

## **VI DELEGATIONS TO THE EXECUTIVE DIRECTOR OF HEALTH AND ADULT SOCIAL CARE**

### **(1) Director of Adult Social Services**

- (i) To be the Council's Director of Adult Social Services pursuant to Section 6(A1) of the Local Authority Social Services Act 1970 and discharge the Council's adult social care and health functions within the Care Act 2014 and associated Guidance.
- (ii) Authority to discharge the Council's functions in accordance with the Mental Health Act 1983 and the Mental Capacity Act 2005.

### **(2) General Adult Social Services**

- (i) To meet the needs of individuals or families in accordance with the provisions of sections 18, 19 and 20 of the Care Act 2014 to include residential and day care accommodation within the agreed policy of the Council and the estimates provisions.
- (ii) To make variations to the number of places at any Social Services establishment, in response to changes in demand or resource availability.
- (iii) After consultation with the Executive Lead for Strategy, Governance and Law (and Monitoring Officer, to exercise the powers of the Council to enforce, make application and representations to a Court or Magistrate, and authorise, institute and defend proceedings under any enactment in respect of adults.
- (iv) In accordance with the general policies from time to time laid down by the Council, to administer arrangements made in accordance with the provisions of the Care Act 2014 and associated Care and Support Regulations and to authorise expenditure within overall budget provision.
- (v) After consultation with the Executive Director of Finance and Resources, to set future inter-authority and standard charges for residential and day-care accommodation, in accordance with the provisions of the Care Act 2014 and associated Care and Support Regulations.
- (vi) To waive assessed contributions for adaptations to homes or provision of equipment in exceptional circumstances, subject to the contribution not exceeding £1000 or such other sum as may from time to time be fixed by the Council.
- (vii) To authorise officers to be the Council's nominee for the purpose of obtaining Grants of Probate and to deal with related matters and to seek appointment as Deputy pursuant to the Mental Capacity Act 2005 where it is appropriate for an officer of the Council to act.

- (viii) To appoint Approved Mental Health Practitioners for the purposes of the Mental Health Act 1983.
- (ix) To accept guardianship applications and to make orders for Guardianship under the Mental Health Act 1983.
- (x) To authorise in exceptional individual cases variations from the approved scale of charges for a particular service and to operate the scale of allowances to disabled people attending day centres.
- (xi) To exercise the Council's functions regarding residential homes and nursing homes.
- (xii) To exercise the Council's functions under the General Data Protection Regulation ((EU) 2016/679) and the Data Protection Act 2018 regarding access to personal files or information held by the department.

**(3) Section 75 Arrangements**

To exercise the Council's functions under or in connection with the adult social care and health partnership arrangements with health bodies made pursuant to Section 75 of the National Health Service Act 2006, to the extent that the arrangements permit an officer to exercise the functions.

**(4) Housing Related Support**

Subject to any instructions of the Chief Executive given from time to time,

- (i) to be the lead director responsible for the co-ordinated commissioning and management of associated funds in relation to housing related support services;
- (ii) to exercise the council's function in relation to housing related support services for adults generally.

*[Note: the power referred to in paragraph (4)(ii) above is delegated concurrently to the Executive Director of Housing, Neighbourhoods and Communities .]*

**(5) Public Health**

To exercise the Council's functions in respect of Public Health, including the Council's public health functions under the National Health Service Act 2006, the Health and Social Care Act 2012 and related functions.

*[Note - Where the Director of Public Health (DPH) appointment is made to an Officer other than the Executive Director of Health and Adult Social Care, and to the extent that the Council's functions are required by law to be exercised by the DPH, the DPH will have delegated to them concurrent powers to discharge the functions of the Council relating to Public Health.]*

**(6) Coronavirus- related Enforcement Functions**

**(i) To exercise the enforcement functions delegated to the Council under the Public Health (Control of Disease) Act 1984 and/or the Coronavirus Act 2020 and regulations made under those Acts, including but not limited to the Council's powers to take enforcement action in relation to:-**

- Hospitality and retail undertakings;**
- Premises and businesss restrictions, including in relation to opening and closing;**
- Events and public outdoor places in Brighton & Hove;**
- Provision of contact details and QR codes;**
- Adherence to social distancing requirements.**

**For the avoidance of doubt, the exercise of the above enforcement functions shall include any future enforcement powers conferred on the Council pursuant to the Public Health (Control of Disease) Act 1984 and/or the Coronavirus Act 2020. It shall extend to all enforcement-related activity taken using powers conferred by the above legislation including the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 and the Health Protection (Coronavirus, Restrictions) Local Authorities Enforcement Powers and Amendments) (England) Regulations 2020a.**

**(ii) To authorise officers to exercise the enforcement functions delegated to the Council under regulations made under the Public Health (Control of Disease) Act 1984 and/or the Coronavirus Act 2020, having consulted with any persons they consider appropriate and subject to any limitation in relevant legislation. Any authorisation or designation for enforcement purposes may be by reference to job roles or by reference to individuals.**

**(iii) To exercise the additional public health functions conferred on the Council under the Public Health (Control of Disease) Act 1984 and/or the Coronavirus Act 2020, having had regard to any advice given to them by the Director of Public Health or other person where such is a requirement.**

**[Note - Where the Director of Public Health (DPH) appointment is made to an Officer other than the Executive Director of Health and Adult Social Care, the DPH will have delegated to them concurrent powers to discharge the functions of the Council relating to Coronavirus support set out above in paragraphs 6 (i)-(iii).]**

(7) **Adult Disability**

To exercise the Council's functions regarding adult disability.

*[Note - To the extent that it relates to Adult Learning Disability, the power referred to in paragraph 8 above is delegated concurrently to the Executive Director of Families, Children and Learning. The Director of Adult Services (DAS) will discharge such powers as are required by law or rules of professional practice to be exercised by the DAS.]*

(8) **Integrated Commissioning**

To manage and co-ordinate an integrated commissioning function on behalf of Health and Adult Social Care and Families, Children and Learning.