

Appendix 2 – PART 6 - Direct Delegations to Field Officers

Note: text incorporates the amends proposed in Appx 1 to this Report

Delegations to Field Officers – to be inserted at the end of Part 6.3 Part B Specific Delegations:

SECTION VIII DELEGATIONS TO FIELD OFFICERS

The Council’s Field Officers are provided with the direct delegations listed in **Schedule 8** to this Scheme of Delegations to enable them to exercise the Council’s functions in accordance with and within the terms of the direction and guidance of the Executive Director who has been given delegated responsibility for the delivery of the function in relation to the relevant service area (or, where the Executive Director has authorised an officer of Head of Services level or above to exercise a power delegated to him/her, then in accordance with, and within the terms of, the direction and guidance of the officer so authorised).

These delegations permit the Field Officers to support the Council’s enforcement and inspection activities across a range of functions.

Note: where the functions delegated to Field Officers are also delegated to other officers by this Scheme of Delegations, all delegations are exercised concurrently.

.....

‘Schedule 8

Functions delegated to the Council’s Field Officers

The delegations listed below equip the Field Officers to exercise the Council’s enforcement-related activities across the specified functions. They permit the Field Officers to carry out all or any enforcement and inspection activities necessary for or connected with the Council’s performance of the functions listed in the table below, this including (but not limited to) the service of notices and the taking of action under relevant statutory powers, as well as any activities necessary for or incidental to the same.

PROVIDED ALWAYS that the Field Officers shall exercise their powers in accordance with, and within the terms of, the direction and guidance of either the Executive Director who has been given delegated responsibility for the delivery of the function in relation to the relevant service area or - where the Executive Director has authorised another officer of Head of Service level or above to exercise a power delegated to him/her - in accordance with, and within the terms of, the direction and guidance of the officer so authorised.

Note: the direct delegation specified here shall be exercisable only to the extent to which the Field Officer is permitted by the relevant Executive Director (or other officer authorised by him/her) and may be subject to specified limitations

Note 2: where a function delegated to the Field Officers is also delegated to a specified officer, the exercise of functions is concurrent.

<u>List of delegations given to the Field Officers</u>	<u>Reference to concurrent delegation made elsewhere in this Scheme of Delegations to the Executive Director responsible for the relevant service area</u>
<p>Seafront</p> <p>(1) To exercise the Council’s functions regarding the seafront: delegated powers which shall include (but not be limited to) the exercise of the full range of enforcement powers available to the Council in relation to parks and open</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to the seafront - Part 6.3 Part B IV para 6(1)</p>

spaces, and shall include (but not be limited to) the powers exercisable by the Council pursuant to the Anti Social Behaviour, Crime and Policing Act 2014.	
<p>Parks and Open Green Spaces</p> <p>(1) To manage and control the Council’s parks and open spaces. The delegated power referred to in this subsection shall include (but not be limited to) the exercise of the full range of enforcement powers available to the Council in relation to parks and open spaces, and shall include (but not be limited to) the powers exercisable by the Council pursuant to the Anti Social Behaviour, Crime and Policing Act 2014.</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to parks and green open spaces - Part 6.3 Part B IV para 7(1)</p>
<p>Highways</p> <p>10) To exercise the Council’s functions regarding highways by exercising the following delegation listed in Schedule 7 to this Scheme of Delegations:</p> <p>[..]</p> <p>(14) To exercise the functions of the Council in relation to (a) the interference with, or obstruction to, any highway, or (b) any nuisance on any highway or land adjoining a highway.</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to highways - Part 6.3 Part B IV para 10 Part 6.5 Schedule 7(14)</p>
<p>Parking Management</p> <p>[..]</p> <p>(3) To exercise the Council’s functions regarding Civil Parking Enforcement.</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to parking - Part 6.3 Part B IV para 12(3)</p>
<p>Town and Country Planning</p> <p>[..]</p> <p>(2) To exercise the Council’s functions in respect of certificates of lawful use, tree preservation orders, enforcement action etc as set out in the following parts of Schedule 4 to this Scheme of Delegation:</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to planning - Part 6.3 Part B IV para 15(2) Part 6.5 Schedule 4 Part II para</p>

<p>(3) After consultation with the Executive Lead for Strategy, Governance and Law (and Monitoring Officer) :-</p> <p>(1) After consultation with the Executive Lead for Strategy, Governance and Law (and Monitoring Officer) :-</p> <p>(a) to take enforcement action in all or any planning-related functions of the Council, including but not limited to the service of formal notices and consents in relation to planning contraventions, as well as enforcement action in relation to tree preservation order, conservation and listed building issues, and to authorise the institution of legal proceedings where necessary;</p>	<p>4(a)</p>
<p>Conservation and Design</p> <p>(1) To exercise the Council's functions with regard to Conservation matters under the Town and Country Planning Acts.</p> <p>[.]</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to conservation and design - Part 6.3 Part B IV para 17(1)</p>
<p>21. Assistant Director Property (non-HRA Council land)</p> <p>[NOTE: References in this paragraph to “land”, “property”, and/or “buildings” are <u>not</u> to be read as including Housing Revenue Account land].</p> <p>(1) To exercise the Corporate Landlord role for all council property with the exception of (i) Housing Revenue Account land and (ii) specific property related functions as delegated to nominated officers under Part B of this Scheme of Delegations</p> <p>[..]</p> <p>(12) In consultation with the Executive Lead for Strategy, Governance and Law (and Monitoring Officer), to assess and pursue issues involving enforcement action</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to Council property - Part 6.3 Part B IV para 21 (1) & (12)</p>

<p>either by, or against, the council under the terms of a lease, other land agreement or disposal</p>	
<p>VII DELEGATIONS TO EXECUTIVE DIRECTOR NEIGHBOURHOODS, COMMUNITIES AND HOUSING</p> <p>1. Authorised and unauthorised sites and encampments</p> <p>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:</p> <p>a) Gypsies, Roma and Travellers b) Van dwellers</p>	<p>Delegation to the Executive Director – Neighbourhoods, Communities and Housing- in relation to encampments and Gypsies, Roma and Travellers - Part 6.3 Part B VII para 1</p>
<p>4. Housing</p> <p>[..]</p> <p>(2) Housing Revenue Account (H.R.A.) Properties</p> <p>(a) To manage property within the Housing Revenue Account and associated property;</p> <p>(b) Without prejudice to (a) above, to exercise those of the housing functions listed in Schedule 5 to this Scheme of Delegation listed here:</p>	<p>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to Housing Revenue Account properties - Part 6.3 Part B VII para 4(2) (a) & (b) Part 6.5 Schedule 5 paras (5) and (9) only.</p>

<p>The power to:-</p> <p>(5) Arrange for the repair and maintenance of properties.</p> <p>(9) To exercise the Council’s powers in relation to Community Protection Notices available pursuant to Part 4 Chapter 1 of the Anti Social Behaviour, Crime and Policing Act 2014 Crime and Disorder Act 1998, this to include all steps necessary to or incidental to the Community Protection Notice procedure as appear necessary in the interests of the Council’s housing land and/or tenants and in accordance with the Council’s community safety and youth crime strategies.</p>	
<p>Licensing and Registration of HMOs</p> <p>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.</p>	<p>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to the licensing and registration of HMOS - Part 6.3 Part B VII para 4(11).</p>
<p>Power to issue notices relating to or affecting residential housing</p> <p>(a) To issue and sign all or any statutory notices relating to or affecting the Council’s landlord function.</p> <p>(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</p>	<p>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to the licensing and registration of HMOS - Part 6.3 Part B VII para 4(12) b.</p>
<p>Community Safety and Drug Action Team</p>	<p>Delegation to the Executive</p>

<p>(1) To exercise the functions of the Council in relation to Community Safety and in particular the power to:-</p> <p>[..]</p> <p>(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.</p>	<p>Director – Neighbourhoods, Communities and Housing in relation to community safety and drug action - Part 6.3 Part B VII para 6(1)b.</p>
<p>Environmental Health</p> <p>(1) To exercise those of the Council's functions in respect of environmental health listed in Schedule 1 to this Scheme of Delegations which are specified here, this subject to any limitations indicated :</p> <ul style="list-style-type: none"> • Statutory and Public Nuisances. • Control of Noise. • Control of Air Pollution. • Prevention of Damage by Pests. • Food, Drinking Water, Food Hygiene and associated matters. • Those functions in connection with the Welfare and Control of Animals which relate to the management and control of dogs. • General Public Health matters. • 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). <p>(2) To exercise the power to issue and sign notices and orders in respect of</p>	<p>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to environmental health - Part 6.3 Part B VII para 7(1) & (2) Part 6.5 Schedule 1.</p>

<p>environmental health matters and to take all other necessary steps to discharge the Council's enforcement powers in this area.</p>	
<p>Licensing and Registration (all functions not relating to HMOs)</p> <p>8. Licensing and Registration</p> <p>(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.</p> <p>(2) To exercise the power to grant licences, permits, consents or registrations in relation to the Council's licensing and registration functions and to take such enforcement action as is considered necessary to enforce the functions listed in Schedule 2 to this Scheme of Delegations:</p> <p>...</p> <p>(1) Functions under the Licensing Act 2003 relating to :-</p> <ul style="list-style-type: none"> • Personal Licences; • Premises Licences; • Club Premises Certificates; • Temporary Event Notices. <p>[. .]</p> <p>(3) Functions exercised pursuant to relevant legislation in relation to the following:</p> <ul style="list-style-type: none"> • Hackney carriages and private hire vehicles and their drivers and operators, this <u>limited to</u> enforcement activity in relation to illegal ranking or being part of an illegal rank. • Street trading 	<p>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to the licensing and registration of HMOS - Part 6.3 Part B VII paras 8(1) & (2). Part 6.5 Schedule 2(1) and (3).</p>