

## Section 4 - Delegations to Chief Officers

### General

1. The Chief Officers referred to in this scheme of delegations are those set out in Part 7 of the constitution.
2. The Chief Officers are hereby empowered to take decisions on behalf of the Council on all matters where they have managerial or professional responsibility.
3. Chief Officers are hereby empowered to carry out those specific functions of the Council delegated to them as set out in the Appendix hereto.
4. In exercising their delegated powers Chief Officers may:
  - a) incur expenditure.
  - b) set fees and charges for the delivery of services.
  - c) engage, dismiss and deploy staff, within the approved establishment structure.
  - d) deploy other resources within their control.
  - e) accept tenders, place contracts and procure other resources within or outside the Council.
  - f) serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, grant licences in the exercise of any discretionary power or in complying with any duty of the Council.
  - g) exercise virement within the financial limits contained in Financial Procedural Rules.
  - h) deal with individual matters relating to the Council's Code of Conduct for employees, with the exception of the approval of outside interests or employment, which shall be determined by the Director of People, Communications and Partnership, in consultation with the Assistant Director of Law and Governance.
5. In exercising their delegated powers the Chief Officers must act within the law, the Council's Constitution and follow the Council's policy framework including the approved budget.

6. In exercising their delegated powers it is essential that that Chief Officers undertake appropriate consultation. Decisions may be subject to challenge if this requirement is not observed. Chief Officers will:
  - a) consult the relevant portfolio holder (in relation to executive matters only) and/or the Chairman of the relevant Committee (in relation to non-executive matters) prior to taking action where:-
    - i) the taking of the action has policy or significant financial implications or
    - ii) where the portfolio holder or chairman has given a prior indication that he wishes to be consulted on the matter or type of matter.
  - b) consult ward members as appropriate in respect of matters which impact on their ward.
  - c) consult any other appropriate Chief Officer
  - d) keep a formal record of the exercise of the delegated power and of the consultation undertaken.
  - e) make the record available on request to
    - i) the public, provided this does not involve the release of confidential or exempt information.
    - ii) any member of the Council provided this does not involve the release of confidential or exempt information to which the member is not entitled.
7. Each Chief Officer shall act as the designated Proper Officer for the following functions under the Local Government Act 1972.
  - i) to identify which background papers disclose facts on which a particular report or an important part of the report is based (Section 100D(5)(a) of the Act);
  - ii) to prepare a list of background papers and to make arrangements for production of copies of background papers (Section 100D (1)(a) and (B);

(Such delegation relates to the Chief Officer(s) in whose name(s) the report is prepared).
8. Chief Officers may authorise any other officers of the Council to exercise powers delegated to them. Chief Officers must prepare in writing a scheme authorising any other officers to exercise such

powers. Chief Officers shall remain accountable for any action or decisions taken under that authority.

9. For the avoidance of doubt, any delegation made by Chief Officers and any authorisation to officers in force immediately prior to the adoption of this constitution shall continue in force and any action taken thereunder shall remain valid unless and until it is superseded by a further such delegation or authorisation, or any action taken pursuant to the later delegation.
10. Where particular functions under legislation, including enforcement functions, are to be carried out by an officer authorised, appointed or designated in any way by the Council to undertake the function concerned, the Chief Executive and/or the relevant Executive Director may authorise, appoint or designate officers to undertake the function.
11. The lists of delegated powers relate to both executive and non-executive matters.
12. In the event of a Chief Officer post being vacant, or in the absence of a Chief Officer those delegated powers may be exercised by the relevant Assistant Director within that Department so far as permitted by law.
13. Where this Constitution permits the exercise of delegated powers by Assistant Directors, such exercise is subject to the same restrictions and requirements as are applicable to Chief Officers.

# Delegation Scheme

**Note: This delegation scheme is under review following changes to the senior management of the Council in April 2025**

Page

1.	Chief Executive	33
2.	Executive Director of City Development	36
3.	Executive Director of Health, Housing and Communities	53
4.	Director of Children’s Services	56
5.	Director of Adult Services	59
6.	Director of Environmental Services	61
7.	Director of Finance	62
8.	Director of Smart Cities and Enabling Services	66
9.	Assistant Director of Law and Governance	68
10.	Assistant Director of Infrastructure, Planning and Transportation	71
11.	Interpretation and General	72

## **1. Chief Executive**

- 1.1
  - a) To be the Council's principal adviser on general policy, and to ensure that proposals are consistent with policy.
  - b) To make long term assessments of resources, needs and commitments, and to co-ordinate advice on forward planning; and
  - c) To ensure that the Council's policies and programmes are implemented and that the Council's staff are managed effectively having regard to statutory responsibilities.
- 1.2 To grant exemptions from politically restricted posts and generally to deal with such posts.
- 1.3
  - a) To keep a record of particulars of any notice given under Section 117 of the Local Government Act 1972 by an Officer of the Council as to a pecuniary interest in any contract or proposed contract
  - b) To receive and record declarations of hospitality received from officers.
- 1.4
  - a) To witness and receive declarations as to the acceptance of office by Councillor under Section 83 of the Local Government Act 1972
  - b) To receive notices of resignation as Councillors under Section 84 of the Local Government Act 1972.
- 1.5
  - a) To convene meetings of the Council for the election of a casual vacancy in the office of Mayor under Section 88 of the Local Government Act 1972.
  - b) To receive notices of a casual vacancy of the office of Councillor under Section 89(1)(b) of the Local Government Act 1972 and of a Parish Councillor under Rule 8 of the Local Elections (Parishes and Communities) Rules 1986.
- 1.6
  - a) To sign photographic copies of documents under Section 229 of the Local Government Act 1972.
  - b) To authenticate notices orders and other documents under Section 234 of the Local Government Act 1972.
- 1.7
  - a) To send copies of byelaws to every parish to which they apply, under Section 236 of the Local Government Act 1972.
  - b) To certify copies of byelaws under Section 238 of the Local Government Act 1972.

- 1.8 To keep the roll of Freemen of the City under Section 248(2) of the Local Government Act 1972.
- 1.9 Under Paragraph 4 of Schedule 12 of the Local Government Act 1972, to sign and serve Summonses of Council meetings to every Member of the Council and to receive notices from Members as to the address to which their Summonses should be sent.
- 1.10 To certify resolutions of the Council in respect of proceedings under the Public Health Acts 1875 to 1925 under paragraph 25(7) of Schedule 14 of the Local Government Act 1972.
- 1.11 To exercise functions under the Registration Services Act 1953 under paragraph 41 of Schedule 29 of the Local Government Act 1972.
- 1.12 To receive notices under the Local Government (Committees and Political Groups) Regulations 1990.
- 1.13 To exercise powers under Section 1 of the Localism Act 2011 to provide financial and other assistance for economic development purposes provided that where the amount to be given to any one body in any one financial year is over £50,000 the matter shall be referred to the Cabinet for consideration.
- 1.14 To approve the use by Chief Officers of external consultants where the cost is estimated to exceed £10,000 but not to exceed £100,000.
- 1.15 To be the responsible person for ensuring compliance with the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009.
- 1.16 To approve, in consultation with the Assistant Director of Law and Governance, the payment of an indemnity to any Member or Officer up to a maximum of £50,000 in accordance with the approved policy with requests above this sum being referred to Cabinet for consideration.
- 1.17 To manage, operate and develop policies associated with Community Development and working with the voluntary and community sector, including Community Associations.
- 1.18 To authorise officers to sign contracts with a value exceeding £75,000.
- 1.19 To exercise the Council's rights in any company or other form of corporate body of which the Council is a shareholder or member, unless alternative arrangements are specified in the relevant body's articles of association, other governing instrument, any shareholders' agreement or any specified delegations in relation to particular bodies.
- 1.20 To undertake the role of company secretary in any company for which the Council provides company secretarial or administrative services.

- 1.21 To act as Electoral Registration Officer and Returning Officer for the Council and any parish councils within the Council's area and exercise those functions in relation to elections listed in Section D of Schedule 1 of the Functions Regulations other than those reserved to the Council in Part 2, and be responsible for electoral areas and local government boundary reviews.
- 1.22 To determine, in consultation with the Leader and Portfolio Holder for Children's Services, whether to authorise the appointment of a Local Authority Appointed Person as a member and/or director of an Academy or Multi Academy Trust, in circumstances where the individual is not being appointed as a representative or nominee of the Council.
- 1.23 To exercise the discretions under the Council's Statement of Policy on Discretions under the Local Government Pension Scheme Regulations for current and former Chief Officers and Deputy Chief Officers in consultation with the Director of Finance, the Specialist Lead for People Management and the Assistant Director of Law and Governance.
- 1.24 To authorise any action reasonably necessary to protect the health, safety or welfare of individuals or the safety of property.
- 1.25 Where it is necessary for any function to be discharged and it is impracticable or impossible by reason of urgency for the matter to be considered by the Cabinet (or by a relevant Portfolio Holder to whom decision-making functions have been delegated), to take such action as they consider appropriate, in consultation, so far as practicable, with the Leader and relevant Portfolio Holder(s); and where there is no Leader and Cabinet all executive functions shall vest in the Chief Executive who shall be able to exercise all executive functions or authorise officers to exercise such functions.
- 1.26 Where it is necessary for any function of the Council or one of its committees to be discharged and it is impracticable or impossible, by reason of urgency, for the matter to be considered by the Council or such committee, to take such action as they consider appropriate, in consultation, so far as practicable, with the Mayor and Group Leaders in respect of a Council function or the relevant committee chair in respect of a matter within the terms of reference of a Council committee.
- 1.27 Where action is taken under 1.24 - 1.26 above, the Chief Executive shall submit a report to the next Cabinet, Council or Committee meeting recording the urgent circumstances which made the action necessary and detailing the action taken.
- 1.28 To carry out any function which is delegated to a particular officer.
- 1.29 To exercise all other functions which the Chief Executive is authorised to undertake or for which the Chief Executive is the nominated officer or "proper officer" under the current Constitution.

## **2. Executive Director of City Development**

- 2.1 To exercise a professional and managerial overview of the following functions, namely economic regeneration, city development, the Port of Sunderland, infrastructure, planning and transportation.
- 2.2 To manage, operate and develop regeneration policies and activities.
- 2.3 To exercise all of the Council's functions under the Building Regulations 2010 including, without prejudice to the generality of the foregoing, the function of receiving, approving, rejecting or issuing plans, certificates and notices pursuant to those Regulations.
- 2.4 To accept or reject all notices pursuant to the Building (Approved Inspectors etc.) Regulations 2010 and to take any necessary action under Regulation 19 thereof in relation to partly completed work.
- 2.5 To administer and collect fees including Value Added Tax pursuant to The Building (Local Authority Charges) Regulations 2010.
- 2.6 To exercise the Council's functions in respect of dangerous and dilapidated buildings and other structures including authorising service of Notice under the Public Health Acts 1936 and 1961 and the Building Act 1984.
- 2.7 To grant exemptions under the Building Regulations 2010 for cavity wall insulation works.
- 2.8
  - (a) To number and renumber houses; and
  - (b) To name or rename streets
- 2.9 To determine all forms of planning and other applications (including but not limited to applications for permission in principle) under Part III of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning Act 2008 or under any related secondary legislation except those applications reserved to the Planning and Highways Committee and the Development Control Sub-Committees.
- 2.10 To take all necessary action in respect of the management of all planning applications and other applications referred to in paragraph 3.9 above, including determining the validity of such applications and approving extensions of time for the determination of applications.
- 2.11 To determine any applications to the Local Planning Authority made pursuant to an adopted local development order.
- 2.12 To declare highways and environmental schemes as Council approved for development control purposes.

- 2.13 To determine and issue screening opinions and scoping opinions pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 2.14 To determine applications for reserved matters and the discharge of conditions following the granting of permission and applications for technical details consent following the grant of permission in principle.
- 2.15 To authorise the making of Tree Preservation Orders (including any variation or revocation Order) (provided that if any statutory representations or objections are received to any such Orders which the Council is required to consider they shall be reported to the Planning and Highways Committee for consideration) and to exercise the Council's enforcement powers in respect of trees under Part VIII of the Town and Country Planning Act 1990.
- 2.16 To determine applications for consent under Orders under Section 198 of the Town and Country Planning Act 1990 to the cutting down, topping, lopping or felling of trees.
- 2.17 To determine applications for Certificates of lawfulness of existing use or development and of lawfulness of proposed use or development under Section 191 and 192 of the Town and Country Planning Act 1990.
- 2.18 To authorise the making of an order to revoke or modify a hazardous substances consent and to determine the validity of applications for deemed consent under the Planning (Hazardous Substances) Act 1990.
- 2.19 To determine whether or not prior approval should be sought for proposed works of demolition under Section 55 of the Town and Country Planning Act 1990.
- 2.20 To decline to determine applications for planning permissions pursuant to Section 70A or Section 70B or Section 70C of the Town and Country Planning Act 1990.
- 2.21 To determine applications made pursuant to Section 73 of the Town and Country Planning Act 1990.
- 2.22 To determine applications for non-material amendments to planning permissions pursuant to Section 96A of the Town and Country Planning Act 1990.
- 2.23 To determine responses to consultations on planning applications close to the boundary of the City of Sunderland from neighbouring planning authorities.
- 2.24 To secure the proper maintenance of land adversely affecting the amenity of an area including the issue and service of notices, the taking of action in default if necessary and prosecutions in relation thereto.

- 2.25 To exercise the Council's functions in relation to advertisements under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 including the issue and service of any notices and the determination of applications for consent for the display of advertisements.
- 2.26 To exercise the Council's functions with regard to temporary markets under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.27 To exercise the functions of the Council in respect of dangerous and dilapidated buildings and other structures, neglected sites, and the control of injurious weeds.
- 2.28 To exercise the functions of the Council in respect of oil pollution planning, storm tide warnings under the Civil Contingencies Act 2004.
- 2.29 To authorise the issue and service of all statutory notices under the Planning (Listed Buildings and Conservation Areas) Act 1990, including Building Preservation Notices and Repair Notices requiring the repair of Listed Buildings and the taking of action in default if necessary and to undertake all enforcement action in respect of listed buildings.
- 2.30 To make representations to the Department of Culture, Media and Sport concerning the listing of historic buildings.
- 2.31 To authorise the making of planning obligation agreements under Section 106 of the Town and Country Planning Act 1990 (including the variation of such agreements) and to consider and determine applications for the modification and discharge of planning obligations.
- 2.32 To exercise the Council's powers as local planning authority in relation to breaches of planning control and also demolition in conservation areas, including the exercise of the Council's powers under Part VII of the Town and Country Planning Act 1990 (including authorising the issue and service of all notices thereunder).
- 2.33 To exercise the Council's powers of periodic review of mineral planning conditions, including the issue and service of all necessary notices.
- 2.34 To authorise the making of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015, save that if any objections or representations are received to such Directions they shall be reported to the Cabinet for determination.
- 2.35 To approve or refuse Improvement Area Grant and Security Grant applications under the Inner Urban Areas Act 1978 or similar applications under the Local Government Act 2000.
- 2.36 To approve or refuse grants for works to ancient monuments under the Ancient Monuments and Archaeological Areas Act 1979.

- 2.37 To approve or refuse grants for works to listed buildings and other buildings of historical or architectural interest under the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.38 To make Orders under Part X of the Town and Country Planning Act 1990.
- 2.39 To undertake the Council's powers and duties in relation to high hedge complaints under the Anti-Social Behaviour Act 2003.
- 2.40 Decisions in respect of land and property matters are delegated to both the Executive Director of City Development and the Director of Finance. Each Director shall have the delegated functions set out in this paragraph and in paragraphs 2.41 to 2.47, paragraph 2.49 and paragraphs 2.73 to 2.75 below.

To authorise, in consultation with the Leader, Cabinet Secretary and the Director of Finance: -

- (a) the acquisition and disposal of freehold and leasehold interests in land where the consideration is less than £250,000; and
- (b) the acquisition and disposal of leasehold interests in land where the annual rental is less than £250,000,

provided that in each case, save for:-

- (i) leases granted for a term of seven years or less; or
- (ii) where a disposal of a surplus property is proposed at less than best consideration to a Voluntary or Community Sector organisation in accordance with the Surplus Building Policy (Community Benefit) approved by Cabinet at its meeting on 6 April 2011 and the consideration or annual rental is less than £250,000 before any concession; or
- (iii) where the disposal is within the scope of the Executive Director of City Development's delegated authority to agree rent concessions;

in the reasonable opinion of the Executive Director of City Development, the transaction represents the best consideration reasonably obtainable.

- 2.41 In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlords consents.
- 2.42 To grant or to agree to the granting by or to the Council of easements, wayleaves, covenant consents, licences and other similar rights over in or above or under land.

- 2.43 To grant leases to statutory undertakers for sub-stations, governor houses and the like.
- 2.44 To agree the appropriation of land from one use to another, including the assessment of the relevant valuation, where such appropriation is required in order to facilitate schemes to be carried out by or on behalf of the Council.
- 2.45 To authorise the making of Well-Maintained Payments, and the payment of other items of statutory compensation, removal expenses and trade disturbance allowances to displaced owners and occupiers.
- 2.46 To agree abnormal development costs for all sites.
- 2.47 To authorise the agreement of rent concessions up to a value of £25,000 per year per property and up to a total of £50,000 over the term of the lease and that rent concessions above these sums are referred to the Cabinet for consideration.
- 2.48 To exercise the Council's functions under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.
- 2.49 To grant temporary lettings of parks and the foreshore in a form approved by the Assistant Director of Law and Governance.
- 2.50 To permit or restrict the placing of apparatus over, in or under a highway and to authorise the granting of licences, to erect structure, scaffolding hoardings, the planting of trees and to license works and the like as provided under the Highways Act 1980, the New Roads and Street Works Act 1991, including the exercise of all those functions in relation to highways contained in paragraph B of Schedule 1 of the Local Authorities (Functions and Responsibilities) England Regulations 2000.
- 2.51 To adopt highways and arrange for alterations to the layout of highways.
- 2.52 To authorise the entering into of any agreements under the Highways Act 1980 and the subsequent adoption of highways constructed under such agreements and to require the making up of any private streets.
- 2.53 To approve plans and specifications in respect of retaining walls and other structures.
- 2.54 To provide additional street lighting points to accord with highway construction schemes.
- 2.55 To authorise the display of posters on lamp columns.
- 2.56 To approve the erection of promotional banners under Section 132 of the Highways Act 1980.

- 2.57 To authorise the stopping-up and diversion of highways under the Highways Act 1980 and the Town and Country Planning Act 1990, provided that if any statutory representations or objections are received to any Order which the Council is required to consider they shall be reported to the Planning and Highways Committee for determination.
- 2.58 To make Orders as provided under the Road Traffic Regulations Act 1984 and to serve notices under section 14(2) to make temporary restrictions and prohibitions provided that if any statutory representations or objections are received to any Order which the Council is required to consider they shall be reported to the Planning and Highways Committee for consideration.
- 2.59 To manage the Council's car parks generally, effecting any changes in operations, including changes in tariffs, which he may deem to be expedient, and to authorise the parking of vehicles on highways.
- 2.60 To approve applications and to authorise the serving of Notices under the New Roads and Street Works Act 1991.
- 2.61 To serve Notices under the Highways Act 1980.
- 2.62 To authorise the issuing of instructions and variation orders to a contract, as Engineer, in accordance with the Council's Procurement Procedure Rules.
- 2.63 To consider applications for registration and re-registration of bus services and following submit observations or objections to the Traffic Commissioners as appropriate following consultation with the Chairman of the Planning and Highways Committee and appropriate Ward Councillors.
- 2.64 To authorise the erection of bus stop signs and in consultation with Ward Councillors, the provision and removal of bus shelters.
- 2.65 To liaise generally with Northumbria Water Limited with regard to sewerage, sewage disposal and land drainage and in particular to seek adoption of sewers by Northumbria Water Limited under Section 104 of the Water Industry Act 1991.
- 2.66 To exercise the functions of the Council in respect of coastal defence.
- 2.67 To exercise the Council's functions in respect of road safety including education, training and school crossing patrols.
- 2.68 To arrange for the provision and maintenance of street lighting.
- 2.69 To exercise all those functions relating to public rights of way contained in Part I of Paragraph I of Schedule 1 of the Local Authorities (Functions and Responsibilities) England Regulations 2000 as amended, including the power to authorise, and where no objections or representations are received, to confirm the making of any Orders in respect of highways, footpaths, bridleways, and streets. Provided always that if any objections or

representations are received to such Orders which the Council is required to consider they shall be reported to the Planning and Highways Committee for consideration.

- 2.70 In consultation with the Chair of Planning and Highways Committee and relevant Portfolio Holder to consider and recommend any action to be taken where objections are received in respect of any bus stop clearway proposed by the Assistant Director of Infrastructure, Planning and Transportation.
- 2.71 To make Orders and give notices under the Town Police Clauses Act 1847.
- 2.72 To act as the Technical Approval Authority for bridges and other highway structures.
- 2.73 To enter into agreement with other local authorities for the enforcement and administration of the Energy Performance of Buildings (England and Wales) Regulations 2012, as amended by the 2015 Regulations, in consultation with the Portfolio Holder for Environment and Transport.
- 2.74 To issue penalty charge notices for breaches of the Energy Performance of Buildings (England and Wales) Regulations 2012, as amended.
- 2.75 To exercise, in consultation with the Portfolio Holder, the Council's functions to enforce sales of properties under all legislative powers available in this regard, including the Local Land Charges Act 1975 and the Law and Property Act 1925.
- 2.76 To issue and sign Notices to Mariners.
- 2.77 To issue and to sign licences, permits or certificates, to store petroleum, carbide of calcium and explosives within the boundaries of the Port.
- 2.78 To dispose of old or surplus equipment arising solely from the operation of the Port.
- 2.79 To act as Ship's Husband, with authority to make all declarations required by the Merchant Shipping Acts for the registration of all vessels owned by the Council.
- 2.80 To issue and to sign licences to foyboatmen under Section 57 of the Sunderland Corporation Act, 1972.
- 2.81 To issue and to sign Works and Dredging Licences under Section 23 and 24 of the Sunderland Corporation Act, 1972.
- 2.82 To exercise the powers of the Authority as set out in the Authority's Byelaws made under Section 63 and 65 of the Sunderland Corporation Act 1972.
- 2.83 To prepare and implement when necessary an Oil Pollution Plan.

- 2.84 To prepare and implement when necessary a Port Emergency Plan.
- 2.85 To appoint Pilots under the Pilotage Act 1987 pursuant to the Authority's responsibilities as a Competent Harbour Authority.
- 2.86 To delegate to the Harbour Master, such powers as may be necessary to enable discharge of the Port's statutory duties under appropriate Harbour Regulations.
- 2.87 To take such action as may be necessary to promote the commercial use of the Port.
- 2.88 Subject to those matters delegated to the Port Director, to secure the discharge of the statutory obligations of the Council as Port Authority in compliance with such legislation or guidance as may, from time to time, be published by Government.
- 2.89 To prepare and submit for approval by the Cabinet a Marine Operations Code for the Port and to assume responsibility for its operation.
- 2.90 To licence pleasure boats and pleasure vessels under Section 94 Public Health Acts, Amendment Act 1907.
- 2.91 To exercise the Council's functions under the Land Drainage Act 1991 and the Flood and Water Management Act 2010.
- 2.92 To manage, operate and develop the Council's public arts programme and culture policy.
- 2.93 To issue certificates, licences, notices, consents, orders, authorise registration and undertake enforcement in connection with the following: -
  - a) Housing Act 1985 Part X (Overcrowding) and Part XVIII (Miscellaneous and General Provisions);
  - b) Housing Act 2004;
  - c) Protection from Eviction Act 1977;
  - d) Housing Grants, Construction and Regeneration Act 1996 Part I; and
  - e) Housing and Planning Act 2016;
  - f) Those statutes listed in paragraph 4.30 below.
- 2.94 To exercise the functions of the Council under the Building Act 1984, the Public Health Acts 1936 and 1961, Caravan Sites and Control of Development Act 1960, Environmental Protection Act 1990, Health and Safety at Work etc Act 1974, Local Government (Miscellaneous Provisions) Acts 1976 and 1982, Prevention of Damage by Pests Act 1949 and the Smoke and

Carbon Monoxide Alarm (England) Regulations 2015 in so far as they relate to housing conditions and to the management of housing.

- 2.95 To exercise all of the Council's functions under the Licensing Act 2003, (including enforcement functions and the designation of authorised officers) except for those functions which are reserved to full Council by legislation or the Council's Constitution and those licensing functions which are within the terms of reference of the Licensing and Regulatory Committee and the Licensing Sub-Committees.
- 2.96 To exercise all of the Council's functions under the Gambling Act 2005, (including enforcement functions and the designation of authorised officers) except for those functions which are reserved to full Council by legislation or the Council's Constitution and those licensing functions which are within the terms of reference of the Licensing and Regulatory Committee and the Licensing Sub – Committees.
- 2.97 To reject representations from interested parties if they are frivolous or vexatious (Licensing Act 2003).
- 2.98 Subject to consultation with appropriate officers or authorities, where no representations have been received or they have been withdrawn.
  - (a) to grant a Premises Licence;
  - (b) to grant a Provisional Statement;
  - (c) to grant a variation of a Premises Licence;
  - (d) to grant a Club Premises Certificate;
  - (e) to grant a variation of a Club Premises Certificate (Licensing Act 2003).
- 2.99 To issue a copy of a Premises Licence, Club Premises Certificate or Personal Licence and to certify it as a true copy (Licensing Act 2003).
- 2.100 Where no notice under Section 37(5) has been received or it has been withdrawn to grant a variation of a Premises Licence to specify an individual as Premises Supervisor (Licensing Act 2003).
- 2.101 Subject to consultation with appropriate officers or authorities to grant or reject an application for a minor variation of a Premises Licence (Licensing Act 2003).
- 2.102 Where no notice under Section 42(b) has been received or it has been withdrawn, to grant a transfer of a Premises Licence (Licensing Act 2003).
- 2.103 To update a Premises Licence, Club Premises Certificate or Personal Licence (Licensing Act 2003).

- 2.104 Subject to consultation with appropriate officers or authorities to grant or reject an application for a minor variation of a Club Premises Certificate (Licensing Act 2003).
- 2.105 To acknowledge receipt of a Temporary Event Notice (Licensing Act 2003).
- 2.106 To issue a Counter Notice where the permitted limits for a Temporary Event Notice are exceeded (Licensing Act 2003).
- 2.107 Where no Objection Notice has been received, to grant or renew a Personal Licence (Licensing Act 2003).
- 2.108 To reject representations from interested parties if they are frivolous or vexatious (Gambling Act 2005).
- 2.109 Subject to consultation with appropriate officers or authorities, where no representations have been received or they have been withdrawn: -
  - (a) to grant a Premises Licence;
  - (b) to grant a Variation of a Premises Licence;
  - (c) to grant a transfer of a Premises Licence;
  - (d) to grant a Provisional Statement (Gambling Act 2005).
  - (e) to update a Premises Licence (Gambling Act 2005).
- 2.110 To issue a copy of a Premises Licence and certify it as a true copy (Gambling Act 2005).
- 2.111 To revoke a Premises Licence upon non-payment of the annual fee (Gambling Act 2005).
- 2.112 To apply for the review of a Premises Licence (Gambling Act 2005) (in Executive Director of City Development's capacity as responsible for pollution and health).
- 2.113 To initiate a review of a Premises Licence (Gambling Act 2005) (in Executive Director of City Development's capacity as responsible for licensing authority).
- 2.114 To set fees under Part 8 of the Gambling Act 2005.
- 2.115 To acknowledge a Temporary Use Notice (Gambling Act 2005).
- 2.116 To propose modification of a Temporary Use Notice (Gambling Act 2005).
- 2.117 To endorse a Temporary Use Notice (Gambling Act 2005).
- 2.118 To grant or renew applications for Family Entertainment Centre Gaming Machine Permits under Schedule 10 of the Gambling Act 2005.

- 2.119 To register small society lotteries under Schedule 11 of the Gambling Act 2005.
- 2.120 To grant or renew applications for Club Gaming Permits and Club Machine Permits under Section 12 of the Gambling Act 2005.
- 2.121 To grant or renew applications for Licensed Premises Gaming Machine Permits in respect of premises licensed for the sale of alcohol for consumption on the premises under Schedule 13 of the Gambling Act 2005.
- 2.122 To grant or renew applications for Prize Gaming Permits under Schedule 14 of the Gambling Act 2005.
- 2.123 To authorise officers of the Council under Section 304 of the Gambling Act 2005.
- 2.124 Subject to consultation with appropriate officers and authorities, where no representations have been received or they have been withdrawn: -
- (a) to grant applications for consent for the holding of displays of hypnotism;
  - (b) to grant renewal and transfers of sex establishment licences under Part II of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982;
  - (c) to grant street trading consents for traders who wish to trade for a period of up to one calendar month under Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982;
  - (d) to review street trading consents under Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982;
  - (e) to authorise street collections taking place on any day of the week and location within the authority's area, under the Police, factories etc. (Miscellaneous Provisions) Act 1916, subject to there being no objections received from Northumbria Police;
  - (f) to authorise House to House Collections under the House to House Collections Act 1939;
- 2.125 To licence and renew hackney carriage and private hire vehicle licences where the vehicle is suitable in type, size, design, age and is mechanically safe and comfortable.
- 2.126 To suspend or revoke with immediate effect a licence to drive either a hackney carriage or private hire vehicle in accordance with Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

2.127 To undertake the enforcement of all legislation relating to the Council's powers, duties and functions in connection with the following areas [including the issuing of certificates, licences, notices (including fixed penalty notices), consents and orders, the authorisation of registration and the maintenance of registers and lists]:

- Animal health, welfare and protection (including protection of the public from dangerous animals).
- Consumer Protection/Trading Standards (including Sunday Trading and protection children from tobacco and alcohol).
- Environmental Protection (including pollution/nuisance prevention and control, littering and unauthorised tipping).
- Food safety.
- Health and safety at work (including cinematography safety).
- Public/environmental health (including disease control and pest control).
- Medicines, poisons and chemicals.
- Vehicle Safety.
- Weights and measures.
- Control of the following trades
  - Acupuncture
  - Ear Piercing
  - Electrolysis
  - Hairdressers/Barbers
  - Motor Salvage Operators
  - Scrap Metal Dealers
  - Tattooists
  - Gambling
  - Licensable activities under the Licensing Act 2003

and without prejudice to the generality of the foregoing specifically in connection with current provisions: -

- (a) Animal Boarding Establishments Act 1963;
- (b) Breeding of Dogs Act 1973 and 1993;
- (c) Breeding and Sale of Dogs (Welfare) Act 1999;
- (d) Building Act 1984 Part III except sections 77-83 (drainage, sanitary conveniences building yards and passages);
- (e) Caravan Sites and Control of Development Act 1960;
- (f) Cattle Identification Regulations 1998;
- (g) Celluloid and Cinematograph Film Act 1922;
- (h) Clean Air Act 1993;
- (i) Clean Neighbourhoods and Environment Act (Section 3-9 Vehicles, Sections 18-19 Litter, Sections 55-68 Controls on Dogs (including, for the avoidance of doubt, the power to make dog control orders under section 55, subject to taking into account the views of the relevant Area Committee in cases where representations are received in response to consultation) and Sections 69-81 and 82-86 Noise);
- (j) Consumer Protection Act 1987;
- (k) Control of Pollution Act 1974;
- (l) Dangerous Wild Animals Act 1976;
- (m) Dairy Products (Hygiene) Regulations 1995;
- (n) Dogs (Fouling of Land) Act 1996;
- (o) Egg Products Regulations 1993;
- (p) Environmental Protection Act 1990 Part I (Pollution Control), Part II (Waste on Land), Part IIA (Contaminated Land), Part III (Statutory Nuisance and Clean Air), Part IV (Litter), Part VIII (Miscellaneous including Stray Dogs), Schedule 3A (Free distribution of printed matter on designated land);
- (q) European Communities Act 1972 and the Feeding Stuffs (Establishments and Intermediaries) Regulations 1998;
- (r) Factories Act 1961;
- (s) Food Safety Act 1990;

- (t) Food Safety (Fishery Products and Live Shellfish) Hygiene Regulations 1998;
- (u) Food Safety (General Food Hygiene) Regulations 1995;
- (v) Food Premises (Registrations) Regulations 1991;
- (w) Food and Drugs Act 1955 as amended by Slaughterhouse Act 1958;
- (x) Game Act 1831 (Game and Game Dealers);
- (y) Game Licences Act 1860 (Game Dealers);
- (z) Guard Dogs Act 1975;
- (a)(a) Health and Safety at Work etc. Act 1974;
- (b)(b) Local Government (Miscellaneous Provisions) Act 1976 and 1982 (Acupuncture, tattooing, ear piercing and electrolysis);
- (c)(c) Meat Products (Hygiene) Regulations 1994;
- (d)(d) Minced Meat and Meat Preparation (Hygiene) Regulations 1995;
- (e)(e) Noise Act 1996;
- (f)(f) Nurses Agencies Act 1957;
- (g)(g) Offices, Shops and Railway Premises Act 1963;
- (h)(h) Performing Animals (Regulation) Act 1925 and Performing Animals Rules 1925;
- (i)(i) Pet Animals Act 1951;
- (j)(j) Pigs (Records, Identification and Movement) Order 1995;
- (k)(k) Poisons Act 1972;
- (l)(l) Prevention of Damage by Pests Act 1949;
- (m)(m) Public Health Act 1936;
- (n)(n) Public Health Act 1961 (including Section 77 and byelaws made thereunder) (Hairdressers and Barbers);
- (o)(o) Public Health (Control of Diseases) Act 1984;
- (p)(p) Refuse Disposal (Amenity) Act 1978;
- (q)(q) Riding Establishments Act 1964 and 1970;

- (r)(r) Road Traffic Regulation Act 1984 (Sections 99-103);
- (s)(s) Scrap Metal Dealers Act 2013;
- (t)(t) Slaughterhouse Act 1974
- (u)(u) Slaughter of Poultry Act 1967;
- (v)(v) Town Police Clauses Act 1847 (Hackney Carriages);
- (w)(w) Zoo Licensing Act 1981;
- (x)(x) Environmental Protection Act 1995 (Sections 108 to 110);
- (y)(y) Town and Country Planning Act 1990 (Section 215 to 219).

2.128 To licence drivers and operators of hackney carriages and private hire vehicles where the applicant has declared:

- (a) No previous convictions in their statement before a Commissioner for Oaths or where any conviction is deemed spent within the terms of the Rehabilitation of Offenders Act 1974;
- (b) A single conviction of a minor nature and unrelated to taxi driving;
- (c) A conviction which resulted in an absolute discharge;
- (d) A single conviction for driving whilst under the influence of drink or drugs which is over five years old prior to the date of the application;
- (e) Any conviction for road traffic offences of a minor nature resulting in an applicant's DVLA driving licence being endorsed with fewer than twelve penalty points in total.

2.129 To grant licences for private hire vehicles where the vehicle is suitable in type, size, design, mechanically safe and comfortable.

2.130 To undertake the Authority's powers under the Equality Act 2010, Part 12, Chapter 1, in relation to hackney carriages and private hire vehicles and their drivers including: -

- (a) the maintenance of a list of accessible vehicles under section 167 of the Act;
- (b) the issuing of exemption certificates under sections 166, 169 and 171 of the Act; and
- (c) the enforcement of the duties placed upon drivers and operators under sections 165 (duties in relation to passengers in wheelchairs), 168 (duties

in respect of assistance dogs in hackney carriages) and 170 (duties in relation to assistance dogs in private hire vehicles) of the Act.

- 2.131 To authorise any officer placed at the Council's disposal by another local authority for the purposes of Cross Border Taxi Licensing Enforcement by way of an agreement under section 113 of the Local Government Act 1972 to undertake, within the area of that officer's employing authority, enforcement functions in respect of hackney carriages and private hire vehicles licensed by this Council.
- 2.132 To undertake the Authority's powers, duties and functions under the Scrap Metal Dealers Act 2013, including – in addition to the powers set out in paragraph 3.127 and without prejudice to the generality thereof or the function delegated to the Director of Environmental Services in section 7.1 below – the power to refuse applications for licences and to revoke or vary licences and to apply to the magistrates' court for closure orders provided that where any representations are received in respect of a proposal by the Executive Director of City Development to revoke, refuse or vary a licence, they shall be reported to the Regulatory Committee and relevant Portfolio Holder for consideration and the Executive Director of City Development shall take the views of the Committee and Portfolio Holder into account.
- 2.133 To undertake enforcement of the Sunday Trading Act 1994, including the maintenance of a Register of Shops in accordance with Paragraph 5 of Schedule 1, the maintenance of a register of notices served in respect of shops occupied by persons of the Jewish religion under Paragraph 8 of Schedule 2, the appointment of inspectors under Paragraph 3 of Schedule 2, and the acceptance of shorter periods of notice pursuant to Paragraph 4(3) of Schedule 1.
- 2.134 To undertake enforcement of all legislation relating to the Council's powers, duties and functions as weights and measures authority and food authority in relation to trading standards and consumer protection.
- 2.135 To exercise the functions of the Council in relation to the management, inspection and control of asbestos, (Control of Asbestos at Work Regulations), and water systems in relation to Legionella (Approved Code of Practice for Minimisation of Legionella in Water Systems (L8)).
- 2.136 To enforce and execute such of the provisions of the Animal Health Act 1981 as are to be enforced and executed by the Council.
- 2.137 To issue fixed penalty notices under the Anti-Social Behaviour Act 2003 in relation to graffiti and flyposting.
- 2.138 To issue graffiti removal notices under the Anti-Social Behaviour Act 2003.
- 2.139 To undertake the Council's powers and duties in respect of the transport of waste and unlawfully deposited waste (Control and Pollution (Amendment)

Act 1989 (as amended) and Environmental Protection Act 1990 (as amended).

- 2.140 To enforce the provisions of Section 54 of the Clean Neighbourhoods and Environment Act 2005 and any regulations made thereunder, in relation to site waste management plans.
- 2.141 To enforce the provisions of Part 1 of the Health Act 2006 in relation to smoke free premises, places and vehicles, including the power to issue fixed penalty notices in relation to offences thereunder.
- 2.142 To issue Community Protection Notices and fixed penalty notices for breaches of such notices.
- 2.143 To apply for, in consultation with the Assistant Director of Law and Governance, Criminal Behaviour Orders, Closure Notices and Orders and fixed penalty notices for breaches of Public Spaces Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014.
- 2.144 To authorise the issue of applications for Civil Injunctions under the Anti-Social Behaviour, Crime and Policing Act 2014.
- 2.145 To exercise the Council's powers and functions under the Business and Planning Act 2020 in relation to Pavement Licences.
- 2.146 To manage allotments.
- 2.147 To manage, operate and develop Public Libraries in accordance with the Public Libraries and Museums Act 1964.

### **3. Executive Director of Health, Housing and Communities**

- 3.1 To exercise the functions of Director of Public Health in accordance with section 73A of the National Health Service Act 2006 and section 30 of the Health and Social Care Act 2012, including responsibility for;
- Writing the annual report on the health of the local population, required to be published under section 73B (5) and (6) of the 2006 Act and Section 31 of the 2012 Act
  - Undertaking duties to take steps to improve public health as required under section 73A(1) of the 2006 Act
  - Undertaking such other public health protection or health improvement functions that the Secretary of State delegates to Local Authorities either by arrangement or under regulations
  - The provision of Healthy Start Vitamins (under the Healthy Start and Welfare Food Regulations 2005) for maternity or child health clinics
  - Consulting and making decisions on Fluoridation Schemes
  - Exercising the Council's functions in planning for, and responding to, emergencies that present a risk to public health
  - Discharging the Local Authority responsibilities in relation to communicable and infectious diseases, including healthcare acquired infections
  - Under Section 6C of the NHS Act 2006, ensuring arrangements are in place for: -
    - (a) appropriate access to sexual health services;
    - (b) the National Child Measurement Programme;
    - (c) the NHS Health Check Assessment.
- 3.2 To be responsible for providing the Council's public health response to licensing applications, as a responsible authority under the Licensing Act 2003.
- 3.3 To contribute to and influence the work of the NHS Commissioners, ensuring a whole system approach across the public sector and ensuring NHS Commissioners receive the public health advice they need.
- 3.4 To provide leadership, expertise and advice to Senior Officers and Elected Members on a range of issues from outbreaks of disease and emergency

preparedness through to improving local people's health concerns around access to health services.

- 3.5 To manage and develop the Council's statutory housing function in respect of allocation of housing accommodation, homelessness and relations with registered social landlords.
- 3.6 To perform the executive functions, activities and operations as a Registered Provider of Social Housing including all functions relating to the implementation of the Council's Housing Delivery and Investment Plan, including the management as a landowner and/or landlord of any land and buildings acquired under the Plan, including but not limited to the service of legal notices associated with the management of the housing stock and termination of tenancies.
- 3.7 To authorise officers to determine and review applications in relation to homelessness and allocation of housing.
- 3.8 To issue certificates, licences, notices, consents, orders authorise registration and undertake enforcement in connection with the Housing Grants, Construction and Regeneration Act 1996, Part I.
- 3.9 To determine applications for financial assistance in accordance with the Council's housing renewal and financial assistance policy, made under the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 in relation to disabled facility grants and decent home standards.
- 3.10 To manage, operate and develop the Council's Sports Facilities and Leisure Centres.
- 3.11 To administer and determine applications for the grant of Direct Housing Payments and applications under the Local Welfare Provision Schemes (Crisis Support Scheme and Community Care Support Scheme).
- 3.12 To manage and develop the Council's statutory housing function including housing strategy, housing renewal, enforcement of housing standards, licensing of houses in multiple occupation and other residential accommodation.
- 3.13 To determine applications for financial assistance in accordance with the Council's Housing Renewal and Financial Assistance Policy, made under the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 in relation to empty properties and area-based themes.
- 3.14 To grant Discretionary Housing Payments to Housing and Council Tax Benefit recipients for Housing Costs in accordance with the Social Security Amendment (Discretionary Housing Payments) Regulations 2001 and the Discretionary Housing Payments (Grants) Order 2001.

- 3.15 In consultation with the Portfolio Holder for housing and regeneration and the Director of Finance, to acquire land and buildings pursuant to the Housing Delivery and Investment Plan, without reference to Cabinet, where the total consideration payable does not exceed £1,000,000 per transaction and on such terms as represent a fair and reasonable market price and provided that there is approved budget provision available for the relevant acquisition.

#### **4. Director of Children's Services**

- 4.1 To act as the statutory officer under section 18(1) of the Children Act 2004, to manage the Council's function as Local Education Authority, its arrangements for the safeguarding of vulnerable children and for promoting the wellbeing of children and families.
- 4.2 To manage the Council's function as Local Education Authority, in accordance with strategic plans approved by the Council and governing legislation.
- 4.3 To establish structures which will effectively deliver the strategic management responsibilities of the Council as Local Education Authority.
- 4.4 To manage all aspects of schools which do not have delegated budgets.
- 4.5 To make arrangements for the provision of suitable education at school or otherwise for children of compulsory school age who by reason of illness, exclusion from school or otherwise may not receive it unless such arrangements are made.
- 4.6 To serve notices and school attendance orders under Section 437 of the Education Act 1996 on the parents of a child who does not appear to be receiving suitable education.
- 4.7 To institute and conduct proceedings under Section 443 of the Education Act 1996, against parents who have failed to comply with the requirements of a school attendance order.
- 4.8 To institute and conduct proceedings under Section 444 of the Education Act 1996, against parents in respect of a child's failure to attend regularly at school.
- 4.9 To institute and conduct proceedings under section 36 of the Children Act 1989 for Education Supervision Orders.
- 4.10 To designate premises as those from which children and young persons may be removed under Section 16 of the Crime and Disorder Act 1998 and to notify the Chief Officer of police for the area of any such designation.
- 4.11 To grant licences for children to take part in public performances and to licence the employment of children.
- 4.12 To establish a Schools Letting Policy for the use of education buildings by outside organisations.
- 4.13 To enter into parenting contracts in cases of exclusion from school or truancy under the Anti-Social Behaviour Act 2003.
- 4.14 To issue fixed penalty notices against parents of truanting children (Section 444 A Education Act 1996).

- 4.15 To vary assessments on assistance and remit charges or payments in individual cases where statutorily permissible in respect of the following:
- a) Children resident in accommodation of other local authorities or independent organisations where the Council are responsible.
  - b) Provision of services for disabled children
  - c) Day Nurseries
  - d) Parental Contributions
- 4.16 To approve the payment of boarding out allowances appropriate to the area of another Local Authority for children resident in the area of that Local Authority where the Council are responsible.
- 4.17 To authorise medical treatment or surgery for a child in care.
- 4.18 To authorise the absence abroad of a child in care.
- 4.19 To guarantee deeds of apprenticeship for children in care.
- 4.20 To authorise the enlistment in H.M. Forces of a child in care.
- 4.21 To authorise the provision of clothing or other items to meet unusual needs of children in care in individual cases.
- 4.22 To authorise the admission of children to accommodation provided by the Council and other local authorities.
- 4.23 To accept variations in charges for children resident in the accommodation of other local authorities.
- 4.24 To authorise participation by children in care in events organised by schools or youth organisations.
- 4.25 To act as designated officer with responsibility for enlisting interested persons concerned in the welfare of children in the Council's Homes.
- 4.26 To approve foster parents and to establish and maintain an adoption service in accordance with the Adoption Acts.
- 4.27 To make applications for the registration of the Council's Children's homes to the Care Quality Commission.
- 4.28 To act as a receiver in accordance with the Rules and Directions of the Court of Protection.
- 4.29 To authorise the temporary use of Together for Children's buildings by outside bodies.

- 4.30 To exercise any function (other than discharge from guardianship) in relation to the guardianship of a patient by or under the Mental Health Act 1983.
- 4.31 Following consultation with the Assistant Director of Law and Governance, to conduct proceedings relating to persons in need of care and attention in accordance with Section 47 of National Assistance Act 1948.
- 4.32 To enter into Contracts for the provision of personal Children's Services in accordance with any scheme approved by the Cabinet.
- 4.33 To grant assistance, including holiday grants, not exceeding £150 in money or value in any individual case from Council funds.
- 4.34 To arrange for burials and cremations of persons within their jurisdiction.
- 4.35 To manage, operate and develop the Derwent Hill Centre.
- 4.36 To manage, operate and develop all aspects of Community Education and to develop and implement Lifelong Learning strategies.

## **5. Director of Adult Services**

- 5.1 To exercise the statutory functions of the Director of Adult Social Services.
- 5.2 To vary assessments on assistance and remit charges or payments in individual cases where statutorily permissible in respect of the following:
  - a) Home Care and Day Care Service;
  - b) Provision of accommodation and services for disabled persons;
- 5.3 To recover expenses of assistance from persons responsible for maintenance.
- 5.4 To grant assistance, including holiday grants, not exceeding £150 in money or value in any individual case from Council funds.
- 5.5 To authorise the provision of clothing or other items to meet unusual needs of residents in local authority or Voluntary and other Homes.
- 5.6 To authorise the admission of persons to accommodation provided by the Council and other local authorities, and by Independent Homes.
- 5.7 To accept variations in charges for persons resident in accommodation of other local authorities and in Independent Homes.
- 5.8 To authorise the provision of equipment and works of adaptation in accordance with any scheme adopted by the Council for people who are disabled and to determine applications for grants made under Part I of the Housing Grants, Construction and Regeneration Act 1996 for the provision of facilities for disabled persons.
- 5.9 To make applications for the registration of the Council's residential homes and domiciliary care services to the Care Quality Commission.
- 5.10 To arrange for burials and cremations of persons within their jurisdiction.
- 5.11 To act as a Deputy in accordance with the Rules and Directions of the Court of Protection.
- 5.12 To authorise the temporary use of Adult Services buildings by outside bodies.
- 5.13 To exercise any function (other than discharge from guardianship) in relation to the guardianship of a patient by or under the Mental Health Act 1983.
- 5.14 To exercise any of the functions of a nearest relative under the Mental Health Act 1983 (as amended) in respect of a patient.

- 5.15 Following consultation with the Assistant Director of Law and Governance, to conduct proceedings relating to persons in need of care and attention in accordance with Section 47 of National Assistance Act 1948.
- 5.16 To enter into Contracts for the provision of personal Adult Services in accordance with any scheme approved by the Cabinet.
- 5.17 To authorise the deprivation of liberty of persons pursuant to the Mental Capacity Act 2005.

## **6. Director of Environmental Services**

- 6.1 The Director of Environmental Services shall be the person to whom oral representations may be made for the purposes of paragraph 7(8) of Schedule 1 to the Scrap Metal Dealers Act 2013.
- 6.2 To manage, operate and develop the Council's parks, and open spaces including grounds maintenance.
- 6.3 To site receptacles for litter, recovered material and other wastes.
- 6.4 To undertake the Council's functions as Burial and Cremation Authority.

## **7. Director of Finance**

- 7.1 To administer the billing and collection of Community Charge Council Tax and Non-Domestic Rates in accordance with the Local Government Finance Acts 1988 and 1992.
- 7.2 To determine applications for rate relief under sections 43, 45, 47 and 48 of the Local Government Finance Act 1988 in accordance with any general scheme approved by the Council.
- 7.3 To determine applications for hardship relief in respect of Non-Domestic Rates under Section 49 of the Local Government Act 1988 in accordance with any general scheme approved by the Council.
- 7.4 To determine applications in respect of empty allowances for part-occupation of non-domestic hereditaments under Section 44A of the Local Government Act 1988.
- 7.5 To make proposals for the alteration of the Local Valuation List and to lodge appeals against decisions of the Valuation Tribunal and Lands Tribunal.
- 7.6 To take Court proceedings for the recovery of Community Charge, Council Tax and Non-Domestic Rate.
- 7.7 To write off irrecoverable Community Charge, Council Tax, Non-Domestic Rates and other irrecoverable debts which are uneconomic to collect.
- 7.8 To approve mortgages and administer the Council's scheme for mortgage advances for house purchase.
- 7.9 To grant loans for the purchase of cars to officers eligible under any scheme approved by the Council.
- 7.10 To manage the borrowing, financing, and investment requirements of the Council in accordance with the Treasury Management Policy agreed by the Council.
- 7.11 To negotiate and accept leasing arrangements in respect of plant and equipment.
- 7.12 To adjust book stock accounts following physical stocktaking and investigation into difference of all stores of the Council.
- 7.13 To approve, in consultation as appropriate with the Chief Officer and the appropriate member of the Cabinet, virement in accordance with the scheme of budget delegation approved by the Council.
- 7.14 To approve proposals for planned overtime in consultation with the Specialist Lead for People Management.

- 7.15 To make all necessary banking arrangements on behalf of the Council.
- 7.16 To certify contracts to be intra vires in accordance with the Local Government (Contracts) Act 1997.
- 7.17 To deal with any items of disposable furniture or equipment to other Council Directorates prior to disposal by sale and subject thereto to sell old or surplus goods, furniture or equipment.
- 7.18 To effect all necessary insurance cover against risk to negotiate claims.
- 7.19 To accept grants on behalf of the City Council including acceptance of the relevant grant terms and conditions.
- 7.20 To abate pension remuneration and service in consultation with the Specialist Lead for People Management.
- 7.21 To authorise officers to sign contracts with a value exceeding £75,000.
- 7.22 To formulate recommendations on the Council Tax Reduction Scheme (also known as the Council Tax Support Scheme) for the consideration of the Cabinet.
- 7.23 In conjunction with the Assistant Director of Law and Governance to take all necessary action to facilitate reviews of the Members' Allowances Scheme, including the appointment of a pool of up to six individuals from whom an independent remuneration panel of no less than three members may be drawn.
- 7.24 In respect of the community right to challenge under the Localism Act 2011;
  - (a) To publish details of the period of time for the submission of expressions of interest under the community right to challenge.
  - (b) In consultation with the relevant Executive Director and Portfolio Holder for the relevant service to consider and determine each expression of interest submitted where the estimated value of the potential contract is below £250,000 or where the expression of interest does not comply with the statutory requirements and to refer the expression of interest to Cabinet for determination where the estimated value of the potential contract is £250,000 or above.
  - (c) To determine the maximum period of time that will elapse between the submission of an expression of interest and the date of notification of the decision.
  - (d) To determine in each case the minimum and maximum periods that will elapse between the acceptance of any expression of interest and the date on which the resulting procurement process will begin.

- 7.25 To exercise the functions of the Council in relation to the management, inspection and control of asbestos, (Control of Asbestos at Work Regulations), and water systems in relation to Legionella (Approved Code of Practice for Minimisation of Legionella in Water Systems (L8)).
- 7.26 To administer and grant Housing and Council Tax Benefit under the Social Security, Contributions and Benefits Act 1992 and the Social Security Administration Act 1992.
- 7.27 To conduct and determine appeals in relation to Housing and Council Tax Benefits and the Council Tax Support Scheme.
- 7.28 Decisions in respect of land and property matters are delegated to both the Executive Director of City Development and the Director of Finance. Each Director shall have the delegated functions set out in this paragraph and in paragraphs 7.29 to 7.39 below.

To authorise, in consultation with the Leader, Cabinet Secretary and the Executive Director of City Development: -

- (a) the acquisition and disposal of freehold and leasehold interests in land where the consideration is less than £250,000; and
- (b) the acquisition and disposal of leasehold interests in land where the annual rental is less than £250,000,

provided that in each case, save for: -

- (i) leases granted for a term of seven years or less; or
- (ii) where a disposal of a surplus property is proposed at less than best consideration to a Voluntary or Community Sector organisation in accordance with the Surplus Building Policy (Community Benefit) approved by Cabinet at its meeting on 6 April 2011 and the consideration or annual rental is less than £250,000 before any concession; or
- (iii) where the disposal is within the scope of the Executive Director of City Development's delegated authority to agree rent concessions;

in the reasonable opinion of the Executive Director of City Development, the transaction represents the best consideration reasonably obtainable.

- 7.29 In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlords consents.
- 7.30 To grant or to agree to the granting by or to the Council of easements, wayleaves, covenant consents, licences and other similar rights over in or above or under land.

- 7.31 To grant leases to statutory undertakers for sub-stations, governor houses and the like.
- 7.32 To agree the appropriation of land from one use to another, including the assessment of the relevant valuation, where such appropriation is required in order to facilitate schemes to be carried out by or on behalf of the Council.
- 7.33 To authorise the making of Well-Maintained Payments, and the payment of other items of statutory compensation, removal expenses and trade disturbance allowances to displaced owners and occupiers.
- 7.34 To agree abnormal development costs for all sites.
- 7.35 To authorise the agreement of rent concessions up to a value of £25,000 per year per property and up to a total of £50,000 over the term of the lease and that rent concessions above these sums are referred to the Cabinet for consideration.
- 7.36 To grant temporary lettings of parks and the foreshore in a form approved by the Assistant Director of Law and Governance.
- 7.37 To enter into agreement with other local authorities for the enforcement and administration of the Energy Performance of Buildings (England and Wales) Regulations 2012, as amended by the 2015 Regulations, in consultation with the Portfolio Holder for Environment and Transport.
- 7.38 To issue penalty charge notices for breaches of the Energy Performance of Buildings (England and Wales) Regulations 2012, as amended.
- 7.39 To exercise, in consultation with the Portfolio Holder, the Council's functions to enforce sales of properties under all legislative powers available in this regard, including the Local Land Charges Act 1975 and the Law and Property Act 1925.
- 7.40 To maintain and publish lists of Assets of Community Value and of unsuccessful nominations to such lists, and to take steps to promote and implement the arrangements for listing such assets.
- 7.41 To oversee the Council's responsibilities under the Information Governance legislation.

## **8. Director of Smart Cities and Enabling Services**

- 8.1 To act as Local Land Charges Registrar under the Local Land Charges Act 1975.
- 8.2 To prepare reports for Human Resources Committee in respect of all posts of deputy chief officer and above and all other human resources matters that are to be considered by the Committee.
- 8.3 To approve, in consultation with the relevant portfolio holder, all establishment changes proposed by the relevant director, in respect of posts below the level of deputy chief officer, provided that any proposals to amend the directorate structure of the Council or to transfer service areas from one directorate to another, shall be referred to the Human Resources Committee for approval.
- 8.4 To maintain records of all departmental establishment structures for all posts.
- 8.5 In special circumstances, to approve travelling and subsistence expenses for employees in excess of those generally approved by the Council where expenses in excess of allowances are unavoidable.
- 8.6 To deal with requests for the payment of honoraria for all posts graded on or above spinal column point 42 or equivalent and to approve honoraria beyond 12 months duration in respect of all posts.
- 8.7 To approve in consultation with the Assistant Director of Law and Governance requests for approval of outside interests or employment made by employees.
- 8.8 To deal with requests for the extension of half pay entitlement under the various occupational sick pay themes.
- 8.9 To consider requests to extend the 12 month time limit for members of the Local Government Pension Scheme to make an option to aggregate two periods of LGPS membership, where it is in the employers' interest to do so or in circumstances where an LGPS member missed the time limit for reasons beyond their control.
- 8.10 To consider requests to extend the 12 month time limit for the transfer of non LGPS pension funds to be aggregated, where it is in the employer's interest to do so or in circumstances where an LGPS member missed the time limit for reasons beyond their control.
- 8.11 In consultation with the relevant Chief Officer and the Chair of Human Resources Committee to undertake the longlisting and shortlisting of candidates for Chief Officer and Deputy Chief Officer posts, prior to interview and appointment by Human Resources Committee.
- 8.12 In relation to the Council's relocation expenses schemes to have discretion to approve other arrangements to allow for flexibility in the recruitment process,

for example, extend timescales, relax criteria etc subject to satisfying Inland Revenue requirements where Tax and NI deductions are concerned.

- 8.13 To determine requests for the release of pension benefits on compassionate grounds.
- 8.14 To determine requests for early and flexible retirement.
- 8.15 To authorise recruitment and retention incentives.
- 8.16 To exercise the discretions under the Council's Statement of Policy on Discretions under the Local Government Pension Scheme Regulations for current and former employees below Deputy Chief Officer level in consultation with the Chief Officer responsible for that service area, the Specialist Lead for People Management and the Assistant Director of Law and Governance

## **9. Assistant Director of Law and Governance**

- 9.1 (a) To institute, defend or participate in all proceedings, including appeals, in any Court or Tribunal, where proceedings are instituted on behalf of the Council in the Court of Appeal or the Supreme Court, a report on the institution of such proceedings pursuant to this paragraph shall be submitted to Cabinet for information.
- (b) To make applications for Child Safety Orders under Section 11 of the Crime and Disorder Act 1998 in consultation with the Director of Children's Services and the Youth Offending Team established under the Act.
- 9.2 To take legal proceedings for the recovery of any monies due to the Council and for possession of any property to which the Council may be entitled.
- 9.3 To serve Notices to Treat, Notices of Entry, and Notices to Quit and any other formal notices or demands.
- 9.4 To determine liability in respect of claims against the Council
- 9.5 In the absence of the Chief Executive to witness and receive declarations as to the acceptance of office by Councillors under Section 83 of the Local Government Act 1972.
- 9.6 To reject applications for the registration of common land as a town or village green and associated rights under Section 13 Commons Registration Act 1965 where such applications have not been duly made.
- 9.7 To take proceedings in relation to Drink Banning Orders under the Violent Crime Reduction Act 2006.
- 9.8 To make applications for injunctions and orders and to commence proceedings under the Anti-Social Behaviour, Crime and Policing Act 2014.
- 9.9 To undertake such of the Council's powers and duties in relation to HM Coroner as are delegated to an officer.
- 9.10 To exercise the following functions under the Marriage Act 1994 and the Civil Partnership Act 2004: -
  - (a) to consider and determine, including the attaching of conditions, all applications for approved premises status;
  - (b) to consider and determine the revocation of any approved premises licences as necessary;
  - (c) to deal with other procedural matters regarding the approved premises provisions of the Act.

- 9.11 To act as proper officer and to undertake the Council's duties under the Civil Partnership Act 2004.
- 9.12 To apply for, in consultation with the Executive Director of City Development, Criminal Behaviour Orders, Closure Notices and Orders and fixed penalty notices issued for breaches of Public Spaces Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014.
- 9.13 To authorise the following categories of changes to the Constitution:
- (a) changes which are necessary to give effect to decisions of the Council, the Cabinet, the Leader (in respect of authorising arrangements for the exercise of executive functions) or Council officers in accordance with their functions or delegated powers which need to be reflected in the Constitution;
  - (b) changes which give effect to changes in the law which apply directly to the Council and which need to be reflected in the Constitution; and
  - (c) changes which make typographical and stylistic corrections.
- 9.14 Where an appointment to a position on a committee or external body is to be made in accordance with
- (a) the rules regarding political proportionality or
  - (b) a decision of Council that the position be filled by a member of a particular political group,

and the nominee for the position concerned has not been notified to Annual Council for appointment, the relevant group leader, or their representative, may notify the Assistant Director of Law and Governance of their nominee within three weeks of the date of the Annual Council Meeting and the Assistant Director of Law and Governance will make the appointment and notify Council accordingly.

In addition, should any external organisation inform the Council that any Council representative(s) must be from a particular political group in order to comply with that organisation's constitution or other governing document, or, should any notification be received that a nominated member is ineligible for appointment under the organisation's constitution or governing document, the Assistant Director of Law and Governance is authorised to make any necessary changes to appointments, in accordance with notification(s) received from the relevant group leader(s) or their representatives and notify Council accordingly.

In respect of nominations to the Health and Wellbeing Board by external organisations, where any such nominations or changes to existing appointments are notified to the Council following the Annual Council meeting,

the Assistant Director of Law and Governance will be authorised to make any necessary changes to the appointments and will notify Council accordingly.

## **10. Assistant Director of Infrastructure, Planning and Transportation**

- 10.1 To exercise the powers of Traffic Manager and other functions under the Traffic Management Act 2004.
- 10.2 To authorise the creation of bus stop clearways provided that if any objections are received they shall be reported to Executive Director of City Development for consideration in consultation with the Chair of the Planning and Highways Committee and the relevant Portfolio Holder.
- 10.3 To carry out the functions listed below in respect of any Development Consent Order under the Planning Act 2008 in consultation with the relevant portfolio holder: -
  - a) Formally responding to the scheme promoter's Statement of Community Consultation;
  - b) All pre-application discussions and negotiations;
  - c) Responding to the Development Consent Order planning application;
  - d) Preparation and approval of the Local Impact Report;
  - e) Representing the Council's position at Examination by the Planning Inspector;
  - f) All actions required to ensure that the Council's Duty to Cooperate is fulfilled at all stages of the Planning Process; and
  - g) The taking of any other action on behalf of the Council associated with the regulatory town and country planning functions of the Development Consent Order process.

## **11. Interpretation and General**

- 11.1 In the Council's Delegation Scheme, where the context so admits, Part V of the Council's Contracts Procedure Rules, which relate to interpretation, shall apply.
- 11.2 The exercise of any functions of the Council in respect of any particular matter which has been delegated shall include the power to take any action incidental, conducive or ancillary thereto.
- 11.3 Where authority is given for the service of any notice, authority is also given for the taking of appropriate action by the relevant Chief Officer in the event of noncompliance with such notice.
- 11.4 Any power delegated to a Chief Officer or Assistant Director may be delegated by him/her to an Officer of the Council provided that this is not precluded in law.
- 11.5 Any reference in the Delegation Scheme to any enactment, regulation or other similar instrument shall be construed as a reference to the enactment, regulation or other similar instrument as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment, regulation or other similar instrument.

References to statutes shall be deemed to include references to any Regulations made thereunder.