a) separating the duties of providing information about sums due to or from the authority and calculating, checking and recording these sums from the duty of collecting or disbursing them
  - (b) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- A.29 To make proper arrangements for the audit of the authority's accounts in accordance with the Accounts and Audit Regulations 2003.
- A.30 To ensure that all claims for funds including grants are made by the due date.
- A.31 To prepare and publish the audited accounts of the authority for each financial year, in accordance with the statutory timetable and with the requirement for the Full Council to approve the statement of accounts by the dates set out in the Accounts and Audit Regulations. These dates are 30<sup>th</sup> September 2003, 31<sup>st</sup> August 2004, 31<sup>st</sup> July 2005 and 30<sup>th</sup> June 2006. The 30<sup>th</sup> June will apply from 2006 onwards.
- A.32 To administer the authority's arrangements for under spends to be carried forward to the following financial year.
- A.33 To ensure the proper retention of financial documents in accordance with the requirements set out in the authority's document retention schedule.

### Responsibilities of Chief Officers

- A.34 To consult and obtain the approval of the CFO before making any changes to accounting records and procedures.
- A.35 To comply with the principles outlined in paragraph A.40 when allocating accounting duties.
- A.36 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- A.37 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the CFO.

## **Financial Accountabilities in relation to The Annual Statement of Accounts**

### Responsibilities of the CFO

- A.38 To select suitable accounting policies and to apply them consistently.
- A.39 To make judgements and estimates that are reasonable and prudent.
- A.40 To comply with the Statement of Recommended Practice (SORP).
- A.41 To sign and date the statement of accounts, stating that it presents fairly the financial position of the authority at the accounting date and its income and expenditure for the year ended 31 March 20xx.
- A.42 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

### Responsibilities of Chief Officers

- A.43 To comply with accounting guidance provided by the CFO and to supply the CFO with information when required.

## **B: FINANCIAL PLANNING**

### *Responsibilities of the CFO*

- B.1 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.
- B.2 To contribute to the development of corporate and service targets and objectives and performance information.

### *Responsibilities of Chief Officers*

- B.3 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.
- B.4 To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.
- B.5 To contribute to the development of performance plans in line with statutory requirements.
- B.6 To contribute to the development of corporate and service targets and objectives and performance information.

## **The Budget**

### **Format of the Budget**

#### *Responsibilities of the CFO*

- B.7 To advise the Cabinet and opposition groups on the format and content of the budget that is approved by the Full Council including providing a commentary on the robustness of the estimates and the adequacy of the level of reserves.

#### *Responsibilities of Chief Officers*

- B.8 To comply with accounting guidance provided by the CFO.

## **Revenue budget preparation, monitoring and control**

#### *Responsibilities of the CFO*

- B.9 To ensure that an annual revenue budget together with a three year overview is prepared on an annual basis for consideration by the Cabinet, before submission to the Full Council. The Chief Financial Officer will also prepare the indicators required as part of the Prudential Code. The Full Council may amend the budget and Prudential Indicators or ask the Cabinet to reconsider them before approving it.
- B.10 To establish an appropriate framework of budgetary management and control that ensures:



- (a) budget management is exercised within annual cash limits unless the Full Council agrees otherwise
- (b) each chief officer has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
- (c) expenditure is committed only against an approved budget head
- (d) all officers responsible for committing expenditure comply with relevant guidance, and the financial procedure rules
- (e) each cost centre has a single named manager, determined by the relevant chief officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
- (f) significant variances from approved budgets are investigated and reported by budget managers regularly.

B.11 To administer the authority's scheme of virement.

B.12 To submit reports to the Cabinet and if necessary to the Full Council, following consultation with the relevant chief officer, where a chief officer is unable to balance expenditure and resources within existing approved budgets under his or her control.

B.13 To prepare and submit reports to the Cabinet on the authority's projected income and expenditure compared with the budget on a regular basis.

#### Responsibilities of Chief Officers

B.14 To ensure that budget estimates reflecting agreed service plans are produced in consultation with the Cabinet Member and submitted to the Chief Financial Officer in accordance with the budget timetable and the guidance issued for the production of budget reports to the Cabinet and Council. B.15 To maintain budgetary control within their departments, in adherence to the principles in B.19, and to ensure that all income and expenditure are properly recorded and accounted for.

B.16 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the chief officer (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

B.17 To ensure that spending remains within the service's overall cash limit and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.

B.18 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget, and that this process is operating effectively.

B.19 To prepare following consultation with the CFO reports on the service's projected expenditure compared with its budget, in accordance with the Council's Corporate Monitoring procedure

B.20 To ensure prior approval by the Full Council or Cabinet (as appropriate) for new proposals, of whatever amount, that:

- (a) create financial commitments in future years
- (b) change existing policies, initiate new policies or cease existing policies
- (c) materially extend or reduce the authority's services.

The report on new proposals should explain the full financial implications, after consultation with the CFO. Unless the Full Council or cabinet has agreed otherwise, Chief Officers must plan to contain the financial implications of such proposals within their cash limit

- B.21 To ensure compliance with the scheme of virement.
- B.22 To agree with the relevant chief officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or chief officer's level of service activity.

### **Capital Programmes**

#### **Addition of Schemes to the Capital Programme**

- B.23 Any new scheme where the total scheme cost does not exceed £500,000 that is ENTIRELY funded by scheme specific external sources can be added to the Capital Programme by the relevant Chief Officer following consultation with the Cabinet Member, Policy Co-ordinator and the CFO.
- B.24 Any new scheme where the total scheme cost exceeds £500,000 that is ENTIRELY funded by scheme specific external sources can be added to the Capital Programme by the Cabinet and since they will qualify as key decisions, will also need to be included in the forward plan.
- B.25 Any new scheme utilizing existing funding from the City Council may be added to the Capital Programme by the relevant Chief Officer following consultation with the relevant Cabinet Member, CFO and Policy Co-ordinator provided that this is consistent with their originally intended use.
- B.26 Any scheme requiring up to £~~2~~100,000 of new funding from the City Council can be added to the Capital Programme by the CFO following consultation with the Cabinet Member with responsibility for financial matters and the relevant Chief Officer and Cabinet Member. Any such additions should be highlighted as part of the formal update of the Capital Programme submitted to Council twice a year.
- B.27 Any scheme requiring over £~~2~~100,000 of new funding from the City Council will require approval by the full Council. New funding includes additional borrowing by the Council, except for supported borrowing approvals below £~~2010~~50,000.

#### **Approval of Capital Schemes**

- B.28 The basis for approving schemes, including credit arrangements such as Finance Leases, that are included in the approved capital programme is:
  - Schemes already in the capital programme up to the value of £200,000 can be approved by the relevant Chief Officer and Policy Co-ordinator following consultation with the relevant Cabinet Member and the CFO, subject to the

relevant details (as defined in guidance provided by the CFO) being provided in the form of a written briefing note or report.

- Schemes already in the capital programme costing £200,000 or more but less than £500,000 will require scheme approval by the relevant Chief Officer and Policy Co-ordinator following consultation with the relevant Cabinet Member and the CFO, subject to the relevant details (as defined in guidance provided by the CFO) being provided in the form of a written briefing note or report. These decisions will need to be recorded on a Delegated Decision Notice ~~and published on the forward plan,~~ from the Cabinet and since they will qualify as key decisions, will also need to be included in the forward plan. Where there are approvals in the programme for which there are block allocations, for example New Deal for Schools or a replacement roofs programme these may be treated as a single scheme, but any individual projects within that scheme costing between in excess of £200,000 and £500,000 will need to be separately identified in the request for approval. The allocation of spending within these blocks must be made within policies or strategies already agreed by Council.
- Schemes over £500,000 in value will need scheme approval from Cabinet.
- The costs for schemes that have already received formal scheme approval by Cabinet may be varied up or down by the relevant Chief Officer following consultation with the relevant Cabinet Member without requiring further scheme approval as long as the variation in costs complies with these financial procedure rules and is within tolerances set out in the Scheme Approval Report / Project Initiation Document and as long as the scope and design of the project, in the opinion of the Chief Officer in consultation with the CFO, remains largely unchanged from the original approval.
- Schemes already added to the capital programme may spend up to £50,000 or ten per cent of the scheme budget, whichever is the lesser, with the approval of the relevant Chief Officer following consultation with the relevant Cabinet Member in advance of approval to spend on the scheme for the purpose of feasibility work, scheme design and costing. Schemes requiring significant feasibility or design works should be progressed on the basis that the feasibility works are a separate scheme in their own right.

## Variation of Capital Expenditure

- B.29 For the purposes of this section “Variation of Capital Expenditure” a scheme is defined as a programme of works consisting of a number of projects (e.g. Principal Roads) and a project is defined as an individual item that is either part of a larger scheme or stands alone in its own right.
- B.30 A Chief Officer following consultation with the relevant Cabinet Member and the CFO may transfer any sum between projects within a scheme providing that the CFO is satisfied that there will be no material change in the revenue implications arising from the transfer.
- B.31 A Chief Officer following consultation with the relevant Cabinet Member and, the CFO, ~~and Cabinet Member with responsibility for financial matters,~~ may transfer up to £200,000 between schemes in the capital programme providing that the CFO is satisfied that there will be no material change in the revenue implications arising from the transfer and as long as the expenditure is in line with policies and strategies already agreed by Council.

- B.32 Transfers between schemes in the capital programme from £200,000 up to £500,000 can be approved by the relevant Chief Officer following consultation with the relevant Cabinet Member ~~and, the CFO and Cabinet Member with responsibility for financial matters~~ Cabinet as long as the expenditure is in line with policies and strategies already agreed by Council. ~~Since these decisions will need to be recorded on a Delegated Decision Notice and qualify as key decisions, they will also need to be included published in the forward plan.~~
- B.33 Transfers between schemes in the capital programme of £500,000 or more must be approved by ~~Council~~ Cabinet.
- B.34 A Chief Officer following consultation with the relevant Cabinet Member ~~and, the CFO and Cabinet Member with responsibility for financial matters,~~ may transfer up to ~~£2~~400,000 between projects in the capital programme providing that the CFO is satisfied that there will be no material change in the revenue implications arising from the transfer and as long as the expenditure is in line with policies and strategies already agreed by Council.
- B.35 Transfers between projects in the capital programme from ~~£2~~400,000 up to ~~£5~~200,000 can be approved by Cabinet as long as the expenditure is in line with policies and strategies already agreed by Council.
- B.36 Transfers between projects in the capital programme of ~~£5~~200,000 or more must be approved by Council.
- B.37 Any transfer between schemes or projects within the capital programme that are not in line with policies and strategies already agreed by the Council will need Council approval.
- B.38 Any variations to the Capital Programme actioned under the rules above should be carried out in line with guidance issued by the CFO and highlighted as part of the formal update of the Capital Programme submitted to Council twice a year.

### *Responsibilities of the CFO*

- B.39 To prepare annual capital estimates jointly with Chief Officers and the head of paid service and to report them to the Cabinet for approval. The Cabinet will make recommendations on the capital estimates and on any associated financing requirements to the Full Council. Approval of the CFO is required where a chief officer proposes to bid for or exercise additional borrowing approval not anticipated in the capital programme. This is because the extra borrowing may create future commitments to financing costs.
- B.40 To prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.
- B.41 To issue guidance that may be updated ~~from~~ time to time on the management and monitoring of the capital programme and requirements in respect of all aspects of the Council's project management methodology (PM Connect) ~~other related issues, for example, on project appraisal techniques.~~ The definition of 'capital' will be determined by the CFO, having regard to government regulations and accounting requirements.

- B.42 To approve, following consultation with the Solicitor to the Council and the Cabinet Member with responsibility for financial matters, any addition to the capital programme or capital expenditure which in the opinion of the CFO is in the best interests of the Council.

### *Responsibilities of Chief Officers*

- B.43 To comply with all guidance ~~concerning the capital programme, capital schemes and controls~~ issued by the CFO.
- B.44 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the CFO.
- B.45 To prepare regular reports reviewing the capital programme provisions for their services in accordance with the Corporate Monitoring Timetable for submission to the CFO.
- B.46 To ensure that adequate records are maintained for all capital contracts.
- B.47 To prepare and submit reports, jointly with the CFO, to the Cabinet, on completion of all contracts where the final expenditure exceeds the approved contract sum or overall scheme cost by more than 10% or £25,000 which ever is the higher, including where the additional spend was funded from.
- B.48 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the CFO and, if applicable, approval of the scheme through the capital programme.
- B.49 To consult with the CFO and relevant Cabinet Member where the chief officer proposes to bid for any capital resources issued by government departments that has not been included in the latest update of the capital programme

## **C: RISK MANAGEMENT AND CONTROL OF RESOURCES**

### **Risk Management**

#### **Responsibilities of the CFO**

- C.1 To prepare and promote the authority's risk management policy statement.
- C.2 To develop risk management controls in conjunction with other Chief Officers.
- C.3 To include all appropriate employees of the authority in a suitable fidelity guarantee insurance.
- C.4 To offer insurance cover to schools, in accordance with Fair Funding arrangements.
- C.5 To advise the Cabinet on proper insurance cover where appropriate, and effect corporate insurance cover, through external insurance and internal funding.

#### **Responsibilities of Chief Officers**

- C.6 To notify the CFO immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the CFO or the authority's insurers.
- C.7 To take responsibility for risk management, having regard to advice from the CFO and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
- C.8 To ensure that there are regular reviews of risk within their departments.
- C.9 To notify the CFO promptly of all new risks, properties or vehicles that require insurance and of any alterations or new initiatives affecting existing insurances.
- C.10 To consult the CFO and where appropriate the head of legal services on the terms of any indemnity that the authority is requested to give.
- C.11 To ensure that employees, or anyone covered by the authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

### **Internal Control**

#### **Responsibilities of the CFO**

- C.12 To assist the authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

### Responsibilities of Chief Officers

- C.13 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and financial performance targets, and management of risks.
- C.14 To review existing controls in the light of changes affecting the authority and to establish and implement new ones in line with guidance from the CFO. Chief officers should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- C.15 To ensure staff have a clear understanding of the consequences of lack of control.

### **Audit requirements – Internal Audit**

#### Responsibilities of the CFO

- C.16 To ensure that internal auditors have the authority to:
  - (a) access authority premises at reasonable times
  - (b) access all assets, records, documents, correspondence and control systems
  - (c) receive any information and explanation considered necessary concerning any matter under consideration
  - (d) require any employee of the authority to account for cash, stores or any other authority asset under his or her control
  - (e) access records belonging to third parties, such as contractors, when required
  - (f) directly access the head of paid service, the Cabinet and Overview and Scrutiny Management Committee
- C.17 To approve the strategic and annual audit plans prepared by the Risk and Audit Manager, which take account of the characteristics and relative risks of the activities involved.
- C.18 To ensure that effective procedures are in place to investigate promptly any suspected fraud or irregularity.

#### Responsibilities of Chief Officers

- C.19 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- C.20 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- C.21 To consider and respond promptly to recommendations in audit reports.
- C.22 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

- C.23 To notify the CFO immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the chief officer should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- C.24 To ensure new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Risk and Audit Manager prior to implementation.

## **Audit Requirements - External Audit**

### Responsibilities of the CFO

- C.25 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- C.26 To ensure there is effective liaison between external and internal audit.
- C.27 To work with the external auditor and advise the Full Council, Cabinet and Chief Officers on their responsibilities in relation to external audit.

### Responsibilities of Chief Officers

- C.28 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- C.29 To ensure that all records and systems are up to date and available for inspection.

## **Preventing fraud and corruption**

### Responsibilities of the CFO

- C.30 To develop and maintain an anti-fraud and anti-corruption policy.
- C.31 To maintain adequate and effective internal control arrangements.
- C.32 To ensure that all suspected irregularities are reported to the Risk and Audit Manager.

### Responsibilities of Chief Officers

- C.33 To ensure that all suspected irregularities are reported to the Risk and Audit Manager.
- C.34 To invoke the authority's disciplinary procedures where the outcome of an investigation indicates improper behaviour.
- C.35 To ensure that where financial impropriety is discovered, the CFO is informed, and where sufficient evidence exists to believe that a criminal offence may have been



committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.

C.36 To maintain a departmental register of interests.

## **Assets - Security**

### Responsibilities of the CFO

C.37 To ensure that an asset register is maintained in accordance with good practice for all fixed assets whose value is material in the manner prescribed by CIPFA in the Institute's Practical Guide to Asset Registers. The function of the asset register is to provide the authority with information about fixed assets so that they are safeguarded, used efficiently and effectively, and adequately maintained.

C.38 To receive the information required for accounting, costing and financial records from each chief officer.

C.39 To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA / LASAAC).

### Responsibilities of Chief Officers

C.40 The appropriate chief officer shall maintain a property database in a form approved by the CFO for all properties, plant and machinery and moveable assets currently owned or used by the authority. Any use of property by a department or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.

C.41 To ensure that lessees and other prospective occupiers of council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the appropriate Chief Officers has been established.

C.42 To ensure the proper security of all buildings and other assets under their control.

C.43 Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the appropriate Chief Officers

C.44 To pass title deeds to the appropriate chief officer who is responsible for custody of all title deeds.

C.45 To ensure that no authority asset is subject to personal use by an employee without proper authority.

C.46 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the authority. If an asset requires to be moved, altered, or disposed of check that the asset has not been leased or that any lease conditions are complied with.

- C.47 To ensure that the department maintains a register of moveable assets in accordance with arrangements defined by the CFO.
- C.48 To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- C.49 To consult the CFO in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- C.50 To ensure cash holdings on premises are kept to a minimum.
- C.51 To ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the CFO as soon as possible.
- C.52 To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the CFO, the relevant Cabinet Member, Cabinet or Council (as appropriate) agrees otherwise.
- C.53 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the CFO.
- C.54 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the authority in some way.
- C.55 To maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery above £200 in value.
- C.56 To carry out an annual check of all items on the inventory in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the authority.
- C.57 To make sure that property is only used in the course of the authority's business, unless the chief officer concerned has given permission otherwise.
- C.58 To make arrangements for the care and custody of stocks and stores in the department.
- C.59 To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- C.60 To investigate and remove from the authority's records (i.e. write off) discrepancies as necessary, or to obtain Cabinet approval if they are in excess of a predetermined limit.
- C.61 To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction,

unless, following consultation with the CFO, the Cabinet decides otherwise in a particular case.

- C.62 To seek Cabinet approval to the write-off of redundant stocks and equipment in excess of a predetermined sum.
- C.63 To ensure that, in the event of any disaster, contingency plans for the security of assets and continuity of service or system failure are in place.

## **Assets - Disposal**

### Responsibilities of the CFO

- C.64 To issue guidelines representing best practice for disposal of assets.
- C.65 To ensure appropriate accounting entries are made to remove the value of disposed assets from the authority's records and to include the sale proceeds if appropriate.

### Responsibilities of Chief Officers

- C.66 To dispose of surplus or obsolete materials, stores or equipment in accordance with the guidelines issued by the CFO.
- C.67 To ensure that income received for the disposal of an asset is properly banked and coded.

## **Treasury management**

All financial transactions actioned as part of the Council's Treasury Management function will be undertaken in line with the approved Treasury Management Strategy, but will fall outside of the Delegated Decision Notice process ~~and the requirement to publish decisions on the forward plan.~~

### Responsibilities of CFO

- C.68 To arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the authority's treasury management policy statement and strategy.
- C.69 To report a proposed treasury management strategy for the coming financial year to the Council at, or before the start of, each financial year.
- C.70 To report to the Council not less than twice in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.
- C.71 To operate bank accounts as are considered necessary – opening or closing any bank account shall require the approval of the CFO, Head of Finance or Head of Accountancy.

- C.72 To ensure that all investments of money are made in the name of the authority or in the name of nominees approved by the Full Council.
- C.73 To ensure that all securities that are the property of the authority or its nominees and the title deeds of all property in the authority's ownership are held in the custody of the appropriate chief officer.
- C.74 To affect all borrowings in the name of the authority.
- C.75 To act as the authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the authority.

#### Responsibilities of Chief Officers

- C.76 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Full Council or Cabinet as appropriate, subject to the criterion as detailed in E.8A, following consultation with the CFO.
- C.77 To arrange for all trust funds to be held, wherever possible, in the name of the authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with CFO, unless the deed otherwise provides.
- C.78 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the CFO, and to maintain written records of all transactions.
- C.79 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.
- C.80 To follow the instructions on banking issued by the CFO.

### **Staffing**

#### Responsibilities of the CFO

- C.81 To act as an advisor to Chief Officers on areas such as national insurance and pension contributions, as appropriate.

#### Responsibilities of Chief Officers

- C.82 To produce an annual staffing estimate within the budget allocation available..
- C.83 To advise the CFO and the Head of Human Resources if the budget allocation is insufficient to cover the estimated staffing levels.
- C.84 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training , temporary staff and vacancy management.
- C.85 To ensure that the staffing budget is not exceeded without due authority, adjusting staffing to a level that can be funded within approved budget provision, and varying the

provision as necessary within that constraint in order to meet changing operational needs.

C.86 To ensure that the head of human resources and the CFO are immediately informed if the staffing budget is likely to be materially over- or underspent.

C.87 To ensure the proper use of appointment procedures

## **D: SYSTEMS AND PROCEDURES**

### **General**

#### **Responsibilities of the CFO**

- D.1 To make arrangements for the proper administration of the authority's financial affairs, including to:
- (a) issue advice, guidance and procedures for officers and others acting on the authority's behalf
  - (b) determine the accounting systems, form of accounts and supporting financial records
  - (c) establish arrangements for audit of the authority's financial affairs
  - (d) approve any new financial systems to be introduced
  - (e) approve any changes to be made to existing financial systems.

#### **Responsibilities of Chief Officers**

- D.2 To ensure that accounting records are properly maintained and held securely.
- D.3 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the CFO.
- D.4 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- D.5 To incorporate appropriate controls to ensure that, where relevant:
- (a) all input is genuine, complete, accurate, timely and not previously processed
  - (b) all processing is carried out in an accurate, complete and timely manner
  - (c) output from the system is complete, accurate and timely.
- D.6 To ensure that the organisational structure provides an appropriate segregation of duties, an adequate level of internal control, and that the risk of fraud or other malpractice is minimised.
- D.7 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- D.8 To ensure that systems are documented and staff trained in operations.
- D.9 To consult with the CFO before changing any existing system or introducing new systems.
- D.10 To establish a scheme of delegation identifying officers authorised to act upon the chief officer's behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.

- D.11 Where relevant, to supply lists of authorised officers, with specimen signatures and delegated limits, to the CFO, together with any subsequent variations.
- D.12 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- D.13 To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- D.14 To ensure that the authority's IS/IT Standards issued by the appropriate chief officer are observed, and that in particular all computerised data, computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- D.15 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
- (a) only software legally acquired and installed by the authority is used on its computers
  - (b) staff are aware of legislative provisions
  - (c) in developing systems, due regard is given to the issue of intellectual property rights.

## **Income**

### *Responsibilities of the CFO*

- D.16 To agree arrangements for the collection of all income due to the authority, and to approve the procedures, systems and documentation for its collection.
- D.17 To provide advice to Chief Officers on the statutory regulations which relate to the collection and accounting of income.
- D.18 To assess and approve the form of receipt books and receipting machines used by "accounting officers".
- D.19 To undertake weekly reconciliations of all deposits to the Collection and Deposit book and Cash book.
- D.20 To provide an accounting system which records income and provides relevant information to Chief Officers so that income can be monitored.
- D.21 To maintain a Value Added Tax account and supply Customs and Excise with such details, explanations and statutory returns as required.
- D.22 To provide a system for the collection and control of credit income, and of sundry debts.
- D.23 To create, monitor and maintain a provision for bad and doubtful debts.

D.24 To annually review the policy for writing off debts and the terms of credit. The Cabinet is responsible for approving the procedures for writing off debts as part of the overall control framework of accountability and control.

#### Responsibilities of Chief Officers

D.25 To establish proposals for a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.

D.26 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.

D.27 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.

D.28 To issue official receipts or to maintain other documentation for income collection.

D.29 To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.

D.30 To hold securely receipts, tickets and other records of income for the appropriate period.

D.31 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.

D.32 To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account and the ledger system on a regular basis appropriate to the level of transactions.

D.33 To ensure income is not used to cash personal cheques or other payments.

D.34 To supply the CFO with details relating to work done, goods supplied, services rendered or other amounts due, to enable the CFO to record correctly the sums due to the authority and to ensure accounts are sent out promptly. To do this, Chief Officers should use established performance management systems to monitor recovery of income and flag up areas of concern to the CFO. Chief officers have a responsibility to assist the CFO in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the authority's behalf. Only up to approved levels of cash can be held on the premises.

D.35 To keep a record of any transfer of money between employees. The receiving officer must sign for the transfer and the transferor must retain a copy.

D.36 To recommend to the CFO all debts to be written off and to keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.



- D.37 To obtain the approval of the CFO when writing off debts in excess of the approved limit, and the approval of the Cabinet where required.
- D.38 To notify the CFO of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the CFO.

## **Ordering and Paying for Work, Goods and Services**

### Responsibilities of the CFO

- D.39 To ensure that all the authority's financial systems and procedures are sound and properly administered.
- D.40 To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.
- D.41 To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- D.42 To approve the form of official orders and associated terms and conditions.
- D.43 To make payments from the authority's funds on the chief officer's authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- D.44 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- D.45 To make payments to contractors on the certificate of the appropriate chief officer, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- D.46 To provide advice and encouragement on making payments by the most economical means.
- D.47 To provide, as necessary, cash change floats, and approve and set up bank imprest accounts to meet minor expenditure on behalf of the authority and to prescribe rules for operating these accounts.
- D.48 To maintain a record of all such cash floats and bank imprest accounts, and periodically to review the arrangements for the safe custody and control of them.

### Responsibilities of Chief Officers

- D.49 To ensure that unique numbered official orders are used for all goods and services, other than the exceptions specified in D.46.
- D.50 To ensure official orders are not used to obtain goods or services for private use.
- D.51 To ensure that only those designated staff initiate or authorise orders and to maintain an up-to-date list of such designated staff, including where appropriate specimen signatures

identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best value principles should underpin the authority's approach to procurement. Value for money should always be achieved.

- D.52 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. Where possible a different officer from the person who authorised the order should always carry out this check. If appropriate, entries should then be made in inventories or stores records.
- D.53 To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming that:
- (a) the goods or services have been received
  - (b) The invoice has not previously been paid
  - (c) the expenditure has been properly incurred and is within budget provision
  - (d) prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices
  - (e) tax has been correctly accounted for
  - (f) the invoice is correctly coded
  - (g) discounts have been taken where available
  - (h) appropriate entries will be made in accounting records.
- D.53A For the avoidance of doubt, no pre-payment for goods, services or suppliers shall be allowed without the prior written consent of the Chief Financial Officer and the Monitoring Officer.
- D.54 To ensure no officer authorises a payment to her/himself, and where practical no officer should authorises an invoice for which the officer raised the order.
- D.55 To ensure controls are regularly reviewed to verify they are in place and adequate for the efficient management of the system, which enables invoices to be examined, verified and authorised as properly payable
- D.56 To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice. Any instances of these being rendered should be reported to the Risk and Audit Manager unless a written explanation giving the reason is attached. Any copy invoice must be clearly marked by the supplier that it is a copy.
- D.57 To encourage suppliers of goods and services to receive payment by the most economical means for the authority. It is essential, however, that payments made by direct debit have the prior approval of the CFO.
- D.58 To ensure that the department obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the authority's contract procedure rules.

- D.59 To utilise any established central purchasing procedures in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with the authority's contract procedure rules.
- D.60 To ensure that employees are aware of the national code of conduct for local government employees (summarised in the procedures and conditions of employment manual).
- D.61 To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the CFO. This is because of the potential impact on the authority's borrowing powers, to protect the authority against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
- D.62 To notify the CFO of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the CFO.
- D.63 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the CFO, the systems and procedures to be adopted in relation to financial aspects, including:
- certification of interim and final payments,
  - checking, recording and authorising payments,
  - monitoring and controlling capital schemes
  - validation of subcontractors' tax status.
- D.64 To notify the CFO immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- D.65 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.
- D.66 To ensure that employees operating an imprest account:
- (a) obtain and retain vouchers to support each payment from the imprest account, including where appropriate an official receipted VAT invoice
  - (b) make adequate arrangements for the safe custody of the account
  - (c) produce upon demand by the CFO cash and all vouchers to the total value of the imprest amount
  - (d) record transactions promptly
  - (e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder
  - (f) provide the CFO with a certificate of the value of the account held at 31 March each year, detailing the breakdown between cash at bank, cash in hand, petty cash floats advanced and vouchers.
  - (g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made
  - (h) on leaving the authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the CFO for the amount advanced to him or her.

## **Payments to Employees and Members**

### Responsibilities of the CFO

- D.67 To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.
- D.68 To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.
- D.69 To make arrangements for payment of all travel and subsistence claims or financial loss allowance.
- D.70 To make arrangements for paying Members travel or other allowances.
- D.71 To provide advice and encouragement to Members, Chief Officers and employees in order to secure payment of allowances, salaries and wages by the most economical means.
- D.72 To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

### Responsibilities of Chief Officers

- D.73 To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- D.74 To notify the CFO of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the CFO.
- D.75 To ensure that adequate and effective systems and procedures are operated, so that:
- payments are only authorised to bona fide employees
  - payments are only made where there is a valid entitlement
  - conditions and contracts of employment are correctly applied
  - employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- D.76 To ensure that only those staff designated by him/her initiate or authorise payroll documentation, and to maintain a list of such designated staff, including where appropriate specimen signatures identifying in each case the limits of their authority.
- D.77 To ensure that payroll transactions are processed only through the payroll system. Chief officers should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the CFO.

- D.78 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the CFO is informed where appropriate.
- D.79 To ensure that the CFO is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- D.80 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

#### Responsibilities of Members

- D.81 To submit claims for Members' travel and subsistence allowances on a monthly basis and, in any event, within one month of the year end.

### **Taxation**

#### Responsibilities of the CFO

- D.82 To complete all Inland Revenue returns regarding PAYE.
- D.83 To complete a monthly return of VAT inputs and outputs to HM Customs and Excise.
- D.84 To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.
- D.85 To advise Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority, and to maintain up-to-date guidance for all authority employees on taxation issues.

#### Responsibilities of Chief Officers

- D.86 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Customs and Excise regulations.
- D.87 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- D.88 To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- D.89 To follow the guidance on taxation issued by the CFO.

## **Quasi Commercial operations**

### Responsibilities of the CFO

D.90 To advise on the establishment and operation of trading accounts and business units.

### Responsibilities of Chief Officers

- D.91 To consult with the CFO where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the authority. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- D.92 To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.
- D.93 To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.
- D.94 To ensure that each business unit prepares an annual business plan in accordance with published guidelines.

## **E: EXTERNAL ARRANGEMENTS**

### **Partnerships**

#### **Responsibilities of the CFO**

- E.1 To advise on effective controls that will ensure that resources are not wasted.
- E.2 To advise on the key elements of funding a project. They include:
- a scheme appraisal for financial viability in both the current and future years
  - risk appraisal and management
  - resourcing, including taxation issues
  - audit, security and control requirements
  - carry-forward arrangements.
- E.3 To ensure that the accounting arrangements are satisfactory.

#### **Responsibilities of Chief Officers**

- E.4 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the CFO.
- E.5 To ensure that, before entering into agreements with external bodies, appropriate approvals have been obtained and a risk management appraisal has been prepared for the CFO.
- E.6 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the authority.
- E.7 To ensure that all agreements and arrangements are properly documented.
- E.8 To provide appropriate information to the CFO to enable a note to be entered into the authority's statement of accounts concerning material items.
- E.8A To ensure proper authority is obtained for the creation of any company, or any interest in a company, upon the following provisos:
- i. Cabinet authority – where the interest is within the Policy Framework, a minority one, there is limited liability, less than 20% board membership and the CFO and Solicitor to the Council have no financial or legal concerns;
  - ii. Council authority – any other situation.

## External Funding

### Responsibilities of the CFO

- E.9 To ensure that any match-funding or partnership funding requirements are considered prior to entering into agreements and that future revenue budgets reflect these requirements, and that these issues are fully considered before bids are submitted.
- E.10 To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.
- E.11 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- E.12 To ensure that audit requirements are met.

### Responsibilities of Chief Officers

- E.13 To consult with the CFO and the relevant Cabinet Member before any bid for any external funds is submitted
- E.14 To ensure that when a bid is successful, relevant amendments are made to the appropriate capital and revenue budgets, and that all necessary capital and revenue approvals are obtained before any expenditure is incurred or any commitment is made.
- E.14A For externally funded revenue activity the chief officer in consultation with the ~~CFO~~Head of Finance may increase the expenditure budgets by the extent of the external funding up to an amount not exceeding £5200,000. If the externally funded activity exceeds £5200,000 then the approval of the Cabinet ~~Member~~ is required, ~~following a joint report of the chief officer and the CFO.~~ In taking these decisions chief officers and Cabinet ~~Members~~ must consider a written statement of any future commitments that arise after the period of external funding ceases and agree a written exit strategy in order to avoid unplanned future commitments or provide a robust financial plan to fund any approved future commitments after the period of external funding ceases.
- E.15 To ensure that all claims for funds are made by the due date.
- E.16 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

## Work for Third Parties

### Responsibilities of CFO

- E.17 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

### Responsibilities of Chief Officers

- E.18 To ensure that the approval of the Cabinet is obtained before any negotiations are concluded to work for third parties.



- E.19 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the CFO.
- E.20 To ensure that appropriate insurance arrangements are made.
- E.21 To ensure that the authority is not put at risk from any bad debts.
- E.22 To ensure that no contract is subsidised by the authority.
- E.23 To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- E.24 To ensure that the business unit has the appropriate expertise to undertake the contract.
- E.25 To ensure that such contracts do not impact adversely upon the services provided for the authority.
- E.26 To ensure that all contracts are properly documented.
- E.27 To provide appropriate information to the CFO to enable a note to be entered into the statement of accounts.

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**DECISION-MAKER:** OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

**SUBJECT:** SCRUTINY STRUCTURES AND TERMS OF REFERENCE 2010/11

**DATE OF DECISION:** 25 MARCH 2010

**REPORT OF:** CHAIR OF OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

**AUTHOR:** Name: Suki Sitaram Tel: 023 8083 2060  
E-mail: Suki.sitaram@southampton.gov.uk

<b>STATEMENT OF CONFIDENTIALITY</b>
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None
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### SUMMARY

This report sets out proposed changes to the current overview and scrutiny arrangements in light of the budget decisions made by Full Council on 17<sup>th</sup> February 2010. Guidance is sought from the Overview and Scrutiny Management Committee to finalise recommendations to be presented to the Standards and Governance Committee on 19<sup>th</sup> April 2010 and Full Council on 19<sup>th</sup> May 2010. This is to seek the Council's support for the introduction of a revised overview and scrutiny structure for the 2010/11 municipal year. The report also provides details of revisions to the current Terms of Reference that will be necessary to reflect changes to the Scrutiny Panel structures.

### RECOMMENDATIONS:

- (i) That the Overview and Scrutiny Management Committee approves the proposed structure for Scrutiny Panels and Inquiries in 2010/11, and agrees that this should be presented to Council in May 2010 for its support.
- (ii) That the Overview and Scrutiny Management Committee considers and agrees the revised Terms of Reference.
- (iii) To note that any required constitutional changes arising from the approval of these proposals will be considered by the Standards and Governance Committee on 19<sup>th</sup> April 2010 and in a report from the Solicitor to the Council at the Annual Meeting in May 2010.

### REASONS FOR REPORT RECOMMENDATIONS

1. To agree a provisional framework for the delivery of overview and scrutiny activities in 2010/11 for final determination at the Annual Meeting of the Council in May 2010, to reflect the February 2010 budget decision.

## CONSULTATION

2. At the Overview and Scrutiny Management Committee meeting on 18<sup>th</sup> February 2010, officers were requested to draft a report on revised scrutiny arrangements for 2010/11 to reflect the budget decision to reduce the number of Scrutiny Panels from five to three. The proposals set out in this report have been developed in consultation with the Chair of the Overview and Scrutiny Management Committee. The proposals will be considered by the Overview and Scrutiny Management Committee on 25<sup>th</sup> March 2010 and the final recommendations reflecting the views of the OSMC will be forwarded to the Standards and Governance Committee in April and full Council for final approval in May 2010.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. None.

## DETAIL

4. The full Council meeting held on 17<sup>th</sup> February 2010 agreed the budget for 2010/11. This included a reduction in the number of Scrutiny Panels by two. The Overview and Scrutiny Management Committee (OSMC) needs to consider options for scrutiny structures in 2010/11 as currently, there are 5 Scrutiny Panels based on the following themes within the Local Area Agreement:
  - Children and Young People
  - Economic Wellbeing
  - Environment and Sustainability
  - Healthy City
  - Safer Communities
5. There is a statutory requirement for the council to ensure that its overview and scrutiny structures include the ability to scrutinise the work of the Safe City Partnership (Crime and Disorder Reduction Partnership) and key decisions of health agencies in the city. In order to ensure compliance, in the summer of 2009, the Committee agreed changes to the Terms of Reference of the Safer Communities Scrutiny Panel and the Healthy City Scrutiny Panel which enables the OSMC to comply with this legislation. As a number of services in the city are increasingly delivered through partnership working, this wider remit also enables OSMC to influence the delivery of key services provided by other statutory agencies in the city.
6. The following amendments to the Terms of Reference for these Panels were therefore agreed:  
Healthy City Scrutiny Panel
  - to scrutinise key decisions of the health agencies in the city and progress on the implementation of the Health & Well-being Strategic Plan and joint plans for strategic commissioning by the City Council and Southampton City PCT
  - to provide a forum for exchange of the work programmes and priorities of Southampton's LINK and the Healthy City Scrutiny Panel

- to provide a vehicle for the City Council's Overview & Scrutiny Management Committee to refer recommendations arising from panel inquiries relating to the City's health, care and well-being to Southampton's LINK for further monitoring.

#### Safer Communities Scrutiny Panel

- to consider, at least twice a year, the following functions and make reports or recommendations to the local authority with regard to these functions:
- Councillor Calls for Action for crime and disorder matters
- Actions undertaken by the responsible authorities on the Safe City Partnership.

7. Therefore any options for changing the council's existing overview and scrutiny structures need to ensure that the scrutiny requirements for health and community safety are fully complied with.

#### **Proposals for revised scrutiny structures in 2010/11**

8. In considering Scrutiny Panel structures with a reduced number of Scrutiny Panels from 5 to 3, the key issue is how best to configure the remaining 3 Panels in accordance with the statutory requirements whilst undertaking a programme of Inquiries. The suggested approach is to:
- Name the 3 Scrutiny Panels A, B and C respectively
  - Agree that Scrutiny Panel A will deliver the statutory function for the scrutiny of crime and disorder matters and should meet twice yearly to deliver this function
  - Agree that Scrutiny Panel B will deliver the statutory function for health matters, include representation from Southampton LINK and should meet four times to deliver this function
  - Agree that Panel C will therefore undertake proportionally more Inquiry work than the other 2 Panels
  - When the Scrutiny Work Programme for 2010/11 is agreed, allocate the Inquiries between all 3 Panels on a proportionate basis.
9. It is proposed that each Scrutiny Panel should meet up to a **maximum** of 12 times, with 10 meetings scheduled at the start of the municipal year (with no scheduled meetings anticipated in August and December). This is following the practice already being followed for the Overview and Scrutiny Management Committee. The two potential additional meetings would enable Panels to convene, if necessary, to consider issues which are not part of the work programme agreed at the beginning of the municipal year.
10. The detailed Work Programme for 2010/11 (including Inquiries and the statutory meetings) will be considered at the meeting of the Overview and Scrutiny Management Committee in April 2010.

## **Revised Terms of Reference**

8. The revised Terms of Reference for the proposed Panels are detailed in the attached Appendix 1, to reflect the changes detailed above. The OSMC is requested to consider these and provide guidance both on the preferred option and the related Terms of Reference.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

18. None

### **Revenue**

19. The proposals set out in this report will be met from the 2010/11 approved revenue budget for the Leader's Portfolio.

### **Property**

20. None

### **Other**

21. The staffing resources required to undertake this review of current arrangements will be met from within existing budgets and forms part of the annual review process for overview and scrutiny arrangements. Any additional staff time required to implement the budget decision will be reported alongside the 2010/11 Inquiry programme at the OSMC meeting in April 2010.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

22. The duty to undertake overview and scrutiny is set out in Section 21 of the Local Government Act 2000. The additional requirements for overview and scrutiny set out in the Local Government and Public Involvement in Health Act 2007 are referred to in this report.

### **Other Legal Implications:**

23. None.

## **POLICY FRAMEWORK IMPLICATIONS**

24. None.

## SUPPORTING DOCUMENTATION

### Appendices

1	Terms of Reference for Overview and Scrutiny Management Committee
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### Documents In Members' Rooms

	None
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### Background Documents

Title of Background Paper(s)

Relevant Paragraph of the  
Access to Information  
Procedure Rules / Schedule  
12A allowing document to be  
Exempt/Confidential (if  
applicable)

	None	
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**Background documents available for inspection at:** N/A

**FORWARD PLAN No:** N/A                      **KEY DECISION?** No

<b>WARDS/COMMUNITIES AFFECTED:</b>	All
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## **TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE**

### **GENERAL**

1. This Committee is a committee of the Council appointed by the Council under Section 102(1) of the Local Government Act 1972.
2. The Council has arranged under Section 101(1) of that Act for the discharge by the Committee of such of the Council's functions as are within the Committee's terms of reference (set out below).
3. Certain functions are delegated by this Committee to Officers. Full details may be found in the Officer's Scheme of Delegation which may be obtained from the Democratic Support and Member Services Manager.
4. Where a function or matter within the Committee's competence has been delegated to an officer, the Committee may exercise that function/matter concurrently with the officer to whom it has been delegated.
5. The exercise of any function or matter within the Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Solicitor to the Council in pursuance of Council Procedure Rule 26.2.

### **TERMS OF REFERENCE**

1. Approve a framework for the effective discharge by the Council of the statutory overview and scrutiny function by itself and its Scrutiny Panels;
2. Prepare and monitor a Scrutiny Inquiry Programme, to be developed in consultation with members of Scrutiny Panels, the Executive and representatives of the Southampton Partnership.
3. Appoint such sub-committees as it considers appropriate to fulfil the overview and scrutiny functions on behalf of the Council;
4. Where matters fall within the remit of more than one overview and scrutiny subcommittee, determine which of those sub-committees will assume responsibility for any particular issue and to resolve any issues of dispute of sub-committees.
5. To be responsible for the scrutiny of all corporate and resource management issues.
6. To exercise the power of call-in.
7. To undertake scrutiny of the Forward Plan.
8. To undertake regular monitoring of the Council's performance and budgets and to assess progress made in delivering services in conjunction with partners.
9. To receive matters raised through the Councillor Call to Action, with the exception of crime and disorder and health issues.
10. Engage with the Leader of the Council and appropriate members of the Southampton Partnership in State of the City debates.



## **SCRUTINY PANEL TERMS OF REFERENCE**

### **Scrutiny Panel A**

1. Undertake such Inquiries relating to safer communities issues in the city as directed by Overview and Scrutiny Management Committee.
2. In accordance with the Police and Justice Act 2006 to engage as appropriate with the designated Responsible Authorities, including the Police Authority and the area police commander, in respect of crime and disorder matters.
3. Consider, at least twice a year, the following functions and make reports or recommendations to the local authority with regard to these functions:
  - Councillor Calls for Action for crime and disorder matters
  - Actions undertaken by the responsible authorities on the Safe City Partnership.
4. Undertake Inquiries and other scrutiny work as directed by Overview and Scrutiny Management Committee.

### **Scrutiny Panel B**

1. Undertake such inquiries relating to any health and well-being issues in the city as directed by Overview and Scrutiny Management Committee.
2. In accordance with the Health and Social Care Act 2001 to respond to proposals and consultations from NHS Trusts and other NHS bodies in respect of substantial variations in service provision and any other major health consultation exercises.
3. Liaise with the Southampton LINK and to respond to any matters brought to the attention of overview and scrutiny by the Southampton LINK.
4. Scrutinise key decisions of the health agencies in the city and the progress made in implementing the Health & Well-being Strategic Plan and Joint Plans for Strategic commissioning developed by the City Council and Southampton City PCT.
5. To provide a forum for exchange of the work programmes and priorities of Southampton's LINK and the Healthy City Scrutiny Panel.
6. Provide a vehicle for the City Council's Overview & Scrutiny Management Committee to refer recommendations arising from panel inquiries relating to the City's health, care and well-being to Southampton's LINK for further monitoring.
7. Respond to consultations from NHS organisations delivering services in the city if substantial variations in services are proposed.
8. Consider Councillor Calls for Action for health matters
9. Undertake Inquiries and other scrutiny work as directed by Overview and Scrutiny Management Committee.

### **Scrutiny Panel C**

1. Undertake Inquiries and other scrutiny work as directed by Overview and Scrutiny Management Committee.

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# Agenda Item 6

<b>DECISION-MAKER:</b>	STANDARDS AND GOVERNANCE COMMITTEE		
<b>SUBJECT:</b>	ANNUAL STANDARDS AND GOVERNANCE BUSINESS REVIEW		
<b>DATE OF DECISION:</b>	19 <sup>TH</sup> APRIL 2010		
<b>REPORT OF:</b>	CHAIR OF STANDARDS AND GOVERNANCE COMMITTEE		
<b>AUTHOR:</b>	Name:	BRIAN HOOPER	Tel:
	E-mail:		

## STATEMENT OF CONFIDENTIALITY

None

## SUMMARY

The purpose of this report is to enable Standards and Governance Committee to comment upon the content of the draft report to be presented to the Annual General Meeting of the Council in May 2010 on the Annual Standards and Governance Business Review.

## RECOMMENDATION:

- (i) That Standards and Governance Committee advises of any comments or amendments it has upon the content of the draft report setting out the work undertaken by the Standards and Governance Committee over the last municipal year.

## REASONS FOR REPORT RECOMMENDATIONS

1. This is the first Annual Report of the Standards and Governance Committee written in response to a recommendation from the Ethical Governance Review. This is to be considered by Standards and Governance Committee, prior to formal submission to the Annual General Meeting of the Council, which this year takes place on 12<sup>th</sup> May 2010.
2. The report is supplied to Standards and Governance Committee in draft form to enable Standards and Governance Committee to consider the issues and advise the Chair of Standards and Governance of any amendments they would like to the report, prior to its submission to the AGM.
3. Certain elements of the report are “work in progress” at the current time.

## FINANCIAL/RESOURCE IMPLICATIONS

### Capital

4. None.

### Revenue

5. None.

**Property**

6. None.

**Other**

7. None.

**LEGAL IMPLICATIONS**

**Statutory power to undertake proposals in the report:**

8. Section 111 Local Government Act 1972 and Local Government Act 2000.

**Other Legal Implications:**

9. None.

**POLICY FRAMEWORK IMPLICATIONS**

10. None.

**SUPPORTING DOCUMENTATION**

**Appendices**

1.	Report to Full Council – Annual Standards and Governance Business Review
2.	

**Documents In Members’ Rooms**

1.	None.
2.	

**Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.		
2.		

**Background documents available for inspection at:** n/a

E-mail:

**FORWARD PLAN NO:**

**KEY DECISION?** n/a

**WARDS/COMMUNITIES AFFECTED:** none

<b>DECISION-MAKER:</b>	COUNCIL		
<b>SUBJECT:</b>	ANNUAL STANDARDS AND GOVERNANCE BUSINESS REVIEW		
<b>DATE OF DECISION:</b>	12 <sup>TH</sup> MAY 2010		
<b>REPORT OF:</b>	CHAIR OF STANDARDS AND GOVERNANCE COMMITTEE		
<b>AUTHOR:</b>	Name:	BRIAN HOOPER	Tel:
	E-mail:		

<b>STATEMENT OF CONFIDENTIALITY</b>
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NOT APPLICABLE
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**SUMMARY**

This report gives an overview of the work of the Standards and Governance Committee and outlines discussions held and decisions made at its meetings from May 2009 to April 2010.

**RECOMMENDATIONS:**

- (i) That the report be noted.

**REASONS FOR REPORT RECOMMENDATIONS**

1. This report is presented in accordance with the new Ethical Governance Review.

**CONSULTATION**

2. Appropriate consultation has taken place on each of the decision items summarised in this report.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

3. Not applicable.

**DETAIL**

This is the first Annual Report of the Standards and Governance Committee (S&GC), in response to a recommendation from the Ethical Governance Review. That review found that the Committee had a lower profile in the business of the Council than is the case in many other Local Authorities and this report is one means of raising that profile.

The fact that S&GC has a low profile to some degree reflects its role; it is a "back office" role, concerned not so much with the decisions the Council makes as with the processes by which it makes them. Its low profile might even be seen as to the

Council's credit, reflecting as it does a high level of compliance with the Members' Code of Conduct, a high standard of financial probity and a relatively low level of complaints from the public. We nevertheless agree that we should not merely note those points in a rather dry and obscure Committee, but bring them to the attention of the Council and thereby the public.

Lest it might be thought that the Committee forms a positive view of the Council's performance because that is what the officers tell it, a brief description of its make-up may be helpful.

S&GC includes representation from all three political groups, mainly experienced councillors some of whom have also served the City as Mayor. It also includes four Independent Members, who have between them a wide range of experience in commercial project management, disability issues, the health service, local government and the voluntary sector. With that balanced and experienced membership, and with one of the independent members as its chair, the Committee is well placed to focus on how Councillors and the Council conduct themselves and their business, largely avoiding debate on particular Council decisions. Our external auditors are frequently in attendance, and comparisons are sought and obtained so that the Council's performance can be seen alongside that of similar Local Authorities. While the Council's performance is good in all of the areas with which S&GC is directly concerned, there is always room for improvement and we make a point of seeking trend data to ensure that performance edges upward year on year.

The matters coming before S&GC in the year from May 2009 to April 2010 are as follows. **NB This draft report does not include matters considered at this (April 2010) meeting, but the final version will.**

4. **AUDIT COMMITTEE ANNUAL REPORT**

We received this report at our meeting on 25 June; Cllr Ball, Chair of the Audit Committee, presented the report and responded to questions on it. We are grateful to the Audit Committee for the assurance they are able to give us on risk management, control and governance in the Council.

5. **STATEMENT OF ACCOUNTS**

We received and approved the Statement of Accounts in June, seeking officers' explanations on some details and taking into consideration the recommendation to approve, made by the Audit Committee the previous day.

6. **ANNUAL GOVERNANCE STATEMENT/REPORT**

The Annual Governance Statement was received and approved in June, as recommended by the Audit Committee the previous day. The Annual Governance Report, prepared by the Audit Commission, was received in September and its recommendations agreed. We were concerned that there was a delay in issuing an Audit Certificate but were satisfied that this did not indicate an issue of financial mismanagement.

7. **MEMBER DEVELOPMENT**

Also in June we approved the Member Development Strategy for 2009-11, and the associated Action Plan, with some amendments regarding training on planning matters and training records.

8. **ETHICAL GOVERNANCE HEALTH CHECK: ACTION PLAN**

We approved this Action Plan in September; the report is one of the results of the Ethical Governance Health Check.

9. **OMBUDSMAN COMPLAINTS**

We were pleased to note from this report, presented in September, that Southampton has fewer matters referred to the Ombudsman than comparable other Local Authorities, and responds more quickly.

10. **CHILDREN'S SERVICES AND LEARNING/HEALTH AND ADULT SOCIAL CARE COMPLAINTS**

We received this report in September, appearing to show a higher number of complaints than for our comparator Local Authorities although not all the comparative figures are available. We noted the lessons learned from these complaints, and will continue to consider the data annually.

11. **CORPORATE COMPLAINTS**

This report, also received in September, showed a substantial rise in complaints over the previous year, possibly due to better publicity about the complaints system, but was a favourable comparison with other Local Authorities. We will continue to consider the data annually.

12. **AUDIT COMMISSION: ANNUAL AUDIT LETTER**

In December 2009 we received the Audit Commission's letter on the 2008/09 financial year. The letter gave us assurance on the Council's financial management processes and identified a number of matters for further development, all of which are already being progressed by the Council.

**FINANCIAL/RESOURCE IMPLICATIONS**

**Capital**

13. Not applicable.

**Revenue**

14. Not applicable.

**Property**

15. Not applicable.

**Other**

16. None.

**LEGAL IMPLICATIONS**

**Statutory power to undertake proposals in the report:**

17. Section 111 Local Government Act 1972 and Local Government Act 2000

**Other Legal Implications:**

18. Not applicable.

**POLICY FRAMEWORK IMPLICATIONS**

19. None.

**SUPPORTING DOCUMENTATION**

**Appendices**

1.	None.
2.	

**Documents In Members' Rooms**

1.	None.
2.	

**Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None.	
2.		

**Background documents available for inspection at:** Not applicable

**KEY DECISION?** No

<b>WARDS/COMMUNITIES AFFECTED:</b>	None
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# Agenda Item 7

<b>DECISION-MAKER:</b>	STANDARDS AND GOVERNANCE COMMITTEE		
<b>SUBJECT:</b>	FREEDOM OF INFORMATION, DATA PROTECTION AND REGULATION OF INVESTIGATORY POWER ACTS: ANNUAL REVIEW 2009-10		
<b>DATE OF DECISION:</b>	19 APRIL 2010		
<b>REPORT OF:</b>	SOLICITOR TO THE COUNCIL		
<b>AUTHOR:</b>	Name:	Tracy Horspool	Tel: 023 8083 2027
	E-mail:	tracy.horspool@southampton.gov.uk	

## STATEMENT OF CONFIDENTIALITY

None

## SUMMARY

A report detailing statistical information for the financial year 2009-10, the fifth year of implementation of the freedom of information Act (FOIA) and associated legislation. This report also details statistical information on requests received under the Data Protection Act (DPA) and the Council's activity under the Regulation of Investigatory Powers Act (RIPA).

## RECOMMENDATIONS:

To note and comment on the update of the statistical information for the year 1<sup>st</sup> April 2009 – 31<sup>st</sup> March 2010 relating to:

- (i) Freedom of Information Act 2000(FOIA) and associated legislation
- (ii) Data Protection Act 1998
- (iii) Regulation of Investigatory Powers Act 2000

## REASONS FOR REPORT RECOMMENDATIONS

1. To keep members informed as to the impact of the legislation to the Council and to detail the form and type of requests received in 2009/10, the fifth full year of FOIA implementation.
2. To keep Members informed as to the type of DPA requests received and the Council's activity under RIPA.
3. To ensure that members continue to be aware of the Council's statutory obligations under FOIA and associated legislation, DPA and RIPA.

## CONSULTATION

4. As soon as possible after the meeting of the Standards and Governance Committee, the information detailed in this report will be reported in the access to information pages on the Council's website.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. The only alternative to bringing this report before members is to not report the yearly analysis. This was rejected because it is considered to be good

governance to report such matters to members and to maintain the profile of information law within the organisation.

## **DETAIL**

### FOIA

6. The FOIA came fully into force on 1<sup>st</sup> January 2005, marking a major enhancement to the accessibility of information held by public authorities.
7. Running parallel to the FOIA regime is the Environmental Information Regulations (EIRs) that give a separate right to request environmental information from public authorities, the DPA which gives an individual the right to access their own personal data and the Re-Use of Public Sector Information Regulations (RUPSIRs) which allow a requester to re-use (under licence) information provided to them by a public authority.
8. Under the FOIA and associated legislation, anybody may request information from a public authority with functions in England, Wales and/or Northern Ireland. Subject to exemptions, the FOIA confers two statutory rights on applicants:
  - i. The right to be told whether or not the public authority holds that information; and
  - ii. The right to have that information communicated to them
9. There are two types of exemptions that may apply to requests for information – absolute and qualified.
10. Information that falls into a particular exemption category, for example, information relating to commercial interests, will have to be disclosed unless it can successfully be argued that the public interest in withholding it is greater than the public interest in releasing it. Such exemptions are known as qualified exemptions.
11. Where information falls within the terms of an absolute exemption, for example, information reasonably accessible by other means or information contained in court records, a public authority may withhold the information without considering any public interest arguments.
12. The Council has now experienced the fifth full year of the FOIA and statistics show a continued increase in the number of requests received. The number has increased from 499 for the year ending April 2009 to 694 for the year ending March 2010.
13. The detail relating to requests received is contained in the attached appendices 1 to 3.
14. To summarise, the Council has received a total of 1030 ‘non’ routine’ requests between 1<sup>st</sup> April 2009 and 31<sup>st</sup> March 2010. This comprises 694 dealt with as FOIA requests, 88 subject access requests and 248 requests for third party data made by regulatory authorities, such as the police, under the DPA.
15. 2009/10 has seen a sharp increase in the volume of requests received. The average number of requests received per month was 57.8, compared with 41.5 last year. Appendix 1 shows the number of requests received per month, with a comparison to last year.

16. During the year, 92.1%% of all monitored requests (excluding those 'on hold or lapsed) were dealt with within the statutory deadline of 20 working days. In cases where the deadline was exceeded, this was usually by one or two days and reflects the volume, increasing complexity and quantity of information requested. In a few cases, extensions of time were required in order to hold public interest test panel meetings where particularly complex requests were made. The overall response time remains good, with the Council responding to requests within 11.92 days on average. Appendix 2 shows the number of requests received by each Council directorate, with the Environment directorate receiving the most requests in the year.
17. The complexity and detail of requests has increased again this year. Under FOIA, where the cost of responding to the request will exceed the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (which is currently set at £450 for local authorities), the Council is able to invoke a charge. For 2009/10, the Council issued 20 fees notices. Of the 20 issued, only one of the requesters paid the fees. For those not paying the fee, the information requested was withheld.
18. Of all requests received during the year, 81.8% of information requested was disclosed in full. Of the remaining 18.2% of requests, 3.1% of information was not held by the Council, 0.2% of information was withheld either because it was exempt or a fees notice was issued, 5.3% involved a partial disclosure and 6.3% are still being dealt with. The remainder of the requests were withdrawn.
19. Of the 694 requests made, 17 were deemed to be covered by an absolute exemption.
20. Of the 694 requests made, 7 were deemed to be covered by one or more qualified exemptions and accordingly referred to the Public Interest Test Panel for consideration of the public interest.
21. Ten appeals were made to the Council's Internal Corporate Complaints department, regarding decisions made to withhold or partially withhold information requested. Following review, four appeals were partly upheld and further information was disclosed.
22. To our knowledge, no appeals have been made to the Information Commissioner's Office.
23. As with all years, types of requests have been varied and, for example, range from requested information about microchips in refuse bins to details of food hygiene inspections. Popular topics for requests include Member remuneration and staff salaries. 2009/10 has seen an increase in the amount of requests received from private citizens. For the period covered in this report, 48.1% of requests came from private citizens, compared to 39% in 2008/09. Appendix 3 shows a breakdown of the category of requesters, with private citizens being far the largest category.
24. Between 2005 when the FOIA came into force and 2009-10, there has been a 350% increase in the number of FOI requests received.

## DPA

25. The Data Protection Act 1998 gives individuals the right to know what information is held about them and provides a framework to ensure that personal information is handled properly.
26. Under the Act, an individual is entitled to access personal data, held by an organisation, of which that individual is the data subject. Such requests for information are known as subject access requests.
27. For the year 2009/10, the Council received 88 subject access requests.
28. Sometimes there is a public interest requiring disclosure of personal data which might otherwise be in breach of the Act. Where an exemption from the non-disclosure provisions applies, such disclosure is not in breach of the Act. Examples include section 29, the crime and taxation exemption and section 35, disclosures required by law or made in connection with legal proceedings. Such requests are typically made to the Council by regulatory authorities such as the police, the Department of Work and Pensions and so on as part of their investigations.
29. For the year 2009/10 the Council received 248 requests for data from such third party organisations.

## RIPA

30. There have been 26 authorisations under RIPA.
31. Examples of activity authorised include covert surveillance of the attempted purchase of alcohol and cigarettes to under 18's in city off-licences and other retailers; surveillance of individuals suspected of benefit fraud and surveillance of individuals suspected of anti-social behaviour towards local residents.
32. Under RIPA, the Council as a public authority is permitted to carry out directed surveillance, the use of covert human intelligence sources and obtain communications data if it is both necessary for the purpose of preventing or detecting crime and/or disorder and the proposed form and manner of the activity is proportionate to the alleged offence.
33. Councils' use of RIPA powers have been the subject of much scrutiny in recent months. New regulations and new Codes of Practice came into force on 6th April 2010. The new Codes recommend that Members have a greater awareness of the form and type of activities carried out by officers and reporting to Members in this form is recommended good practice. It is further recommended that in-year internal reports on the Council's use of RIPA are brought before the Leader and relevant Cabinet Members on a quarterly basis, commencing end June 2010, the end of the first quarter.
34. The new Codes recommend that the Council formally appoints a 'senior responsible officer' for RIPA in each authority. The Solicitor to the Council already informally undertakes this role. The senior responsible officer has responsibility for maintaining the central record of authorisations; the integrity of the RIPA process within his authority; compliance with the Act and Codes of Practice; oversight of the reporting of errors to the Surveillance Commissioner; engagement with Inspectors from the Office of Surveillance

Inspectors and implementation of any subsequent action plan.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

35. None directly related to this report.

### **Revenue**

36. None directly related to this report. The administration of information law within the authority is managed within corporate overheads, but the continuing upward trend in the number of requests received is increasing pressure on finite resources for maintaining compliance with these statutory processes.

### **Property**

37. None directly related to this report.

### **Other**

38. Not applicable.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

39. The statutory obligations relating to information law are detailed in the body of this report.

### **Other Legal Implications:**

41. None directly related to the report.

## **POLICY FRAMEWORK IMPLICATIONS**

42. The information contained within this report is consistent with and not contrary to the Council's policy framework.

**SUPPORTING DOCUMENTATION**

**Appendices**

1.	Breakdown of FOIA requests by month
2.	Breakdown of FOIA requests by directorate
3.	Breakdown of FOIA requests by category of requester

**Documents In Members' Rooms**

1.	None
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**Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the  
Access to Information  
Procedure Rules / Schedule  
12A allowing document to be  
Exempt/Confidential (if  
applicable)

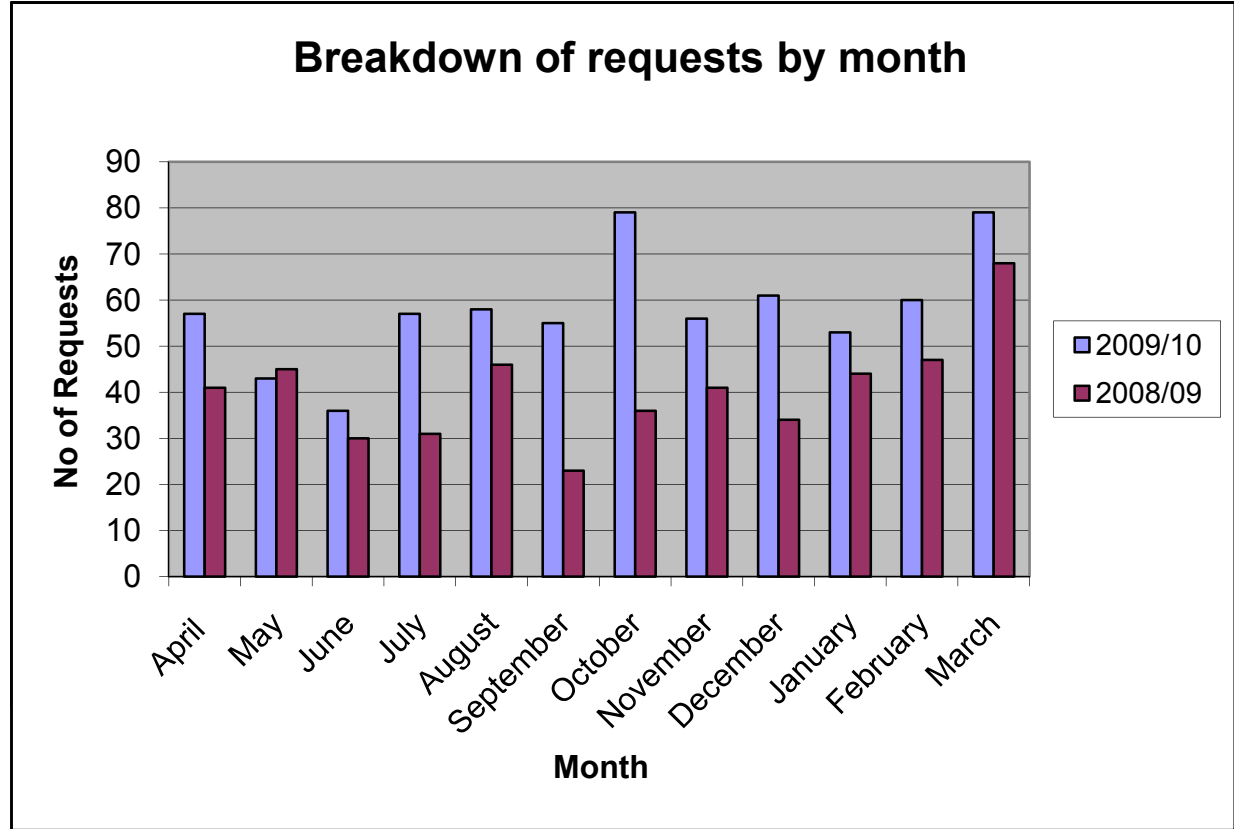
1.	None	N/a
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**Background documents available for inspection at:** N/a

**KEY DECISION?** N/a

<b>WARDS/COMMUNITIES AFFECTED:</b>	N/a
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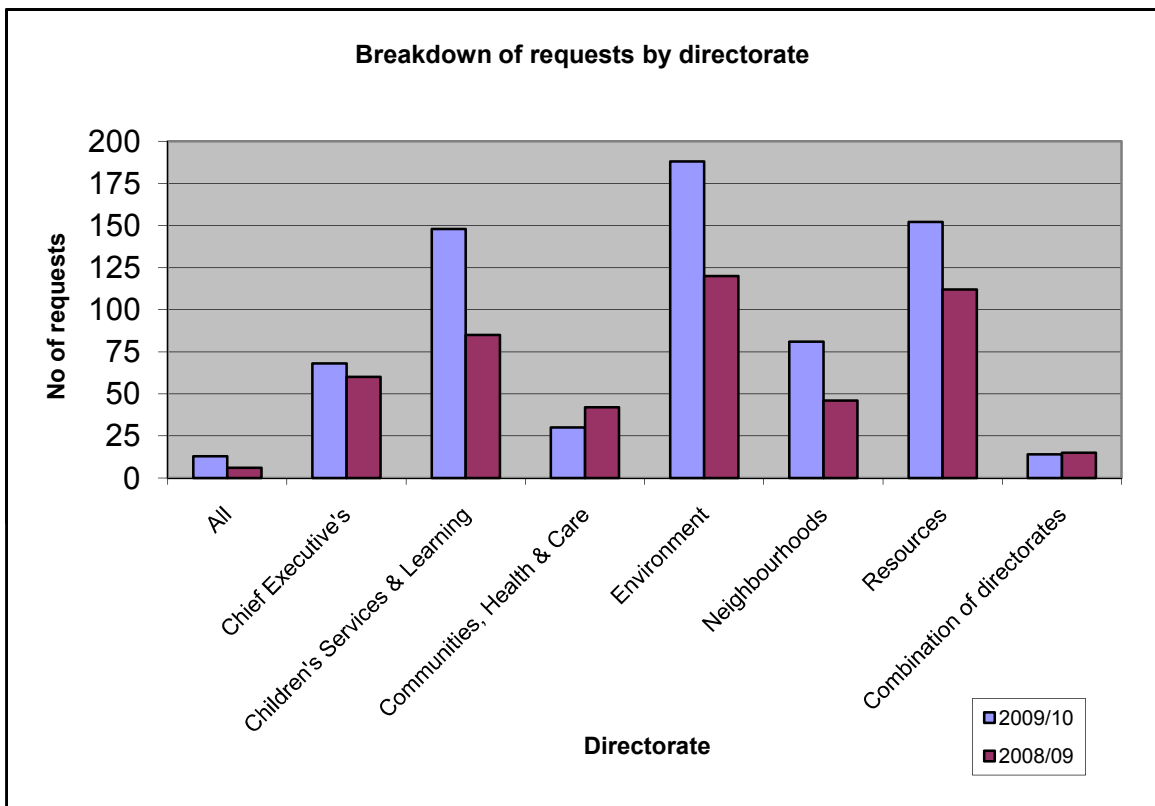
	2009/10	2008/09
April	57	41
May	43	45
June	36	30
July	57	31
August	58	46
September	55	23
October	79	36
November	56	41
December	61	34
January	53	44
February	60	47
March	79	68
<b>Total</b>	<b>694</b>	<b>486</b>



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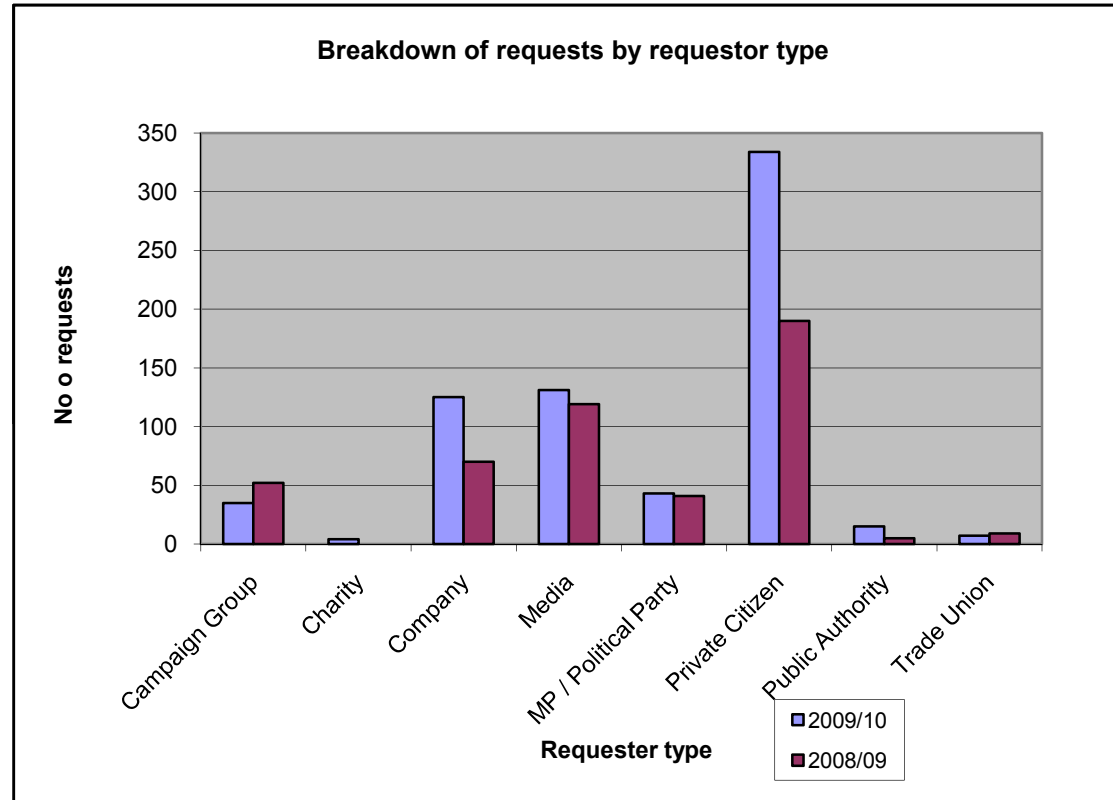


Directorate	2009/10	2008/09
All	13	6
Chief Executive's	68	60
Children's Services & Learning	148	85
Communities, Health & Care	30	42
Environment	188	120
Neighbourhoods	81	46
Resources	152	112
Combination of directorates	14	15
<b>Total</b>	<b>694</b>	<b>486</b>



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Requester category	2009/10	2008/09
Campaign Group	35	52
Charity	4	0
Company	125	70
Media	131	119
MP / Political Party	43	41
Private Citizen	334	190
Public Authority	15	5
Trade Union	7	9
<b>Total</b>	<b>694</b>	<b>486</b>



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# Agenda Item 8

<b>DECISION-MAKER:</b>	STANDARDS AND GOVERNANCE COMMITTEE		
<b>SUBJECT:</b>	CODE OF CORPORATE GOVERNANCE - UPDATE		
<b>DATE OF DECISION:</b>	19TH APRIL 2010		
<b>REPORT OF:</b>	ASSISTANT SOLICITOR TO THE COUNCIL		
<b>AUTHOR:</b>	Name:	RICHARD IVORY	Tel: 023 8083 2794
	E-mail:	richard.ivory@southampton.gov.uk	

## STATEMENT OF CONFIDENTIALITY

None

## SUMMARY

The Corporate Governance framework is well established to ensure best practice for a locally adopted Code of Corporate Governance (CCG) and for making adoptive practices understandable, open and explicit. The City Council already conforms to the ethos and principles of Corporate Governance and has a sound basis which has been recognised in the regular CPA and CAA assessments. There is a strong regulatory framework of control and there are robust arrangements for monitoring and review. The CCG is required to be updated on a regular basis.

## RECOMMENDATIONS:

- (i) That the Standards and Governance Committee consider the updated Code of Corporate Governance (CCG), make any revisions considered appropriate and approve a final version.

## REASONS FOR REPORT RECOMMENDATIONS

1. The Council is required to adopt and keep up to date a Code of Corporate Governance as part of its Comprehensive Performance Assessment and in light of revised CIPFA guidelines.

## CONSULTATION

2. Consultations have taken place with the Head of Audit and other officers together with District Audit.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. There are no alternative options which have been considered.

## DETAIL

4. The Committee will recall at its meeting on 21<sup>st</sup> April 2008 it considered and approved the current CCG.
5. The draft document follows revised best practice and guidance from both CIPFA and other Codes of Corporate Governance adopted by unitary authorities. The CIPFA / SOLACE guidance on the corporate governance framework has been recently revised which necessitated a review of the CCG to ensure it reflects the most recent thinking, with revised emphasis focusing on partnership working.
6. Since that date, and especially over the last year, there have been changes which require reflection in the CCG; these should be clear from the track changed narrative in the draft CCG attached. For example, as noted in

previous reports partnership working is one of the City's strengths with a vast range of formal, informal, contractual and grant aided projects and relationships in place. It is fair to say that as the Council's partners are of all shapes and sizes, from the Southampton City PCT to small community organisations and that the governance arrangements to make those partnerships effective vary tremendously. For example, there are detailed contracts in place with organisations such as the PCT and Capita and simple letters outlining obligations in respect of small community entities; one size and approach does not fit all.

7. The Council adopted a Partnership Toolkit in 2009 in order to manage these relationships even better and the Solicitor to the Council has an ongoing work programme, based on risk, looking at significant governance arrangements with partners to ensure that duties and responsibilities are being discharged appropriately.

Additionally, in light of the integration of some significant services and arrangements in Adult Social Care with Southampton City PCT detailed governance arrangements have recently been put in place to manage this most significant partnership.

The CCG was not formally presented to the committee last year as at that time little of significance required revision. That does not detract from its importance or that of good governance arrangements generally, but moreover the Council was undertaking, as part of the CAA, a Use of Resources Key Line of Enquiry (KLOE) in relation to "good governance". As such it was considered by the Monitoring Officer that to undertake a full revision of the CCG was unnecessary as so many elements of the KLOE (part 2.3) overlapped with the CCG. The priority was therefore to undertake and compile the KLOE as this was the first time it had been required by the Audit Commission. The outcome of the KLOE was that the Council was awarded a score of 3 ( out of 4) being a rating of "good" and one of the best in the country. Salient parts of the KLOE have been included or reflected in the updated CCG to ensure consistency.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

8. None.

### **Revenue**

9. None.

### **Property**

10. None.

### **Other**

11. None.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

12. The preparation and adoption of an up to date CCG is part of the requirement of the annual governance statement as detailed in Regulation 4(2) of the

**Other Legal Implications:**

13. There are no direct legal implications arising from this report.

**POLICY FRAMEWORK IMPLICATIONS**

14. The Code of Corporate Governance accords with, and forms part of, the Council's adopted Policy Framework.

**SUPPORTING DOCUMENTATION**

**Appendices**

1.	Revised Code of Corporate Governance
2.	

**Documents In Members' Rooms**

1.	None.
2.	

**Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	CIPFA / SOLACE Revised Core Principles	
2.	CAA Use of Resources KLOE 2.3 – Good Governance	

**Background documents available for inspection at:** Solicitor to the Council, Civic Offices, Southampton

E-mail: [richard.ivory@southampton.gov.uk](mailto:richard.ivory@southampton.gov.uk)

**FORWARD PLAN NO:** n/a

**KEY DECISION?** n/a

**WARDS/COMMUNITIES AFFECTED:** n/a

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# **CODE OF CORPORATE GOVERNANCE**

**MARCH 2010**

Appendix 1

# 1. FOCUSING ON THE PURPOSE OF THE AUTHORITY AND ON OUTCOMES FOR THE COMMUNITY AND CREATING AND IMPLEMENTING A VISION FOR THE LOCAL AREA

## How the principles of corporate governance should be reflected

The focus of governance is to ensure that authorities, other local government organisations or connected partnerships fulfil their purpose and achieve their intended outcomes for citizens and service users and operate in an effective, efficient, economic and ethical manner. This concept should guide all governance activity.

Local government bodies need to develop and articulate a clear vision of their purpose and intended outcomes for citizens and service users that is clearly communicated, both within the organisation and to external stakeholders.

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
Used as a basis for: i. Corporate and service planning ii. City of Southampton Strategy iii. Southampton's Local Area Agreement	Annual Business Plan – Corporate Improvement Plan  City of Southampton Strategy  Southampton's Local Area Agreement	Part 1 – CCG June 2007	All updated annually – May Council Reviewed annually. Full refresh every 3 years Monitored on a quarterly basis		?
Annual Financial statements Annual Business Plan Formal Annual Report	Annual Financial Statements  Annual External Audit Letter  Annual Governance Statement (formerly the SIC)		Spring - budget  Received  Spring		
	Medium Term Service & Financial Plan		Reviewed every 2 years		

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
<p>This information is reflected in the authority's:</p> <ul style="list-style-type: none"> <li>i. Corporate Plan</li> <li>ii. Medium Term Strategy</li> <li>iii. Resourcing Plan</li> </ul> <p>in order to ensure improvement</p> <p>Southampton Partnership Annual Business Plan</p>	<p>Corporate Improvement Plan</p> <p>Medium Term Service &amp; Financial Plan</p> <p>Southampton Partnership Annual Business Plan</p>		<p>Updated annually – May Council</p> <p>Reviewed every 2 years</p> <p>Updated annually, approved by SP Delivery Board</p>		
<p>Complaints Procedure</p>	<p>Corporate Complaints Policy and Procedure</p>		<p>Updated annually.</p> <p>Introduced a vexatious and unreasonably persistent complainants and unreasonable complainants behaviour policy in April 2008</p>		
<p>The results are reflected in authority's performance plans and in reviewing the work of the authority</p>	<p>Performance Management Systems and processes</p> <p>Corporate Improvement Plan</p> <p>KPI's / PI's</p>		<p>Adopted</p> <p>Reviewed annually</p> <p>As above</p>		<p>Supplemented by Management Academy</p>

## 2. MEMBER AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES

### How the principles of corporate governance should be reflected

The governing body of an organisation has overall responsibility for directing and controlling that organisation. In local government the governing body is the full council or authority.

Further information on the structures and roles of the local authority governing bodies is included in the guidance notices to this Framework.

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
<ul style="list-style-type: none"> <li>▪ Constitution</li> <li>▪ Record of decisions and supporting materials</li> </ul>	Constitution Part 10 "Officer Scheme of Delegation"	Part 2 - CCG	Constitution reviewed annually at Full Council in May. Ad hoc reviews throughout the year based on service changes	A substantial review is currently taking place as a result of Council's budget 2010 which resulted in a decision to streamline meetings and decision making processes and substantially review the Officer Scheme of Delegation As above	Revised Constitution to be considered by S and G Cmtte in April 2010 and Council AGM in May 2010
<ul style="list-style-type: none"> <li>▪ Constitution</li> <li>▪ Conditions of employment</li> </ul>	Constitution: Part 3 Responsibility for Functions Job Descriptions  Competency Statements				
<ul style="list-style-type: none"> <li>▪ Scheme of Delegation</li> <li>▪ Statutory provisions</li> </ul>	Constitution: Part 5 Protocol on Member / Officer			As above	

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
<ul style="list-style-type: none"> <li>▪ Job description / specification</li> <li>▪ Performance management system</li> </ul>	Relations Constitution Part 10 "Officer Scheme of Delegation" Constitution: Part 3 Responsibility for Functions			As above	

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
<ul style="list-style-type: none"> <li>▪ Section 151 responsibilities</li> <li>▪ S112 / 114 Local Government Finance Act 1988</li> <li>▪ Statutory provision</li> <li>▪ Statutory reports</li> <li>▪ Budget documentation</li> <li>▪ Job description / specification</li>   <li>▪ Chief Executive and Leader pairing</li>   <li>▪ Monitoring Officer provisions</li> <li>▪ Statutory provision</li> <li>▪ Job description / specification</li> </ul>	<p>In place</p> <p>Regular meetings/agenda in place. Leader attends COMT fortnightly and formally tables written paper on issues</p> <p>In place</p>				
<ul style="list-style-type: none"> <li>▪ Officer / Member Protocol</li>   <li>Pay and conditions policies and practices</li>   <li>▪ Vision, strategy, corporate plans, budgets, performance plan / regime</li> </ul>	<p>Constitution: Part 5 Protocol on Member / Officer Relations</p> <p>Constitution: Part 6 Members Allowance Scheme</p> <p>Pay &amp; conditions of service</p> <p>Performance Management systems and processes</p> <p>Annual Business Plan – Corporate Improvement Plan</p> <p>Southampton's Community Strategy</p>		<p>Reviewed as part of the Constitution</p> <p>Reviewed regularly</p> <p>As stated before</p>		<p>IRP reviewed and Council decision 2007. Council February 2010 freeze basic and SRA allowances</p>

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
<p>Protocols for partnership working. For each partnership there is:</p> <ul style="list-style-type: none"> <li>i. A clear statement of the partnership principles and objectives</li> <li>ii. Clarity of each partner's role within the partnership</li> <li>iii. Definition of roles of partnership board members</li> <li>iv. Line management responsibilities for staff who support the partnership</li> <li>v. A statement of funding sources for joint projects and clear accountability for proper financial administration</li> <li>vi. A protocol for dispute resolution within the partnership</li> </ul>	<p>Partnership Terms of Reference and/or Constitutions</p> <p>SCC Partnership Code &amp; Toolkit.</p> <p>Should be incorporated within each Partnership's Terms of Reference and/or Constitution?</p>		<p>ToRs available on SP website.</p> <p>SCC Partnership Code &amp; Toolkit, along with A-Z Directory on Intranet.</p>	<p>SCC Partnership Toolkit formally adopted by Council in May 2009. Training and awareness provided for senior managers and Members.</p>	<p>.All existing statutory and non-statutory partnerships will be required to undertake a self-assessment against the Partnership Code &amp; Toolkit by the 31<sup>st</sup> December 2010. Briefings on the Partnership Code &amp; Toolkit, and the A-Z Directory, have been held for senior managers and Members</p> <p>The results of these self-assessments will provide an overall governance benchmark</p>
(NB from special report <i>Local Partnership and Citizen Redress</i> by LGO					





### 3. PROMOTING VALUES FOR THE AUTHORITY AND DEMONSTRATING THE VALUES OF GOOD GOVERNANCE THROUGH UPHOLDING HIGH STANDARDS OF CONDUCT AND BEHAVIOUR

#### How the principles of corporate governance should be reflected

Good governance flows from a shared ethos or culture, as well as from systems and structures. It cannot be reduced to a set of rules, or achieved fully by compliance with a set of requirements. This spirit or ethos of good governance can be expressed as values and demonstrated in behaviour.

Good governance builds on the seven principles for conduct of people in public life that were established by the Committee on Standards in Public Life, known as the Nolan principles. In England, the Local Government Act 2000 outlined ten principles of conduct – an additional three to those identified by Nolan – for use in local government bodies. The Nolan seven principles and additional three principles are included in the guidance notes accompanying this Framework.

A hallmark of good governance is the development of shared values, which become part of the organisation’s culture, underpinning policy and behaviour throughout the organisation, from the governing body to all staff. These are in addition to compliance with legal requirements on, for example, equal opportunities and anti-discrimination.

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC’s current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
Members / Officers Code of Conduct performance management system Performance appraisal Complaints procedures Anti-fraud and corruption policy Member / Officer Protocols	Constitution: Part 5 Members’ Code of Conduct and Officers’ Code of Conduct Whistleblowing (Duty to Act) Anti-Fraud and Anti-Corruption Policy and Strategy Corporate Complaints Procedure Declaration of Interests Register of Gifts and Hospitality	Part 3 – CCG	All reviewed annually or following revision by Government		

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
<ul style="list-style-type: none"> <li>▪ Standing Orders</li> <li>▪ Codes of Conduct</li> <li>▪ Financial Regulations</li> </ul>	<p>Constitution: Part 5 Members' Code of Conduct and Officers' Code of Conduct</p> <p>Constitution: Part 4 Financial Procedure Rules</p> <p>Constitution: Part 4 Contracts Procedure Rules</p>		All reviewed annually at least	See above. Financial limits are to be revised (ie de minimus limit for Key Decisions) as a part on Constitution review	
<p>Codes of Conduct</p> <p>Terms of reference</p>	<p>Constitution: Part 5 Members' Code of Conduct and Officers' Code of Conduct</p> <p>Constitution: Part 2 (Article 9) Terms of Reference Standards and Governance Committee</p> <p>Constitution: Part 3 Responsibility for Functions – Terms of Reference Standards and Governance Committee</p>		All reviewed annually at least		
<p>Regular reporting to the authority</p> <p>Decision-making practices</p> <p>Protocols for partnership working</p>	Constitution generally		See above		

#### 4. TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK

##### How the principles of corporate governance should be reflected

Decision-making within a good governance framework is complex and challenging. It must further the organisation's purpose and strategic direction and be robust in the medium and longer terms. To make such decisions, authority members must be well informed.

Members making decisions need the support of appropriate systems, to help to ensure that decisions are implemented and that resources are used legally and efficiently.

Risk management is important to the successful delivery of public services. An effective risk management system identifies and assesses risks, decides on appropriate responses and then provides assurance that the chosen responses are effective.

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
<p>Scrutiny is supported by robust evidence and data analysis</p> <p>Decision-making protocols record of decisions and supporting materials</p> <p>Members' Code of Conduct</p>	<p>Constitution: Part 10 – Recording Officer Decisions</p> <ul style="list-style-type: none"> <li>▪ Constitution: Part 5 Members' Code of Conduct and Officers' Code of Conduct</li> </ul>		<p>Key &amp; Significant decisions records held centrally by Democratic Services</p>		

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
<ul style="list-style-type: none"> <li>▪ Terms of reference</li> <li>▪ Membership</li> <li>▪ Training for committee members</li> </ul> <p>Complaints procedure</p>	<p>Constitution: Part 3 Responsibility for Functions – Terms of reference Audit Committee</p> <p>Corporate Complaints Procedure</p>		As before		
<p>Members' Induction Scheme Training for committee chairs</p>	<p>In place</p>				<p>Annual post election programme in place for May 2010 onwards</p>
<p>Record of decision-making and supporting materials</p>	<p>Constitution: Part 10 Recording Officer Decisions</p>		As before		
<ul style="list-style-type: none"> <li>▪ Risk Management protocol</li> <li>▪ Financial standards and regulations</li> </ul> <p>Whistleblowing Policy</p>	<ul style="list-style-type: none"> <li>▪ RM Policy and Strategy</li> <li>▪ Constitution: Part 4 Financial Procedure Rules</li> </ul> <p>Whistleblowing (Duty to Act)</p>				
<ul style="list-style-type: none"> <li>▪ Constitution</li> <li>▪ Monitoring Officer provisions</li> <li>▪ Statutory provisions</li> </ul> <ul style="list-style-type: none"> <li>▪ Monitoring Officer provisions</li> <li>▪ Job description / specification</li> <li>▪ Statutory provision</li> </ul>	<p>Constitution</p>		As before		

## 5. DEVELOPING THE CAPACITY AND CAPABILITY OF MEMBERS AND OFFICERS TO BE EFFECTIVE

### How the principles of corporate governance should be reflected

Effective local government relies on public confidence in authority members, whether elected or appointed, and in officers. Good governance strengthens credibility and confidence in our public services.

Authorities need people with the right skills to direct and control them effectively. Governance roles and responsibilities are challenging and demanding, and authority members need the right skills for their roles. In addition, governance is strengthened by the participation of people with many different types of knowledge and experience.

Good governance means drawing on the largest possible pool of potential members to recruit people with the necessary skills. Encouraging a wide range of people to stand for election or apply for appointed positions will develop a membership that has a greater range of expertise and knowledge. It will also help to increase the diversity of authority members in terms of age, ethnic background, social class, life experiences, gender and disability. This concept should also be borne in mind when members are appointed to the boards of other public service organisations.

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
<ul style="list-style-type: none"> <li>▪ Training and development plan</li> <li>▪ Induction programme</li> <li>▪ Update course / information</li> </ul> <p>Job descriptions / personal specifications membership of top management team</p>	<p>Member training and induction programme</p> <ul style="list-style-type: none"> <li>▪ Job descriptions</li> <li>▪ Competency statements</li> </ul>	Part 5 – CCG		Member Development Strategy developed and maintained by Member User Group in addition to PDP planning	
Training Development Plan					

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
Training and development plan reflect requirements of a modern councillor including: <ul style="list-style-type: none"> <li>i. The ability to scrutinise and challenge</li> <li>ii. The ability to recognise when outside advice is required</li> <li>iii. Advice on how to act as an ambassador for the community</li> <li>iv. Leadership and influencing skills</li> </ul>	Member training and induction programme				Training and induction programme reviewed annually

## 6. ENGAGING WITH LOCAL PEOPLE AND OTHER STAKEHOLDERS TO ENSURE ROBUST PUBLIC ACCOUNTABILITY

### How the principles of corporate governance should be reflected

Local government is accountable in a number of ways. Elected local authority members are democratically accountable to their local area and this gives a clear leadership role in building sustainable communities. All members must account to their communities for the decisions they have taken and the rationale behind those decisions. All authorities are subject to external review through the external audit of their financial statements. They are required to publish their financial statements and are encouraged to prepare an annual report. Many are subject to national standards and targets. Their budgets are effectively subject to significant influence and overview by government, which has powers to intervene. Both members and officers are subject to codes of conduct. Additionally, where maladministration may have occurred, an aggrieved person may appeal either through their local councillor or directly to the ombudsman.

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
City of Southampton Strategy	Southampton's Community Strategy Neighbourhood Management arrangements	Part 6 – CCG	New arrangements implemented as referred to above		Neighbourhood Management arrangements have been refocused to more carefully meet the needs of local people based around a three district area model (West, Central and East). The majority of frontline services have re-aligned the services into the three area model and this is affording closer links with the Police,

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
					<p>Hampshire Fire and Rescue services and the Health service providers who all operate on a similar three area model.</p> <p>Local priorities are identified and actioned through a number of routes including Community Priority Planning meetings (led by the Police), feedback from Friends, Resident / Tenant and Community groups and voluntary sector stakeholders and other partners.</p> <p>Ward Councillors play an active role in championing local issues at multiple levels.</p> <p>In the past year multi agency District Management Groups have been established that focus on overseeing / establishing the district priorities and coordinating actions</p>



Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
Annual report	Annual report				to address the key priorities for each district area (with a current focus on environmental and safety issues as part of the Crime and Disorder Reduction Partnership). The DMG's link closely with the 'localities team working' that is being developed by Children and Young People services and Health providers as there are a number of areas where an integrated approach is essential to maximise the opportunities for local communities and the city.
Processes for dealing with competing demands within the community	City of Southampton Strategy				
	Southampton's Local Area Agreement				
	Neighbourhood Management arrangements Southampton Partnership				

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
Partnership framework Communication strategy	Constitution Southampton portal for partnership working at <a href="http://www.southampton-partnership.com">www.southampton-partnership.com</a>		Updated fortnightly		

Source documents / good practice / other means that may be used to demonstrate compliance	Suggested evidence (cross ref with evidence in SCC's current Code of Corporate Governance)	Cross Reference with CCG	Progress / Evidence	Issues	Action
<ul style="list-style-type: none"> <li>▪ Annual report</li> <li>▪ Annual financial statements</li> <li>▪ Annual business plan</li> </ul> Constitution	Annual Business Plan – Corporate Improvement Plan Annual Governance Statement (formerly SIC) Medium Term Service & Financial Plan Constitution – Articles 1 & 2		Updated annually – May Council  Reviewed every 2 years		
Constitution	Constitution				

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# Agenda Item 9

<b>DECISION-MAKER:</b>	STANDARDS AND GOVERNANCE COMMITTEE		
<b>SUBJECT:</b>	ANNUAL REPORT ON MEMBER DEVELOPMENT		
<b>DATE OF DECISION:</b>	19 APRIL 2010		
<b>REPORT OF:</b>	SOLICITOR TO THE COUNCIL		
<b>AUTHOR:</b>	Name:	Sandra Coltman	Tel: 023 80 832718
	E-mail:	sandra.coltman@southampton.gov.uk	

## STATEMENT OF CONFIDENTIALITY

None.

## SUMMARY

This report gives an overview of Member learning and development and a progress report on the 3-year Member Development Strategy. Members are invited to comment on any aspect of the Member learning and development in the report.

## RECOMMENDATIONS:

- (i) Standards and Governance Committee is requested to consider and comment on the report.
- (ii) Standards and Governance Committee is requested to consider progress made on the action plan in the Member Development Strategy for 2009-2010 and make recommendations for future priorities.

## REASONS FOR REPORT RECOMMENDATIONS

1. Standards and Governance Committee is responsible for overseeing and managing programmes of guidance, advice and training on ethics, standards and probity for Councillors and employees, and on the Council's Members' Code of Conduct.
2. To provide a progress report on the 3-year Member Development Strategy introduced in 2009-2010 and opportunity for Standards and Governance Committee to make recommendations for the future.

## CONSULTATION

- 3 Member Development is based on consultation with relevant Members and officers, including the Member User Group, who have responsibility for the strategic direction and evaluation of Member Development.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 4 None. Standards and Governance Committee have requested annual reports on Member Learning and Development.

## DETAIL

- 5 The priorities for Member learning and development were detailed in the

Member Development Strategy 2009-2012 and related Action Plan (Appendix 1).

6. An internal audit review of Member development has recently taken place in relation to the Annual Governance Statement. The report is currently being finalised and it is expected that the recommendations will be available for consideration at the Standards and Governance meeting.
7. Whilst there were no local elections in May 2009, two new Cabinet Members were appointed by the Leader of the Council in June and an induction programme was developed by senior officers in Children's Services and Learning in liaison with Members' Services. The programme included personal development planning, IDeA peer mentoring and the opportunities to attend relevant courses and seminars, as well as in-house training, briefings and visits to services and schools.
8. During the year, Chairs of committees have strengthened their involvement in the training and development of committee and other members. As an example, the Chair of Planning and Rights of Way Panel introduced a programme of short training session to follow on from panel meetings and this has now been incorporated into the Member Development programme for 2010-2011. Other training recommended by Cabinet Members and Chairs of Committees has also been included in the programme, in particular sessions on Safeguarding Children and Corporate Parenting and a CIPFA workshop on understanding local government accounts (outline programme for 2010-2011 included as Appendix 2)
9. The level of attendance at training sessions can vary depending on the topic, timing and Members' experiences and commitments. Concerns have been raised about low attendance at some specific sessions and ways to enhance attendance will be discussed at the next meeting of the Member User Group.
10. Members of Standards and Governance Committee are invited to comment on any aspect of Member learning and development, including recommendations to be included in the revised Member Development Strategy.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

N/A

### **Revenue**

N/A

### **Property**

N/A

### **Other**

N/A

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

Section 111 Local Government Act 1972

**Other Legal Implications:**

None

**POLICY FRAMEWORK IMPLICATIONS**

N/A

**SUPPORTING DOCUMENTATION**

**Appendices**

1.	Member Development Strategy 2009-2012
2.	Outline programme for Member Development 2010

**Documents In Members' Rooms**

1.	
2.	

**Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the  
Access to Information  
Procedure Rules / Schedule  
12A allowing document to be  
Exempt/Confidential (if  
applicable)

1.		
2.		

**Background documents available for inspection at:**

**KEY DECISION? n/a**

<b>WARDS/COMMUNITIES AFFECTED:</b>	none
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**Southampton City Council**

# **Member Development Strategy**

**2009 - 2012**

Version 1.2  
Date: July 2009

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## 1. INTRODUCTION

The Member Development Strategy is aimed at providing a long-term view which remains flexible to reflect changing priorities. The key themes identified within this document will be the driving force for the longer term with priorities and actions being regularly reviewed ensuring they continue to reflect current needs.

There is a need for the Council to respond rapidly to change and **'do business better'**, as it strives to be a well-managed organisation delivering excellent and cost effective services that the local communities have helped to shape. This is being done in a context of tightening financial constraints and the need to reflect national priorities into a local setting and make sure the best outcomes for the city are achieved.

The Local Government and Public Involvement in Health Act 2007 and other legislative changes, increased partnership working and citizen's high expectations of Council services place increasing demands and responsibilities on local Councillors. It is therefore of paramount importance that the Council provides effective training, development and support for its Members, and that Members take advantage of it.

## 2. STRATEGIC DIRECTION

The Member Development takes a long-term view but needs to remain flexible to reflect changing priorities. The key themes identified within this document will be the driving force for the longer term, with priorities and actions within them reviewed regularly to make sure they continue to reflect the current needs.

The Local Government and Public Involvement in Health Act 2007 is one of the key drivers of change, and Full Council will take a view on the options which it wishes to consider following public consultation. The decisions made by Council in relation to electoral and other changes are likely to impact on Member learning and development.

Another key driver will be the changing roles of Members, especially in relation to engaging with the public and the duty on local authorities to involve the public. With an increasing emphasis on partnership working, the role of Members is also changing by becoming more strategic and performance based.

Over the last few years, Member development has been an increasing focus in Audit Commission and other inspection regimes, and it is therefore vital to have strategic and robust programmes for Member learning and development.

Changes are also taking place within the Council in relation to organisational development, business planning, service delivery partnerships and business strategies. It is therefore important to link Member Development with Council priorities, including people development strategies, to ensure that Members have the skills and support required to provide strategic leadership for the Council and local communities.

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### 3. PRIORITIES FOR MEMBER DEVELOPMENT

The six strategic themes were agreed by Full Council in May 2009. The first of these is potentially the most relevant to Member Development:-

***Delivering value for money and efficient services, avoiding excessive taxation, ensuing good City governance, and working with neighbouring authorities, partner agencies and with appropriate strategic partnerships (such as the Partnership for South Hampshire).***

The Council strategic themes for the Workforce Strategy were agreed by Cabinet in January 2009 and are as follows:-

- **Developing the Organisation and Delivering Change:** an organisation that embraces change, values continuous improvement, actively develops new ways of working and supports partnerships.
- **Building Leadership and Management Capacity:** Visionary and ambitious leaders who can lead 'beyond the Council' and Managers at all levels in the council who have capability that can deliver successfully through people.
- **Attracting and Retaining Talent:** a place that people are proud to work for and is actively chosen as a 'first option' by potential recruits, where flexibility, adaptability, outstanding contribution and professional expertise and diversity are valued
- **Learning & Developing Skills:** well-developed and qualified workforce with the capacity and capability to raise performance and meet current medium and long term need.
- **Performance and Reward:** a performance management framework and a modern pay and reward system that work together to recognise individual and collective contribution.
- **A Safe & Supportive Working Environment:** Promoting a supportive working environment and a healthy workforce

It is proposed that Member development plans are based on strategic themes. Short-term priorities also need to include need to review and assess the changing roles of Members and develop a skills-based framework to underpin Member development.

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## 4. THE CURRENT POSITION

Member learning and development programmes include the following:-

- Induction Programme: a programme of sessions that commences with Code of Conduct training and a Preparing for Council, with a series of sessions to follow that take account of feedback from previous years and which are tailored to meet the individual needs of new Members.
- Personal Development Planning: All Members are offered 1-1 PDP sessions with a training consultant from South East Employers and/or with the Members' Services Officer. New Members and Members with new roles in particular are encouraged to participate in 1-1 sessions.
- Member Mentoring Scheme: New Members are provided with an officer-mentor when first elected and the mentoring scheme is open to all Members.
- Cabinet Member training: Individual induction programmes are developed by new Cabinet Members in consultation with the Members Services Officer, with Executive Directors and other officers. This can include participation in the IDeA mentoring scheme, 1 in-house sessions with officers, training sessions and seminars.
- Regulatory Panel training: Training for Members on Planning and Rights of Way, Licensing and Employment and Appeals Panel is generally statutory and all Members on regulatory panels are training before the first meeting, although training is ongoing. Planning training also includes training sessions with a barrister as well as sessions with officers.
- Scrutiny training: Scrutiny training is included in the induction programme and some panels organise short training sessions before meetings. Questioning and scrutiny skills were also included as sessions in the Hi Achievers programme.
- Skills training and workshops: A range of skills training and workshops are organised by Members Services and training provided in other services or by partner organisations is promoted to Members. This includes diversity training, personal safety, communication skills and e-learning.
- Standards and Governance: Training sessions on the Code of Conduct are included in induction training, with a refresher session generally held in the autumn and open to all Members. Training is also provided for members of Standards and Governance Committee. A corporate parenting training session is also held annually.
- Member Briefing sessions: A range of Member briefing sessions are held every year by services to keep Members informed about new legislation, policies and initiatives. Training and briefings sessions are also provided by partner organisations and this can include visits to services, police and businesses.

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- IT training: Members are invited to book 1-1 IT training sessions with a qualified trainer and more immediate coaching support is also available from Members' Services.

Members also have training opportunities as Council representatives in external organisations. In addition the political groups provide learning support for new Members, many of whom have "shadowed" individual Cabinet Members during the last year.

In recent years there have been several initiatives aimed at accreditation of Member training, including a BTeC qualification in Councillor development and a post-graduate diploma for Councillors at South Bank University supported by the Improvement and Development Agency (IDeA).

Improvements have been made in monitoring systems and reporting Member attendance at training sessions in the last year, although continuing improvements need to be made to the evaluation of Member training. Additional work needs to be done in promoting Personal Development Planning sessions and following up to ensure training needs have been met.

The Member User Group receive quarterly reports on Member Development and Standards and Governance Committee receive an annual report.

Member learning and development needs to be delivered within limited resources and provide value for money. If additional resources are required then a business case will be made.

## **5. FUTURE ACTIONS**

- Developing a 3-year Member Development Action Plan following consultation and endorsement of the priorities by Standards and Governance Committee and the Member User Group.
- Ongoing actions to review and assess the changing roles of Members and engaging Members in identifying training and support needs.
- Giving all Members a personal invitation to have a 1-1 personal development planning session with South East Employers or a relevant officer, and improving follow-up to ensure training needs are met.
- To include monitoring and review of PDPs in the Action Plan as requested by Standards and Governance Committee.
- Continued partnership working with Eastleigh and other local authorities to ensure efficiencies and value for money.

## Member Development Strategy Action Plan 2009-2012

Strategic themes	Objectives	Outcomes	Target Date	Progress	2009-2010	2010-2011	2011-2012
<b>Developing the organisation and delivering change</b>	To take ongoing actions to review and assess the changing roles of Members in relation to LG&PIH Act and other legislation affecting roles and responsibilities of Members.	Members changing roles, support and training needs to be identified and delivery plans in place.	Mar-11	Consultation through Member workshops on LG&PIH Act. Report was considered by Council 09 and to be considered again Sept 10			
	To continue and enhance partnership working with Eastleigh and other local authorities to ensure efficiencies and value for money	Included in annual reports to S&GC and MUG	April annually	Shared session with Eastleigh and Havant BCs. Worked with PCC/EBC on political awareness training for staff			
	To consider extension and enhancement of portfolio briefings for non-Exec Members	Non-Exec Members satisfied that they are being kept informed of portfolio/service developments	May-11	Working with services to co-ordinate Member briefings			
	To provide enhanced training on corporate and statutory priorities	Included in annual report to S&GC and MUG	April annually	Planning and Safeguarding training being enhanced			
<b>Building leadership and management capacity</b>	To develop 3-year Member Development Action Plan	Action Plan agreed by Member User Group	Oct 2009 and review annually	Plan agreed - to be monitored and reviewed by MUG			

	To provide effective learning and development programmes for new and other Cabinet Members in liaison with Directorates	Knowledgeable and skilled Cabinet Members	May 2010 and review annually	New Cabinet Member L&D liaised with CS Policy Co-ordinator. SEE PDPs and IDeA mentoring			
<b>Attracting and retaining talent</b>	To provide enhanced information for candidates and potential candidates	Effective information on becoming candidate and being a councillor on Southampton Online	May-10	Web content reviewed and in process of being updated.			
	To provide effective and phased training and support to new Councillors	Effective induction programme agreed by MUG	April annually	Programme for 2010-2011 being developed`			
<b>Learning and development skills</b>	To engage Members in identifying training and support needs	Consultation with S&GC and MUG and through PDPs	April annually	Audit and Planning Committees also identifying training needs			
	To give all Members and co-optees a personal invitation to have opportunity for 1-1 PDP planning session in a phased programme	Members with PDPs and list of those who declined	Sep-10	Members being contacted individually with main programme after May 2010 elections			
	To effectively monitor and review PDPs with Members and include in reports	Annual reports include monitoring and review of PDPs	Mar-11	Improved monitoring and review system being developed for May 10			
	Planning training to be included in induction programme and as regular refresher sessions	Annual Induction and Member Development programme includes planning training	April annually	Enhanced planning training in 2010-2011 with new legislation			

	Amend training records to identify how non-attendees receive compulsory training	To be included in Annual reports	April annually	Training via 1-1s being recorded			
	Enhanced training for Members of Employment and Appeals Panel	Annual reports include Panel training	April annually	Pre-meeting sessions			
	To ensure Member Development meets national standards	To be included in annual reports	April annually	Investors in People award includes Member Development. Charter to be considered.			
<b>Performance and reward</b>							
<b>A safe and supportive working environment</b>	To ensure Members are provided with personal safety and other skills and support for safe and secure environment	Included in Induction and Member Development programmes	April annually	Review and include in programme for May 2010			



### Member Development Outline Programme May-December 2010

Provisional Date	Topic	Programme
Mon 10 May 2pm – 5.00 pm	<b>Getting Started</b> – Code of Conduct and Member Support (including awareness of Corporate Parenting role)	Induction
	Preparing for Council – run through Council agenda and procedures for Annual Meeting	
5pm-7pm From 14 May	IT induction- 1-1s Committee and Panel induction sessions	Induction
Wed 19 May 5.30pm	Overview of Decision-making structures and processes	Induction
Wed 26 <sup>th</sup> May 5.30pm	Profile of SCC - organisational structures, Council priorities and the Council's policy and performance frameworks.	Induction
Fri 29 May (TBC)	Planning training Am: General training for Members Pm: Enhanced training for Panel members	Regulatory
From June 2010	Planning Panel training programme – short sessions	Regulatory
Wed 2 June 5.30pm	Introduction to Scrutiny - Role of OSMC, scrutiny process and framework, support from Performance team	Induction/ Scrutiny
Tues 8 June 1pm-2.30pm	NICE - – role of NICE and dementia training package (for Health SP members and other interested members)	Scrutiny
June date TBC	Licensing & Gambling training	Regulatory
Wed 9 June 5.30pm-8pm	Understanding the Accounts for Elected Members	Committee (Audit/S&GC)
Wed 16 June Time TBA	Time Management and dealing with casework	Induction/ Skills
Wed 30 June 5.30pm	Dealing with difficult situations	Induction/ Skills
June/July	Safeguarding Children and Corporate Parenting	Induction
June/July	Media Familiarisation – overview of media in Southampton and the role of communications team	Induction
June/July (TBC)	Pre-Application and Development Management workshop	Planning

<b>Provisional Date</b>	<b>Topic</b>	<b>Programme</b>
July	Chairing and Leadership Skills	Induction/ Skills
July	Effective Communication Skills	Induction/ Skills
September	Partnership Working - Overview of Southampton Partnership and other Partnerships, Local Area Agreement and partnership working	Induction
September	Safeguarding children / Corporate parenting (IDeA/NSPCC workshop)	Standards
September	Code of Conduct Refresher	Standards
October	Effective Councillor workshop – aimed at identifying and planning to meet future development and support needs of Members	Workshop
October	Questioning Skills and Techniques	Induction/ Skills
November	Chairing and Leadership Skills	Induction/ Skills
December		

### **Other training/learning and development**

- Induction folders/ induction packs
- Individual personal development planning sessions (new Members and those with new roles)
- Member Mentoring Scheme
- Visits by new Members to service areas (eg Customer Contact Centre, Waste Management, other areas of interest)
- Committee training within 1 month of appointment (introductory committee/panel meeting or individual training depending on committee/panel changes)
- Committee / Panel / Cabinet training programmes
- 1-1 IT training sessions and coaching support