

Appendix 1 – PART 6 – SCHEME OF DELEGATIONS TO OFFICERS - GENERAL

A:

Part 6.1 – Introduction

18. In this Scheme a reference to any Act of Parliament shall be deemed to include a reference to any Act by which it is applied, extended, amended, consolidated or replaced. It shall also be deemed to refer to any statutory instruments, regulations, orders, byelaws or the like made or having effect as if made under such Act. Furthermore, all powers available to the Council described by reference to functions or areas shall include all powers vested in the Council by Acts of Parliament, statutory instruments, regulations, orders and/or byelaws from time to time in force as well as by primary legislation.

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Part 6.2 – General Delegations

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7. Urgency Powers

- (1) In cases where an emergency has been declared, or when an officer acting as gold command considers it necessary to take appropriate steps under the Council's emergency planning, resilience or business continuity procedures:-
- (a) After consultation with the Leader of the Council or a Deputy Leader, to exercise any of the functions, whether within the service area of the chief officer or otherwise, in cases of urgency where it is not practicable to obtain prior approval of the relevant Committee or Sub-Committee. See also notes (i) to (iv) below.
- (b) To approve expenditure of up to £1,000,000, the action taken to be reported for information to the Leader of the Council and Group Leaders as soon as practicable. See also notes (i) to (iv) below.

NOTES

- (i) Contact the Emergency Planning & Resilience Duty Officer on 07540 675 169 in connection with the exercise of the above delegated powers.
- (ii) The Leader of the Council or in his / her absence a Deputy Leader shall be informed as soon as is practicable if it appears likely that any such emergency will be declared.
- (iii) If it is not possible or practicable for an officer who would normally exercise the above delegated powers to do so, the powers may be

- exercised by the officer who is designated to be in charge under the Council's emergency planning or business continuity procedures or any officer appointed by him / her to act on his / her behalf.
- (iv) If it is not possible or practicable for the officer to consult the Leader or a Deputy Leader before exercising the above delegated powers, the officer may exercise the powers without doing so but shall take such steps as appear appropriate at the time to keep Members informed of the action taken.

(2) In any other cases of urgency:-

- (a) After consultation with the Chair (or in his / her absence, a Deputy Chair) of the relevant Committee or Sub-Committee, to exercise any of the functions within the service area of the officer in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee or Sub-Committee.
- (b) The action taken shall be reported, as appropriate, to the Committee or Sub-Committee.

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IV DELEGATIONS TO THE EXECUTIVE DIRECTOR ECONOMY, ENVIRONMENT AND CULTURE

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SCHEDULE 4

Functions delegated to the Executive Director Economy, Environment and Culture in relation to Planning:

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Part II

- (1) To determine applications for certificates of lawfulness of existing or proposed uses or development under Sections 191 and 192 of the Town and Country Planning Act 1990.
- (2) To make Tree Preservation Orders and Provisional Tree Preservation Orders and, unless valid objections are received, to confirm such orders in accordance with statutory requirements.
- (3) To determine applications for works to, and the felling of, trees included in Tree Preservation Orders and in Conservation Areas.

(4) After consultation with the Executive Lead for Strategy, Governance and Law (and Monitoring Officer) :-

- (a) to take enforcement action in all or any planning-related functions of the Council, including but not limited to the service of including the service of formal Notices and consents in relation to (including all preparatory work thereto and the service of planning contraventions, as well as enforcement action in relation to tree preservation order, conservation and listed building issues, notices) and to authorise the institution of legal proceedings where necessary;
- (b) to authorise the removal of enforcement notices from the Local Land Charges Register where appropriate.

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VII DELEGATIONS TO EXECUTIVE DIRECTOR NEIGHBOURHOODS, COMMUNITIES AND HOUSING

1. Authorised and unauthorised sites and encampments

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

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

~~1. Gypsies, Roma and Travellers~~

~~To exercise the Council's functions regarding all issues relating to Gypsies, Roma and Travellers including management of authorised sites.~~

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4 (12) b. Power to issue Notices relating to or affecting residential housing

- ~~(a) (a) To issue and sign all or any statutory notices relating to or affecting the Council's landlord function~~
- ~~(b) To issue and sign all or any statutory notices relating to or affecting non-Council residential properties, including but not limited to private sector residential properties, Notices of Seeking Possession and Notices to Quit in relation to any secure or non-secure housing tenancies.~~

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~~(b) To issue and sign statutory notices that relate to private sector residential properties and otherwise to exercise the Council's functions in relation to the functions listed here, this including (but not limited to) the functions exercisable by the Council pursuant to the following legislation:-~~

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~~Anti Social Behaviour Crime and Policing Act 2014 Parts 1, 4, 5 and 6~~

~~Housing Act 1985 Parts VI, VIII, IX, X, XI, XVI;~~

~~*Housing Act 1996 Part II;*~~

~~Housing Grants, Construction and Regeneration Act 1996 Parts 1 and V;~~

~~Local Government (Miscellaneous Provisions) Act 1976 ss. 16 and 33;~~

~~Local Government (Miscellaneous Provisions) Act 1982 s.29;~~

~~Public Health Act 1936 ss.45,48,49,83,84 and 275;~~

~~Public Health Act 1961 ss. 17 and 22;~~

~~Building Act 1984 ss. 59, 64,66,67,70,72,76,84 and 97;~~

~~Environmental Protection Act 1990 Parts III and IX;~~

~~Prevention of Damage by Pests Act 1949 s.4;~~

~~Health and Safety at Work, etc. Act 1974 s.4;~~

~~Housing Act 2004 Parts 1, 2, 3, 4, Part 6 section 216 only, Part 7.~~

8. Licensing and Registration

- (1) To exercise the functions of the Council in relation to licensing and registration, including but not limited to functions under the Licensing Act 2003 and the Gambling Act 2005 to the extent that such functions may be delegated to an officer under those Acts.
- (2) To exercise the power to grant licences, permits, consents or registrations, ~~as the case may be,~~ in relation to the Council's licensing and registration functions and to take such enforcement action as is considered necessary to enforce the functions including but not limited to those delegations listed in **Schedule 2** to this Scheme of Delegations

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PART 6.5 SCHEDULES

SCHEDULE 1

List of functions delegated to the Executive Director Neighbourhoods, Communities and Housing in respect of Environmental Health matters:

1. Statutory and Public Nuisances.
2. Control of Noise.
3. Control of Air Pollution.
4. Contaminated Land.
5. Prevention of Damage by Pests.
6. The provision, management and control of Cemeteries, Mortuaries and Crematoria and the discharge of the Council's functions relating to burials and cremation generally.
7. Food, Drinking Water, Food Hygiene and associated matters.
8. Functions in connection with the Welfare and Control of Animals.
9. Control of Diseases and General Public Health matters.
10. Drains and private sewers and any other environmental health functions in relation to sewerage, water or seawater (by arrangement with the service operators if appropriate).
11. Health and Safety at Work.
12. Provisions relating to shops including restrictions on Sunday trading.

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G: SIRO and Data Protection Officer provisions

At PART 6.1 INTRODUCTION suggest add to para 6.2 the definition of the DPO:

“Data Protection Officer” means the person designated as the Council’s Data Protection Officer pursuant to article 37 of the General Data Protection Regulation, who is required to perform the tasks listed in article 39 of that Regulation, including but not limited to the following:

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

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II DELEGATIONS TO EXECUTIVE DIRECTOR FINANCE & RESOURCES

1. General

To manage the following Council services:-

- (a) Strategic Finance
- (b) Financial Services
- (c) Audit and Business Risk
- (d) Procurement
- (e) Revenues and Benefits Services
- (f) ICT
- (g) Information Management and Information Governance
- (h) Human Resources and Organisational Development
- (i) Senior Information Risk Officer (SIRO)

2. Strategic Finance, Financial Services, and Audit and Business Risk

- (1) To be the officer responsible for the administration of the Council’s financial affairs for the purposes of Section 151 of the Local Government Act 1972; to be the responsible financial officer under the Accounts and Audit Regulations 2015 and, subject to any guidance or limitations imposed by the Policy, Resources & Growth Committee, to take such steps as are necessary for the proper administration of the financial affairs of the Council. The other finance functions listed below are not to prejudice the generality of this function.
- (2) To exercise the Council’s functions where required or empowered to do so under the Council’s Financial Regulations and enter into contracts in relation to the Council’s banking arrangements.
- (3) To make premature repayment of mortgages and bonds.

- (4) Subject to reporting on the actions taken on major awards to the next meeting of the Policy, Resources & Growth Committee, to implement decisions of National Negotiating Bodies affecting employees except insofar as such decisions give discretionary powers to employing authorities.
- (5) To make arrangements for the borrowing of such monies as the Council has decided shall be borrowed in accordance with such policy as may be laid down from time to time and subject to the receipt of the necessary Government sanctions and consents.
- (6) To issue bonds in accordance with the provisions of the Local Government and Housing Act 1989 and to deal with allied detailed matters in accordance with the approved policies.
- (7) To issue bills in accordance with the provision of the Local Government and Housing Act 1989 and approved conditions.
- (8) To pay statutory benefits under the Local Government Superannuation Scheme.
- (9) Following consultation with the Chair of Policy, Resources & Growth Committee, to vary the interest rate chargeable for staff housing advances.
- (10) To take such steps as are necessary to give effect to any decision of the Council regarding its investments.
- (11) To approve increases in accountant and mechanical/technical adviser fees relating to services provided in connection with any track betting licence.
- (12) To pay Members' allowances in accordance with the scheme approved by the Council.
- (13) To exercise the Council's functions regarding arrangements for internal audit, including risk management.
- (14) To discharge the Council's functions regarding arrangements for insurance and deal with claims against the Council in accordance with the practice and procedure agreed from time to time with the Council's insurers.
- (15) To make amendments to the Financial Regulations and Standard Financial Procedures to reflect best value, new legislation, and any changes to the Council's Standing Orders and Scheme of Delegation.
- (16) To enter into agreements and authorise payments in respect of car loans, provided that these functions may also be exercised by the Assistant Director Finance.

- (17) To develop and review the Council's Anti-Fraud and Corruption Strategy and to monitor its implementation.
- (18) To take action for the provision of a treasury management service to supplement the skills of in-house staff.
- (19) Within the general framework set by the Council from time to time, to exercise the functions of the Council in relation to:-
 - (i) Revenue and capital budgetary control and financial services to departments.
 - (ii) The co-ordination and facilitation of project programmes.
 - (iii) Supplying departments with service review and specific performance improvement support, including support for best value and value for money reviews.
- (20) To determine applications for assistance under the council's general indemnity for Members and officers appointed or nominated by the council to serve on outside bodies.
- (21) To be the 'Senior Responsible Officer' for the purposes of the Home Office Codes of Practice on the Regulation of Investigatory Powers Act 2000.

3. Procurement

To co-ordinate the Council's procurement strategy; to promote best value and good practice in the Council's procurement activity.

4. Revenues and Benefits Services

To exercise the following Council functions:-

(1) Local Taxation Services

To exercise the Council's functions regarding the Council Tax, Non-Domestic Rates, General Rates and the Community Charge as are more particularly set out in **Schedule 6** to this Scheme of Delegations.

(2) **Housing Benefit, Council Tax Reduction Schemes, and Local Welfare Provision**

Subject to any general guidance or limitation imposed by the relevant Committee or Sub-Committee, to exercise the Council's functions regarding:-

- (a) Housing Benefit under the Housing Benefit (General) Regulations 1987 and relevant legislation;
- (b) Council Tax Reduction Schemes; and
- (c) Local Welfare Provision, including any local scheme or arrangements intended to replace the assistance or funding previously provided by Community Care grants and/or Crisis Loans

In addition to the Assistant Director Finance, the Head of Revenues and Benefits and the Benefits Managers are authorised to exercise the above functions.

(3) **Travel Concessions**

To exercise the Council's functions regarding travel concessions.

(4) **Appointment of Authorised Officers**

In connection with any functions administered by the Assistant Director Finance to:-

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

5. ICT

(1) **Information and Communication Technology**

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

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

(2) **Information Management**

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

- (a) Freedom of Information, Environmental Information and Data Protection;
- (b) Modern records management;
- (c) Information governance, including by supporting the Council's designated Data Protection Officer (a statutory role required by the General Data Protection Regulation which is performed by an individual who is not an officer of the Council) to perform her tasks effectively -

6. Human Resources and Organisational Development

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

- (1) To develop a people strategy that supports the corporate strategy and priorities, and the visions and values of the Council.
- (3) To develop people policies, procedures and codes of practice that meet the Council's changing needs and are in accordance with the people strategy, including employee training and development, providing the desired behaviours, skills and competencies, employee culture and management ethics; and ensure that resources are focussed where they will provide best value.
- (3) To develop corporate policies relating to equality of opportunity for staff in their employment, training, development and promotion, and with regard to employee responsibilities for ensuring equality of access and fair treatment of customers.
- (4) To develop a corporate strategy and policies for the management of the Council's Health and Safety and well being responsibilities.
- (5) To provide a strategic focus for organisational development matters across the Council, maintaining an overview of current and future needs, and ensuring that strategic objectives and priorities are met.
- (6) To develop a corporate employee communication and consultative strategy. To design, maintain and review the council's formal consultative mechanisms. To promote consultative systems and approaches that develop sound partnership working with the recognised trade unions.

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- (7) To develop a “terms and conditions of employment” framework for all staff (excluding teaching staff) and to act as the Council’s “chief negotiator” in discussions with the Council’s trade unions, in respect of terms and conditions, pay and reward and people policies.
- (8) To ensure a Brighton & Hove City Council input into the national negotiating machinery.
- (9) In liaison with the relevant Executive Director, to determine:- entitlement to the occupational sick pay scheme, the application of the Council’s early retirement and redundancy provisions, relocation scheme, and the settlement of legal/employment tribunal claims; in accordance with the agreed policies of the Council.
- (10) To administer the appointment procedures and to direct the Assistant Director Human Resources to act as “Human Resources Manager” to the Council’s JNC staff, in accordance with Council policies.
- (11) To ensure that the implementation and effectiveness of all human resources policies and practices are monitored, reviewed and revised when necessary.
- (12) To provide the full range of human resources services to Council departments including advice and support regarding appointments, promotion and disciplining of staff.
- (13) To lead on a range of organisational improvement and development activities, analysing needs and devising appropriate solutions, including but not limited to value for money work, learning and development across the Council, and internal cultural change activity.
- (14) To make decisions in accordance with the Employment Policies, Practices and Procedures of the Council.

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5. Senior Information Risk Officer

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

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VIII DELEGATIONS TO DATA PROTECTION OFFICER

To act as the Council's Data Protection Officer, appointed pursuant to article 37 of the General Data Protection Regulation, and in that capacity to perform the tasks listed in article 39 of that Regulation, including but not limited to the following:

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

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