

Appendix 1 – delegations to Executive Director Neighbourhoods, Communities and Housing with tracked changes

VII DELEGATIONS TO EXECUTIVE DIRECTOR NEIGHBOURHOODS, COMMUNITIES AND HOUSING

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.

2. Neighbourhood Renewal

To exercise the Council's functions in respect of neighbourhood renewal, which include:-

(a) Developing and implementing the neighbourhood renewal strategy for the City in order to narrow the gap between the most deprived neighbourhoods and the rest of the City, under the themes set by national Government of: housing, health, liveability, crime, education and employment and

(b) acting as the accountable body for the neighbourhood renewal fund on behalf of the Local Strategic Partnership.

3. Housing Related Support Services

Subject to any instructions of the Chief Executive given from time to time, to exercise the Council's functions in relation to housing related support services for adults generally.

Note: this power is delegated concurrently to the Executive Director Health and Adult Social Care.

4. Housing

(1) General

To manage the Council's housing services.

(2) Housing Revenue Account (H.R.A.) Properties

(a) To manage property within the Housing Revenue Account and associated property;

(b) Without prejudice to (a) above, exercise the housing functions listed in **Schedule 5** to this Scheme of Delegation.

(3) **Right to Buy**

To administer the right to buy scheme.

(4) **Housing Strategy**

- (a) To exercise the Council's functions as a local housing authority.
- (b) Without prejudice to (a) above, to exercise the Council's functions in respect of the preparation and development of the Council's housing strategy including the housing investment programme.

(4A) **Housing Related Property Transactions**

Without prejudice to the generality of the housing related powers granted under this part of the constitution, and for the avoidance of doubt, the delegations to the Executive Director shall include the powers described in paragraphs 21(7) to 21(13) of the delegations to the Assistant Director of Property in so far as they relate to land or property held by the Council for housing purposes, this with the express proviso that the requirement that the certification of the Valuer be obtained shall not apply to leases entered into for a period of up to 10 years for the purposes of providing temporary accommodation

(5) **Homelessness and Allocations**

(i) Subject to sub-paragraph (5)(ii) below, to discharge the Council's functions regarding homeless persons under the Homelessness legislation, and exercise the Council's functions regarding the allocation of dwellings generally, including the Council's functions under Part VI of the Housing Act 1996.

(ii) Sub-paragraph 5(i) above shall not apply in relation to the management of hostels for vulnerable adults.

(6) **Housing Grants**

To carry out the Council's functions in relation to grants for the improvement and repair of housing under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 and earlier and any later grants legislation.

(7) **Standards of Housing**

- (a) To exercise the Council's functions regarding standards of housing in its area.
- (b) Without prejudice to the generality of (a) above, the Executive Director shall have the power to deal with the enforcement of housing standards

additional control measures in residential accommodation and licensing of houses in multiple occupation, selective licensing of other residential accommodation and overcrowding under the Housing Act 2004 and all other relevant legislative provisions, provided that any decision involving the making of demolition orders and prohibition orders, but not Emergency Prohibition Orders under sections 43 and 44, shall not be taken unless the Chair of the Housing and New Homes Committee and the Executive Lead for Strategy, Governance and Law (and Monitoring Officer) have been consulted and have no objections.

- (c) Without prejudice to the generality of (a) above, to serve enforcement notices or take other appropriate action under statutory provisions for the abatement of nuisances or requiring works to be done to remedy nuisances, hazards to health or other matters in residential premises.

(8) Tenancy Relations

To exercise the Council's functions regarding tenancy relations and in particular the Council's functions under the Protection from Eviction Act 1977 and the Landlord and Tenant Act 1985.

(9) Housing Advice

To discharge the Council's functions regarding the provision of advice on housing matters and the publication of information.

(10) Access to Personal Files

To exercise the Council's functions regarding access to personal files or information under the Data Protection Act 1998.

(11) Licensing and Registration of HMOs

To exercise the Council's functions regarding the licensing of Houses in Multiple Occupation under the Housing Act 2004 and any other relevant legislation and the maintenance of all registers required in respect of licensing, Housing Notices and Orders and Interim and Final Management Orders and Empty Dwelling Management Orders.

(12) Power to issue Notices

- (a) To issue and sign Notices of Seeking Possession and Notices to Quit in relation to any secure or non-secure housing tenancies.
- (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:-

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.

5. Emergency Planning

To exercise the Council's functions in respect of emergency planning and business continuity, including the council's functions under the Civil Contingencies Act 2004.

6. Community Safety and Drug Action Team

- (1) To exercise the functions of the Council in relation to Community Safety and in particular the power to:-
 - (a) co-ordinate the Council's functions regarding the police and public safety and to take such corporate action as is necessary, including:-
 - (i) making the consultative arrangements under the Police Act 1996;
 - (ii) drawing up community safety plans;
 - (iii) co-ordinating the Council's functions under the Crime and Disorder Act 1998 including the formulation, with other responsible authorities, of strategies for reducing crime and disorder and the making of child curfew schemes.
 - (b) To take any action or steps under the Crime and Disorder Act 1998, the Criminal Justice and Police Act 2001, the Anti-Social Behaviour Act 2003 and such other legislation as appears necessary in the interests of the Council and in accordance with the Council's community safety, youth crime and other safer streets strategies.
- (1) To exercise the Council's functions regarding drug and substance misuse.

- (2) To exercise the Council's functions under the Counter Terrorism and Security Act 2015.

7. Environmental Health

- (1) To exercise the Council's functions in respect of environmental health matters including but not limited to the functions listed in **Schedule 1** to this Scheme of Delegations.
- (3) To exercise the power to issue and sign notices and orders in respect of environmental health matters and to take all other necessary steps to discharge the Council's enforcement powers in this area.

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 including but not limited to those listed in **Schedule 2** to this Scheme of Delegations.
- (3) The power to grant licences etc. under (1) and (2) above shall not apply:-
 - (i) where the granting of the licence would be contrary to any existing policy of the Council, provided that the above qualification shall not apply where the Council has no power to refuse applications.
 - (ii) in relation to the following matters under the Licensing Act 2003:-
 - (a) the determination of an application for a premises licence where representations have been made;
 - (b) the determination of an application for a provisional statement where representations have been made;
 - (c) the determination of an application for variation of a premises licence where representations have been made;
 - (d) the determination of an application to vary the designated premises supervisor following Police objections;
 - (e) the determination of an application for the transfer of a premises licence following Police objections;
 - (f) consideration of a Police objection made to an interim authority notice;
 - (g) the determination of an application for a club premises certificate where representations have been made;
 - (h) the decision to give counter notice following Police objections to a temporary event order;

- (i) the determination of an application for the grant of a personal licence following Police objections.
- (iii) In relation to the following matters under the Gambling Act 2005:-
 - (a) the determination of an application for a premises licence where representations have been made and not withdrawn;
 - (b) the determination of an application for a variation of a premises licence where representations have been made and not withdrawn;
 - (c) the determination of an application for the transfer of a premises licence where representations have been received from the Commission;
 - (d) the determination of an application for a provisional statement where representations have been received and not withdrawn;
 - (e) the determination of an application for a review of a premises licence;
 - (f) the determination of an application for club gaming / club machine permits where objections have been made;
 - (g) the cancellation of club gaming / club machine permits;
 - (h) the decision to give a counter notice to a temporary use notice.
- (4) Where, in the opinion of the Director, after consultation with the Chair of the Licensing Committee, the application is considered to be a major application, having regard to licensing objectives, the matter may be referred to the full Licensing Committee. Major applications which are unopposed may be dealt with under officer delegated powers.
- (5) The power to grant licences under sub-paragraphs (1) and (2) above shall include the power to renew, transfer, vary, refuse, suspend or revoke such licence, registration etc. and the power to impose conditions.

9. Trading Standards

To exercise the Council's functions with regard to trading standards, including but not only in the following areas:

- Animal health and welfare
 - Consumer protection
 - Fair trading and consumer protection
 - Food and feed
 - Food safety
 - Health and Safety at Work
 - Product safety
 - Weights and measures
- (2) Without prejudice to the generality of (1) above, to discharge the Council's functions under the legislative provisions listed under **Schedule 3** to this Scheme of Delegations, this including (but not limited to) the following:

- To appoint and designate officers as inspectors, sampling officers or authorised officers in respect of the above functions.
- To grant, amend, refuse, suspend and transfer licenses or certificates, and
- To register persons or premises, pursuant to legislation made in relation to the above areas.

10. Communities

(1) To manage community and voluntary sector discretionary grants, as follows:-

(a) In relation to the [Third Sector Investment Programme](#)~~Three-Year Corporate Grant Programme~~

(i) to process applications for grants from communities and non-profit making bodies in the area of the Council and make recommendations to the [Neighbourhoods, Inclusion, Communities and Equalities Committee](#)~~Policy, Resources & Growth Committee for approval~~; and

(ii) following approval of grants pursuant to sub-paragraph (i) above, to amend any or all such grants in response to budget changes, after consultation with the Members Advisory Group.

(b) In relation to all other grants administered by the Executive Director Neighbourhoods, Communities and Housing (including [the Communities Fund](#))~~grants to smaller organisations, specialist programme grants and, community grants~~, to receive, commission and process grant applications and to approve grants after consultation with either (i) the Chair of the Members' Advisory Group for grants of £3,000 or less, or (ii) the Members' Advisory Group for grants in excess of £3,000.

(2) To develop the Council's approaches to tackling inequality and discrimination both within the Council as an employer and across the City.

11. Libraries

(1) To exercise the functions of the Council in relation to libraries and in particular the power to:-

(a) fix the opening and closing hours of libraries;

(b) set the fees and charges made by the Business Information Services;

(c) take such other steps as appear to the Executive Director Neighbourhoods, Communities and Housing to be necessary or conducive to the effective and efficient running of the library service.

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- (2) To manage the Grange, Rottingdean

12. Customer services, including Digital First

To exercise the customer services functions of the Council. This shall include overseeing the provision of advice and assistance in relation to the delivery of Council services (including those services provided by other directorates), including (but not be limited to) the Council's Digital First transformation programme.

13 The Prevent Duty

To exercise the functions of the Council listed above with due regard to the need to prevent people from being drawn into terrorism, and otherwise to agree risk and to co-ordinate Prevent activity across the Council so as to ensure the Council's implementation and delivery of its statutory Prevent duty in the exercise of its functions.