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COUNCIL

Wednesday, 4th June, 2014
at 11.00 am

MEMBERS' ROOM DOCUMENTS

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Members

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MEMBERS' ROOM DOCUMENTS

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7 ANNUAL REVIEW OF THE CONSTITUTION

- Officer Scheme of Delegation
- Financial Procedure Rules
- Budget and Policy Framework Procedure Rules

Tuesday, 27 May 2014

DIRECTOR OF CORPORATE SERVICES

PART 10: OFFICER SCHEME OF DELEGATION AND ASSOCIATED DOCUMENTATION, RULES & GUIDANCE

CONTENTS

<u>GENERAL NOTES</u>		3
<u>CHIEF EXECUTIVE, DIRECTORS AND HEADS OF SERVICE</u>		
1.1	Chief Executive	6
1.2	Heads of Service	8
<u>CORPORATE SERVICES DIRECTORATE</u>		
2.1	Director of Corporate Services	16
2.2	Head of Legal & Democratic Services	19
2.3	Head of Strategic HR	30
2.4	Chief Financial Officer	33
2.5	Head of Finance <u>Deputy Chief Financial Officer</u>	37
2.6	Head of IT	38
2.7	Head of Property, Procurement and Health & Safety	40
2.8	Head of Contracts Management	45
2.9	Head of Property	46
<u>ENVIRONMENT & ECONOMY DIRECTORATE</u>		
3.1	Director of Place (Environment & Economy)	50
3.2	Head of Leisure & Culture	56
3.3	Head of Planning, Transport & Sustainability	58
3.4	Head of Transport, Highways & Parking	61
3.5	Energy and Sustainability Manager	69
3.6	Planning and Development Manager	70
3.7	Head of City Development, Economy & Housing Renewal	74
3.8	Head of Skills, Regeneration & Partnerships	77
3.9	Assistant Chief Executive	79
3.10	Communications Manager	82
3.8 ¹¹	Head of City Services	83
3.9 ¹²	Head of Regulatory Services	86
3.10 ³	Building Control Partnership Manager	101
<u>PEOPLE DIRECTORATE</u>		
4.1	People Director	104
4.2	Director of Public Health	110
4.3	Head Children and Families Service	112
4.4	Head of CYP Strategic Commissioning, Education, Inclusion & Infrastructure	115
4.4	Director Quality and Integration (CCG/SCC)	122
4.5	Head of Adult Social Care	124

4.7	Head of Provider Services	125
4.6	Head of Housing	126
4.7	Head of Housing Operations	131

TRANSFORMATION & PERFORMANCE

5.1	Assistant Chief Executive	104
5.2	Head of Skills, Regeneration & Partnerships	110
5.3	Communications Manager	112

GENERAL NOTES

NB: These notes form part of the Register of Delegated Powers

1. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
2. The exercise of a delegated power, duty or function shall:
 - a. be subject to the City Council's Policy Framework and/or Budget;
 - b. be subject to any Special Procedure and/or Protocol;
 - c. be subject to the requirements of the Constitution and Corporate Standards; and
 - d. be subject to the requirements of the Council Procedure Rules, Financial Procedure Rules, Contract Procedure Rules, Corporate Standards and any delegations contained therein.
3. An officer to whom a power, duty or function is delegated may authorise another officer to exercise that power, duty or function, subject to the requirements that follow:
 - a. such authorisations shall be in writing and shall only be given to an officer over which the officer with the original delegated power etc. has control;
 - b. such authorisations should only be given where there is significant administrative convenience in doing so;
 - c. the officer authorised by the other should act in the name of the officer who received the original delegation;
 - d. no authorisation may be given if the statute or law prohibits it.

Authorisations of this kind should not be considered to be norm but used only in appropriate circumstances and after careful thought. There can be no additional such delegation. Any mis-categorisation of a delegation as being Executive, non-Executive or anything else shall not invalidate the delegation.
4. References to any Act, Regulation, Order or Byelaw shall be construed as including any re-enactment or re-making of the same, whether or not with amendments.
5. Any reference to any Act of Parliament includes reference to Regulations, subordinate and EU legislation upon which either UK legislation is based, or from which powers, duties and functions of the Council are derived.
6. Where the exercise of powers is subject to prior consultation with another officer, that officer may give his or her views in general terms in advance to apply to any particular circumstances, to remove the need for consultation for each proposal.
7. Subject to any express instructions to the contrary from the delegating body, any power to approve also includes the power to refuse, and the power to impose appropriate conditions.
8. Delegations to officers are subject to:
 - a. the right of the delegating body to decide any matter in a particular case;
 - b. the officer may, in lieu of exercising his/her delegated power, refer to the delegating body for a decision; and
 - c. any restrictions, conditions or directions of the delegating body.

GENERAL NOTES

9. In exercising delegated powers, the officer shall:
 - a. take account of the requirements of the Corporate Standards and Special Procedures and shall address all legal, financial and other professional safeguards as if the matter were not delegated;
 - b. shall exercise the delegation so as to promote the efficient, effective and economic running of that Division, Directorate and the Council, and in furtherance of the Council's visions and values; and
 - c. shall, where and when appropriate, report back to the appropriate delegating body as to the exercise of those delegated powers.
10. Except where otherwise expressly provided either within this Scheme of Delegation or by resolution of the delegating body, the exercise of any delegated power, duty or function is subject to having the appropriate and necessary budgetary provision in place to take the action in the name of and/or on behalf of the Council.
11. Save in respect of any statutory roles that are not capable of delegation, any power conferred on a subordinate officer shall be exercisable by the Head of Service.
12. The compilation of a Register of Delegated Powers is a statutory requirement. The Register is maintained by the Head of Legal & Democratic Services, and delegations are added to it as they are made by delegating bodies. Officers should take care to inform themselves of any subsequent changes to the Register before solely relying on this document.
13. The Head of Legal & Democratic Services shall have the power to amend this Register to reflect re-organisations, changes in job titles and vacancies, where said changes result in re-distributing existing delegations and not the creation of new ones.
14. Any post specifically referred to below shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded. Any power contained within this Register in anticipation of any reorganisation may be exercised in accordance with the preceding Register to the date of that reorganisation.
15. Any reference to a Committee, Panel or Sub-Committee shall be deemed to include reference to a successor Committee or Sub-Committee provided that the subject matter of a particular delegation can be found within the terms of reference of both the earlier and the successor Committee or Sub-Committee.
16. Where a power or duty is delegated to an officer, and the exercise of that power or duty is contingent upon the opinion of the Council that particular conditions or factual circumstances exist, then the officer in question has the power to determine whether or not those circumstances exist or those conditions have been fulfilled in the name of and with the authority of the Council.
17. All enquiries about this register should be made to the Head of Legal & Democratic Services.
18. All matters of interpretation of this document will be determined by the Head of Legal & Democratic Services.

GENERAL NOTES

19. If a matter is delegated to an officer, but that delegation cannot be implemented, that should be reported to the delegating body.
20. Functions, matters, powers, authorisations, delegations, duties and responsibilities, etc within this Scheme shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything specified.
21. Non-executive functions are specified in Schedules 1 and 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. Any function that is not therefore specified must be assumed to be executive.
22. Advice on procedures, and matters to be taken into account in exercising officer delegated powers, is set out in the Guidance on Decision-Making issued by the Head of Legal & Democratic Services.
23. This Scheme of Delegated Powers was approved as part of the Council's Constitution on 15th May 2013. Ad hoc additional revisions will be considered by the Council as appropriate and page revision numbers indicated on replacement pages.
24. For the avoidance of doubt, where a power or duty delegated under this scheme includes at source a power to recover costs, fees or charges, the delegation shall include the power to take all necessary action to recover such fees cost or charges by way of civil debt or otherwise and shall be without prejudice to any other power to charge or recover costs that the Council may have under legislation.
25. Delegations for Heads of Service can also be exercised by their relevant Director.

~~**NB: Save where otherwise provided for in this Scheme, in relation to financial decisions all expenditure over £125,000 shall be made by the relevant Cabinet Member, over £250,000 by the Cabinet and over £2 million by Full Council except in respect of the matters identified below.**~~

~~**The limits on financial expenditure set out above will not apply to payments made under contracts, statutory obligations, property transactions, settlement of legal proceedings, treasury management or resulting from any specific decision to delegate at different levels made by the Cabinet or by Full Council,**~~

1.1 CHIEF EXECUTIVE

- 1.1.1 The appointment and dismissal of Deputy Chief Officers. This power can also be carried out by a Director nominated by the Chief Executive.
- 1.1.2 The Chief Executive shall be the Head of Paid Service as specified by Section 4 Local Government and Housing Act 1989 and shall be provided by the authority with such resources as he deems necessary to perform that role. The Head of Paid Service shall have overall corporate management and operational responsibility for the way in which the organisation delivers its services. In addition the Head of Paid Service is the principal policy advisor to the Council and has a statutory duty, where he considers it appropriate to do so, to prepare a report to the authority setting out his proposals in respect of the following:
- 1.1.2.1 the manner in which the discharge by the authority of its different functions is co-ordinated;
 - 1.1.2.2 the number and grades of staff required by the authority for the discharge of its functions;
 - 1.1.2.3 the organisation of the authority's staff; and
 - 1.1.2.4 the appointment and proper management of the authority's staff.
- 1.1.3 Urgent Matters
- 1.1.3.1 The Chief Executive may decide that any Executive or non-Executive function, question or matter within the powers or duties of the Executive, the Council or any Committee or Sub-Committee is urgent and:
- a. a decision must be made before the next scheduled meeting of the Executive, Council or of the appropriate Committee or Sub-Committee; or
 - b. a recommendation to the Executive, Council or within the terms of reference of a Committee or Sub-Committee should be implemented prior to the next scheduled meeting of the Executive, Council, Committee or Sub-Committee by which it could be approved;
- in either case, if the Chief Executive is satisfied that it is not expedient, practicable or necessary in the circumstances to convene a special meeting of the Executive, Council or a special meeting or urgent business

sub-committee meeting of the Committee or Sub-Committee in question then paragraph (1.1.3.2) shall apply.

1.1.3.2 The Chief Executive shall have the power (or may designate a Head of Service who will then have power) to determine the question or matter or to implement the recommendation (as the case may be) in the name of and without further reference to the Executive, Council or to the appropriate Committee or Sub-Committee.

1.1.3.3 The exercise by the Chief Executive and Heads of Service of any powers under this Urgent Matters delegation shall be subject to the following conditions:

- a. that the determination of the question or other matter or implementation of the recommendation is capable of determination under law in this manner;
- b. that the Chief Executive or designated Head of Service before making a decision under paragraph 1.1.3.2 shall consult with the Leader;
- c. that the Chief Executive or designated Head of Service before making a decision under paragraph 1.1.3.2, shall consult with the Head of Legal & Democratic Services and the Chief Financial Officer or their nominated deputies;
- d. that a record of all decisions made or recommendations implemented, together with the consultations referred to in paragraphs 1.1.3.3(b) and (c) shall be recorded and maintained by the Head of Legal & Democratic Services; and
- e. that any decisions made or recommendations implemented under this provision shall be reported to the next scheduled meeting of the Executive, Council, Committee or Sub-Committee, which would otherwise have dealt with the question or matter.

1.1.4 The Director of Corporate Services and Head of Legal & Democratic Services may each exercise the powers of the Chief Executive in the event of his/her incapacity, absence or unavailability.

1.2 DIRECTORS AND HEADS OF SERVICE

- 1.2.1 If a function, power or responsibility has not been specifically reserved to the Council, a Committee or the Executive, the Head of Service within whose remit the matter falls is authorised to act.
- 1.2.2 The Council, its Committees and the Executive will make decisions on matters of significant policy. Heads of Service are given express authority to take all necessary actions to implement Council, Committee and Executive decisions that commit resources within agreed budgets in the case of financial resources, as necessary and appropriate.
- 1.2.3 Heads of Service are empowered to take all routine and day-to-day operational decisions within agreed policies provided they are met from within overall approved budgets in relation to the services for which they are responsible, subject to any other requirements imposed by the Constitution (eg Financial Procedure Rules).
- 1.2.4 In relation to all delegated authorities conferred on Heads of Service, by this Constitution, the Chief Executive may allocate or reallocate responsibility for exercising particular powers in the interests of effective corporate management as he or she thinks fit.
- 1.2.5 Where there is doubt over the responsibility for the exercise of the delegated power, the Chief Executive or his or her nominee is authorised to act.
- 1.2.6 Heads of Service are empowered to take all decisions necessary to give effect to implement the contents of any approved Policy Framework plan, in relation to the services for which they are responsible, and within agreed budgets in the case of financial resources, as necessary and appropriate.
- 1.2.7 Heads of Service may take any action on urgent matters which would otherwise require reference to, or consultation with, the Council, a committee or the Executive if there is no such time for such reference or consultation to be made and provided the Chief Executive, [Chief Financial Officer](#) ~~Director of Corporate Services~~ or Head of Legal & Democratic Services (or their nominees) agree to the proposed course of action before it is decided. All such decisions shall be reported to the next meeting of the Council, Committee or Executive.
- 1.2.8 Heads of Service may set, approve or vary, following consultation with the relevant Cabinet Member, Chief Financial Officer and the Head of Legal & Democratic Services, the scale of fees and charges for all services within their Directorate or Division. The revised scale of fees and charges must be made available on the Council's internet and/or be available in paper form on request.

- 1.2.9 Heads of Service may write off debt, following consultation with the Chief Financial Officer, in line with guidance that will be issued and updated from time to time by the Chief Financial Officer.
- 1.2.10 Heads of Service shall have authority to act under all current or future legislation and Council plans, policies, guidelines and procedures relating to their services and functions managed, operated and controlled by them or their Heads of Service, and shall have the authority to vary or change their services or functions following consultation with the Chief Executive (where there are Head of Paid Service issues), and the [Chief Financial Officer](#) ~~Director of Corporate Services~~ or Head of Legal & Democratic Services where legislation, regulations, orders or guidance subsequently issued by Ministers in relation to such services or functions require a change in service delivery greater than “de minimus”.
- 1.2.11 Heads of Service shall have the authority and may authorise officers within their functional responsibilities to undertake activities and have powers to undertake those activities including (but not limited to) powers of entry, in accordance with relevant legislation as advised from time to time by the Head of Legal & Democratic Services.
- 1.2.12 Heads of Service will undertake all and any functions and tasks necessary in support of or related to supporting approved partnerships and joint working. For the avoidance of doubt, this should include joint working with other public bodies and agencies, including NHS Trusts and associated bodies, other local authorities and other appropriate bodies. Such organisations may also include representatives of the private sector. This would include Solent LEP, Partnership for Urban South Hampshire (PUSH) and Transport for South Hampshire (TfSH).

Note

1. This section of the scheme of delegation should be interpreted widely to aid the smooth running of the organisation and effective deployment of resources and the efficient delivery of services.
2. In determining the services for which Heads of Service are responsible, regard should be had to Article 11 of the Council's Constitution which sets out the functions and areas of responsibility for each of the Heads of Service.

MAY ONLY BE EXERCISED BY A DIRECTOR AS THE NOMINEE OF THE CHIEF EXECUTIVE

- 1.2.13 The appointment or dismissal of a Deputy Chief Officer.

Employment Matters

General Authority

- 1.2.14 To take action under the Council's HR Policies and Procedures, including any work associated with consequential appeals, whether within the Council or otherwise.
- 1.2.15 To appoint officers for the implementation of the Council's functions as prescribed by Procedure Rules and Recruitment Policy.
- 1.2.16 To execute works in default of compliance of any statutory notice served and to demand the recovery of expenses incurred by the local authority.
- 1.2.17 To service notice requiring payment for works carried out in default.

Structures and Establishments

- 1.2.18 To authorise and implement changes in structures or establishments, or to the movement of posts within career grades, where such changes lead to a reduction or no change in employee numbers (whole time equivalents) and costs and where no posts are regraded.
- 1.2.19 To delete posts from the organisational structure.

N.B Variations in the organisational structure are subject to approval from the appropriate Head of Service and Head of Strategic HR.
- 1.2.20 To agree an overlap period for the appointment of employees provided the necessary finance is available within divisional budgets.
- 1.2.21 To authorise the appointment of temporary employees provided that the necessary finance is available within divisional budgets or financed from external sources.
- 1.2.22 To authorise the employment or extension of employment of employees beyond 65 years of age in accordance with the conditions of service.

Pay and Benefits

- 1.2.23 To approve and authorise overtime in accordance with the conditions of service, subject to the necessary finance being available.
- 1.2.24 To authorise attendance of employees on courses of study for an initial or second qualification, together with the granting of financial assistance towards approved expenses, in line with Council process and ~~in~~after consultation with the Head of Strategic HR.
- 1.2.25 Subject to budgetary provision, to approve the attendance of employees at conferences, courses and seminars.

- 1.2.26 To approve payment of subscriptions for membership of professional associations (only one per employee) when the job description specifies that such membership is obligatory.
- 1.2.27 To authorise subsistence payments in accordance with the Council's approved schemes.
- 1.2.28 To authorise and withdraw the payment of a telephone allowance.
- 1.2.29 To approve an occasional payment to an employee where a Directorate has a need for language interpretation and where an employee is willing and competent to do so, where the number of occasions on which the additional skills are required are minimal in accordance with the defined rate of payment, and to approve payment where either there is a substantial use of language interpretation skills or the Directorate requires the language skills to be made available on demand following consultation with the Head of Legal & Democratic Services.

Leave

- 1.2.30 To authorise up to 18 days paid leave of absence per annum for employees undertaking public duties and to approve additional paid or unpaid leave up to a maximum of 10 days, ~~in~~after consultation with the Head of Strategic HR.
- 1.2.31 To authorise up to 28 days paid leave of absence per annum for employees undertaking duties as a Member of a relevant Council, as stipulated in the Local Government and Housing Act 1989.
- 1.2.32 To authorise leave of absence without pay for over three months for post entry training or for other reasons.
- 1.2.33 To grant compassionate leave of up to six days, in accordance with the guidance provided.
- 1.2.34 To grant compassionate leave in excess of six days, ~~in~~after consultation with the Head of Strategic HR.
- 1.2.35 To approve other special leave, with or without pay, ~~in~~after consultation with the Head of Strategic HR.

Sickness

- 1.2.36 ~~in~~After consultation with the Head of Strategic HR, to grant extensions of sick pay in excess of two months at either full or half pay dependent on the circumstances.

Trade Union Facilities

- 1.2.37 To decide each new request for paid time off work for trade union activities or for training or for time off work without pay for trade union duties, following consultation with the Head of Strategic HR.

Other Matters

- 1.2.38 To pay expenses such as travel expenses, facilitators' expenses for disabled people, interpreters' expenses for non-English speakers and carers' expenses for people with caring responsibilities to enable participation at consultation meetings.
- 1.2.39 To undertake benchmarking, cost comparison and all activities associated with Best Value and to take all actions necessary and expedient to ensure best professional practice and Best Value.
- 1.2.40 To seek planning permission, conservation area consent and listed building consent in accordance with the Town and Country Planning Act 1990 and The Planning (Listed Buildings and Conservation Areas) Act 1990, subject to:
- i. the Head of Planning, Transport & Sustainability being given 14 days to comment on the proposal prior to the submission of the formal application; and
 - ii. the Head of Planning, Transport & Sustainability agreeing that the proposal was not in conflict with any planning policy of the Council and could be dealt with under delegated powers; if he did not agree his reasons to be given in writing.
- 1.2.41 Subject to the approval of the Head of Legal & Democratic Services, to enter into any lawful contract for the provision of services, goods or materials for another body where to do so is considered beneficial to the City Council.
- 1.2.42 To respond to any consultation or request for information from the Government or other body, following consultation with the relevant Cabinet Member.
- 1.2.43 To take any consequential action necessary or expedient in respect of a bid or tender involving funding or assistance from central government, the European Commission or from any other source.
- 1.2.44 To act in all matters associated with the delivery of regeneration and other programmes, partnerships or arrangements managed and delivered by external partnership bodies where the Council is the accountable body or is responsible for or is a significant stakeholder in the programme, partnership or arrangement, and in particular to do so following consultation with the appropriate board, other body

responsible for the management of the programme, partnership or arrangement, and to seek and replace members of such bodies and the Cabinet Member.

- 1.2.45 To authorise all suitably qualified members of staff to carry out all powers delegated and to sign statutory notices on behalf of the Council, as may be required from time to time.
- 1.2.46 All powers necessary to effect the acquisition of services from other authorities or bodies and to set up joint, consortium or other bodies and panels to secure the provision of those services needed to discharge the functions of the Council.
- 1.2.47 To investigate and respond to all complaints, whether under the Council's Customer Complaints procedure or otherwise.
- 1.2.48 To dispose of any surplus equipment.
- 1.2.49 To undertake any preparatory work necessary on any project, scheme or other matter intended to be placed before the Executive, the Council, a Committee, Sub-Committee or Officer with appropriate delegated powers so that the Executive, Council, Committee Sub-Committee or Officer with appropriate delegated powers can, with the benefit of full background information and advice, determine whether or not to proceed with said project, scheme or other matter with or without variation.
- 1.2.50 In the event of an emergency, to take any action as necessary.
- 1.2.51 To produce and revise Corporate Standards, Codes of Conduct, Special Procedures and Protocols and any other appropriate documentation, whether associated with the Constitution or not for Officers, Members and third parties as appropriate.
- 1.2.52
 - a. To settle ex-gratia payments of up to £ £2,000.
 - b. In relation to the Customer Complaints Procedure, a complaint being considered by the Local Government Ombudsman, or matter being referred or considered by an Officer as instructed by the Chief Executive or by any third party tribunal or entity, to settle and make a payment of compensation, including (but not limited to) an ex-gratia payment of up to £10,000 following consultation with the Head of Legal & Democratic Services.
- 1.2.53 Subject to the caveats set out below, to implement the contents of approved Business Plans (including but not limited to) providing, varying the provision of, or initiating services or changes to service delivery:
 - a. of expenditure up to £50,000;

- b. that any such exercise of this delegated power shall be recorded in writing and communicated within seven calendar days of its exercise to the relevant Head of Service (where they are not the delegatee) to the Director of Corporate Services and Head of Legal & Democratic Services and the appropriate Head of Service.
- 1.2.54
- a. To incur routine expenditure within budgetary provision. (For the avoidance of doubt, “routine” expenditure includes items of a repetitive and largely unvarying nature such as the payment of salaries, purchase of minor office equipment and the like).
 - b. To incur non-routine revenue expenditure within estimates.
- 1.2.55 To arrange visits, lectures and similar visits to publicise Council and City activities.
- 1.2.56 To make arrangements for managing and ensuring the quality of the information to be included within the Forward Plan in accordance with the Council’s Constitution, the Local Government Act 2000 and secondary legislation.
- 1.2.57 To grant a civic reception or luncheon subject to approval of the Head of Legal & Democratic Services who shall consult with the Mayor.
- 1.2.58 To authorise appropriate officers to administer formal cautions in respect of any criminal offence.
- 1.2.59 Where a decision is required to be made by the Executive, following consultation with the community or part of a community, the relevant Head of Service is authorised to commence that consultation, following consultation with the relevant Cabinet Member, and thereafter the decision shall be reported back to the Executive for it to determine whether or not to proceed (including the results of that consultation).
- 1.2.60 Under the direction of the Head of Legal & Democratic Services , to take such action as is required or necessary in respect of commissioning, monitoring or approving all reports for submission to any decision-making body of the Council or any partner body.
- 1.2.61 As directed from time to time by the Communications Manager, to take such action as necessary in relation to internal or external communications.
- 1.2.62 To approve Members to attend courses, seminars, other training and conferences subject to consultation with the Head of Legal & Democratic Services.

- 1.2.63 Following consultation with the relevant Cabinet Member and Head of Legal & Democratic Services to make applications to the Secretary of State in respect of works on common land

2.1 DIRECTOR OF CORPORATE SERVICES

The Monitoring Officer for the purposes of Section 5 Local Government and Housing Act 1989, is the Officer appointed to monitor the Council's legal affairs.

- 2.1.1 The Director of Corporate Services (Monitoring Officer) or the Head of Legal & Democratic Services (Deputy Monitoring Officer) shall have authority to take all actions s/he thinks necessary or expedient to fulfil his/her statutory obligations under Section 5 Local Government and Housing Act 1989.
- 2.1.2 To undertake all functions and responsibilities for local, national, European and any other elections, in accordance with UK and European legislation and regulations, save where otherwise provided including, but not limited to, the registration functions and duties (including varying the location of polling places where required) and the determination of fees and charges for local elections in accordance with the decision of the Hampshire and Isle of Wight Election Fees Working Party.

HR MATTERS

General

~~2.1.3 To review the defined levels of post at which action can be taken under HR and Organisational Development procedures, including termination of employment, consistent with changes in the Council's organisational structures.~~

~~2.1.4 Following consultation with the relevant Cabinet Member, to negotiate and adopt revised personnel procedures and associated conditions of service where there is no change in policy or strategy.~~

~~2.1.5 Be Proper Officer for the appointment or dismissal of statutory or non-statutory chief officer and deputy chief officers.~~

~~2.1.6 In respect of the resolution dated 16th April 2002 of Employment Panel regarding Appointment and Dismissal of Heads of Service, to implement and adopt arrangements in the event of exceptional circumstances and following consultation with the relevant Cabinet Member.~~

Structures and Establishments

~~2.1.7 To approve changes in the number (whole time equivalents) or grades on the organisational structure of directorates, where such changes are within overall employee costs, financed from external sources or from ongoing service budgets, and where accommodation is available, following consultation with the relevant Cabinet Member.~~

2.1.8 To approve changes in the designation of posts.

Pay and Benefits

~~2.1.9 To apply, vary or end the payment of a market supplement provided that funding is available within divisional budgets, following consultation with the relevant Cabinet Member.~~

~~2.1.10 To approve the payment of honoraria where it does not relate to covering a higher graded post.~~

~~2.1.11 In the case of covering for a post, approve the payment of an honorarium.~~

~~2.1.12 To approve merit increments in excess of two in any year.~~

~~2.1.13 To determine applications for the re-assessment of the grade of posts, whether initiated by management or an employee.~~

~~2.1.14 To waive the conditions under which payments are made under the Relocation Expenses Scheme.~~

~~2.1.15 To review and vary the value of long service awards, following consultation with the relevant Cabinet Member.~~

~~2.1.16 To review and update the level of allowances paid to employees in accordance with the conditions of service, eg the allowance paid to appointed first aiders, following consultation with the relevant Cabinet Member.~~

~~2.1.17 To adjust the Taxi Allowance in line with taxi fare increases.~~

~~2.1.18 To make payments to staff in accordance with the adopted Policy Statement on Discretionary Severance and Payments arrangements where an unreduced pension is payable and where there is no discretionary element, after consultation with the Head of Finance.~~

~~2.1.19 Provided that the cost can be met from within existing budgetary provision and the maximum of the grade is not exceeded, to authorise up to two accelerated increments following examination success or for other reasons.~~

~~2.1.20 To authorise the allocation and payment of car allowances.~~

~~2.1.21 To authorise advance of pay on appointment to monthly pay.~~

Sickness

~~2.1.22 To approve payments of up to twice the maximum salary of spinal column point 21 in respect of the Personal Injury Scheme, following consultation with the relevant Cabinet Member.~~

~~2.1.23 To grant extensions of sick pay for up to two months at either full or half pay dependent on the circumstances.~~

Other

2.1.3 To commission, monitor and approve all reports for submission to any decision-making body of the Executive, the Council, Committees, Panels and Sub-Committees and to ensure their compliance with all the Procedures and other rules contained within the Constitution and with Corporate Standards and legal and financial requirements, following consultation with Heads of Service, ~~particularly and~~ the Chief Financial Officer.

- a. defining the overall standards to be adhered to for that particular service area; and
- b. commissioning advice on changes to policy.

2.1.4 To make modifications / amendments to the approved standard conditions of grant aid.

2.1.5 To change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the ~~Head of~~ Chief Financial Officer and Head of Property, Procurement & Health & Safety.

2.1.6 To respond to consultations and requests for submissions, including responses to calls for funding proposals, from European, Government Departments in relation to Domestic, International and European Service activities.

~~Trade Union Facilities~~

~~2.1.28 To vary the amount of trade union facility time approved corporately, subject to the availability of finance, following consultation with the relevant Cabinet Member.~~

~~NOTE: IN RELATION TO DELEGATED POWERS 2.1.3, 2.1.5, 2.1.6, 2.1.8, 2.1.14, 2.1.16, 2.1.17, 2.1.22 AND 2.1.28 WHERE THE DIRECTOR OF CORPORATE SERVICES EXERCISES ANY OF THOSE DELEGATED POWERS, S/HE SHALL, AS REASONABLY PRACTICABLE AFTER EXERCISING THOSE POWERS, ADVISE THE CHAIR OF THE EMPLOYMENT AND APPEALS PANEL AS TO THE EXERCISE OF THAT DELEGATED POWER.~~

2.2 HEAD OF LEGAL & DEMOCRATIC SERVICES

- 2.2.1 To be any Proper Officer, required by any legislation.
- 2.2.2 To undertake, appoint and vary the appointment of any Proper Officer required by any legislation.
- 2.2.3 To undertake and discharge the roles of proper or deputy Proper Officer in respect of the appointment or dismissal of statutory and non-statutory Chief Officers and Deputy Chief Officers.
- 2.2.4 To receive and consider a certificate received under Section 47(2) National Assistance Acts 1948 and 1951 to make an application for an order for removal.
- 2.2.5 To issue a direction to unauthorised campers to leave land and to request an Order from the Magistrates Court if the direction to leave is not complied with, pursuant to Section 77 Criminal Justice and Public Order Act 1994.
- 2.2.6 To approve designated deputies to carry out the functions of a Proper Officer for the purposes of Section 47 National Assistance 1948 and Section 1 National Assistance (Amendment) Act 1951.
- 2.2.7 In the absence of any other Officer with delegated powers, Committee or Sub-Committee, to perform the Council's powers and duties in respect of:
- a. Coroner Services;
 - b. Magistrates' Court Committee;
 - c. Probation Service;
 - d. Hampshire Combined Fire Authority.
- 2.2.8 To grant authorisations for the dissemination of information under Section 142 Local Government Act 1972 and Section 115 Highways Act 1980.
- 2.2.9 To grant permission under the Highways Act 1980 for the provision of services for the benefit of the public, eg recreation and refreshments on the highway.
- 2.2.10 To undertake the Council's functions under the Commons Registrations Act 1965 and any subsequent or ancillary legislation, in so far as the power to register common land, town, or village greens is exercisable solely for the purpose of giving effect to (a) an exchange of lands affected by an order under Section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c.67), or (b) an Order under Section 147 of the Inclosure Act, 1845 or Section 16 / 17 of the Commons Act 2006.

- 2.2.11 To carry out all functions and responsibilities associated with the Local Land Charges Act 1975, any subsequent legislation or regulations and the Council's responsibilities for maintaining and operating the Register of Local Land Charges including, but not limited to, the setting of fees.
- 2.2.12 To carry out the relevant consultation process under Part VIIA Highways Act 1980 and, subject to the outcome of the consultation to grant consent for the placing of temporary objects or structures on the highway.
- 2.2.13 To enter into agreements on appropriate terms and conditions on behalf of the City Council, as the lead organisation and responsible recipient of any European Funding received.
- 2.2.14 Following consultation with the Chief Financial Officer, to grant specific indemnities to supplement the Standard Indemnity (as amended) where considered that the form of the Standard Indemnity (as amended) provides insufficient protection for the needs of the Council, Members and/or officers in question.
- 2.2.15 To implement the Incident List and Exclusion Policy and to issue and vary a procedure under which the Council shall operate said policy.
- 2.2.16 In respect of Southampton Community Regeneration Framework Power to enter into grant agreements for the award of grants derived from Government funded regeneration programmes up to £50,000 in value and to determine when a legal charge is required on property to secure the repayment of any grant awarded.
- 2.2.17 To issue licences under Sections 176 and 177 of the Highways Act 1980 for the construction of bridges over the highway on whatever terms or conditions it is considered appropriate.
- 2.2.18 To make any consequential minor changes arising from changes to the Constitution subject to an adjustment being made to the Council's disposal of executive business, whereby a question put on a notice to a member of the Executive may be followed up with an unlimited number of supplementary questions from the member who put the original questions.
- 2.2.19 To fill vacant Executive appointments following consultation with the Leader.
- 2.2.20 To enter into legal agreements pursuant to Section 38 and 278 Highways Act 1980, where a decision has been taken to grant planning consent or resolved to grant planning consent subject to the completion of the appropriate highway agreements.
- 2.2.21 To take all action necessary as the Council's data protection officer, pursuant to the Data Protection Act 1998, in relation to the Council's functions and duties under the

Freedom of Information Act 2000, the Regulation of Investigatory Powers Act 2000 and all relevant secondary legislation and guidance (including European Directives).

2.2.22 To determine all matters arising from the Commission for Local Administration in England (the Local Government Ombudsman) in whatever manner is appropriate, including the making of local settlements.

Independent Education Appeals

2.2.23 To determine the eligibility and suitability of applicants and to appoint a pool from which the members of the Independent Education Appeals Panels are to be drawn.

2.2.24 To determine the category of members of the pool (lay or independent members) and to maintain a list of pool members.

2.2.25 To appoint three members of the pool to sit as an Independent Education Appeal Panel and to appoint one of their number to act as chair of the panel when constituted.

2.2.26 To act as Clerk to the Independent Education Appeal Panels and to appoint officers to act as clerks at hearings of the Panels.

Hypnotism Act 1952

2.2.27 To grant, but not refuse, consent for performances of hypnotism.

Public Health Acts Amendment Act 1907

2.2.28 To grant, renew and suspend, but not to refuse or revoke, pleasure boat and boatman's licences.

Licensing Act 2003

2.2.29 To approve local certification of films that are capable of classification without difficulty and which are not likely to cause public concern, following consultation with the Chair of the Licensing Committee.

2.2.30 Subject to any requirement to place any matter before a duly convened Licensing Committee, to undertake the following functions under the Licensing Act 2003:

- a. where no objection or adverse representation is made to an application, to determine the following applications:
 - i. for a personal licence;
 - ii. for a premises licence or a club premises licence;
 - iii. for a provisional statement;
 - iv. to vary a premises certificate or club premises certificate;
 - v. to vary a designated premises supervisor;

- vi. to transfer a premises licence;
 - vii. for an interim authority;
 - viii. to serve counter notices in respect of temporary event notice applications;
 - ix. for removal of the mandatory designated supervisor condition for community premises.
- b. in all cases, to determine the following matters:
- i. a request to be removed as a designated premises supervisor;
 - ii. to decide where a complaint is irrelevant, frivolous, vexatious, etc;
 - iii. to keep a register under Section 8 of the Act;
 - iv. to enter premises as an authorised officer of the Council pursuant to Sections 96, 108 and 179 of the Act;
 - v. to agree to dispense with a hearing pursuant to Regulation 9 Licensing Act 2003 (Hearings) Regulations 2005;
 - vi. applications for minor variations of premises licences and club premises certifications.

2.2.31 To enter premises for the purposes of consulting and advising on the licensing objectives and compliance with the Licensing Act 2003:

Criminal Justice and Police Act 2001

2.2.32 To serve a closure notice under section 19 of the Criminal Justice and Police Act 2001 where premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises.

Local Government (Miscellaneous Provisions) Act 1982

2.2.33 To inspect licensed sex shops, sex cinemas and sex entertainment venues.

2.2.34 To grant by way of renewal, but not refuse, street trading consents for Above Bar Pedestrian Precinct.

2.2.35 Following consultation with the appropriate Head of City Development, Economy & Housing Renewal to grant, but not refuse, street trading consents in respect of Guildhall Square, except for the sale of fruit and vegetables, subject to the terms and conditions of the licence and other legal criteria as appropriate including but not limited to those indicated in Appendix 4 of the City Services Committee on 21st December 1992, to restrict the hours of occupation and operation to between 8:00 am and 9:00 pm on any day, not excluding Sunday, save as restricted by law,

for up to a maximum of 30 traders at any one time and subject to any supervision of any provision that may then be in force.

Police, Factories, etc, (Miscellaneous Provisions) Act 1916 and the House to House Collections Act 1939

2.2.36 To grant, but not refuse, applications for street collection permits and house-to-house collection licences.

2.2.37 To determine applications for the registration of scrap metal dealers.

2.2.38 To determine applications for registration of motor salvage operators.

Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976

2.2.39 To determine applications for hackney carriage licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.40 To determine applications for private hire vehicle licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.41 To determine applications for hackney carriage drivers' licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.42 To determine applications for private hire drivers' licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.43 To determine applications for private hire operators' licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.44 To determine applications for hackney carriage fare scales.

Gambling Act 2005

2.2.45 Subject to any requirement to place any matter before a duly convened Licensing Committee to undertake the following functions under the Gambling Act 2005:

- i. to determine applications for premises licences where no relevant representations are received.
- ii. to determine applications to vary premises licences in respect of which no representations have been received.
- iii. to determine whether a representation is vexatious, frivolous or would not influence the authority's determination of the application.
- iv. to determination applications for transfer of premises licences where no representations are received.
- v. to revoke premises licences for failure to pay the annual fee.

- vi. to determine that a premises licence has lapsed.
- vii. to reinstate a lapsed premises licence where no representations are received.
- viii. to reject an application for review of a premises licence on various grounds.
- ix. to initiate a review of a premises licence.
- x. to determine that representations about a review of a premises licence is frivolous, vexatious or will certainly not influence a review of a premises licence.
- xi. to determine action following a review of a premises licence where no hearing is held and all parties agree in advance to the relevant action.
- xii. to determine applications for a provisional statement in respect of which no representations are received.
- xiii. to disregard representations made in respect of applications for premises licences after issue of a provisional statement.
- xiv. to issue a counter notice to a temporary use notice where the number of permitted days are exceeded.
- xv. to object to a temporary use notice.
- xvi. to institute criminal proceedings in respect of an offence under the provisions of the Act.
- xvii. to determine applications for family entertainment centres.
- xviii. to notify the lapse of family entertainment centre gaming permit.
- xix. to register societies for small society lotteries.
- xx. to refusal applications for registration for small society lotteries.
- xxi. to revoke registrations of societies for small society lotteries.
- xxii. to cancel registrations of societies for small society lotteries in the event of non-payment of the annual fee.
- xxiii. to determine applications for variation of club gaming permits and club registration permits and cancellation of permits where no representations are received.
- xxiv. to cancel club gaming permits and club registration permits for failure to pay the annual fee.
- xxv. to determination applications for grant, variation or transfer of licensed premises gaming machine permits.
- xxvi. to cancel licensed premises gaming machine permits and vary the number or category of machines where no representations are received.

- xxvii. to cancel licensed premises gaming machine permits for failure to pay the annual fee.
- xxviii. to determine applications for prize gaming permits and applications for renewal of prize gaming permits.
- xxix. to determine that a prize gaming permit has lapsed.

Other Matters

- 2.2.46 Power to issue a certificate of existing or proposed lawful use or development (Sections 191(4) and 192(2) of the Town and Country Planning Act, 1990).
- 2.2.47 Power to issue Breach of Condition Notices subject to decisions being reported to Members with other delegated decisions via an email system or on the web;
- 2.2.48 Power to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 or Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to the preparation of an enforcement report and Planning and Rights of Way Panel and Ward members not requiring a report to the Planning and Rights of Way Panel.
- 2.2.49 ~~After~~ consultation with the Planning & Development Manager, power to institute criminal or civil proceedings for non-compliance with enforcement notices, subject to any prosecution or civil action being reported to Planning and Rights of Way Panel and Ward Members by email or website.
- 2.2.50 To enter into any necessary planning obligations on behalf of the Council prior to the grant of planning permission.
- 2.2.51 Power to agree and recommend the terms of variation for a planning obligation where the overall effect of the planning obligation is still achieved.
- 2.2.52 Power to enter into any necessary Deed of Variation of a planning obligation where the overall effect of the planning obligation is still achieved.
- 2.2.53 To enter into joint agreements for the provision of the services by Southampton Community Health Services Trust and other health bodies or organisations.
- 2.2.54 To obtain information about people interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.2.55 To issue any remedial notices or withdraw, relax or waive (~~in~~-after consultation with the Director of Place (Environment & Economy)) pursuant to section 68(4) and Section 69 and 70 of the Anti-Social Behaviour Act 2003 (High Hedges).

- 2.2.56 To take any necessary enforcement action in relation to remedial notices and to take appropriate action to recover costs reasonably incurred.
- 2.2.57 To make any order, notice or decision, grant any license, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation.
- 2.2.58 To make arrangements for the appointment and operation of an Independent Remuneration Panel to recommend the level of allowances paid to Members.
- 2.2.59 To determine the eligibility of Members and others entitled to such allowances.
- 2.2.60 To authorise payment of Members' allowances.
- 2.2.61 To revise the Members' Allowance Scheme in line with changes to the National Minimum Wage and any other change to the rate identified in the Scheme.
- 2.2.62 To determine and approve allowances payable to the Independent Remuneration Panel.
- 2.2.63 To determine the political balance requirement in respect of the membership of any bodies within the scope of the provisions of the Local Government and Housing Act 1989.
- 2.2.64 To authorise the temporary ~~substitution~~ replacement of Committee and Sub-Committee members in accordance with the published procedure under Council Rules of Procedure 4.3.
- 2.2.65 To provide or arrange for the provision of legal advice to the Council, including obtaining Counsel's opinion and instructing external solicitors as appropriate either on a case by case, or in any other appropriate manner or form.
- 2.2.66 To prepare, approve, conclude, sign or seal all legal documentation for the Council, including, but not limited to, conveyances, mortgages, contracts, notices, orders, charges and agreements.
- 2.2.67 To institute or authorise legal proceedings and to prosecute and defend any proceedings, including counterclaiming for damages or other relief brought by or against the Council, and including the prosecution of offenders for contravention of the bye-laws as may be in force from time to time or take any other action necessary to protect the legal position of the City Council.
- 2.2.68 To appear and to authorise officers including those not within the managerial control of the Head of Legal & Democratic Services to appear on behalf of the City Council in proceedings in the County Court, pursuant to Section 60 County Courts Act 1984, as

amended by s125 (7) of County and Legal Services Act 1990, and in the Magistrates' Court pursuant to Section 223 Local Government Act 1972.

- 2.2.69 To sign, serve and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.
- 2.2.70 To sign or seal any contract, deed or other document (in accordance with Contract Procedure Rules, etc) arising from an express decision of the Executive, a committee or Sub -Committee, or from a decision made by an officer acting under delegated authority, to take (or refrain from taking) action that falls within the lawful powers of a local authority where the entering into of the contract, deed or other document is either expressly approved or is incidental to the express decision and necessary to give effect to the said express or incidental decision.
- 2.2.71 To recover all debts with the exception of outstanding general rates, community charges, national non domestic rates, Council tax, mortgages and rent arrears.
- 2.2.72 To settle any claim whether proceedings have been initiated or not, up to £125,000 following consultation with the Chief Financial Officer.
- 2.2.73 To determine the procurement route for any procurement governed by the EU procurement regime or any other legislation and make all subsequent decisions in relation to such procurement whether governed by the EU Public Procurement regime or not.
- 2.2.74 Within the scope of the postholder's employment, to manage investigations and grant authorisations under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.
- 2.2.75 Within the scope of the postholder's employment, to authorise other Council officers below the level of first level officer for the management of investigations and the grant of authorisations under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.
- 2.2.76 To amend the Constitution pursuant to any lawful decision of the Council or the Executive where that decision warrants a change to the Constitution.
- 2.2.77 To amend the Constitution where any change in the law requires a consequential change in the body of the Constitution provided such change is not so substantial as to warrant reporting to the Governance Committee and/or Council for approval in accordance with the Local Government Act 2000 and Localism Act 2011.
- 2.2.78 To sign or endorse any documents on behalf of the authority where so requested by a citizen, eg authentication details, etc.

- 2.2.79 To issue and certify all forms of authorisation, including identity cards, for all Council officers and employees.
- 2.2.80 To certify as a true and correct record any documents in accordance with Section 229 Local Government Act 1972.
- 2.2.81 To alter the Scheme of Officer Delegation to reflect any changes in the categorisation of delegated powers as between Executive and non-Executive as is considered necessary but always within the terms of the Regulations relating to local government functions.
- 2.2.82 To take any action necessary or appropriate in relation to Corporate Governance, Standards, the Ethical Framework or any other related issue to Members, ethics, qualification and disqualification, and in this context, subject to any decisions of the Governance Committee, to take any consequential action arising from a breach of the Code of Conduct for Members / Employees, and any other related provisions or issues.
- 2.2.83 To determine all matters delegated to the Head of Legal & Democratic Services in his/her capacity as Proper Officer under the Council's Constitution, which may be amended from time to time, including but not limited to delegations under the following rules:
- Council Procedure Rules
 - Executive Procedure Rules
 - Overview and Scrutiny Procedure Rules
 - Budget and Policy Framework Rules
 - Access to Information Rules
- 2.2.84 To determine Council, Committee and Executive decision-making administrative procedures and the timetable for meetings in so far as they relate to the despatch of agendas and compliance with the Local Government Acts 1972 and 2000 (and regulations made thereunder) and compliance with the Council's Rules of Procedure.
- 2.2.85 To undertake all functions and responsibilities not the responsibility of other officers associated with the Access to Information provisions contained within the Local Government Acts 1972 and 2000 (and regulations made thereunder).
- 2.2.86 To certify as a true and correct record reports, records of decision and minutes of any decision-making body or the Executive, the Council, Committees, Sub-Committees or officer acting under delegated powers, in accordance with Section 229 of the Local Government Act 1972.

- 2.2.87 To make arrangements for the publication of the Forward Plan in accordance with the Council's Constitution, the Local Government Act 2000 and secondary legislation.
- 2.2.88 Following consultation with Group Secretaries, to fill vacancies on all appointments to outside bodies and organisations that arise during the municipal year, provided that they comply with the requirements of the political balance required by the Local Government and Housing Act 1989 subject to changes being reported to the next Council meeting.
- 2.2.89 To appoint members nominated by external organisations to any bodies set up under statutory requirements, partnership or other arrangements, excluding members of the Council.
- 2.2.90 Subject to approval of the appropriate Head of Service to book places and make arrangements for Members on courses, seminars or other training and conferences.
- 2.2.91 To make arrangements for the receipt and opening of all tenders invited in accordance with the provisions of the Council's Contracts Procedure Rules.
- 2.2.92 To approve appointments to the Southern Group Valuation Tribunals.
- 2.2.93 To sign on behalf of the Council, Members' Declaration of Interest forms and to maintain any statutory or voluntary registers of Members' interests.
- 2.2.94 To vary this Scheme of Officer Delegation to reflect changes in job titles, reorganisations, vacancies in posts and generally to maintain the Scheme of Officer Delegations.
- 2.2.95 To enter into interim Supporting People contracts.
- 2.2.96 To take any action necessary or appropriate in relation to the operation of the Mayor's Office, in relation to the activities or functions organised on behalf of or involving the Mayor and/or Sheriff, including organising and running any civic events or other associated civic or ceremonial matters, events or occasions regardless of portfolio overlaps.

2.3 HEAD OF STRATEGIC HR

General

- 2.3.1 To review the defined levels of post at which action can be taken under HR and Organisational Development procedures, including termination of employment, consistent with changes in the Council's organisational structures.
- 2.3.2 Following consultation with the relevant Cabinet Member, to negotiate and adopt revised personnel procedures and associated conditions of service where there is no change in policy or strategy.
- 2.3.3 In respect of the resolution dated 16th April 2002 of Employment Panel regarding Appointment and Dismissal of Heads of Service to implement and adopt arrangements in the event of exceptional circumstances and following consultation with the relevant Cabinet Member.
- 2.3.4 To authorise payments made on behalf of the Council to external organisations as a result of payroll deductions including but not limited to payments to HMRC (PAYE and National Insurance Contributions), pension (LGPS and Teachers' Pensions)

Structures and Establishments

- 2.3.5 To approve changes in the number (whole time equivalents) or grades on the organisational structure of directorates, where such changes are within overall employee costs, financed from external sources or from ongoing service budgets, and where accommodation is available, following consultation with the relevant Cabinet Member.
- 2.3.6 To approve changes in the designation of posts.

Pay and Benefits

- 2.3.7 To apply, vary or end the payment of a market supplement provided that funding is available within divisional budgets, following consultation with the relevant Cabinet Member.
- 2.3.8 To approve the payment of honoraria where it does not relate to covering a higher graded post.
- 2.3.9 In the case of covering for a post, approve the payment of an honorarium.
- 2.3.10 To approve merit increments in excess of two in any year.
- 2.3.11 To determine applications for the re-assessment of the grade of posts, whether initiated by management or an employee.

- 2.3.12 To waive the conditions under which payments are made under the Relocation Expenses Scheme.
- 2.3.13 To review and vary the value of long service awards, following consultation with the relevant Cabinet Member.
- 2.3.14 To review and update the level of allowances paid to employees in accordance with the conditions of service, eg the allowance paid to appointed first aiders, following consultation with the relevant Cabinet Member.
- 2.3.15 To adjust the Taxi Allowance in line with taxi fare increases.
- 2.3.16 To make payments to staff in accordance with the adopted Policy Statement on Discretionary Severance and Payments arrangements where an unreduced pension is payable and where there is no discretionary element, after consultation with the [Head of Finance Deputy Chief Financial Officer](#).
- 2.3.17 Provided that the cost can be met from within existing budgetary provision and the maximum of the grade is not exceeded, to authorise up to two accelerated increments following examination success or for other reasons.
- 2.3.18 To authorise the allocation and payment of car allowances.
- 2.3.19 To authorise advance of pay on appointment to monthly pay.

Sickness

- 2.3.20 To approve payments of up to twice the maximum salary of spinal column point 21 in respect of the Personal Injury Scheme, following consultation with the relevant Cabinet Member.
- 2.3.21 To grant extensions of sick pay for up to two months at either full or half pay dependent on the circumstances.

Other

~~2.3.21 To commission, monitor and approve all reports for submission to any decision-making body of the Executive, the Council, Committees, Panels and Sub-Committees and to ensure their compliance with all the Procedures and other rules contained within the Constitution and with Corporate Standards and legal and financial requirements, following consultation with Heads of Service, particularly the Chief Financial Officer.~~

~~a. defining the overall standards to be adhered to for that particular service area; and~~

~~b. commissioning advice on changes to policy.~~

~~2.3.22 To make modifications / amendments to the approved standard conditions of grant aid.~~

~~2.3.23 To change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Chief Financial Officer and Head of Property, and Procurement and Health & Safety.~~

~~2.3.24 To respond to consultations and requests for submissions, including responses to calls for funding proposals, from European, Government Departments in relation to Domestic, International and European Service activities.~~

~~2.3.25 To authorise payments made on behalf of the Council to external organisations as a result of payroll deductions including but not limited to payments to HMRC (PAYE and National Insurance Contributions), pension (LGPS and Teachers' Pensions)~~

Trade Union Facilities

2.3.22 To vary the amount of trade union facility time approved corporately, subject to the availability of finance, following consultation with the relevant Cabinet Member.

NOTE: IN RELATION TO DELEGATED POWERS 2.3.1, 2.3.3, 2.3.56, 2.3.121, 2.3.143, 2.3.154, 2.3.2019 AND 2.3.2226 WHERE THE HEAD OF STRATEGIC HR EXERCISES ANY OF THOSE DELEGATED POWERS, S/HE SHALL, AS REASONABLY PRACTICABLE AFTER EXERCISING THOSE POWERS, ADVISE THE CHAIR OF THE EMPLOYMENT AND APPEALS PANEL AS TO THE EXERCISE OF THAT DELEGATED POWER.

2.4 CHIEF FINANCIAL OFFICER

The Chief Financial Officer is responsible for the purposes of Section 151 Local Government Act 1972 for the Council's Financial Affairs.

- 2.4.1 To vary the limit on the value of houses on which advances under the Housing (Financial Provisions) Act 1958, may be made to employees subject to existing income requirements.
- 2.4.2 To provide loans under the Assisted Car Purchase Scheme and review the minimum loan in accordance with the increase in R.P.I. for the Council's benchmark cars.
- 2.4.3 To review the Council's contribution towards the Employee Car Scheme by the variation in annual rentals and insurance premiums for the Council's benchmark cars.
- 2.4.4 To annually review and set the interest rate for the car loan scheme.
- 2.4.5 To review the mileage allowance for the Employee Car Scheme following any significant variations in petrol prices and the rental / mileage differentials, in addition to the annual review each April.
- 2.4.6 To finalise details of the operation of the Employee Car Scheme within the Council's policy.
- 2.4.7 To determine the instalment date in respect of the Statutory Instalment Scheme for the Council Tax.
- 2.4.8 To make arrangements with the Council's bankers regarding the operation of the Council's bank accounts and the terms on which they are conducted.
- 2.4.9 To exercise all the powers and duties exercisable by the City Council under the legislation (which for the avoidance of doubt also includes regulations, orders, etc.) concerning:
 - Council Tax National Non-Domestic Rating
 - Community Charges Community Charge Benefit
 - Housing Benefit Council Tax Benefit
 - General Ratesreserving only to the Council those functions specifically precluded from delegation by legislation.
- 2.4.10 To approve the Council Tax Base for the City.
- 2.4.11 To approve the National Domestic Rates Return (NNDR1) for submission to the Department for Communities and Local Government..

- 2.4.12 To take all and any decisions necessary or required to be taken by an officer of the Council in relation to the SSP contract with Capita Business Services Limited except where the decision to be made is significant in which case the delegation may only be exercised following consultation with the relevant Cabinet Member.
- 2.4.13 To take all and any decisions necessary or required to be taken by an officer of the Council in relation to the Council's Treasury Management activities and to authorise all officers within the Finance Division to undertake operational Treasury Management activity consistent with those decisions and the Annual Treasury Management Strategy.
- 2.4.14 To set the mortgage interest rate for Council mortgages in accordance with the Housing Act 1985.
- 2.4.15 To finalise details of the operation of the Mortgage Equity Scheme within the Council policy.
- 2.4.16 To introduce and operate a Discretionary Housing Payments Scheme in accordance with the Discretionary Financial Assistance Regulations 2001.
- 2.4.17 To write off any arrears accrued by tenants where he or she is satisfied that:
- a. arrears arose because the tenant was given incorrect or insufficient Housing Benefit advice; and
 - b. the tenant was not warned that this advice was a provisional estimate and any difference would have to be made good.
- 2.4.18 Within the scope of the postholder's employment, to manage investigations and grant authorisations under Section 28 and 29 of the Regulation of Investigatory Powers Act 2000.
- 2.4.19 Within the scope of the postholder's employment, to authorise other Council officers below the level of first level officer for the management of investigations and the grant of authorisations under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.
- 2.4.20 ~~In-After~~ consultation with the Head of Housing Services and the Head of Legal & Democratic Services, to enter into business agreements for the provision of financial assistance provided by external partners in relation to the Private Sector Housing Strategy.
- 2.4.21 The Chief Financial Officer shall have authority to take all action as is necessary or expedient to fulfil the statutory obligations under Section 151 Local Government Act 1972.

2.4.22 To provide or arrange for the provision of financial advice to the Council, including from external sources.

2.4.23 To make arrangements with the Council's Bankers regarding the operation of the Council's bank accounts and the terms on which they are conducted.

2.4.24 To negotiate all loans of money to the City Council (including bank overdrafts) within the City Council's overall borrowing powers.

2.4.25 To act as the Council's Registrar of stocks, bonds, mortgages and other securities, and maintain adequate records of all borrowings of money by the City Council.

~~2.4.26 To nominate a Deputy Registrar from his / her staff in relation to 2.4.24.~~

2.4.26 To invest or utilise such surplus monies of the City Council and to realise such investments as considered proper and in the City Council's interest.

2.4.27 To be responsible to the Council for the purchase, sale, realisation or exchange of investments.

2.4.28 To enter into any operating leasing agreements that might be required.

2.4.29 To write off any debts of the Council up to £~~125,000~~200,000 and to establish, write-off limits for Council Officers and guidance for debt write-off in the case of hardship or safeguarding individuals.

2.4.30 To approve any Direct Debit arrangements for the Council.

2.4.31 To authorise requests for Assisted Car Purchase Scheme loans ~~in~~after consultation with the Head of Strategic HR.

Sixth Form Colleges

2.4.32 ~~In~~After consultation with the Director of People, to make an advance of funds to a college.

2.4.33 To issue a Financial Notice to Improve in accordance with the Apprenticeships, Skills, Children & Learning Act 2009.

2.4.34 ~~In~~After consultation with the Director of People, to issue a capital related borrowing consent in relation to post 16 learning providers.

2.4.35 After~~In~~ consultation with the Director of People, to issue a solvency related borrowing consent in relation to post 16 learning providers.

~~2.4.37 After~~In~~ consultation with the Director of Corporate Services or the Head of Legal & Democratic Services, to give consent to the establishment of a college company for the purpose of education.~~

Other

2.4.36 ~~After~~ consultation with the Director of People, to use intervention powers under the Apprenticeships, Skills, Children and Learning Act 2009.

~~2.4.39 Within the scope of the postholders' employment, to manage investigations and grant authorisations under Section 28 and 29 of the Regulation of Investigatory Powers Act 2000.~~

2.4.37 To act as the Council's Money Laundering Officer.

2.4.38 To review annually or at such other periods as is considered necessary all risks and insurances following consultation with appropriate Heads of Service, and make arrangements and agree terms with insurers for those risks considered to be economic to transfer to the Council's insurers.

2.4.39 To indemnify / insure directly or indirectly persons, other than councillors / officers, involved in Council activities.

2.5 ~~HEAD OF FINANCE~~ DEPUTY CHIEF FINANCIAL OFFICER

No delegations currently

2.6 HEAD OF IT

- 2.6.1 To initiate tendering processes for IS/IT products and services, subject to consultation with the Head of Legal & Democratic Services and Head of Property, Procurement and Health & Safety.
- 2.6.2 To vary, renegotiate and amend leases and other IT contract details in agreement with the Head of Legal & Democratic Services, where these improve service or reduce costs.
- 2.6.3 To approve changes and enhancements to the City Council's website and its technology and standards and similar initiatives.
- 2.6.4 To approve changes and exceptions to IS/IT Corporate Standards and Policy.
- 2.6.5 To enter into professional IT memberships in the interests of the Authority.
- 2.6.6 To initiate projects to explore new technology opportunities for the Authority, subject to appropriate budgetary provision.
- 2.6.7 Enter into any arrangements necessary in the event of a disaster recovery situation affecting IT, and to approve exceptions to Contract Procedure Rules for emergency disaster recovery work for IT services and provision in the best interests of the Authority, following consultation with the Head of Legal & Democratic Services and the appropriate Director.
- 2.6.8 To produce and vary IT procedures, including IT ordering procedures provided these do not conflict with Financial Procedure Rules or Contract Procedure Rules subject (in respect of ordering / contractual issues) to the agreement of the Head of Property, Procurement and Health & Safety and the Head of Legal & Democratic Services.
- 2.6.9 To review annually or at any such other periods as may be considered necessary, all IT plans and risks associated with them following consultation with Heads of Service.
- 2.6.10 To prepare or approve the form and content of all IT plans, proposals, policies, standards, strategy and acquisitions.
- 2.6.11 To approve the acceptance of IT contracts other than the lowest for contracts up to £125,000 in value subject to the approval of the Head of Property, Procurement and Health & Safety.
- 2.6.12 To vary prices for divisional services following consultation with the appropriate Head of Service.

PART 2 – DIRECTORATE OF CORPORATE SERVICES

- 2.6.13 To adopt methodologies, procedures and practices to optimise the management implementation and maintenance of information systems including project and financial management.
- 2.6.14 To approve dispensation for those not able to adopt IS/IT Corporate Standards, policies or strategy.

2.7 HEAD OF PROPERTY, PROCUREMENT AND HEALTH & SAFETY

PROCUREMENT

- 2.7.1 To amend the Council's Contract Compliance questionnaire as required.
- 2.7.2 To authorise named individuals to be the Council's nominated professional officers for inclusion in appropriate contracts.
- 2.7.3 To approve all exceptions and relaxations to Contract Procedure Rules.
- 2.7.4 To approve acceptance of tenders other than the lowest for all contracts.
- 2.7.5 To authorise the Heads of Service to participate in contracts arranged by the Central Business Consortium member authorities.
- 2.7.6 To approve procedures specifying the requirements of Contract Procedure Rules and local procedures implementing those requirements.
- 2.7.7
- a. To approve the appropriate procurement route;
 - b. To approve requests for contracts;
 - c. To approve OJEU advertisements;
 - d. To approve a regime for setting up, amending, reviewing and managing tender lists
 - e. Approve payments in advance, only with prior written approval of the Chief Financial Officer and Head of Legal & Democratic Services.
- 2.7.8 To approve framework agreements (including those available under Catalist from OGC buying.solutions) for use within the Council following an assessment of the terms of the framework ensuring that it offers best value and legal compliance.
- 2.7.9 To manage all EU procurement procedures and authorise such other person or department as he or she may direct, to do so.
- 2.7.10 To manage all high-value transactions, and authorise such other person or department as he or she may direct to do so, working with the relevant client departments / directorates.
- 2.7.11 To authorise any variations to an existing contract, and if relevant a consequent change in price, determined in accordance with the contract terms where the annual value of the variation is greater than £25,000 or 15% of the original annual contract value (which ever is the lesser).
- 2.7.12 To authorise all extensions and variations to a contract awarded under the EU Procurement Directives.

2.7.13 To certify that any interest which may affect the award of a contract under Contract Procedure Rules are acceptable or take any necessary action in respect of potential conflicts of interest and instruct that the officer should not participate in the award of the contract by the Council.

PROPERTY

2.7.14 To deal with applications for landlord's consent to submitted plans, except in cases where some unusual factor is present and on which a policy decision is needed. Where consent is given, the under mentioned Standard Conditions I or II be attached as appropriate:

Standard Condition I:

- a. Compliance in all respects with all byelaws, licences and other consents applicable to the property and, in particular, with the conditional planning permission
Code No dated
- b. The work to be completed in all respects to the satisfaction of the City Council, which shall be evidenced by the City Council's certification to that effect.
- c. The consent as landowner shall not affect, restrict or diminish the powers or rights of the City Council as a local authority.

Standard Condition II (applicable where a formal licence is required):

- i. Compliance in all respects with all byelaws, licences and other consents applicable to the property and, in particular, with the conditional planning permission
Code No dated
- ii. The execution of such formal deed containing such provisions to safeguard the interests of the City Council as the Head of Legal & Democratic Services may determine.

- 2.7.15 a. To approve the principle of and negotiate and agree terms of sale of freehold reversionary interests secured on individual dwellings originally constructed by either the Council or self-build groups to the owner-occupier;
- b. To negotiate and agree the terms of sale of all other property providing the consideration does not exceed £300,000.

- c. To negotiate and agree terms of sale of property exceeding £300,000 in value providing the consideration does not exceed £1 million, following consultation with the relevant Cabinet Member.
- 2.7.16 To agree with the Valuation Officer / Treasury Valuer assessments in respect of all properties for which the Council is the ratepayer or is seeking contributions in lieu of rates as Rating Authority, and to make references to the Valuation Tribunal as appropriate.
- 2.7.17 To determine applications for home loss payments under the Land Compensation Act 1973.
- 2.7.18 To revise charges made for room bookings within Civic Buildings.
- 2.7.19 To approve the surrender or assignment of any lease, licence, wayleave or easement by Agreement between the parties.
- 2.7.20 To approve terms for acquisition of land pursuant to an authorised agreement under Section 106 Town and Country Planning Act 1990, or as a condition in a planning consent provided there are no abnormal or onerous liabilities attached to the acquisition, the purchase price is nominal and there is finance allocated for ongoing maintenance.
- 2.7.21 To approve variations to the terms of leases, licences, easements or wayleaves, covenants or any other transaction when the consideration for the variation does not exceed £75,000 per annum or a premium payment of £750,000, provided sufficient finance is available.
- 2.7.22 To approve the following up to the financial limits specified, subject to sufficient finance being available:
- a. easements granted by or granted to the Council ;
 - b. disturbance claims or ex gratia payments;
 - c. settlement and apportionment of well maintained payments due under the Housing Acts where agreement can be reached with the parties;
 - d. lettings up to and including on a year to year basis;
 - e. any other lettings, renewals or rent / licence fee reviews where the reviewed rent / fee is no less than the amount previously due, except where the reduction is no more than £25,000 and to sign rent review memoranda in all cases; following approval;
 - f. the authority to restructure ground leases where additional rental is generated and/or where the consideration comprises wholly or partly of a premium payment and the premium does not exceed £125,000; and

- g. applications for rent reductions on Investment Property providing corresponding estate management benefits are secured by the Council and the new terms are not below market value (to be exercised following consultation with the Chief Financial Officer.
- 2.7.23 Following consultation with the relevant Head of Service, to grant licences for works on land.
- 2.7.24 a. To approve the exchange of land with a third party where the Council's existing land value is estimated to be no more than £300,000; and
- b. To approve the exchange of land with a third party where the Council's existing land value is estimated to be greater than £300,000 providing the consideration does not exceed £1 million, following consultation with the relevant Cabinet Member .
- 2.7.25 To approve appropriations between relevant function areas and statutory holding powers except where public notice of the proposed appropriation is required and objections are received.
- 2.7.26 To approve, under Corporate Property Standards, any major alteration, refurbishment or new project on land in which the Council has an interest providing that the proposed expenditure does not exceed £1 million.
- 2.7.27 To approve the temporary use of property, pending long-term use.
- 2.7.28 To manage the Council's investment, social and general purpose property portfolios.
- 2.7.29 To perform all functions of the Council in respect of its responsibilities and powers under the Party Walls etc Act 1996, including the service and response to Statutory Notices, appointment of Party Wall Surveyors and compliance with all steps required by any Party Walls Award.
- 2.7.30 Authority to exercise the powers and duties of the Council under the Landlord and Tenant (Covenants) Act 1995.
- 2.7.31 To grant and sign licences in a form approved by the Head of Legal & Democratic Services.
- 2.7.32 To approve the acceptance of tenders for land disposals, whether the highest bid or not, up to £1 million capital (where the principle of the disposal has already been approved) or £100,000 per annum revenue income.
- 2.7.33 To agree compensation under Land Compensation legislation where no interest in the land is acquired by the Council.

- 2.7.34 To carry out site investigations and soil surveys, where necessary, to establish the development potential of vacant land subject to the availability of the necessary finance to carry out such investigations.
- 2.7.35 To place property on the market in accordance with Corporate Standards with a view to a disposal.
- 2.7.36 To appoint external agents or consultants to provide specialist services in respect of the Council's property portfolio, subject to compliance with Financial Procedure Rules and Contract Procedure Rules.
- 2.7.37 To approve the acquisition of a lease or licence in property where service areas of the Council operate partnerships with external bodies and funding is available.
- 2.7.38 To approve the acquisition of minor interests in property, provided the consideration does not exceed a premium payment of £500,000 or £100,000 per annum, provided sufficient finance is available, ~~after~~ consultation with the relevant Cabinet Member.
- 2.7.39 To authorise the variation of individual projects in the approved Capital Building Maintenance (non-housing) programme during its implementation, should this be required as a result of urgent or unforeseen repair needs arising, or services requirement changes.
- 2.7.40 To add new projects or remove projects from the approved Capital Building Maintenance (non-housing) programme project list following consultation with the relevant Cabinet Member.
- 2.7.41 To vary the timing and cost of projects already within the approved Capital Building Maintenance (non-housing) Programme as may be required, following consultation with the relevant Cabinet Members (for the Capital Programme and the building concerned, if different).
- 2.7.42 To approve claims for dilapidations in respect of leasehold interests granted by the Council, or granted to the Council, provided the consideration does not exceed £1 million, and provided sufficient finance is available.
- 2.7.43 To authorise lease surrenders and/or renewals to Scout or Guide Groups or other community or charitable organisations which include any underlet for any purpose authorised by s.2 Local Government Act 2000 at rents less than best consideration where it is proposed to underlet to a nursery provider or similar community use.
- 2.7.44 To approve lettings or lease renewals at less than best consideration where the principle of letting to the organisation concerned has already been approved (by

virtue of a previous letting or any other appropriate means) or where the Council is obliged to renew a letting by virtue of Landlord and Tenant legislation.

2.8 HEAD OF CONTRACTS MANAGEMENT

2.8.1 In accordance with paragraphs 2.8.2 and 2.8.3 below, to take all and any decisions necessary or required to be taken by the Council under the Council's strategic contracts, including:-

- a. the Strategic Services Programme (SSP) with Capita Business Services Limited
- b. the Highways Services Partnership (HSP) Contract with Balfour Beatty Workplace Limited
- c. the Street Lighting PFI with Tay Valley Lighting (Southampton) Limited
- d. the ROMTV (Citywatch) Contract with Balfour Beatty Living Places Limited
- e. the leisure management contract with Active Nation
- f. the Guildhall management contract with Live Nation
- g. the golf course management contract with Mytime Active
- h. the contract for management of Sports Centre St Mary's with Sport Solent
- i. any other contract designated by the Director of Corporate Services as a strategic contract for the purposes of this delegation.

2.8.2 To approve dispensation for those not able to adopt Customer Care Corporate Standards, policies or strategy.

2.8.3 To enter into professional Customer Service memberships in the interests of the Authority.

2.9 HEAD OF PROPERTY

- 2.9.1 To deal with applications for landlord's consent to submitted plans, except in cases where some unusual factor is present and on which a policy decision is needed. Where consent is given, the under mentioned Standard Conditions I or II be attached as appropriate:

Standard Condition I:

- a. Compliance in all respects with all byelaws, licences and other consents applicable to the property and, in particular, with the conditional planning permission
Code No dated
- b. The work to be completed in all respects to the satisfaction of the City Council, which shall be evidenced by the City Council's certification to that effect.
- c. The consent as landowner shall not affect, restrict or diminish the powers or rights of the City Council as a local authority.

Standard Condition II (applicable where a formal licence is required):

- i. Compliance in all respects with all byelaws, licences and other consents applicable to the property and, in particular, with the conditional planning permission
Code No dated
 - ii. The execution of such formal deed containing such provisions to safeguard the interests of the City Council as the Head of Legal & Democratic Services may determine.
- 2.9.2
- a. To approve the principle of and negotiate and agree terms of sale of freehold reversionary interests secured on individual dwellings originally constructed by either the Council or self-build groups to the owner-occupier;
 - b. To negotiate and agree the terms of sale of all other property providing the consideration does not exceed £300,000.
 - c. To negotiate and agree terms of sale of property exceeding £300,000 in value providing the consideration does not exceed £1 million, following consultation with the relevant Cabinet Member.
- 2.9.3 To agree with the Valuation Officer / Treasury Valuer assessments in respect of all properties for which the Council is the ratepayer or is seeking contributions in lieu of rates as Rating Authority, and to make references to the Valuation Tribunal as appropriate.

- 2.9.4 To determine applications for home loss payments under the Land Compensation Act 1973.
- 2.9.5 To revise charges made for room bookings within Civic Buildings.
- 2.9.6 To approve the surrender or assignment of any lease, licence, wayleave or easement by Agreement between the parties.
- 2.9.7 To approve terms for acquisition of land pursuant to an authorised agreement under Section 106 Town and Country Planning Act 1990, or as a condition in a planning consent provided there are no abnormal or onerous liabilities attached to the acquisition, the purchase price is nominal and there is finance allocated for ongoing maintenance.
- 2.9.8 To approve variations to the terms of leases, licences, easements or wayleaves, covenants or any other transaction when the consideration for the variation does not exceed £75,000 per annum or a premium payment of £750,000, provided sufficient finance is available.
- 2.9.9 To approve the following up to the financial limits specified, subject to sufficient finance being available:
- a. easements granted by or granted to the Council ;
 - b. disturbance claims or ex gratia payments;
 - c. settlement and apportionment of well maintained payments due under the Housing Acts where agreement can be reached with the parties;
 - d. lettings up to and including on a year to year basis;
 - e. any other lettings, renewals or rent / licence fee reviews where the reviewed rent / fee is no less than the amount previously due, except where the reduction is no more than £25,000 and to sign rent review memoranda in all cases; following approval;
 - f. the authority to restructure ground leases where additional rental is generated and/or where the consideration comprises wholly or partly of a premium payment and the premium does not exceed £125,000; and
 - g. applications for rent reductions on Investment Property providing corresponding estate management benefits are secured by the Council and the new terms are not below market value, (to be exercised following consultation with the Chief Financial Officer.
- 2.9.10 Following consultation with the relevant Head of Service, to grant licences for works on land.

- 2.9.11 a. To approve the exchange of land with a third party where the Council's existing land value is estimated to be no more than £300,000; and
- b. To approve the exchange of land with a third party where the Council's existing land value is estimated to be greater than £300,000 providing the consideration does not exceed £1 million, following consultation with the relevant Cabinet Member .
- 2.9.12 To approve appropriations between relevant function areas and statutory holding powers except where public notice of the proposed appropriation is required and objections are received.
- 2.9.13 To approve, under Corporate Property Standards, any major alteration, refurbishment or new project on land in which the Council has an interest providing that the proposed expenditure does not exceed £1 million.
- 2.9.14 To approve the temporary use of property, pending long-term use.
- 2.9.15 To manage the Council's investment, social and general purpose property portfolios.
- 2.9.16 To perform all functions of the Council in respect of its responsibilities and powers under the Party Walls etc Act 1996, including the service and response to Statutory Notices, appointment of Party Wall Surveyors and compliance with all steps required by any Party Walls Award.
- 2.9.17 Authority to exercise the powers and duties of the Council under the Landlord and Tenant (Covenants) Act 1995.
- 2.9.18 To grant and sign licences in a form approved by the Head of Legal & Democratic Services.
- 2.9.19 To approve the acceptance of tenders for land disposals, whether the highest bid or not, up to £1 million capital (where the principle of the disposal has already been approved) or £100,000 per annum revenue income.
- 2.9.20 To agree compensation under Land Compensation legislation where no interest in the land is acquired by the Council.
- 2.9.21 To carry out site investigations and soil surveys, where necessary, to establish the development potential of vacant land subject to the availability of the necessary finance to carry out such investigations.
- 2.9.22 To place property on the market in accordance with Corporate Standards with a view to a disposal.

- 2.9.23 To appoint external agents or consultants to provide specialist services in respect of the Council's property portfolio, subject to compliance with Financial Procedure Rules and Contract Procedure Rules.
- 2.9.24 To approve the acquisition of a lease or licence in property where service areas of the Council operate partnerships with external bodies and funding is available.
- 2.9.25 To approve the acquisition of minor interests in property, provided the consideration does not exceed a premium payment of £500,000 or £100,000 per annum, provided sufficient finance is available, ~~in~~after consultation with the relevant Cabinet Member.
- 2.9.26 To authorise the variation of individual projects in the approved Capital Building Maintenance (non-housing) programme during its implementation, should this be required as a result of urgent or unforeseen repair needs arising, or services requirement changes.
- 2.9.27 To add new projects or remove projects from the approved Capital Building Maintenance (non-housing) programme project list following consultation with the relevant Cabinet Member.
- 2.9.28 To vary the timing and cost of projects already within the approved Capital Building Maintenance (non-housing) Programme as may be required, following consultation with the relevant Cabinet Members (for the Capital Programme and the building concerned, if different).
- 2.9.29 To approve claims for dilapidations in respect of leasehold interests granted by the Council, or granted to the Council, provided the consideration does not exceed £1 million, and provided sufficient finance is available.
- 2.9.30 To authorise lease surrenders and/or renewals to Scout or Guide Groups or other community or charitable organisations which include any underlet for any purpose authorised by s.2 Local Government Act 2000 at rents less than best consideration where it is proposed to underlet to a nursery provider or similar community use.
- 2.9.31 To approve lettings or lease renewals at less than best consideration where the principle of letting to the organisation concerned has already been approved (by virtue of a previous letting or any other appropriate means) or where the Council is obliged to renew a letting by virtue of Landlord and Tenant legislation.

3.1 DIRECTOR OF PLACE (ENVIRONMENT & ECONOMY)

- 3.1.1 To respond to consultations and requests for submissions from central Government, local authorities and other organisations concerning strategic economic issues and research and information developments and initiatives.
- 3.1.2 To complete and submit expressions of interest, enter into and vary, research and development projects and associated partnerships within estimates, including seeking external funding or joining funding partnerships.
- 3.1.3 Following consultation with the Head of Legal & Democratic Services and the Chief Financial Officer, to submit bids for or tenders involving funding or assistance from central Government, the European Commission or from any other source (direct or indirect to the Council itself) , and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB, this delegation applies not only to regeneration, European and Lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should apply in the same way).
- 3.1.4 To determine the City Council’s membership of “Forum of the Future” annually.
- ~~3.1.5 To determine applications for authorisation to entertain in Above Bar Precinct.~~
- ~~3.1.6 To liaise with economic partnerships and other economic bodies to represent the Council’s interests on economic issues.~~
- ~~3.1.7 To grant use of Above Bar pedestrian precinct and the Bargate pedestrian area following consultation with the Head of Legal & Democratic Services, in accordance with conditions laid down and Part V11A of the Highways Act 1980 where applicable and where appropriate to make a proper charge.~~
- ~~3.1.8 To set a level for donations for the placing of temporary objects on the paved area outside the Bargate.~~
- 3.1.5 To change the decision-making body and managerial responsibilities for any property within the Economic Development Portfolio in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Chief Financial Officer and Head of Property, Procurement and Health & Safety.

- ~~3.1.10 To approve variation to the terms of leases, licences, easements or wayleaves, covenants or any other transaction, subject to the approval of the Head of Chief Financial Officer.~~
- ~~3.1.11 To appoint external agents or consultants to provide specialist services in respect of the Council's major development schemes, subject to compliance with Financial Procedure Rules and Contract Procedure Rules.~~
- ~~3.1.12 Where the Council has resolved to make a Compulsory Purchase order for a major development project or where in purchase has in principle been approved by the Council to settle terms for the purchase of property and valid heads of claim, subject to the approval of the Chief Financial Officer. |~~
- ~~3.1.13 [AU1] To change the decision-making body and managerial responsibilities for any property within the Economic Development Portfolio in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Chief Financial Officer and Head of Property and Procurement.~~
- ~~3.1.14 To approve variation to the terms of leases, licences, easements or wayleaves, covenants or any other transaction, subject to the approval of the Chief Financial Officer.~~
- 3.1.6 To respond to consultations and requests for submissions, including responses to calls for funding proposals, from European, Government Departments in relation to Domestic, International and European Service activities.
- ~~3.1.16 To grant licences for works on land within the major development project sites. [AU2]~~
- ~~3.1.17 To approve the temporary use of property, pending long-term use.~~
- ~~3.1.18 To perform all functions of the Council in respect of its responsibilities and powers under the Party Walls etc Act 1996, including the service and response to Statutory Notices, appointments of Party Wall Surveyors and compliance with all steps required by any Party Walls Award in respect of major projects.~~
- ~~3.1.19 To make minor amendments to boundaries in consultation with the relevant Cabinet Member to disposals in respect of approved major development schemes.~~
- ~~3.1.20 To allow developers on to Council land to carry out site investigations subject to the granting of an appropriate licence. |~~
- ~~3.1.21 [AU3] To be responsible for the completion and updating of the Policy Framework Plans and implementing the council's Performance Management Framework.~~

3.1.7 To authorise the attendance by any Member at a conference, meeting or other event, following consultation with the Head of Legal & Democratic Services, provided the costs are to be met from the relevant Portfolio budget.

3.1.8 To respond to consultations and requests for submission from Government Departments, other local authorities, international, European, academic, research, business representatives and other bodies in respect of: provision and sharing of data and research initiatives; policies, strategies and plans; performance and partnership working.

~~3.1.24 To complete and submit expressions of interest, enter into and vary, research and development projects and associated partnerships within estimates, including seeking external funding or joining funding partnerships.~~

3.1.9 To commission market research.

3.1.10 The provision and sharing of data and research initiatives.

~~3.1.27 Following consultation with the Head of Legal & Democratic Services and Chief Financial Officer, to take any steps necessary to implement and operate Overview and Scrutiny functions.~~

~~3.1.28 To approve and allocate grants to voluntary organisations, following consultation with the relevant Cabinet Member and Chief Financial Officer and make decisions or vary the budget allocation subject to the approved budget being available.~~

~~3.1.29 To make amendments to the Council's equality policies in order to address evolving legal and performance requirements.~~

3.1.11 [AU4] ~~Following consultation with the relevant Cabinet Member and the Director of Corporate Services, to agree for the City Council to act as the accountable body on behalf of formally constituted "friends" groups, resident, tenant or community groups, or sports clubs applying for external grant funding of less than £125,000 to improve the city's open spaces and associated assets and infrastructure. This responsibility may include procuring supplies, goods or services on behalf of the grant recipient through identifying the most economically advantageous quote or tender, certifying receipt of goods and services, agreeing practical completion of site works, authorising payment of invoices, controlling and monitoring project expenditure, and keeping accurate and auditable financial records for the purpose of reclaiming project expenditure from the external grant funding body.~~ [AUS]

3.1.12 To:

- a. enter into any partnership and governance arrangements with external organisations which will benefit the functions of the Environment and Transport Portfolio;
- b. contribute to the work of the Partnership for Urban South Hampshire (PUSH) in the preparation of strategic plans;
- c. set and vary fees and charges associated with the functions of the Environment and Transport Portfolio;
- d. enter into contracts for the delivery of services associated with the functions of the Environment and Transport Portfolio; and
- e. agree the settlement of both capital and revenue elements of the concessionary fares schemes in accordance with DfT guidance and the council's own Appeals procedures.

following consultation with the Head of Legal & Democratic Services, Head of Contract Management and the relevant Cabinet Member .

- 3.1.13 To make any order or decision, grant any license or take any ancillary action (including fees and setting charges), relating to any aspect of work undertaken by or on behalf of the Environment and Transport Portfolio and any other relevant environmental legislation, subject to the right of appeal ~~to the Appeals Panel~~ by any person permitted under the relevant legislation to object to the making of any such order or decision:

Clean Neighbourhood and Environment Act 2005
Criminal Justice and Public Order Act 1994
Countryside and Rights of Way Act 2000
Highways Act 1980
Local Government (Miscellaneous Provisions) Act 1976
New Roads and Street Works Act 1991
Public Health Act 1925
Public Health Act 1875
Refuse Disposal (Amenity) Act 1978
Road Humps Regulations 1990
Road Traffic Act 1988 (re cycle races)
Road Traffic Act 1991
Road Traffic Regulation Act 1984 (including orders made under Pedestrian Crossings Regulations and Traffic Signs Regulations and General Directions.
Transport Acts 1985 and 2000
Road Traffic Regulation (Special Events) Act 1994
Road Traffic (Temporary Restrictions) Act 1991
Town and Country Planning Acts
Town Police Clauses Act 1847
Traffic Calming Act 1992

Traffic Management Act 2004

- ~~3.1.33 To respond to consultations and requests for submission from Government Departments, other local authorities, international, European, academic, research, business representatives and other bodies in respect of any aspects of the undertakings of the Environment and Transport Portfolio.~~
- 3.1.14 To complete and submit expressions of interest, enter into and vary, research and development projects and associated partnerships within estimates, including seeking external funding or joining funding partnerships.
- 3.1.15 To purchase services or sell spare capacity where there is a financial, service or other benefit to the authority.
- ~~3.1.36 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services. [AUG]~~
- 3.1.16 To undertake all functions in relation to planning, transport planning, flood risk management, energy management and sustainability exercisable by the Council, save where expressly referred by law or by other provisions contained within this Constitution to another decision-making.
- ~~3.1.38 To take any action necessary to implement the decision, including but not limited to participation in the proposed Dispute Resolution machinery.~~
- ~~3.1.39 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services.~~
- ~~3.1.40 To acquire dwellings repurchased under Part XVI Housing Act 1985, following consultation with the Chief Financial Officer, subject to finance being available.~~
- 3.1.17 To submit bids for or tenders or to receive external competitively secured funding (in compliance with the SCC Financial Procedure Rules) that contribute to the delivery of corporate priorities and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action to comply with SCC's Financial Procedure Rules (including the purchase of services, supplies, and works) in the consequential administration of any such bids or tenders.
- ~~3.1.42 To discharge the Council's functions as a local housing authority in respect of the day to day routine management, maintenance, improvement and repair of properties or~~

~~land held under the powers of the Housing Act 1985 or any re-enactment thereof including those properties sold under the Right to Buy Scheme and any other properties managed but not funded from the Housing Revenue Account in accordance with agreed policies and the Council's relevant Procedure Rules.~~

~~3.1.43 In relation to the Private Sector Housing Strategy to:~~

- ~~a. alter existing or introduce new formulae to calculate loan repayment sums in respect of financial assistance packages;~~
- ~~b. approve adjustments to the occupancy terms for the grant element of existing and new financial assistance packages; and~~
- ~~c. approve the introduction of subsequent financial assistance packages developed, and any significant alterations to the criteria of existing packages following consultation with the appropriate Cabinet Member and the Chief Financial Officer.~~

~~3.1.44 [AU7] In relation to the Housing General Fund Capital Programme, Home Improvement Loans and the Disabled Facilities Grant Scheme Approval and following consultation with the relevant Cabinet Member and Chief Financial Officer, to approve capital expenditure under Financial Procedure Rules for 2008/09 and subsequent years in accordance with the sums included in the approved capital programme subject to the capital resources being available.~~

~~3.1.45 To commence impoundment procedures when a horse is deemed to pose an acceptable risk to public safety, private property, adversely affect public rights to recreation, or is significantly damaging the environment. [AU8]~~

~~3.1.46 To authorise and implement changes to the “Decants and Permanent Rehousing due to the decommissioning of Council Housing Stock – Rented or Leasehold” as required, following consultation with the Cabinet Member responsible and Chief Financial Officer. [AU9]~~

3.1.18 To take any decisions or actions necessary in relation to community safety and anti-social behaviour, including the submission of funding bids, approving projects related to community safety and anti-social behaviour, authorising enforcement action, approving specific projects to meet targets in corporate plans and any projects relating to community cohesion, tackling social exclusion and discrimination.

Regeneration

- 3.1.19 In respect of regeneration land, to approve variation to the terms of leases, licences, easements or wayleaves, covenants or any other transaction, subject to the approval of the Chief Financial Officer.
- 3.1.20 In respect of regeneration land, to approve the temporary use of property, pending long-term use.
- 3.1.21 In respect of regeneration land, to perform all functions of the Council in respect of its responsibilities and powers under the Party Walls etc Act 1996, including the service and response to Statutory Notices, appointments of Party Wall Surveyors and compliance with all steps required by any Party Walls Award in respect of major projects.
- 3.1.22 In respect of regeneration land, to acquire dwellings repurchased under Part XVI Housing Act 1985, following consultation with the Chief Financial Officer, subject to finance being available.
- 3.1.23 In respect of regeneration land, to discharge the Council's functions as a local housing authority in respect of the day to day routine management, maintenance, improvement and repair of properties or land held under the powers of the Housing Act 1985 or any re-enactment thereof including those properties sold under the Right to Buy Scheme and any other properties managed but not funded from the Housing Revenue Account in accordance with agreed policies and the Council's relevant Procedure Rules.
- 3.1.24 In respect of regeneration land, in relation to the Housing General Fund Capital Programme, Home Improvement Loans and the Disabled Facilities Grant Scheme Approval and following consultation with the relevant Cabinet Member and Chief Financial Officer, to approve capital expenditure under Financial Procedure Rules for 2008/09 and subsequent years. in accordance with the sums included in the approved capital programme subject to the capital resources being available^[LCB10].

3.2 HEAD OF LEISURE & CULTURE

- 3.2.1 To approve the provision of new leisure and culture facilities identified and provided for in current plans subject to:
- a. the necessary finance being available; and
 - ~~b. compliance with all statutory requirements including but not limited to the Planning Acts and all Council Procedure Rules; and~~
 - b. the proposals do not require the appropriation or disposal of an interest in an Open Space within the meaning of Section 229 or 232 of the Town and Country Planning Act 1990.
- 3.2.2 To approve the implementation of discount prices where considered appropriate to meet market conditions, to improve operational efficiency, to achieve financial benefits or to encourage participation by the Authority's target groups.
- 3.2.3 To negotiate fees for hiring of indoor and outdoor entertainment.
- 3.2.4 To subsidise the cost of facilities for any event held at any of the City Council's leisure, libraries and cultural facilities in accordance with the Council's approved terms and conditions.
- 3.2.5 To grant permission for events on public lands (including the Guildhall Square open space and Cultural Quarter) and, where applicable, to make appropriate charges.
- 3.2.6 To grant permission for the use of Speakers' Corner at Hoglands Park, and where appropriate, to make proper charge.
- 3.2.7 In association with the Chipperfield Advisory Committee, to select and acquire works of art for the collection under the Chipperfield Bequest, up to the value of £125,000, subject to the necessary finance being available.
- 3.2.8 To select and acquire works of art for the collection under the Smith Bequest.
- 3.2.9 To grant permission for loans from and to the collections and to permit the reproduction of work from the collection.
- 3.2.10 To select works and subjects and to arrange for their reproduction for art gallery and museum purposes, subject to proper charges being made where appropriate.
- 3.2.11 To enter into standard agreements for the carrying out of archaeological works; ~~following consultation with the Head of Legal & Democratic Services.~~
- 3.2.12 To allocate the annual interest on the sports fund to support outstanding individual sportsmen and sportswomen resident in the City.

- 3.2.13 To design and implement such short term incentive and/or promotional / marketing schemes that are considered necessary to meet market conditions, to improve operational efficiency and/or to achieve financial benefits at any leisure venue or within any area of leisure activity.
- 3.2.14 To negotiate on and accept prices for events, including trade fees and admission charges, subject to the proviso that these conform to any relevant Council policy.
- 3.2.15 To obtain additional software licences for any library ~~computer systems~~^{IT} when the user base expands.
- 3.2.16 To set levels of royalty payment and agree licences to print.
- 3.2.17 To sign agreements for copying from books and journals.
- 3.2.18 Subject to obtaining the necessary licences, to take multiple abstracts from national newspapers.
- 3.2.19 To accept publicity for display from outside bodies, subject to any legal requirements and policies adopted by the Council.
- 3.2.20 To take whatever action is necessary in respect of library fines, and costs / charges for lost books, photocopying, loans, etc, including waiving or reducing.
- ~~3.2.21 To have the discretion to waive, or reduce, the items referred to in paragraph 3.2.20.~~
- 3.2.21 To revise the Implementation Plan for the Arts and Heritage Acquisition and Disposal Policies for Museum Accreditation, following consultation with the relevant Cabinet Member.
- 3.2.22 To use the David and Liza Brown Bequest Fund for the purchase of works of art for the Art Gallery's permanent collection in the future.
- 3.2.23 To provide appropriate support to the Southampton Cultural Development Trust following consultation with the relevant Cabinet Member.

Film Requests

- 3.2.24 To grant permission for filming requests on Council land or premises and to make a charge, where applicable.
- 3.2.25 Wherever possible acts as City liaison to promote filming at privately owned locations ~~within Southampton~~ and retains a location finder's administrative charge, where applicable.

3.3 HEAD OF PLANNING, TRANSPORT & SUSTAINABILITY

3.3.1 ~~To exercise a~~All Planning, Transport, Highways, Parking, Flood Risk Management, Energy Management and Sustainability functions exercisable by the Council in its capacity as a local authority. ~~shall be delegated to the Head of Planning, Transport & Sustainability.~~

3.3.2 ~~The Head of Planning, Transport & Sustainability shall have authority~~ Ito act and to exercise the functions of the Council under all current or future legislation and Council plans, policies, guidelines and procedures relating to the services and functions managed, operated and controlled by the Head of Service. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.

3.3.3 To purchase services or sell spare capacity where there is a financial, service or other benefit to the authority.

3.3.4 To enter into professional transport, sustainability, planning and building control memberships in the interests of the authority.

3.3.5 Unless directed by the appropriate Cabinet Member or the Director of Place (Environment & Economy) to consult them or others:

To respond to consultations and requests for submissions from Central Government, regional bodies, local authorities and other organisations concerning sustainability, planning, coastal and transport issues, including:

- a. Government Green and White Papers and draft guidance notes;
- b. Development Plans;
- c. the provision and sharing of data and research initiatives;
- d. planning applications and pre-application enquiries; and
- e. European and other international service programme activities (following, as appropriate, consultation with the International Affairs Manager).

3.3.6 To liaise with the County Council, Portsmouth City Council, PUSH, Solent LEP and other relevant authorities in Hampshire on strategic spatial planning, transport, flood risk management and energy issues.

3.3.7 To represent the Council on flood defence, coastal defence and European Marine Site Management Groups.

3.3.8 To determine fees and charges under the Building (Local Authority Charges) Regulations, ~~after~~in consultation with the BC Partnership.

- 3.3.9 To issue and refuse safety certificates, under the Safety at Sports Grounds Act 1975 and Fire Safety and Safety of Places of Sports Act 1987.
- 3.3.10 Power to obtain information under Section 330 of the Town and Country Planning Act 1990 about interests in land or under section 171C Town and Country Planning Act 1990.
- 3.3.11 To execute work in default of compliance with any notice served and to demand the recovery of expenses incurred by the authority.
- 3.3.12 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services.
- 3.3.13 To authorise staff under the authority of the Head of Planning, Transport & Sustainability to enter premises where such action is necessary to conduct duties and is authorised by legislation.
- 3.3.14 Following appropriate consultation with the Cabinet Member, the spokespersons of other political groups for Environment and Transport and where appropriate, with members of partner authorities to prepare “proofs of evidence” presented on behalf of the Council to any relevant examination or inquiry.
- 3.3.15 To monitor the application of the Planning Enforcement Policy, conduct any necessary reviews of the policy and, ~~in~~after consultation with the Head of Legal & Democratic Services, to make any changes to the policy necessary.

Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 and other legislation

- 3.3.16 All functions, powers and duties under Section 53 (duty to keep a definitive map and statement under review), including
- (i) Under Section 53A, power to include modifications in other orders; and
 - (ii) Under Section 53B, duty to keep a register of prescribed information with respect to applications under section 53(5).
- 3.3.17 Power to prepare a map and statement by way of consolidation of definitive map and statement, under section 57A.
- 3.3.18 To take action, where necessary, under section 149 of the Highways Act 1980 including the institution of prosecutions, to remove obstructions from footpaths and pavements.

3.3.19 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation following consultation with the Head of Legal & Democratic Services.

Byelaws

3.3.20 To determine applications for registration under s4 of the Hampshire Act 1983.

Powers of Entry

3.3.21 To authorise officers of the Planning and Sustainability Division to exercise powers of entry in respect of the Town and Country Planning Act 1990, including section 196A, section 214B and section 324 relating to their functional responsibilities.

General Powers and Appointment of Officers

3.3.22 To appoint officers for the implementation of the Council's functions under all relevant legislation.

3.3.23 To authorise the institution of legal proceedings for the contravention or failure to comply with notices served under the legislation in this Division's section of the Scheme.

Neighbourhood Areas / Plans

3.3.24 In relation to Examination of a Neighbourhood Development Plan in accordance with s.38A of the Planning & Compulsory Purchase Act 2004 and Schedule 4B of the Town & Country Planning Act 1990, to determine whether or not the procedural requirements for the preparation of the Plan have been met, to take all action necessary to consult on the Plan, to prepare, following consultation with the relevant Cabinet and Ward Members, the Council's comments on the Plan and to submit the Plan together with all ancillary documents for Examination.

3.3.25 To take all action necessary to receive, process, carry out statutory consultation on and to determine any application for designation of a neighbourhood area received in accordance with Sections 61G and 61H of the Town & Country Planning Act 1990.

3.4 HEAD OF TRANSPORT, HIGHWAYS & PARKING

- 3.4.1 To amend the proposed five year Capital Programme in the light of ongoing consultation with the Government.
- 3.4.2 To enter into, vary and determine public transport contracts in order to optimise the delivery of transport policy objectives and maintain reliable services.
- 3.4.3 To liaise with and respond to consultation from neighbouring authorities, from public transport operators and public transport infrastructure providers on services, routes and timetables and other bodies on local and strategic transport matters including public transport services, routes and timetables, and implications.
- 3.4.4 To respond to consultations and requests for submission from Government Departments, other local authorities, international, European, academic, research, business representatives and other bodies in respect of:
- a. provision and sharing of data and research initiatives;
 - b. transport and infrastructure issues; and
 - c. professional engineering issues.
- 3.4.5 To submit expressions of interest, funding bids, undertake research, enter into (and vary) development projects with external partnerships within estimates, including seeking external funding or joining funding partnerships.
- 3.4.6 To introduce mini-roundabouts where it is thought that these may improve traffic conditions.
- ~~3.4.7 To respond to consultations and requests for submission from Government Departments, other local authorities, international, European, academic, research, business representatives and other bodies in respect of transport, highways and infrastructure issues.~~
- 3.4.7 In accordance with orders made under the Road Traffic Regulation Act 1984 and subsequent legislation, to take any actions necessary in relation to parking control, car parks, lorry parks, the issue of penalty, standard and excess charge notices and notices of offence.
- 3.4.8 Following consultation with the Head of Legal & Democratic Services:
- a. to introduce temporary road closures and other temporary traffic restrictions on the highway ~~within Southampton~~;
 - b. to maintain a list of all closures authorised under this delegated procedure, including the reason for the restriction and its predicted and actual duration;

- 3.4.9 To issue consent under the Highways Act 1980 to build over an improvement line where planning permission is granted for the development which crosses an improvement line, following consultation with the Head of Planning, Transport and Sustainability
- 3.4.10 Authority to do anything necessary on behalf of the Highway Authority to give effect to decisions relating to Sections 37, 38 and 278 of the Highways Act, 1980, including entering into agreements, approving plans, inspecting works and requiring the necessary fees from developers ~~on behalf of the City Council~~ when negotiating works and agreements for the adoption of highways on behalf of the Highway Authority.
- 3.4.11 To make any order or decision, grant any licence or take any ancillary action (including setting, varying and removing charges), relating to highways and traffic management matters such as but not confined to, Traffic Regulation Orders, under the following legislation, subject to the right of appeal to the Appeals Panel by any person permitted under the relevant legislation to object to the making of any such order or decision:

Clean Neighbourhood and Environment Act 2005
Countryside and Rights of Way Act 2000
Crime and Disorder Act 1998 (Section 17)
Criminal Justice and Public Order Act 1994
Hampshire Act 1983
Highways Act 1980
Local Government Act 1972 (Section 111)
Local Government Act 2000 (Section 2)
Local Government (Miscellaneous Provisions) Act 1976
New Roads and Street Works Act 1991
Public Health Act 1925
Public Health Act 1875
Refuse Disposal (Amenity) Act 1978
Road Humps Regulations 1990
Road Traffic Act 1988 (re cycle races)
Road Traffic Act 1991
Road Traffic Regulation Act 1984 (including orders made under Pedestrian Crossings Regulations and Traffic Signs Regulations and General Directions.
Transport Acts 1985 and 2000
Road Traffic Regulation (Special Events) Act 1994
Road Traffic (Temporary Restrictions) Act 1991
Town and Country Planning Acts
Town Police Clauses Act 1847
Traffic Calming Act 1992
Traffic Management Act 2004

- 3.4.12 To determine and vary the Highways and Parking Capital and Planned Maintenance Programmes in accordance with the policies and other criteria set by the Authority, ~~in~~ after consultation with the appropriate Policy Coordinator,
- ~~3.4.14 To respond to consultations and requests for submission from Government Departments, other local authorities, international, European, academic, research, business representatives and other bodies in respect of:~~
- ~~a. provision and sharing of data and research initiatives;~~
 - ~~b. transport and infrastructure issues;~~
 - ~~c. professional engineering issues~~
- 3.4.13 To submit expressions of interest, research, enter into (and vary) development projects with external partnerships within estimates, including seeking external funding or joining funding partnerships.
- 3.4.14 To serve notice requiring payment for works carried out in default.
- 3.4.15 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the local authority.
- 3.4.16 To affix statutory notices to and to arrange for the removal of, vehicles deemed to be abandoned on public land.
- 3.4.17 To make decisions in respect of the use and release of videotapes and other data arising from CCTV equipment under the control of the division, including responding to requests from the police, insurers, media and members of the public.
- 3.4.18 To purchase services or sell spare capacity where there is a financial, service or other benefit to the authority.
- 3.4.19 To enter into professional memberships in the interests of the authority.
- 3.4.20 To act as “Engineer”, “Employer” or any designation attributable to any other officer under a standard form of contract or partnership arrangement for the purposes of engineering contracts let by the authority.
- 3.4.21 To issue permits allowing building materials to be temporarily deposited on the highway.
- 3.4.22 To issue street works licences allowing excavations to be made in the public highway.
- 3.4.23 To issue permits allowing the temporary erection of scaffolding and hoardings on highways.
- 3.4.24 To issue permits allowing builders’ skips to be temporarily deposited on the highway.

- 3.4.25 To take action, where necessary, under Sections 148 and 154 of the Highways Act 1980 including the institution of prosecutions to remove deposits from footpaths and pavements and to control overhanging vegetation.
- 3.4.26 To serve a remedial notice on the landowner from which trees, hedges or shrubs emanate where they are considered to endanger or obstruct the passage of vehicles or pedestrians. To carry out works in default of this notice and do anything ancillary to this work pursuant to section 154 of Highways Act 1980.
- 3.4.27 To respond on behalf of the Council to statutory undertakers proposals to install their equipment in the highway.
- 3.4.28 Following consultations with the relevant Cabinet Member, annually review the Transport Asset Management Plan.
- 3.4.29 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services.
- 3.4.30 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services.
- 3.4.31 To serve street litter control notices.
- 3.4.32 To undertake any necessary investigative work for the purposes of enforcement including issue a fixed penalty notices or any other notice on any person or person found littering, flyposting or committing graffiti pursuant to the Environmental Protection Act 1990, Clean Neighbourhood and Environment Act 2005, the Anti-Social Behaviour Act 2003, the Highways Act 1980 and the Town and Country Planning Act 1990.
- 3.4.33 [All City Parking and Patrol Services functions exercisable by the Council in its capacity as a local authority shall be delegated to the Head of Regulatory Services.](#)^[LCB11]
- Refuse Disposal (Amenity) Act 1978**
- 3.4.34 [All powers and duties under the Refuse Disposal \(Amenity\) Act including but not restricted to the power to serve notice under Sections 3 and 6 of the Act to deal with abandoned motor vehicles.](#)

Highways Act 1980

- 3.4.35 Under Section 31A, a duty to keep a register of information with respect to maps, statements and declarations.
- 3.4.36 Under Section 119A, power to make a rail crossing diversion order.
- 3.4.37 Under Section 119B, power to make a special diversion order.
- 3.4.38 Under Section 119C(3), power to require application for order to enter into agreement.
- 3.4.39 Under Section 119D, power to make an SSSI diversion order.
- 3.4.40 Under Section 121B, duty to keep a register with respect to applications under section 118ZA, 118C, 119ZA and 119C.
- 3.4.41 Under Section 130, duty to assert and protect the rights of the public to use and enjoyment of highways.
- 3.4.42 Under Section 130A, duty to serve notice of proposed action in relation to obstruction.
- 3.4.43 Under Section 135, power to authorise temporary disturbance of surface of footpath or bridleway.
- 3.4.44 Under Section 153B, functions relating to the making good of damage and the removal of obstructions.
- 3.4.45 To issue Licences under Section 176, 177 and 178.
- 3.4.46 Power to licence planting, retention and maintenance of trees etc in part of the highway (Section 142).
- 3.4.47 Power to consent to the construction of cellars etc under the street (Section 179).
- 3.4.48 Power to consent to the making of openings into cellars, etc under the street and pavement lights and ventilators (Section 180).
- 3.4.49 Authority to do anything necessary on behalf of the Highway Authority to give effect to decisions relating to Sections 37, 38 and 278 of the Highways Act, 1980, including entering into agreements, approving plans, inspecting works and requiring the necessary fees from developers on behalf of the City Council when negotiating works and agreements for the adoption of highways on behalf of the Highway Authority.
- 3.4.50 To issue permits allowing vehicles into “Pedestrian Only” streets in order to carry out essential works, [in-after](#) consultation with the Head of City Services.
- 3.4.51 To agree street naming and numbering.

- 3.4.52 To serve notice requiring payment for works carried out in default.
- 3.4.53 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the Local Authority.
- 3.4.54 To take any action in relation to or associated with HGV Operators' Licences.
- 3.4.55 All City Parking and Patrol Services functions exercisable by the Council in its capacity as a local authority shall be delegated to the Head of Regulatory Services.
- ~~3.4.56 The Head of Regulatory Services shall have authority to act under all current and future legislation and Council plans, policies, guidelines and procedures relating to the services and functions managed, operated and controlled by the Head of Service. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions. [AU12]~~
- 3.4.56 To enter into agreements with external bodies for the purpose of maintaining and managing the highway, transport asset management, on and off street car parks maintenance and management and management of City Patrol.
- 3.4.57 To deal with applications for the use of car parks on their individual merits, normally to be granted only to charities and non-profit organisations, following consultation with the Head of Legal & Democratic Services.
- 3.4.58 To grant permission for use of Council car parks for display purposes, following consultation with the Head of Legal & Democratic Services.
- 3.4.59 To advertise proposed disabled persons' parking bays in accordance with Council policy.
- ~~3.4.61 To respond to consultations and requests for submission from Government Departments, other local authorities, international, European, academic, research, business representatives and other bodies in respect of:~~
- ~~a. provision and sharing of data and research initiatives;~~
- ~~b. professional engineering issues.~~
- 3.4.64 In accordance with orders made under the Road Traffic Regulation Act 1984 and subsequent legislation, to take any actions necessary in relation to parking control, car parks, lorry parks, the issue of penalty, standard and excess charge notices and notices of offence.
- 3.4.65 In accordance with orders made under the Road Traffic Regulation Act 1984 and subsequent legislation and Council policy to take actions to manage the residents parking schemes, and in relation to parking control the waiving of the penalty, standard or excess charge: the acceptance of an alternative amount in lieu of the

penalty, standard or excess charge: the service of notices to ascertain the identify of the driver of a vehicle, the initiation of prosecutions and the issue of permits, dispensations and waivers.

- 3.4.66 In accordance with orders made under the Road Traffic Regulation Act 1984 and subsequent legislation and Council policy to take actions necessary to manage the pay and display and pay on foot systems of parking control in car parks and lorry parks; issue of penalty, standard and excess charges notices and notices of offence; the sale of prepaid parking tickets; the collection of parking charges; the initiation of prosecutions; and the issue of permits, dispensations and waivers.
- 3.4.67 To make any order or decision, grant any licence or take any ancillary action (including setting, varying and removing charges), in relation to Parking and City Patrol matters:
- Clean Neighbourhood and Environment Act 2005
 - Countryside and Rights of Way Act 2000
 - Crime and Disorder Act 1998 (Section 17)
 - Criminal Justice and Public Order Act 1994
 - Hampshire Act 1983
 - Highways Act 1980
 - Local Government Act 1972 (Section 111)
 - Local Government Act 2000 (Section 2)
 - Local Government (Miscellaneous Provisions) Act 1976
 - Refuse Disposal (Amenity) Act 1978
 - Road Traffic Act 1991
 - Road Traffic Regulation Act 1984 (including orders made under Pedestrian Crossings Regulations and Traffic Signs Regulations and General Directions.
 - Traffic Management Act 2004
- 3.4.68 To determine and vary the Parking Capital and Planned Maintenance Programmes in accordance with the policies and other criteria set by the authority.
- 3.4.69 To issue permits allowing vehicles into “Pedestrian Only” streets in order to carry out essential works.
- 3.4.70 To submit expressions of interest, research, enter into (and vary) development projects with external partnerships within estimates, including seeking external funding or joining funding partnerships.
- 3.4.71 To serve notice requiring payment for works carried out in default.
- 3.4.72 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the local authority.
- 3.4.73 To affix statutory notices to and to arrange for the removal of, vehicles deemed to be abandoned on public land.

- 3.4.74 To register unpaid penalty charges (Charge Certificates) at the Traffic Enforcement Centre (County Court Bulk Centre) and to seek warrants of execution to complete the recovery process.
- 3.4.75 To present the Council's evidence to the National Parking Adjudication Service.
- 3.4.76 To make decisions in respect of the use and release of videotapes and other data arising from CCTV equipment under the control of the division, including responding to requests from the police, insurers, media and members of the public.
- 3.4.77 To purchase services or sell spare capacity where there is a financial, service or other benefit to the authority.
- 3.4.78 To issue permits allowing building materials to be temporarily deposited on the highway.
- 3.4.79 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation.
- ~~3.4.80 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation.~~
- 3.4.80 To serve street litter control notices.
- 3.4.81 To undertake any necessary investigative work for the purposes of enforcement including issue a fixed penalty notices or any other notice on any person or person found littering, flyposting, or committing graffiti pursuant to the Environmental Protection Act 1990, Clean Neighbourhood and Environment Act 2005, the Anti-Social Behaviour Act 2003, the Highways Act 1980 and the Town and Country Planning Act 1990, Blue Badge & Parking Permit fraud.
- 3.4.82 To approve the issue of civil penalty notices in Cemetery Road and to respond to appeals (challenges) against the issue of any notice.
- 3.4.83 To take any action in relation to or associated with HGV Operators' Licences.

3.5 ENERGY AND SUSTAINABILITY MANAGER

- 3.5.1 To respond to consultations and requests for submission from Government Departments, other local authorities, international, European, academic, research, business representatives and other bodies in respect of:
- a. provision and sharing of data and research initiatives;
 - b. transport and infrastructure issues;
 - c. professional engineering issues
- 3.5.2 To submit expressions of interest, funding bids, undertake research, enter into (and vary) development projects with external partnerships within estimates, including seeking external funding or joining funding partnerships.

3.6 PLANNING AND DEVELOPMENT MANAGER

3.6.1 To determine planning applications and any other applications, submissions, consents, etc required to be made and to be determined by the Local Planning Authority subject to the following restrictions:

- a. For planning applications (therefore, applications for advertisement consent, prior approval, time limited applications, lawful development certificates, etc are excluded) that fall within the major, minor or other category (as defined by the Government), and where within the standard 21-day publicity period a request made in writing by a ward member of the ward in which the application site predominantly falls, if supported by at least five written letters of objection (discounting petitions, proforma and circulated standard letters) on valid and appropriate planning grounds from five different individuals within the administrative ward of the City the development lies) shall be brought to the Planning and Rights of Way Panel meeting for discussion. If a request by a member is received after the publicity period, or the necessary five independent properly addressed letters of objection are received after the publicity period, the consideration of referral to the Panel will be at the discretion of the Planning and Development Manager after consultation with the Chair of the Planning and Rights of Way Panel;
- b. Where the proposal is contrary to policies contained within the development plan and where three or more objections are received in writing from at least three different individuals;
- ~~b. the submission shall have been the subject of consultation and notification in accordance with prevailing legislation and the Council's Code of Practice;~~
- ~~c. the determination shall be in accordance with the City of Southampton Local Development Framework and adopted Council Policies;~~
- ~~d. applications shall not be approved if valid planning objections have been received from elected Members, members of the public or other consultees. The Planning and Development Manager may reject invalid objections and determine the application provided that an explanation is given in writing to the objector giving the reasons why the objection is invalid in planning terms;~~
- c. applications which the Planning and Development Manager considers to be of particular interest, strategic importance or wider public interest shall be referred to the Planning and Rights of Way Panel;
- ~~f. all submissions under the Planning (Hazardous) Substances Act 1990 shall only be determined after consultation with the Head of Regulatory Services.~~

~~**Note 1:** Within the standard 21-day publicity period applicable to a minor planning application, a request made in writing by a Ward Member of the Ward in which the application site predominantly lies, if supported by at least five written letters of objection (discounting petitions, proforma and circulated standard letters) on valid and appropriate planning grounds from individual property addresses within the administrative ward of the City the development lies) shall be brought to the next available Planning and Rights of Way Panel meeting for discussion. If a request by a Member is received after the publicity period, or the necessary five independent property addressed letters of objection are received after the publicity period, the consideration of referral to the Panel will be at the discretion of the Planning and Development Manager following consultation with the Chair of the Planning and Rights of Way Panel.~~

~~**Note 2:** Paragraphs 3.6.1(c) to (e) do not apply to:~~

- ~~i. — minor applications for minor developments, including householder applications unless a written request from a Ward Member of the Ward in which the application site predominantly lies, supported by at least five written letters of objection (discounting petitions, proforma and circulated standard letters) on valid and appropriate planning grounds from individual property addresses within the administrative ward of the City the development lies) is received within the standard 21-day publicity period.;~~
- ~~ii. — applications where conditions may be applied to overcome objections;~~
- ~~iii. — applications under Sections 191 and 192 of the Town and Country Planning Act 1990; or~~
- ~~iv. — applications for advertisement consent.~~

3.6.2 Where appropriate, to instruct the Head of Legal & Democratic Services to serve any notices in pursuance of regularising breaches of planning (and other relevant legislation)~~the following notices~~, commence court proceedings and to complete or seal agreements, ~~and where appropriate,~~ in respect of (but not restricted to) the following:

- a. Notices under Section 215 of the Town and Country Planning Act 1990 (Amenity Notices);

- b. Notices under Section 171 of the Town and Country Planning Act 1990 (Planning Contravention Notices);
- c. Notices under Section 187A of the Town and Country Planning Act 1990 (Breach of Conditions Notices);
- d. Notices under section 172 of the Town and Country Planning Act 1990 (Enforcement Notices)
- e. To institute emergency proceedings to take necessary enforcement action to restrain breaches of planning control (including listed building control), under section 171E (temporary stop notices); section 183 (stop notices); section 187B (injunctions restraining breach of planning control) of the Town and Country Planning Act 1990; section 44A of the Listed Buildings Act 1990 (injunctions restraining breach of listed building control); section 214A (injunctions in relation to tree preservation orders) ~~subject to a report being submitted to a subsequent meeting of the Planning and Rights of Way Panel,~~ following consultation with the Head of Legal & Democratic Services;
- f. Directions under Article 4 of the General Permitted Development Order 1995 removing development rights to demolish a building upon a receipt of a predetermination application subject to a report for confirmation being submitted to a subsequent meeting of the Planning and Rights of Way Panel;
- g. Hazardous substances contravention's notices;
- h. Revocation or modification of Hazardous Substances Consents;
- i. Prosecution for illegal display of advertisements;
- j. To decide whether an assessment and environmental statement is required under the Environmental Assessment Regulations; and to respond to requests for screening and scoping opinions under those Regulations;
- k. To decide whether development is likely to have a significant affect on land protected under international designation; and to carry out appropriate assessment as required by the Habitat Regulations where the Council is the competent authority;
- l. Authority to enter into agreements, approve plans, inspect works and require reasonable fees from developers on behalf of the Council, as highway authority, when negotiating works agreements for the adoption of highways under Sections 38 and 278 of the Highways Act 1980;
- m. To agree to the adoption of new highways arising from new development under Section 38 of the Highways Act 1980 by the Council as highway authority;

- n. To allocate or reallocate postal numbers in respect of any properties in the City;
- o. To issue and serve notices under the Advance Payment Code of the Highways Act 1980;
- p. To inspect Private Streets and where necessary instruct the Head of Legal & Democratic Services to serve notices where required for the repair of such streets. To initiate works in default of compliance with the requirements of such notices;
- q. To authorise persons to enter any land without a warrant or under warrant in accordance with Sections 196A and 196B of the Town and Country Planning Act 1990 or under section 324 of the same Act;
- r. To authorise the Head of Legal & Democratic Services to sign unilateral undertakings, or enter into agreements under Section 106 of the Town and Country Planning Act 1990, to undertake deeds of variation and subsequently amend any terms previously agreed, unless the Planning and Rights of Way Panel has asked for those discussions to be referred back to it; in respect of:
 - ~~(i) — planning obligations required for “minor” or “other” planning applications; or otherwise where the heads of terms of the agreement have previously been approved by the Planning and Rights of Way Panel within a period of 12 months; and~~
 - ~~(ii) — planning obligations which are consistent with the Council’s Supplementary Planning Guidance on Planning Contributions dealing with affordable housing; transportation obligations; public realm obligations; open space and leisure obligations; public art; community safety; recruitment and training, waste management obligations and other material planning considerations; and~~
- ~~s. — Where the Planning and Rights of Way Panel has delegated authority to the Planning and Development Manager to grant planning permission subject to the completion of legal agreements or subject to other requirements, but those agreements or other requirements have not been met, to refuse planning permission.~~

~~3.6.3 To grant planning permission where a previous application in substantially the same terms has already been approved by Panel but the applicant has missed the date for the completion of a section 106 agreement.~~

~~3.6.4 To decline to determine:~~

- ~~(a) subsequent applications under Section 70A of the Town and Country Planning Act 1990;~~
- ~~(b) overlapping applications under Section 70B of the Town and Country Planning Act 1990;~~
- ~~(c) subsequent application under Section 81A of the Listed Buildings Act 1990;
and~~
- ~~(d) overlapping under Section 81B of the Listed Buildings Act 1990.~~

- 3.6.3 Power to make, modify or vary, revoke but not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990 and to confirm such orders except where valid objections are received.
- 3.6.4 To make any order, notice or decision, grant any license, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services.
- 3.6.5 To determine applications for works to trees that are subject to protection by Tree Preservation Order and to impose such conditions on any consent that s/he deems appropriate.
- 3.6.6 To serve a notice to plant replacement trees, where they are a requirement of the land owner's duty to replace under Section 206 of the Town and Country Planning Act 1990 or where replacements have been conditioned under a tree works decision notice.
- 3.6.7 To execute works in default of non-compliance with a notice to replant trees and to recover all reasonable costs from the landowner.
- 3.6.8 To agree street naming and numbering.

3.7 HEAD OF CITY DEVELOPMENT, ECONOMY & HOUSING RENEWAL

- 3.7.1 To carry out site investigations and soil surveys in relation to major development sites, where necessary, to establish the development potential of vacant land, subject to the availability of the necessary finance to carry out such investigations.
- 3.7.2 Together with the Head of Property, Procurement and Health & Safety and the Head of Planning, Transport & Sustainability, to undertake the acquisition of land for approved major development schemes, following consultation with the Head of Legal & Democratic Services.
- 3.7.3 To determine the City Council's membership of "Forum of the Future" annually.
- 3.7.4 To determine applications for authorisation to entertain in Above Bar Precinct.
- 3.7.5 To liaise with economic partnerships and other economic bodies to represent the Council's interests on economic issues.
- 3.7.6 To grant use of the Above Bar pedestrian precinct and Bargate pedestrian area following consultation with the Head of Legal & Democratic Services in accordance with conditions laid down and Part VIIA of the Highways Act 1980 where applicable, and where appropriate to make a proper charge.
- 3.7.7 To set a level for donations for the placing of temporary objects on the paved area outside the Bargate.
- 3.7.8 To submit bids for or tenders involving funding or assistance from central Government, European Commission or from any other source (direct or indirect to the authority itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB: this delegation also applies to any new schemes not in place, and is thus framed broadly and should be applied in the same way), following consultation with the Head of Legal & Democratic Services and Chief Financial Officer.
- 3.7.9 To change the decision-making body and managerial responsibilities for any property within the Economic Development Portfolio in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Chief Financial Officer and Head of Property, Procurement and Health & Safety.

- 3.7.10 To approve variation to the terms of leases, licences, easements or wayleaves, covenants or any other transaction, subject to the approval of the Chief Financial Officer.
- 3.7.11 To appoint external agents or consultants to provide specialist services in respect of the Council's major development schemes, ~~subject to compliance with Financial Procedure Rules and Contract Procedure Rules.~~
- 3.7.12 Where the Council has resolved to make a Compulsory Purchase order for a major development project or where in purchase has in principle been approved by the council to settle terms for the purchase of property and valid heads of claim, subject to the approval of the Chief Financial Officer.
- 3.7.13 ~~After~~ consultation with the Head of Legal & Democratic Services to accept Blight Notices which are valid and which are served in respect of major development schemes proposals.
- 3.7.14 To respond to consultations and requests for submissions, including responses to calls for funding proposals, from European, and Government Departments in relation to Domestic, International and European Service activities.
- 3.7.15 To grant licences for works on land within the major Development project sites.
- 3.7.16 To approve the temporary use of property, pending long-term use.
- 3.7.17 To perform all functions of the Council in respect of its responsibilities and powers under the Party Walls etc Act 1996, including the service and response to Statutory Notices, appointments of Party Wall Surveyors and compliance with all steps required by any Party Walls Award in respect of Major Projects.
- 3.7.18 To make minor amendments to boundaries ~~after~~ consultation with the Cabinet Member to disposals in respect of approved major development schemes.
- 3.7.19 To allow developers on to council land to carry out site investigations subject to the granting of an appropriate licence.
- ~~3.7.20 To determine applications for authorisation to entertain in Above Bar Precinct.~~
- 3.7.20 To make amendments to the Housing Strategy 2011-2015 following consultation with the Cabinet Member and further consultation with the relevant Scrutiny Panel.
- 3.7.21 ~~To grant licences for works on land within the major development project sites.~~ [AU13]
- 3.1.25 In relation to the Private Sector Housing Strategy to:
- a. alter existing or introduce new formulae to calculate loan repayment sums in respect of financial assistance packages;

- b. approve adjustments to the occupancy terms for the grant element of existing and new financial assistance packages; and
 - c. approve the introduction of subsequent financial assistance packages developed, and any significant alterations to the criteria of existing packages following consultation with the appropriate Cabinet Member and the Chief Financial Officer.
- 3.7.22 To authorise and implement changes to the “Decants and Permanent Rehousing due to the decommissioning of Council Housing Stock – Rented or Leasehold” as required, following consultation with the Cabinet Member responsible and Chief Financial Officer.^[AU14]
- 3.7.23 To make minor amendments to boundaries ~~after~~ⁱⁿ consultation with the relevant Cabinet Member to disposals in respect of approved major development schemes.
- 3.7.24 To allow developers on to Council land to carry out site investigations subject to the granting of an appropriate licence. |

^[AU15] **ESTATE REGENERATION**

- 3.7.25 To approve after consultation with the relevant Cabinet Member terms for the repurchase of property sold through the Right to Buy process and compensation payments to business tenants to facilitate site assembly for Estate Regeneration Projects, where Cabinet approval exists for these land acquisitions.
- 3.7.26 Following consultation with the relevant Cabinet Member responsible, Head of Legal & Democratic Services, Chief Financial Officer and Head of Property, Procurement and Health & Safety to demolish properties or dispose of land held within the Housing Revenue Account subject to best consideration being received for vacant properties, vacant sites or garages for the purposes of estate regeneration and the development of new housing.
- 3.7.27 Following consultation with the relevant Cabinet Member responsible, Head of Legal & Democratic Services, Chief Financial Officer and Head of Property, Procurement and Health & Safety and subject to funding and budgetary approval being in place, to acquire land for the purposes of estate regeneration and to secure demolition of any buildings if appropriate.
- 3.7.28 To commence a programme of consultation and engagement with residents and stakeholders on sites identified for redevelopment, subject to consultation with the Chief Financial Officer and relevant Cabinet Member.

3.7.29 To accept, in accordance with FPR any grant funding towards the costs of the Estate Regeneration project and as a consequence:

- a) increase the capital budget for this project by the value of the grants received;
and
- b) increase the scheme approval sums by the value of the grant received.

3.7.30 Following consultation with the relevant Cabinet Member responsible, Head of Legal & Democratic Services, Chief Financial Officer and Head of Property, Procurement and Health & Safety to:

- a. procure a development partner to redevelop the four sites identified (Cumbrian Way, Exford Avenue, Meggeson Avenue and Laxton Close) or any of them or any combination;
- b. enter into a development agreement to deliver the redevelopments including, if required, disposal of freehold;
- c. acquire, where terms can be agreed, adjoining parcels of land; and
- d. accept, in accordance with Financial Procedure Rules, any grant funding towards the costs of the redevelopment of the four estate regeneration sites.

3.7.31 To approve homeloss, disturbance and ex-gratia payments for removal expenses for displaced tenants on modernisation or major works of Council dwellings.

3.8 HEAD OF CITY SERVICES

3.8.1 To act under all current and future legislation and Council plans, policies, guidelines and procedures relating to the services and functions managed, operated and controlled by the Heads of Service. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.

Trees

3.8.2 To determine whether to proceed with an applicant's case, in pursuance of section 68(2) – 68(5) of Anti-Social Behaviour Act 2003 (High Hedges).

3.8.3 To determine whether or not, and to what extent to refund fees pursuant to s68(8) of the Anti-Social Behaviour Act 2003 (High Hedges).

3.8.4 To execute works in default of the remedial work detailed in any remedial notice under the Anti-Social Behaviour Act 2003 (High Hedges).

3.8.5 ~~In-After~~ consultation with the Chief Financial Officer and the Head of Legal & Democratic Services, to undertake a six-monthly review of the level of the fee to be charged for the service under Part 8 of the Anti-Social Behaviour Act 2003 and to vary the fee level as necessary to ensure that the costs of providing the service are recovered in the financial year (High Hedges).

3.8.6 To authorise an appropriate officer to enter land for any purpose pursuant to Part 8 of the Anti-Social Behaviour Act 2003 (High Hedges).

3.8.7 To approve modifications to the Southampton's Tree Operational Risk Management System (STORMS) following consultation with the Head of Legal & Democratic Services, the Council's Risk and Insurance Manager and the Council's Health and Safety Manager to ensure the system remains fully effective.

3.8.8 To serve a notice on any owner of land on which a tree is situated that is in such a condition that there is imminent danger of its causing damage to persons or property pursuant to section 23 of the Local Government (Miscellaneous Provisions) Act 1976, ~~in-after~~ consultation with the Head of Legal & Democratic Services.

3.8.9 To authorise any officer to enter land for the purposes of assessing the condition of tree or trees on another land pursuant to section 24 of the Local Government (Miscellaneous Provisions) Act 1976.

- 3.8.10 Power to make, modify or vary, revoke and confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990 except where valid objections are received.
- 3.8.11 To determine applications for works to trees that are subject to protection by Tree Preservation Order and to impose such conditions on any consent that s/he deems appropriate.
- 3.8.12 To serve a notice to plant replacement trees, where they are a requirement of the land owner's duty to replace under Section 206 of the Town and Country Planning Act 1990 or where replacements have been conditioned under a tree works decision notice.
- 3.8.13 To execute works in default of non-compliance with a notice to replant trees and to recover all reasonable costs from the landowner.

Street Cleansing, Allotments & Green Spaces

- 3.8.14 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services.
- 3.8.15 To serve street litter control notices.
- 3.8.16 Power to obtain information under Section 330 of the Town and Country Planning Act 1990 and Section 16 Local Government (Miscellaneous Provisions) Act 1976 about interests in land.
- 3.8.17 To undertake any necessary investigative work for the purposes of enforcement including issue a fixed penalty notices or any other notice on any person or person found littering, flyposting, or committing graffiti pursuant to the Environmental Protection Act 1990, Clean Neighbourhood and Environment Act 2005, the Anti-Social Behaviour Act 2003, the Highways Act 1980 and the Town and Country Planning Act 1990.
- 3.8.18 To agree to waive charges for allotments.
- 3.8.19 To decide and accept the most suitable tender for mobile catering services in the parks and enter into a contract with that operator.
- 3.8.20 [To make applications under Section 38 of the Commons Act 2006.](#)
- 3.8.21 [Following consultation with the relevant Cabinet Member and the Director of Corporate Services, to agree for the City Council to act as the accountable body on behalf of formally constituted "friends" groups, resident, tenant or community groups.](#)

or sports clubs applying for external grant funding of less than £125,000 to improve the city's open spaces and associated assets and infrastructure. This responsibility may include procuring supplies, goods or services on behalf of the grant recipient through identifying the most economically advantageous quote or tender, certifying receipt of goods and services, agreeing practical completion of site works, authorising payment of invoices, controlling and monitoring project expenditure, and keeping accurate and auditable financial records for the purpose of reclaiming project expenditure from the external grant funding body.^[AU16]

- 3.8.22 To commence impoundment procedures when a horse is deemed to pose an acceptable risk to public safety, private property, adversely affect public rights to recreation, or is significantly damaging the environment.^[AU17]

Waste & Resources Management

- 3.8.23 All Waste and Fleet Transport services functions exercisable by the Council in its capacity as a local authority.
- 3.8.24 All powers necessary and expedient in relation to the Council's statutory duties to collect and dispose of municipal waste, including but not limited to the authority to enter into contracts necessary to give effect to or facilitate this function.
- 3.8.25 To complete and submit expressions of interest for waste and sustainable resource management, funding or initiatives to any UK or EU funding organisations.
- 3.8.26 To liaise with Hampshire County Council, Portsmouth City Council and other waste collection authorities in Hampshire on all strategic waste issues, ensuring appropriate consultation with colleagues on non-specific waste issues such as spatial planning.
- 3.8.27 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to the Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation following consultation with the Head of Legal & Democratic Services.
- 3.8.28 To determine the charges for the collection of trade refuse, skip hire and MOTs.
- 3.8.29 To set or vary charges for residents using the special bulky domestic refuse collection service waste receptacles, including bulk bin containers, where these are not provided free in accordance with Council policy, following consultation with the appropriate Cabinet Member and the spokesperson for each opposition party.
- 3.8.30 To determine charges for the provision of a specified type of bulk bin container as specifically requested for by customers.

3.8.31 To require the production of a trade waste transfer document and the power to issue a fixed penalty for failing to so provide pursuant to section 34A of the Clean Neighbourhood and Environment Act 2005.

3.8.32 To undertake or instigate any necessary investigative work for the purposes of enforcement including issuing of fixed penalty notices or any other notice on any person or persons found:

- not using the designated waste receptacle for the purpose of depositing waste prior to collection;
- not presenting the waste receptacle for collection on the designated day;
- not removing the waste receptacle (wheeled bin) from the public highway following collection pursuant to the Environmental Protection Act 1990.

Fleet Services

3.8.33 To take any action in relation to, or associated with the Council's LGV Operators Licences and road traffic legislation.

3.8.34 To procure and maintain the Council's vehicle fleet in accordance with the Council's standing orders and the relevant regulatory frameworks.

Enviro-Crime

3.8.35 Exercise the functions, powers and duties of the Council in relation to environmental crime, nuisance or annoyance including but not limited to the terms of the following legislation and any subsequent or similar legislation or replacing or expanding legislation:

Anti-social Behaviour Act 2003

Clean Neighbourhood and Environment Act 2005

[Dogs \(Fouling of Land\) Act 1996](#)

Environment Act 1995

Environmental Protection Act 1990

Environmental Protection (Duty Of Care) Regulations 1991

Local Government (Miscellaneous Provisions) Acts 1976 and 1982

3.9 HEAD OF REGULATORY SERVICES

- 3.9.1 ~~To undertake a~~All Environmental Health and Consumer Protection Services functions exercisable by the Council in its capacity as a local authority. ~~shall be delegated to the Head of Regulatory Services.~~ This includes Registration and Bereavement Services' functions.
- 3.9.2 Act as Proper Officer for Registration under the Registration Service Act 1953.
- 3.9.3 Act under all current or future legislation and Council plans, policies, guidelines and procedures relating to the services and functions managed, operated and controlled by the Head of Service. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.
- 3.9.4 Exercise the functions of the Council in terms of the following legislation and any subsequent or similar legislation or replacing or expanding legislation:

Administration of Justice Act 1970

Administration of Justice Act 1985

Agriculture (Miscellaneous Provisions) Act 1968

Agriculture Acts

Agriculture Produce (Grading and Marketing) Acts 1928 and 1931

Animal and Animal Products (Import and Export) (England and Wales) Regulations 2000

Animal Boarding Establishments Act 1963

Animal Health Act 1981

Animal Health Act 2002

Animal Welfare Act 2006

Anti-social Behaviour Act 2003

Beef Labelling (Enforcement) (England) Regulations 2000

Bovines and Bovine Products (Trade) Regulations 1998

Breeding of Dogs Act 1973 & 1991

Breeding and Sale of Dogs (Welfare) Act 1999

Breeding of Dogs (Licensing Records) Regulations 1999

Building Act 1984

Burial Act 1853

Business Names Act 1985

Business Protection from Misleading Marketing Regulations 2008

Bye-laws for Hairdressers and Barbers

Cancer Act 1939

Cattle Identification Regulations 2007

Cemeteries Order 1977

Children and Young Persons (Protection from Tobacco) Act 1991

Children and Young Persons Act 1933

Civil Partnership Act 2004

Clean Air Act 1993

Clean Neighbourhood and Environment Act 2005
Common Agriculture Policy (Wine) (England and Northern Ireland) Regulations 2001
Companies Act 2006
Consumer Credit Act 1974
Consumer Protection (Distance Selling) Regulations 2000
Consumer Protection Act 1987
Consumer Protection from Unfair Trading Regulations 2008
Control of Pesticide Regulations 1986
Control of Pollution (Anti-Fouling Paint) Regulations 1986
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Copyright, Designs and Patents Act 1988
Courts and Legal Services Act 1990
Customs and Excise Management Act 1979
Dangerous Wild Animals Act 1976
Designation of Local (Southampton Port Health Authority) District Order 1978.
Development of Tourism Act 1969 Tourism (Sleeping Accommodation Price Display) Order 1977
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environment Act 1995
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972
Explosives Acts 1875
Fireworks Act 2003
Food Act 1984
Food and Environment Protection Act 1985
Food Safety Act, 1990
Food Hygiene (England) Regulations 2006
Food Standards Act 1999
Foot and Mouth Disease (Control of Vaccinations) (England) Regulations 2001
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Fuel (Lead Content of Petrol) Regulations 1981 (as amended);
Fur Farming (Prohibition) Act 2000
Hall Marking Act 1973
Hampshire Act 1983
Health Act 2006
Health and Safety at Work etc Act 1974
Home Safety Act 1961
Housing Act 1985
Housing Act 1996

Housing Act 2004
Housing Act 2004
International Health Regulations 2005
Intoxicating Substances (Supply) Act 1986
Licensing Act 2003
Local Authority Cemeteries Order 1977
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Marriage Act 1994
Medicines Act 1968
Motor Cycle Noise Act 1987
Motor Fuel (Sulphur Content of Gas Oil) Regulations 1981
Motor Vehicle (Safety Equipment for Children) Act 1991
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Non-Automatic Weighing Instruments Regulations 2000
Olympic Symbol etc (Protection) Act 1995
Organic Products Regulations 2001
Performing Animals (Regulation) Act 1925
Pesticides (Fees and Enforcement) Act 1989
Pet Animals Act 1951 and Pet Animals Act 1951 (Amendment) Act 1983
Petroleum (Consolidation) Act 1928.
Poisons Act 1972
Police and Criminal Evidence Act 1984
The Southampton Port Health Authority Order 2010
Prevention of Damage by Pests Act 1949
Prices Act 1974
Proceed of Crimes Act 2002
Processed Animal Proteins (England) Regulations 2001
Products of Animal Origin (Import and Export) Regulations 1991.
Products of Animal Origin (Import and Export)(Amended) Regulations 1997.
Property Misdescriptions Act 1991
Protection of Animals (Amendment) Act 2000
Protection of Animals Act 1911
Public Health (Control of Disease) Act 1984
Public Health (Infectious Diseases) Regulations 1988
Public Health Act 1936
Public Health Act 1961
Refuse Disposal (Amenity) Act 1978
Road Traffic Acts 1988 and 1991
Site Waste Management Plans Regulations 2008
Slaughterhouses Act 1974
Solicitors Act 1974
Sunbed (Regulation) Act 2010
Telecommunications Act 1984
Theft Act 1968

Timeshare Act 1992
Tobacco Advertising and Promotion Act 2002
Town and Country Planning Act 1990
Trade Descriptions Act 1968
Trade Marks Act 1938
Trade Marks Acts 1994
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Act 2010
Water Act 2003
Weights and Measures Act 1985
Zoo Act 1981

REGULATORY SERVICES (COMMERICAL AND NEIGHBOURHOODS)

Animal Legislation

- 3.9.5 To discharge the functions, duties and powers imposed by Sections 149 to 151 of the Environment Protection Act 1990 for the purpose of dealing with stray dogs (see also section [4.3.243.9.27](#)).
- 3.9.6 All powers and duties under the Animal Boarding Establishments Act 1963 and Breeding of Dogs Act 1973 and 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999 relating to licensing including but not restricted to grant and revocation.
- 3.9.7 To appoint veterinary practitioners to inspect and report upon premises requiring a licence.
- 3.9.8 All powers and duties under the Pet Animals Act 1951 relating to licensing, including but not restricted to grant and revocation.
- 3.9.9 All powers and duties under the Dangerous Wild Animals Act 1976 relating to licensing, including but not restricted to grant and revocation.
- 3.9.10 To authorise an officer to seize a dangerous dog in accordance with section 5 Dangerous Dogs Act 1991.
- 3.9.11 To continue to appoint veterinary practitioners to inspect premises requiring a licence under the Pet Animals Act 1951.
- 3.9.12 All powers and duties under the Zoo Act 1981 relating to licensing, including but not restricted to grant and revocation.
- 3.9.13 To appoint Inspectors under the Animal Welfare Act 2006.

Anti-Social Behaviour Act 2003

- 3.9.14 All powers and duties under the Anti-Social Behaviour Act 2003 including but not restricted to the power to serve a “defacement removal notice” under section 48 upon any person who is responsible for the surface.

Building Act 1984

3.9.15 All powers and duties under the Building Act 1984 including, but not restricted to, the powers to serve notices under Sections 59, 60, 64, 65, 66, 76, 79 and 84 of the Act relating to the sanitation, drainage and condition of buildings.

Clean Air Acts 1993

3.9.16 All powers and duties under the Clean Air Act 1993 including but not restricted to the power to serve notice under Section 58 of the Act to obtain information.

Clean Neighbourhood and Environment Act 2005

3.9.17 All powers and duties under the Clean Neighbourhood and Environment Act 2005 including but not restricted to the power to serve notice under Section 77 of the Act to silence an alarm.

3.9.18 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to the Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation following consultation with the Head of Legal & Democratic Services.

3.9.19 [Following consultation with the Head of Legal & Democratic Services, to make any order, notice or decision, grant any license, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation.](#)

Control of Pollution Act 1974 and 1989

3.9.20 All powers and duties under the Control of Pollution Act 1974 and to serve notice under Sections 60, 61 and 62 of the Act to deal with noise.

3.9.21 All powers and duties under the Control of Pollution (Amendment) Act 1989 including, but not restricted to serve notice under sections 5 and 7.

Environment Act 1995

3.9.22 All powers and duties under the Environment Act 1995 including but not restricted to the powers outlined below.

3.9.23 Powers under sections 108 subsection 4 and 9 of the Act to deal with pollution.

3.9.24 To discharge all powers and duties in connection with air quality management areas including carrying out the review and assessment of air quality.

- 3.9.25 To waive charges for the cleaning of filthy and verminous premises, or cleansing and/or disposal of filthy articles where payment would cause unnecessary hardship or distress and for the treatment of insect pests in domestic premises.

Environmental Protection Act 1990 (as amended)

- 3.9.26 All powers and duties under the Environmental Protection Act 1990 including but not restricted to the powers outlined below.
- 3.9.27 To discharge powers and duties relating to contaminated land, under sections 78A to 78YC of the Act, including inspection and the service of notices and enforcement.
- 3.9.28 To discharge the functions, duties and powers imposed by Sections 149 –151 of the Environmental Protection Act 1990 for the purpose of dealing with stray dogs.
- 3.9.29 To determine applications for information to be treated as commercially confidential under Section 22 of the Act.
- 3.9.30 All powers and duties relating to the processes referred to in Section 6 of the Environmental Protection Act 1990 and Regulations made there under which will include but not be restricted to the grant and refusal of authorisations.
- 3.9.31 To sign and serve notices under Section 13, 14 and 19 of the Act (Enforcement and Prohibition Notices) relating to authorisations and requests for information.
- 3.9.32 To sign and serve notices under Sections 33, 34, 46, 47, 59 and 71 to deal with waste.
- 3.9.33 To sign and serve notices under Sections 80 and 80A dealing with the abatement of nuisances.
- 3.9.34 To sign and serve notices under Sections 92A, 93 and 94A dealing with litter.

European Communities Act 1972

- 3.9.35 To enforce any orders or regulations made under any of the legislation contained in any power delegated in this Division's section of the Officer Scheme of Delegation or orders or regulations made there under or having effect by virtue of the European Communities Act 1972 and any modification or enactment of that Act.
- 3.9.36 The European Communities Act 1972 provides for the incorporation of European Law into domestic law including but not restricted to Regulation (EC)

852/2004 on the hygiene of foodstuffs, Regulation (EC) 853/2004 laying down specific hygiene rules for food of animal origin and Regulation (EC) 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption as amended by Regulation (EC) 882/2004, the Official Feed and Food Controls Regulation.

Food and Environment Protection Act 1985

- 3.9.37 To authorise as enforcement officers such members of the Directorate's professional and technical support staff who are deemed to have suitable qualifications in respect of Section 19 of the Food and Environment Protection Act 1985, as amended by the Pesticides (Fees and Enforcement) Act 1989.
- 3.9.38 To issue and sign written instruments of appointment under the Act and regulations.
- 3.9.39 To grant authorised officers the power to sign and serve notices under Section 19 of the Food and Environment Protection Act 1985.

Food Safety Act 1990

- 3.9.40 All powers and duties under the Food Safety Act 1990 including but not restricted to the powers to serve notices under Sections 59, 60, 64, 65, 66, 76, 79 and 84 of the Act relating to the sanitation, drainage and condition of buildings.
- 3.9.41 To register premises covered by regulations made under Section 19.
- 3.9.42 To appoint such members of the Environment Directorate professional and support staff deemed to have suitable qualifications under Section 5(6).
- 3.9.43 To appoint suitable specialists under Section 32(4).
- 3.9.44 All powers and duties under the Dairy Products (Hygiene) Regulations 1995 which will include but not be restricted to the grant and refusal of licences.

Health Protection (Local Authority Powers) Regulations 2010

- 3.9.45 All powers and duties under the Health Protection (Local Authority Powers) Regulations 2010 including but not restricted to the powers under Sections 2 to 11 to deal with children attending school, decontamination of persons and premises and to restrict access to and move dead bodies.

Home Safety Act 1961

- 3.9.46 To undertake functions, duties and powers, as specified under the Home Safety Act 1961.

International Health Regulations 2005

- 3.9.47 To undertake functions, duties and powers, as specified under the International Health Regulations 2005 including but not restricted to the issue of Ship Sanitation Control/Exemption Certificates.

- 3.9.48 To introduce increased charges for the issue of Ship Sanitation control and exemption certificates for coastal vessels.
- 3.9.49 To discharge the functions, duties and powers to control disease on ships and aircraft as conferred by the Public Health (Ships) Regulations 1979 and Public Health (Aircraft) Regulations 1979 as amended in 2007 to implement the requirements of the International Health Regulations 2005. To include the appointment of a medical officer, medical practitioners and authorised officers to exercise the powers conferred by the regulations.

Local Government (Miscellaneous Provisions) Act 1976

- 3.9.50 All powers and duties under the Local Government (Miscellaneous Provisions) Act 1976 including but not restricted to the powers outlined below.
- 3.9.51 To sign and serve notices under Section 16 requiring information.
- 3.9.52 To sign and serve notices under sections 23 and 25 to deal with dangerous trees and dangerous excavations.
- 3.9.53 To sign and serve notices under section 35 to remove obstructions from private sewers.

Local Government (Miscellaneous Provisions) Act 1982

- 3.9.54 To determine applications for registration under Part VII of the Local Government (Miscellaneous Provisions) Act, 1982 (Skin Piercing Activities) and ~~authorise with~~ the Head of Legal & Democratic Services institute legal proceedings for contraventions.
- 3.9.55 To sign and serve notices under Section 9 to deal with buildings that are open to unauthorised entry or are likely to become a danger to public health.

Noise Act 1996

- 3.9.56 All powers and duties adopted under the Noise Act 1996 including but not restricted to the power to serve notice under Section 10 of the Act to seize and remove any equipment which it appears is being or has been used to emit noise in connection with a statutory nuisance.

Petroleum (Consolidation) Act 1928

- 3.9.57 To discharge the Council's Petroleum Licensing functions.
- 3.9.58 To grant, revoke, or refuse licences under the Petroleum (Consolidation) Act 1928.

Prevention of Damage by Pests Act 1949

- 3.9.59 All powers and duties under the Prevention of Damage by Pests Act 1949 to deal with the destruction of rats and mice.

Private Water Supply Regulations

3.9.60 All powers and duties under the Private Water Supply Regulations made under the Water Act 2003.

Public Health Acts 1936

3.9.61 All powers and duties under the Public Health Act 1936 including but not restricted to the power to serve notice under Sections 45, 50, 78, 79 and 83 of the Act to deal with defective premises.

3.9.62 All powers and duties under the Public Health Act 1961 including but not restricted to the power to serve notice under Sections 17 and 34 of the Act to deal with rubbish and defective drainage.

Public Health (Control of Disease) Act as amended by the Health and Social Care Act 2008

3.9.63 All powers and duties under the Public Health (Control of Disease) Act 1984 as amended by the Health and Social Care Act 2008 including but not restricted to the powers under Sections 45M and 76 to deal with the protection of health from the risk of infection and deal with defective premises.

3.9.64 To exercise duties under Sections 46 and 48 to arrange for a body to be removed to a mortuary for burial or cremation.

3.9.65 In accordance with paragraph 5 of Schedule 4 of the Public Health (Infectious Diseases) Regulations 1988, to require persons to discontinue or refrain from engaging in any occupations connected with food and to take such other step as empowered under the Regulations.

3.9.66 To make payments by way of compensation, to persons required to discontinue or refrain from engaging in any occupation connected with food.

3.9.67 To authorise an application to the Magistrates Courts under Section 38(i) of the Public Health (Control of Disease) Act 1984.

Refuse Disposal (Amenity) Act 1978

3.9.68 All powers and duties under the Refuse Disposal (Amenity) Act including but not restricted to the power to serve notice under Sections 3 and 6 of the Act to deal with abandoned motor vehicles.

Site Waste Management Plans Regulations 2008

3.9.69 All powers and duties under the Site Waste Management Plans Regulations 2008.

Bye-laws for Hairdressers and Barbers

3.9.70 To determine applications for registration under Section 4 Hampshire Act 1983 and to issue certificates of registration.

Appointment of Public Analysts

3.9.71 To appoint Public Analysts under the Food Safety and Agriculture Acts.

Healthcare Waste Services

3.9.72 To exercise all powers necessary and expedient in relation to the Council's collection of healthcare waste functions (commercial and domestic), including but not limited to the authority to enter into any contracts necessary to give effect to or facilitate this function.

Sunbed (Regulation) Act 2010

3.9.73 All powers under the Sunbed (Regulation) Act 2010.

PRIVATE SECTOR HOUSING

3.9.74 To institute proceedings under the Protection from Eviction Act 1977.

3.9.75 To institute proceedings under Section 1 Accommodation Agencies Act 1953.

3.9.76 To make minor modifications to the approved terms and conditions of financial assistance provided in accordance with the Council's Private Sector Housing Strategy.

3.9.77 To consider and determine any application from any person considered to be a special case and who therefore falls outside the Private Sector Housing Strategy.

3.9.78 To provide temporary rehousing, subject to a maximum period of four months where financial assistance repair work takes place in accordance with the Council's Private Sector Housing Strategy.

3.9.79 To amend the system of prioritising enquiries and applications for financial assistance arising from owner-occupiers and/or private sector tenants to ensure resources are targeted towards those living in the worst housing conditions and in greatest need in relation to the Private Sector Housing Strategy.

3.9.80 To determine when a land charge is required on a property to secure the repayment of any financial assistance granted in accordance with the Council's Private Sector Housing Strategy.

3.9.81 To approve applications for the provision of financial assistance in accordance with the Council's Private Sector Housing Strategy.

3.9.82 To waive financial assistance repayment conditions in relation to the Council's Private Sector Housing Strategy.

3.9.83 To make amendments to the Tenants Incentive Scheme eligibility criteria and authorise payments under the scheme if local circumstances require.

3.9.84 To authorise Environmental Health Officers and other authorised officers to take all enforcement action, powers and provision as appropriate, under the Housing Act 2004, and any subsequent secondary legislation, in accordance with the Council's enforcement policies.

3.9.85 ~~In-After~~ consultation with the Director for ~~Place~~ (Environment & Economy):

- a. determine and alter as necessary a scale of reasonable charges in respect of enforcement action under s49 of the Housing Act;
- b. determine and alter as necessary a scale of reasonable fees in respect of the licensing of houses in multiple occupation under s63(3) of the Housing Act; and
- c. determine and alter as necessary an administrative fee for works carried in default of notices.

3.9.86 To seek confirmation from the appropriate national authority of a designation for an Additional Licensing Scheme under section 56 of the Housing Act 2004, following consultation with those persons likely to be affected by any such scheme.

3.9.87 To seek confirmation from the appropriate national authority of a designation for a Selective Licensing Scheme under section 80 of the Housing Act.

3.9.88 To approve the use of the Enforced Sale Procedure.

3.9.89 To determine when a local land charge is required on property to secure the repayment of any grant awarded in accordance with the Council's Private Sector Housing Strategy.

3.9.90 To make necessary revision to the Private Sector Enforcement Policy as the need arises, following consultation with the relevant Cabinet Member.

3.9.91 To authorise Environmental Health Officers and other authorised officers to take all enforcement action, powers and provision as appropriate, under the Housing Act 2004, and any subsequent secondary legislation, in accordance with the Council's enforcement policiesLCB18].

HMO Licensing

3.9.92 To seek confirmation from the appropriate national authority of a designation for an Additional Licensing Scheme under section 56 of the Housing Act 2004, following consultation with those persons likely to be affected by any such scheme.

3.9.93 To seek confirmation from the appropriate national authority of a designation for a Selective Licensing Scheme under section 80 of the Housing Act.

~~3.9.93 All City Parking and Patrol Services functions exercisable by the Council in its capacity as a local authority shall be delegated to the Senior Manager: Head of Regulatory Services. [LCB19]~~

3.9.94 The ~~Head of Senior Manager:~~ Regulatory Services shall have authority to act under all current and future legislation and Council plans, policies, guidelines and procedures relating to the services and functions managed, operated and controlled by the ~~Head of Service~~ Senior Manager. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.

3.9.95 To make any order or decision, grant any licence or take any ancillary action (including setting, varying and removing charges), in relation to ~~Parking and City Patrol matters:~~

Clean Neighbourhood and Environment Act 2005

Countryside and Rights of Way Act 2000

Crime and Disorder Act 1998 (Section 17)

Criminal Justice and Public Order Act 1994

Hampshire Act 1983

Highways Act 1980

Local Government Act 1972 (Section 111)

Local Government Act 2000 (Section 2)

Local Government (Miscellaneous Provisions) Act 1976

Refuse Disposal (Amenity) Act 1978

Road Traffic Act 1991

Road Traffic Regulation Act 1984 (including orders made under Pedestrian Crossings Regulations and Traffic Signs Regulations and General Directions.

Traffic Management Act 2004

3.9.96 To serve notice requiring payment for works carried out in default.

3.9.97 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the local authority.

3.9.98 To affix statutory notices to and to arrange for the removal of, vehicles deemed to be abandoned on public land.

3.9.99 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation.

- 3.9.100 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation.
- 3.9.101 To serve street litter control notices.
- 3.9.102 To undertake any necessary investigative work for the purposes of enforcement including issue a fixed penalty notices or any other notice on any person or person found littering, flyposting, or committing graffiti pursuant to the Environmental Protection Act 1990, Clean Neighbourhood and Environment Act 2005, the Anti-Social Behaviour Act 2003, the Highways Act 1980 and the Town and Country Planning Act 1990, Blue Badge & Parking Permit fraud.

BEREAVEMENT SERVICES

The Local Authority Cemeteries Order 1977

- 3.9.103 To sign a grant (of exclusive right of burial) under article 10 of the Local Authority Cemeteries Order 1977.

Public Health (Control of Disease) Act 1984 (as amended)

- 3.9.104 To carry out all powers and duties conveyed under section 46 of Part III of the Public Health (Control of Disease) Act 1984.

Burial Act 1883

- 3.9.105 To set out rules and regulations in connection with powers and duties under the Burial Act 1853.
- 3.9.106 To enter into agreements with external bodies for the purposes of maintaining graves, memorials and crematoria.
- 3.9.107 To inspect burial grounds for the purposes of ensuring that the rules and regulations imposed by the burial authority are adhered to.
- 3.9.108 To remove unauthorised memorials situated within the burial authority's land, including cemeteries and crematoria.
- 3.9.109 To keep a register of all burials and cremations.
- 3.9.110 To authorise the disposal of cremated remains.

REGISTRATION SERVICES

Marriage Act 1994

3.9.111 To approve the grant, renewal, refusal and revocation of licences to approved premises under the Marriage Act 1994 as the Proper Officer for Registration.

Civil Partnership Act 2004

3.9.112 To undertake all powers and functions on behalf of the Council as the Registration Authority under the Civil Partnership Act 2004.

POWERS OF ENTRY

3.9.113 To authorise officers of the Regulatory Services Division to exercise powers of entry and other statutory powers including, but not limited to, search and seizure conferred by the legislation referred to below and elsewhere in the Scheme relating to Environmental Health Officers, Environmental Health practitioners, Trading Standards Officers, Fair Trading Officers and other Enforcement Officers. This is deemed to include all secondary legislation and any other superseding enactments relating to the acts below that may from time to time come into force:

Animal Health Act 2002
Animal Welfare Act 2006
Anti-social Behaviour Act 2003
Breeding of Dogs Act 1991
Clean Air Act 1993
Clean Neighbourhood and Environment Act 2005
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Environment Act 1995
Environmental Protection Act 1990
Food Safety Act 1990
Food Hygiene (England) Regulations 2006
Food Standards Act 1999
Fur Farming (Prohibition) Act 2000
Health Act 2006
Health and Safety at Work etc Act 1974
Health and Social Care Act 2008
Housing Act 1985
Housing Act 1996
Housing Act 2004
Licensing Act 2003
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Noise Act 1996
Prevention of Damage by Pests Act 1949
Protection of Animals (Amendment) Act 2000
Public Health (Control of Disease) Act 1984
Public Health Act 1936

Public Health Act 1961
Refuse Disposal (Amenity) Act 1978
Site Waste Management Plans Regulations 2008
Sunbed (Regulation) Act 2010

COMMUNITY SAFETY & EMERGENCY^[LCB20] PLANNING

- 3.9.114 To undertake any duties in respect of new work in the areas of strategy, community safety and equalities as a result of any revisions to Services and Financial Plans.
- 3.9.115 To authorise legal proceedings or other action to be taken to recover possession of any property or land which is being occupied by travellers, squatters or other unlawful occupants.
- 3.9.116 To authorise the closure of premises under Part 1A Section 11 of the Anti Social Behaviour Act 2003 .
- 3.9.117 To undertake all functions and responsibilities associated with Emergency Planning.

GENERAL POWERS AND APPOINTMENT OF OFFICERS

- 3.9.118 To appoint officers for the implementation of the Council's functions under all legislation. This is to include the power to appoint a Chief Inspector of Weights and Measures as prescribed by s72 of the Weights and Measures Act 1985, Environmental Health Officers and other Environmental Health practitioners (including Environmental Health Technicians and Scientific Officers), Trading Standards Officers, Fair Trading Officers and other Enforcement Officers.
- 3.9.119 To execute works by agreement, at the expense of the owner or occupier, in respect of any notice served.
- 3.9.120 To authorise the institution of legal proceedings for the contravention or failure to comply with notices served under the legislation in this Division's section of this Scheme.
- 3.9.121 To exercise any specific or general powers in this Division's section of this Scheme that are delegated to other Officers.
- 3.9.122 To authorise and institute any legal proceedings, the issue of simple cautions and, where authorised by the Head of Legal & Democratic Services, to prosecute or defend any such proceedings, in relation to any powers listed or implied under the delegations to the Head of Regulatory Services, Environmental

Health Practitioners, the Chief Inspector of Weights & Measures, Trading Standards Officers and Fair Trading Officers.

~~3.9.119 To make any order, notice or decision, grant any license, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation following consultation with the Head of Legal & Democratic Services.~~

3.9.123 To appoint professional and technical support staff that are deemed to have suitable qualifications, as inspectors under Section 19 Health and Safety at Work etc. Act 1974 and for those officers to exercise all statutory powers relating to enforcement, including but not limited to bringing proceedings.

3.9.124 To authorise suitable specialists under Section 20 (2)(c)(i) of the Health and Safety at Work etc Act 1974.

3.9.125 To sign and issue written instruments of appointment for all persons appointed under above, except in the case of the appointments of Heads of Service when the Head of Legal & Democratic Services shall sign and issue a written instrument of appointment.

3.10 BUILDING CONTROL PARTNERSHIP MANAGER

3.10.1 To represent the Council and recommend decisions on building control operational issues at the Building Control Governing Board set up to manage the Partnership between Southampton and Eastleigh.

3.10.2 Discharge, save for any reservations shown below, the powers set out in the paragraph following the reservations.

The powers referred to above shall not include the following:

- a. powers where an individual officer is required by law to hold a relevant qualification and that officer does not hold that qualification;
- b. powers which fall outside the individual's actual authority as determined by his/her post or are not covered by an instruction by management; or
- c. any other situation where an individual officer is prevented, for whatever proper reason, from exercising that power.

The powers that may be exercised include, without prejudice to the generality of the following, the power to serve (which term includes signature and issue) notices and the power to exercise any statutory (or common law) power conferred by the legislation referred to below, including any subordinate legislation, ie Regulations, Orders and Byelaws etc, made thereunder. Such powers will also extend to legislation (primary and subordinate etc.) not referred to below, always provided that the officer is not excluded by virtue of any reservation set out in the preceding paragraph. All of these powers are also exercisable by the Head of Planning, Transport & Sustainability.

Building Act 1984

3.10.3 To serve notice giving approval / rejection in respect of Building Regulations plans (Section 16).

3.10.4 To serve notice giving approval / rejection in respect of building over sewers (Section 18).

3.10.5 To serve notice giving approval of buildings with short-lived materials and get appropriate conditions or to reject the plans (Section 19).

3.10.6 To reject plans for buildings with unsatisfactory drainage (Section 21).

3.10.7 To serve notice re lapse of deposit of plans (Section 32).

3.10.8 To carry out tests on materials and components etc for conformity with Building Regulations (Section 33).

- 3.10.9 To serve notice to alter / remove work etc (Section 36).
- 3.10.10 To serve notice to make satisfactory provision for drainage (Section 59).
- 3.10.11 To serve notice regarding entrances, exits, etc (Section 71).
- 3.10.12 To serve notice regarding means of escape in case of fire (Section 72).
- 3.10.13 To serve a notice regarding the raising of chimneys (Section 73).
- 3.10.14 To take any action necessary in respect of dangerous structures (Sections 77 & 78).
- 3.10.15 To serve notice re ruinous dilapidated and neglected sites (Section 79).
- 3.10.16 To accept notices of intention to demolish (Section 80).
- 3.10.17 To serve notice requiring shoring and weatherproofing to adjoin buildings (Section 81).
- 3.10.18 To enter buildings to ascertain if a breach of relevant legislation has occurred (Section 95).

Building Regulations

- 3.10.19 To serve notice to require builders to open up works (Reg. 14).

Local Government Miscellaneous Provisions Act 1982

- 3.10.20 To serve notice and/or carry out works of boarding up of dangerous buildings (Section 29).

Other Relevant Powers

- 3.10.21 To refer questions, as to whether or not certain work complies with the Building Regulations to the appropriate Government department.
- 3.10.22 To deal with “type” relaxations to the Building Regulations instigated by the appropriate Government department.
- 3.10.23 To authorise prosecution for non-compliance with notices served and non-compliance of the Building Regulations.
- 3.10.24 To deal with Partnership applications on behalf of other local authorities in accordance with the nationally agreed Local Authority Building Control Partnership Scheme.
- 3.10.25 To deal with System Approvals in accordance with the nationally agreed scheme.
- 3.10.26 To approve or refuse plans deposited under the Hampshire Act 1980 for the provision of a satisfactory means of escape for fire brigade vehicles and personnel,

for precautions, against fire and cubic content of buildings and special precautions for underground car parks.

Sustainable and Secure Buildings Act 2004

3.10.27 Apply and enforce regulations in relation to sustainability and security issues.

Safety at Sports Grounds Act 1975

3.10.28 To enter premises and issue safety certificates for sports stadia.

Disability Discrimination Act 1995

3.10.29 To give advice on discrimination issues including surveying the built environment as required.

Licensing Act 2003

3.10.30 To enter premises for the purposes of consulting and advising on the licensing objectives and compliance with the Act.

Local Government (Miscellaneous Provisions) Act 1982

3.10.31 To act as authorised officers for the purposes of gaining entry for inspection of premises under the Local Government (Miscellaneous Provisions) Act 1982.

3.10.32 To make any order, notice or decision, grant any licence, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation, following consultation with the Head of Legal & Democratic Services.

4.1 DIRECTOR OF PEOPLE

- 4.1.1 All Children's Services functions exercisable by the Council in its capacity as a local authority.
- 4.1.2 All functions relating to children contained within the Local Authority Social Services Act 1970.
- 4.1.3 Functions under Sections 23C to 24D of the Children Act 1989.
- 4.1.4 Functions under Sections 10 to 17 inclusive and 20(9) of the Children Act 2004. In particular, the Director of People shall have the authority to discharge the responsibilities contained within Section 18 Children Act 2004 as well as any secondary and ancillary legislation (including but not limited to the Safeguarding Vulnerable Groups Act 2006).
- 4.1.5 Any function exercised on behalf of an NHS body relating to children contained within Section 31 of the Health Act 1999.
- 4.1.6 To act in any matter where immediate action is necessary to safeguard any person or to materially safeguard the well being of any person or to preserve property.
- 4.1.7 To make such directions and to take such other steps as necessary or expedient to prevent a breakdown, or continuing breakdown, of discipline at any school in accordance with Section 155 of the Education Act 1996.
- 4.1.8 To serve notices under Section 117 of the Education Act 1996 to suspend the financial delegation of any school.
- 4.1.9 To refer disputes with the governing bodies of schools to the Secretary of State under Section 495 of the Education Act 1996 and to apply to the Secretary of State for him to use his powers to prevent the unreasonable exercise of functions under Section 496 and to use his powers under Section 497 (General Default Powers) and 498 (Appointment of Governors) of the 1996 Act.
- 4.1.10 To approve grants to voluntary organisations provided that such approval be limited to £25,000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations after consultation with the Cabinet Member.
- 4.1.11 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Chief Financial Officer.
- 4.1.12 Following consultation with the Head of Legal & Democratic Services, to take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any

Magistrate, Court or other Tribunal on behalf of the Council in discharge of the Council's Children's Services functions arising under any law or Act.

- 4.1.13 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.
- 4.1.14 To appoint such professional and technical support staff for the supply of children's activities as are deemed to be acceptable under the Children Act 1989 and to sign and issue written instruments of appointment.
- 4.1.15 To appoint annually on 1st April the Chair of the Local Safeguarding Children's Board.
- 4.1.16 Following consultation with the Cabinet Member to remove providers of nursery education who are failing to meet the national Code of Practice, or local conditions of funding, from the Directory of Registered Providers and where conditions of funding have been breached and cannot otherwise be remedied to the satisfaction of the Council, to seek the recovery of all or part of any nursery education grant paid to them.
- 4.1.17 Following consultation with the Cabinet Member and Head of Legal & Democratic Services, to develop and agree an appropriate process for any decisions to remove nursery education providers from the Directory of Registered Providers with the Southampton Early Years Development and Childcare Partnership, including a right to appeal the decision to an Appeals Panel comprising of the relevant Service Manager and an independent representative for providers (or their respective nominees). All appeals will be conducted in accordance with the agreed procedure.
- 4.1.18 To oversee arrangements for early years settings on the Directory of Registered Providers in respect of eligible pre-school children receiving their entitlement to early years education and for the annual review of the funding rate that will apply to each provider under the authority's early years funding formula.
- 4.1.19 To issue Penalty Notices for non attendance at all Southampton Schools in accordance with the Education (Penalty Notices) (England) Regulations 2004.
- 4.1.20 To exercise all powers and duties granted or imposed under the Apprenticeship, Skills, Children and Learning Act 2009 and to do anything necessary to commission services as provided for in accordance with the Council's 16-19 obligations.
- 4.1.21 Following consultation with the Head of Legal & Democratic Services and Chief Financial Officer, to submit bids for or tenders involving funding or assistance from central government, the European Commission or from any other source (direct or indirect to the Council itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take

any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB: this delegation applies not only to SRB and lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should be applied in the same way).

- 4.1.22 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.
- 4.1.23 To represent the interests of Southampton City Council through attendance at the Sub Regional Group on post 16 commissioning and to take all decisions required pursuant to membership on the group in relation to the exercise of statutory duties for the commissioning of learning and skills for children and young people.
- 4.1.24 To write off debt or waive future charges in respect of care provision where it is felt that an individual would be at risk if the debt were pursued or they chose to withdraw from care on financial grounds. A written record of these decisions setting out the reasons for the write-off or waiving of charges should be kept and a copy provided to the Accounts Receivable department. Such reductions or waiving of charges would only be for the minimum period that such risks exist.

School Term and Holiday Dates

- 4.1.25 Following consultation with the Cabinet Member, schools and governing bodies, to determine school term and holiday dates for future academic years.

Health & Adult Social Care

- 4.1.26 To discharge the Council's functions with regard to the assessment of need for, and provision of, community care services in accordance with the Part III of the National Health Service and Community Care Act 1990 and any Regulations thereunder.
- 4.1.27 To approve expenditure on the following matters:
- a. contributions to the funds of voluntary organisations providing services for the elderly and/or the disabled, in accordance with the approved policy, including initial grants to newly formed clubs and centres, annual grants and contributions towards running costs;
 - b. contributions towards the running costs of new meals-on-wheels schemes and luncheon clubs and variations in costs of existing schemes.
- 4.1.28 To accept guardianship applications and subsequent renewals such action to be reported to the appropriate Cabinet Member and to determine subsequent applications for discharge by the Authority.

- 4.1.29 To act as receiver under legislation relating to mental health.
- 4.1.30 To approve expenditure incurred under Section 48 of the National Assistance Act 1948, in the protection of movable property of persons and to recover such expenditure where applicable.
- 4.1.31 For the purposes of Section 114 of the Mental Health Act 1983, to issue approvals on behalf of the Council in respect of mental health social workers.
- 4.1.32 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Chief Financial Officer.
- 4.1.33 To take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any Magistrate, Court or other Tribunal on behalf of the Council in discharge of the Council's Adult Social Care functions arising under any law or Act.
- 4.1.34 To write off debt or waive future charges in respect of care provision where it is felt that an individual would be at risk if the debt were pursued or they chose to withdraw from care on financial grounds. A written record of these decisions setting out the reasons for the write-off or waiving of charges should be kept and a copy provided to the Accounts Receivable department. Such reductions or waiving of charges would only be for the minimum period that such risks exist.
- 4.1.35 To approve the disposal of assets belonging to deceased residents to persons entitled to them after payment of proper claims on account of funeral expenses or sums due to the Council.
- 4.1.36 To authorise the removal of parts of the body of deceased residents in accordance with the wish expressed by the resident during lifetime (where the Council is lawfully in possession of the body).
- 4.1.37 To set the fees and charges associated with the Southampton Shared Lives Scheme (formally known as the Adult Placement Scheme).
- 4.1.38 To set the fees and charges associated with the Southampton Adult Placement Scheme.
- 4.1.39 To enter into partnership arrangements and approve future variations to the arrangements for the agreement under Section 75 of the NHS Act 2006 to enable the Council to act as host of the pooled fund and; lead the commissioning of services for people with learning disabilities and their carers, following consultation with the [Director of Corporate Services](#) [Chief Financial Officer](#) or Head of Legal & Democratic Services and the relevant Cabinet Member and; establish a Partnership Board to

manage the partnership arrangements and to agree the constitution and terms of reference for the Board, following consultation with the Head of Legal & Democratic Services and; make arrangements and carry out all such ancillary acts as are necessary for the transfer of any properties from the NHS to the City Council in order to achieve the objectives of the Partnership arrangement following consultation with the Director of Corporate Services

- 4.1.40 To approve changes to the Health and Wellbeing Strategic Plan to ensure that it is kept updated.
- 4.1.41 To implement the developments agreed regarding the Council's own home care services, following consultation with the relevant Cabinet Member and the Head of Legal & Democratic Services.
- 4.1.42 To make modifications / amendments to the approved standard conditions of grant aid.
- 4.1.43 To change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Chief Financial Officer and Head of Property, Procurement and Health & Safety.
- 4.1.44 To take any decision and/or develop approaches that commit Council resources that are within budget and policy to deliver better outcomes for local people to meet the requirements of the Health and Social Care Act and subsequent legislation, after consultation with the Cabinet Member for Adult Social Care and Health.
- 4.1.45 To take any consequent decision regarding the development and implementation of a specific spending plan for the Common Assessment Framework project after consultation with the Cabinet Member for Adult Social Care and Health and the Chief Financial Officer.
- 4.1.46 To enter into partnership arrangements under Section 75 NHS Act 2006 to deliver integrated Mental Health Services and; approve future variations to the agreement; and establish and oversee a Partnership Board to manage the Partnership arrangements and; agree the constitution and terms of reference for that Board following consultation with the relevant Cabinet Member.
- 4.1.47 To enter into partnership arrangements under section 75 of the NHS Act 2006 for the provision of services for adults with learning disabilities and their carers and approve future variations to the arrangements and; establish a Partnership Board to monitor and assist in the management of the partnership Arrangements and; agree the

constitution and terms of reference for the Partnership Board ~~after~~ consultation with the relevant Cabinet Member.

- 4.1.48 To update the Southampton Joint Strategic Needs Assessment 2011 – 2014 to inform future planning and commissioning of services to improve health outcomes and reduce health inequalities as new data and information becomes available in agreement with the Director of Public Health.
- 4.1.49 To enter into partnership arrangements under section 75 of the NHS Act 2006 for the provision of LBHU services and; establish a Partnership Board to oversee and manage the LBHU Services and; agree the Constitution and Terms of Reference of the Partnership Board.
- ~~4.1.50 To enter into an agreement with NHS Southampton City (NHSSC) under section 256 National Health Act 2006 for a period of two years from 1 April 2011 to transfer a budget to the Council to spend on both services that benefit health and for post discharge services / re-ablement, as directed within the Local Government Finance Settlement announced on 13 December 2010.~~
- 4.1.50 ~~In~~ After consultation with the Chief Financial Officer and the Head of Legal & Democratic Services, to extend, renegotiate, or enter into any further agreements with NHSSC in relation to any funding streams allocated to NHSSC, or successor body, with the specific purpose of being transferred to the Local Authority under a S256 arrangement and add any such sums to the budget.
- 4.1.51 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.
- 4.1.52 All Adult Social Care's functions exercisable by the Council in its capacity as a local authority.
- 4.1.53 To approve, amend or terminate contracts with providers whose services are commissioned by Southampton City Council or jointly with partners as part of ~~Health and Adult Social Care Joint~~ the Integrated Commissioning Unit, after consultation with the Head of Legal & Democratic Services, Chief Financial Officer, Head of Property, Procurement and Health & Safety and the relevant Cabinet Member ~~for Adult Social Care and Health~~.
- 4.1.54 To authorise payments in accordance with the conditions set out under Section 76 of the National Health Service Act 2006 after consultation with the relevant Cabinet Member.

4.2 DIRECTOR OF PUBLIC HEALTH

- 4.2.1 To undertake overall responsibility for all of the local authority's duties to take steps to improve public health and to provide officers and elected members with appropriate advice, based on a patterns of local health need of what works and potential returns on public health investment.
- 4.2.2 To undertake any of the Secretary of State's public health protection or health improvement functions delegated to local authorities, either by arrangement or under regulations, – including services mandated by regulations made under section 6C of the NHS Act 2006.
- 4.2.3 To plan for, and respond to, emergencies that present a risk to public health, ~~in~~^{after} consultation with the council's emergency planning officer where appropriate.
- 4.2.4 To undertake local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders.
- 4.2.5 To be responsible for the local authority's public health response as a responsible authority under the Licensing Act 2003, including making representations about licensing applications under sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the Health and Social Care 2012.
- 4.2.6 To be responsible for providing Healthy Start vitamins at any maternity or child health clinic commissioned by the council, in accordance with the Healthy Start and Welfare Food Regulations 2005 as amended by the Health and Social Care Act 2012.
- 4.2.7 To produce and update as necessary the Southampton Joint Strategic Needs Assessment ~~in~~^{after} consultation with Southampton City Clinical Commissioning Group.
- 4.2.8 To lead on and co-ordinate the development, production, publication and updating of the Southampton Joint Health and Wellbeing Strategy ~~in~~^{after} consultation with Southampton City Clinical Commissioning Group.
- 4.2.9 To develop and implement a system for collecting and analysis data to deliver the Public Health Outcomes Framework.
- 4.2.10 To produce the Director of Public Health's annual report.
- 4.2.11 To provide public health advice to NHS commissioners to help secure:
- a. Commissioning strategies that meet the needs of vulnerable groups
 - b. The development of evidence-based care pathways and service specifications

- c. Evidence-based prioritisation policies
- d. Health needs audits and health equity audits and health impact assessments

4.2.12 To ensure delivery of the National Child Measurement Programme.

4.2.13 To secure the delivery of the NHS Health Check assessment.

4.2.14 To ensure appropriate access to sexual health services.

4.2.15 To ensure appropriate clinical governance arrangements are in place in respect of any clinical services commissioned, including sexual health and drug and alcohol services.

4.2.16 To maintain a particular focus on ensuring disadvantaged groups receive the attention they need, with the aim of reducing health inequalities

4.3 HEAD OF CHILDREN AND FAMILIES SERVICE

4.3.1 In relation to the Children Act 1989:

- a. to act on behalf of the Council in discharging its functions under the Children Act 1989 and any Regulations thereunder;
- b. to institute any proceedings in any court or tribunal for an order under the Children Act 1989 where it is considered appropriate to do so, and to appear on behalf of the Council in any of the following court proceedings:
 - i. Application for any order under Part IV of the Children Act 1989 (Protection of Children) where it is not practicable to arrange legal representation in the time available;
 - ii. Application for an order placing a child in secure accommodation under Section 25 of the Children Act 1989 where the application is not contested;
 - iii. Application for a witness summons where the application is not contested;
 - iv. Application for adjournment of any proceedings where the application is not contested;
 - v. Application for discharge or variation of a care order or supervision order under Section 39 of the Children Act 1989, where such application is not contested;
 - vi. Any other proceedings thought necessary to protect the welfare of a child where it is not practicable to arrange legal representation in the time available.
- c. To pay allowances in respect of children being looked after by the Council in accordance with the scheme approved by the Council for the time being.

4.3.2 To give consents on behalf of the Council where necessary in the interests of children and young persons of whom the Council is in loco parentis.

4.3.3 To approve levels of and variations in fees where the Council has accepted responsibility for children, young persons, or adults attending establishments not maintained or assisted by the Council and alterations in charges for the maintenance of such residents.

4.3.4 To take such actions and decisions as may be required on behalf of the Council acting as an adoption agency.

4.3.5 To approve the reimbursement of or a contribution towards the legal expenses of prospective adopters reasonably incurred during the course of applications to adopt

children in the care of the Council, where the Director of People considers that the prospective adopter's application is in the best interests of the child.

- 4.3.6 To reduce or waive the charge of providing a home study report for prospective inter-country adopters.
- 4.3.7 To exercise the functions of the Council in relation to individual children boarded out under the Children Act 1989 and other Regulations.
- 4.3.8 To take such actions and decisions as are necessary to discharge the Council's duties to promote the welfare of individual children and young persons in the Council's care including:-
 - a. giving consent for medical, dental and other treatment, for the issue of passports; and for such other purposes as may be required from time to time;
 - b. appointing persons to review cases where children are kept in secure accommodation;
 - c. appointing an independent person to be a visitor to a particular child in the circumstances set out in paragraph 17 of Schedule 2 to the Children Act 1989 in accordance with the Definition of Independent Visitors (Children) Regulations 1991.
- 4.3.9 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.
- 4.3.10 To exercise all the powers and duties exercisable by the Council relating to the enforcement of legislation and byelaws (which for the avoidance of doubt also includes regulations, orders etc) relating to Children's Services, including the licensing of the employment of children.
- 4.3.11 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.

Boarding Policy

- 4.3.12 To administer boarding policies.
- 4.3.13 To provide assistance with appropriate incidental expenses in cases where the standard parental contribution towards boarding fees is nil.
- 4.3.14 Where appropriate, to deal with the requirements of particular cases outside the limitations of the policies outlined in 4.3.12 and 4.3.13.
- 4.3.15 All functions relating to children contained within the Local Authority Social Services Act 1970.

- 4.3.16 To appoint such professional and technical support staff for the supply of children's activities as are deemed to be acceptable under the Children Act 1989 and to sign and issue written instruments of appointment.
- 4.3.17 Any function exercised on behalf of an NHS body relating to children contained within section 31 of the Health Act 1999.
- 4.3.18 To make such directions and to take such other steps as necessary or expedient to prevent a breakdown, or continuing breakdown, of discipline at any school in accordance with section 155 of the Education Act 1996.
- 4.3.19 To approve grants to voluntary organisations provided that such approval be limited to £25,000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations, ~~in~~ after consultation with the Cabinet Member.
- 4.3.20 All children's services functions exercisable by the Council in its capacity as a local authority.
- 4.3.21 Functions under sections 10 to 17 inclusive and 20(9) of the Children Act 2004.
- ~~4.3.22 To appoint annually on 1st April the chair of the Local Safeguarding Children's Board.~~
- 4.3.22 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Chief Financial Officer.
- ~~4.3.24 To act on behalf of the Council in any matter where immediate action is necessary to safeguard any person or to materially safeguard the well-being of any person or to preserve property.~~

~~4.4 — HEAD OF CYP STRATEGIC COMMISSIONING, EDUCATION, INCLUSION & INFRASTRUCTURE~~

- 4.3.23 Following consultation with the Local Education Authority Governors' Appointment Panel, to nominate LEA governors.
- 4.3.24 To approve nominations of LEA representatives to serve on College Governing Bodies.
- 4.3.25 Following consultation with the appropriate Governing Body and acting on behalf of the Director of People, to short-list candidates for interview for appointment as headteacher.
- 4.3.26 To approve individual exceptions to the general principle of including the names and addresses of all governors in written information for parents.

- 4.3.27 To administer within budgetary provision any scheme of aid to pupils with outstanding ability in sport.
- 4.3.28 To write off bad debts (up to a limit of £5,000) owed to the Council, linked with, attributed to or associated with the discharge of the Council's Children's Services functions.
- ~~4.4.1 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.~~
- 4.3.29 To exercise (following consultation with the ~~Section 151 Officer or~~ Chief Financial Officer where affecting the level of Council Tax) all the powers and duties exercisable by the Council under the legislation (which for the avoidance of doubt also includes regulations, orders, etc.)
- | | |
|------------------------------|---|
| Mandatory Awards | Discretionary Major and Minor Awards |
| Special Discretionary Awards | Discretionary European Fees Only Awards |
| Study Awards | Disabled Students Allowances |
- reserving only to the Council those functions precluded from delegation by legislation and referring to the relevant Appeals Panel any appeal that cannot be resolved.
- 4.3.30 To make modifications / amendments to the approved standard conditions of grant aid.
- 4.3.31 Following consultation with the relevant Cabinet Member , the Head of Legal & Democratic Services and the Chief Financial Officer to amend the terms of reference and membership set for the Schools' Forum and Admissions Forum so far as may be necessary to give effect to any new Act, Regulation or Code of Practice.
- ~~4.4.2 All Children's Services functions exercisable by the Council in its capacity as a local authority.~~
- ~~4.4.3 Functions under Sections 10 to 17 inclusive and 20(9) of the Children Act 2004.~~
- ~~4.4.4 Any function exercised on behalf of an NHS body relating to children contained within Section 31 of the Health Act 1999.~~
- 4.3.32 To act on behalf of the Council in any matter where immediate action is necessary to safeguard any person or to materially safeguard the well being of any person or to preserve property.
- 4.3.33 To issue penalty notices for non attendance at all Southampton schools in accordance with the Education (Penalty Notices) (England) Regulations 2004.

- ~~4.4.5 To make such directions and to take such other steps as necessary or expedient to prevent a breakdown, or continuing breakdown, of discipline at any school in accordance with Section 155 of the Education Act 1996.~~
- ~~4.4.6 To approve grants to voluntary organisations provided that such approval be limited to £25,000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations in consultation with the Cabinet Member.~~
- 4.3.34 Following consultation with the Head of Legal & Democratic Services, to take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any Magistrate, Court or other Tribunal on behalf of the Council in discharge of the Council's Children's Services functions arising under any law or Act.
- 4.3.35 To provide financial assistance to community organisations hiring education facilities in the City in order to encourage dual use.
- ~~4.4.7 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.~~
- 4.3.36 To receive the instrument of Government from Governing Bodies.
- ~~4.4.8 To appoint such professional and technical support staff for the supply of children's activities as are deemed to be acceptable under the Children Act 1989 and to sign and issue written instruments of appointment.~~
- ~~4.4.9 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.~~

Youth Bands and Orchestras

- 4.3.37 Following consultation with the Chief Financial Officer and Head of Legal & Democratic Services, to approve all staffing and insurance arrangements for the visits of Youth Bands Orchestras and Choirs.

Music Service

- 4.3.38 In exceptional cases, to make available awards to pupils with musical talent who do not attend Southampton schools.
- 4.3.39 To approve, for music or performing arts courses, any college a Discretionary Award applicant wishes to attend.

Clothing Allowances

- 4.3.40 To make suitable adjustments annually to the maximum grant available for uniform / dress allowances to pupils of secondary school age to take account of inflation.
- 4.3.41 Where a family is in receipt of income support to pay for all initial replacement clothing and incidental expenses while the child is at a boarding school, as long as the family's financial circumstances make them eligible.
- 4.3.42 To make the maximum clothing grant available to children at boarding schools with expensive clothing lists where families have a very low income, although not qualifying for Income Support.

Note: Delegations 4.~~3.404.32~~ to 4.~~3.414.34~~ may be devolved to schools as part of their budget share following consultation between the Director of People, the Head of ~~CYP Strategic Commissioning, Education, Inclusion & Infrastructure~~Children and Families Services and the Chief Financial Officer.

~~4.4.10 Functions under Sections 10 to 17 inclusive and 20(9) of the Children Act 2004.~~

- 4.3.43 To make such directions and to take such other steps as necessary or expedient to prevent a breakdown, or continuing breakdown, of discipline at any school in accordance with Section 155 of the Education Act 1996.
- 4.3.44 To serve notices under Section 117 of the Education Act 1996 to suspend the financial delegation of any school.
- 4.3.45 To refer disputes with the governing bodies of schools to the Secretary of State under Section 495 of the Education Act 1996 and to apply to the Secretary of State for him to use his powers to prevent the unreasonable exercise of functions under Section 496 and to use his powers under Section 497 (General Default Powers) and 498 (Appointment of Governors) of the 1996 Act.
- 4.3.46 To permit playgroups to use any surplus school furniture or equipment as appropriate.
- 4.3.47 Following consultation with the Chief Financial Officer and Head of Property, ~~and~~ Procurement and Health & Safety, to change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees.
- 4.3.48 To review and amend the scale of grants for extra curricular activities to pupils at non-maintained schools as necessary.

Swimming

- 4.3.49 To approve educational arrangements with regard to swimming.

School Term and Holiday Dates

4.3.50 Following consultation with the Cabinet Member, schools and governing bodies, to determine school term and holiday dates for future academic years.

School Transport and Travelling Expenses

4.3.51 To appoint supervisors on buses where this is considered to be necessary to ensure the safety of children who are legally entitled to be transported to and from school.

4.3.52 To determine when supervision is necessary in motorcars and to arrange accordingly for pupils attending day schools.

4.3.53 To arrange with parents or private motorists for the transport of children who qualify for transport to ordinary or special schools and to pay mileage rates equivalent to those paid for cars employed by the Ambulance Car Service, and to meet where appropriate any additional insurance premium which may be payable.

4.3.54 To make payments to parents on a mileage rate in excess of the Ambulance Car rates where it is not possible to provide transport at a lower total cost from transport contractors.

4.3.55 To apply distance limits to obviate the division of groups of children living in specific roads where it is considered to be desirable.

4.3.56 To arrange transport where this is justified by exceptional family circumstances or on medical grounds.

4.3.57 To accept a route other than the shortest available in cases where the shortest route could constitute a temporary danger to a pupil.

4.3.58 To vary the charge for privilege transport from time to time.

4.3.59 To approve additional payments in exceptional cases in respect of travel expenses incurred by pupils with special educational needs attending boarding schools.

4.3.60 To approve the payment of travelling expenses to parents of disabled children at residential special schools in cases of hardship where the frequency of visits per term for essential social reasons is in excess of the number of normally permitted visits.

4.3.61 To act in all cases relating to the placement of, or the provision of equipment for disabled children, with professional advice as to the appropriate form of action to be taken.

General

4.3.62 Following consultation with the Cabinet Member to remove providers of nursery education who are failing to meet the national Code of Practice, or local conditions of

funding, from the Directory of Registered Providers and where conditions of funding have been breached and cannot otherwise be remedied to the satisfaction of the Council, to seek the recovery of all or part of any nursery education grant paid to them.

- 4.3.63 Following consultation with the Cabinet Member and Head of Legal & Democratic Services, to develop and agree an appropriate process for any decisions to remove nursery education providers from the Directory of Registered Providers with the Southampton Early Years Development and Childcare Partnership, including a right to appeal the decision to an Appeals Panel comprising the Chair of the Early Years and Development Childcare Partnership, the Early Years and Development Childcare Manager and an independent representative for providers (or their respective nominees). All appeals will be conducted in accordance with the agreed procedure.
- 4.3.64 To oversee arrangements for early years settings on the Directory of Registered Providers in respect of eligible pre-school children receiving their entitlement to early years education and for the annual review of the funding rate that will apply to each provider under the authority's early years funding formula.
- 4.3.65 To approve the data and inflation rates used in calculating school budget shares including numbers of special unit places

INFRASTRUCTURE

- ~~4.4.11 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.~~

School Organisation and Administration

- 4.3.66 To approve a catchment area, within the limits imposed by the Secretary of State from time to time, for each school on the Council's approved list, for travelling expenses to be paid within that area or adjacent to it in the light of school organisation changes.
- 4.3.67 Following consultation with the appropriate Governing Body, to raise or lower the admission limit for a school on a temporary basis.
- 4.3.68 To agree, following consultation with the Head of Legal & Democratic Services, the wording, form and content of any Statutory Notice for School Organisational Changes and the arrangements for their publication.

Premises and Equipment

- 4.3.69 Following consultation with the Head of Legal & Democratic Services, to issue regulations relating to safety matters in educational establishments as the need

arises and to secure appropriate monthly arrangements for the review of such safety matters.

~~4.4.12 To provide financial assistance to community organisations hiring education facilities in the City in order to encourage dual use.~~

~~4.4.13 To permit playgroups to use any surplus school furniture or equipment as appropriate.~~

~~4.4.14 Following consultation with the Head of Legal & Democratic Services, to issue regulations relating to safety matters in educational establishments as the need arises and to secure appropriate monthly arrangements for the review of such safety matters.~~

Corporate

~~4.4.15 Following consultation with the Chief Financial Officer and Head of Property and Procurement, to change the decision-making body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees.~~

~~4.4.16 To make such directions and to take such other steps as necessary or expedient to prevent a breakdown, or continuing breakdown, of discipline at any school in accordance with section 155 of the Education Act 1996.~~

4.3.70 Following consultation with the Head of Legal & Democratic Services and Chief Financial Officer, to submit bids for or tenders involving funding or assistance from central government, the European Commission or from any other source (direct or indirect to the council itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB: this delegation applies not only to SRB and lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should apply in the same way).

School Meals

4.3.71 To decline requests for the provision of school meals in school holidays.

4.3.72 To approve the granting of a free meal at a further education establishment to certain students enrolled on courses for the unemployed sponsored by the Council, in accordance with the current eligibility for free school meals.

4.3.73 To make suitable adjustments to the charge for school milk as necessary to ensure that no expense falls on the Council.

4.3.74 Following consultation with the Chief Financial Officer, to determine (raise or lower) charges for all types of school meals in accordance with the general policy of the Council on the School Meals Service.

4.4 DIRECTOR QUALITY AND INTEGRATION (CCG/SCC)

- 4.4.1 To discharge the Council's functions with regard to the assessment of need for, and provision of, community care services in accordance with the Part III of the National Health Service and Community Care Act 1990 and any Regulations thereunder.
- 4.4.2 To approve expenditure on the following matters:
- a. contributions to the funds of voluntary organisations providing services for the elderly and/or the disabled, in accordance with the approved policy, including initial grants to newly formed clubs and centres, annual grants and contributions towards running costs;
 - b. contributions towards the running costs of new meals-on-wheels schemes and luncheon clubs and variations in costs of existing schemes.
- 4.4.3 To act as receiver under legislation relating to mental health.
- 4.4.4 To approve expenditure incurred under Section 48 of the National Assistance Act 1948, in the protection of movable property of persons and to recover such expenditure where applicable.
- 4.4.5 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Chief Financial Officer.
- 4.4.6 ~~6.4.8~~ To take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any magistrate, court or other tribunal on behalf of the council in discharge of the Council's adult social care functions arising under any law or act.
- 4.4.7 To approve the letting of contracts for the provision of social care support in Extra Care Housing subject to best value considerations upon such terms as the Head of Legal & Democratic Services considers reasonable.
- 4.4.8 To take any decision and/or develop approaches that commit Council resources that are within budget and policy to deliver better outcomes for local people to meet the requirements of the Health and Social Care Act and subsequent legislation, ~~in~~ after consultation with the Director for ~~Health and Adult Social Care~~ People and the relevant Cabinet Member.
- 4.4.9 To approve, amend or terminate contracts with providers whose services are commissioned by Southampton City Council or jointly with partners as part of ~~Health and Adult Social Care Joint~~ the Integrated Commissioning Unit, after consultation with the Head of Legal & Democratic Services, Chief Financial Officer, Head of Property, Procurement and Health & Safety and the Director of People.

- 4.4.10 To enter into partnership arrangements and approve future variations to the arrangements for the agreement under Section 75 of the NHS Act 2006 to enable the Council to act as host of the pooled fund and lead the commissioning of services for people with learning disabilities and their carers, following consultation with the Director of People, Head of Legal & Democratic Services and the relevant Cabinet Member.
- 4.4.11 To enter into partnership arrangements and approve future variations to the arrangements for the agreement under section 75 of the NHS Act 2006 for the provision of services for adults with learning disabilities and their carers ~~in~~after consultation with the Director of People, the relevant Cabinet Member and the Head of Legal & Democratic Services.
- 4.4.12 To enter into partnership arrangements and approve future variations to the arrangements for the agreement under Section 75 NHS Act 2006 to deliver integrated Mental Health Services after~~in~~ consultation with the Director of People the relevant Cabinet Member and the Head of Legal & Democratic Services.
- 4.4.13 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.
- 4.4.14 All Adult's Social Care functions exercisable by the Council in its capacity as a local authority.
- 4.4.15 To enter into partnership arrangements under section 75 of the NHS Act 2006 for the provision of LBHU services and; establish a Partnership Board to oversee and manage the LBHU Services and; agree the Constitution and Terms of Reference of the Partnership Board.
- 4.4.16 To authorise payments in accordance with the conditions set out under Section 76 of the National Health Service Act 2006 after consultation with the Director of People and the relevant Cabinet Member.
- 4.4.17 To enter into partnership arrangements under section 75 of the National Health Service Act 2006 for the provision of integrated services in addition to those already established and; establish a Partnership Board to oversee and manage such integrated Services and; agree the Constitution and Terms of Reference of the Partnership Board.
- 4.4.18 After consultation with the Director of People, the Chief Financial Officer and the Head of Legal & Democratic Services, to extend, renegotiate, or enter into any further agreements with NHSSC in relation to any funding streams allocated to

PART 4 – PEOPLES DIRECTORATE

NHSSC, or successor body, with the specific purpose of being transferred to the Local Authority under a S256 arrangement and add any such sums to the budget.

4.5 HEAD OF ADULT SOCIAL CARE

- 4.5.1 To discharge the Council's functions with regard to the assessment of need for, and provision of, community care services in accordance with the Part III of the National Health Service and Community Care Act 1990 and any Regulations thereunder.
- 4.5.2 To accept guardianship applications and subsequent renewals such action to be reported to the appropriate Cabinet Member and to determine subsequent applications for discharge by the Authority.
- 4.5.3 To act as receiver under legislation relating to mental health.
- 4.5.4 To approve expenditure incurred under Section 48 of the National Assistance Act 1948, in the protection of movable property of persons and to recover such expenditure where applicable.
- 4.5.5 For the purposes of Section 114 of the Mental Health Act 1983, to issue approvals on behalf of the Council in respect of mental health social workers.
- 4.5.6 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Chief Financial Officer.
- 4.5.7 To take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any magistrate, court or other tribunal on behalf of the council in discharge of the Council's adult social care functions arising under any law or act.
- 4.5.8 To write off debt or waive future charges in respect of care provision where it is felt that an individual would be at risk if the debt were pursued or they chose to withdraw from care on financial grounds. A written record of these decisions setting out the reasons for the write-off or waiving of charges should be kept and a copy provided to the Accounts Receivable department. Such reductions or waiving of charges would only be for the minimum period that such risks exist.
- 4.5.9 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.
- 4.5.10 All Adult's Social Care functions exercisable by the Council in its capacity as a local authority.

~~4.7 HEAD OF PROVIDER SERVICES~~

- ~~4.7.1 To discharge the Council's functions with regard to the assessment of need for, and provision of, community care services in accordance with the Part III of the National Health Service and Community Care Act 1990 and any Regulations thereunder.~~
- ~~4.7.2 To accept guardianship applications and subsequent renewals such action to be reported to the appropriate Cabinet Member and to determine subsequent applications for discharge by the Authority.~~
- ~~4.7.3 To act as receiver under legislation relating to mental health.~~
- ~~4.7.4 To approve expenditure incurred under Section 48 of the National Assistance Act 1948, in the protection of movable property of persons and to recover such expenditure where applicable.~~
- ~~4.7.5 For the purposes of Section 114 of the Mental Health Act 1983, to issue approvals on behalf of the Council in respect of mental health social workers.~~
- ~~4.7.6 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Chief Financial Officer.~~
- ~~4.7.7 To take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any Magistrate, Court or other Tribunal on behalf of the Council in discharge of the Council's Adult Social Care functions arising under any law or Act.~~
- ~~4.7.8 To write off debt or waive future charges in respect of care provision where it is felt that an individual would be at risk if the debt were pursued or they chose to withdraw from care on financial grounds. A written record of these decisions setting out the reasons for the write-off or waiving of charges should be kept and a copy provided to the Accounts Receivable department. Such reductions or waiving of charges would only be for the minimum period that such risks exist.~~
- ~~4.7.9 Following consultation with the Cabinet Member where possible, to sign-off and return responses to formal and informal consultative proposals from Government Departments on matters of professional judgement and/or policy.~~
- ~~4.7.10 All Adult's Social Care functions exercisable by the Council in its capacity as a local authority.~~

4.6 HEAD OF HOUSING SERVICES

These powers relate to Council dwellings within the HRA

- 4.6.1 To serve Notices of Seeking Possession and/or Notices to Quit where appropriate and to take necessary action upon the expiry of such Notices.
- 4.6.2 To institute proceedings for the recovery of possession of property and/or land occupied by squatters.
- 4.6.3 To serve notices and to institute forfeiture proceedings to residential leaseholders in appropriate cases.
- 4.6.4 To evict, where lawful, necessary and expedient.
- 4.6.5 To authorise a one-off reduction in rent by up to a maximum of £500 where some or all of the dwelling is unusable due to major works or loss of services.
- 4.6.6 To authorise the sale of Council houses and flats in accordance with the Right to Buy legislation and the shared ownership scheme for all mortgagees, their management and subsequent repayment.
- 4.6.7 To operate the deferred payment mortgage scheme.
- 4.6.8 To operate the Housing Act Advances Scheme including the granting of Maturity Loans as well as operating the Right to Buy Mortgages Scheme including administration and subsequent redemption of the mortgage.
- 4.6.9 In relation to water rates and budget warmth debts, to write off any debts which have been accepted and cannot be recovered.
- 4.6.10 To authorise variations in shop leases, rents and terms of tenure where this is consistent with effective management of estates, contributes to social enterprise or tackling worklessness, or provides services which support the local community.
- 4.6.11 To authorise the repossession, under the County Court Rules 1981 of properties sold under the Right to Buy Legislation and the shared ownership scheme following default on Mortgage Payments rent and/or leasehold maintenance and major works costs.
- 4.6.12 To approve homeloss, disturbance and ex-gratia payments for removal expenses for displaced tenants on modernisation or major works of Council dwellings.
- 4.6.13 To determine transfer by applications by tenants on management grounds.
- 4.6.14 To authorise attendance and representation of the Council at Leasehold Valuation Tribunal (LVT) for the purposes of presenting information as required and to agree

decisions or proposals made through the LVT process in accordance with the Council's legal responsibilities in the discharging of the Council's housing functions.

- 4.6.15 To discharge the Council's functions as a local housing authority in respect of the day to day routine management, maintenance, improvement and repair of properties or land held under the powers of the Housing Act 1985 or any re-enactment thereof including those properties sold under the Right to Buy Scheme and any other properties managed but not funded from the Housing Revenue Account in accordance with agreed policies and the Council's relevant Procedure Rules.
- 4.6.16 To grant tenancies to people left in occupation, and joint tenancies in accordance with Annex C of the Code of Guidance on Parts VI and VII of the Housing Act 1996.
- 4.6.17 To determine transfer by application by tenants on management grounds.
- 4.6.18 To take any decisions or actions necessary in relation to community safety and anti-social behaviour, including the submission of funding bids, approving projects related to community safety and anti-social behaviour, authorising enforcement action, approving specific projects to meet targets in corporate plans and any projects relating to community cohesion, tackling social exclusion and discrimination.
- 4.6.19 To determine applications made under the Leasehold Reform, Housing and Urban Development Act 1993.
- 4.6.20 To institute proceedings under the Protection from Eviction Act 1977.
- 4.6.21 To institute proceedings under Section 1 Accommodation Agencies Act 1953.
- 4.6.22 To make amendments to the Tenants' Incentive Scheme eligibility criteria and authorise payments under the scheme if local circumstances require.
- ~~4.6.23 To authorise Environmental Health Officers and other authorised officers to take all enforcement action, powers and provision as appropriate, under the Housing Act 2004, and any subsequent secondary legislation, in accordance with the Council's enforcement policies.~~
- 4.6.23 In-After consultation with the Director of People:
- a. determine and alter as necessary a scale of reasonable charges in respect of enforcement action under s49 of the Housing Act; and
 - b. determine and alter as necessary an administrative fee for works carried in default of notices.
- 4.6.24 To allocate acquired properties, hostel accommodation and property allocated for short life. In addition, in exceptional circumstances, to approve the permanent rehousing of applicants, both to be exercised outside the Council's Points Scheme.

- 4.6.25 To discharge the Council's functions and duties under Part III Housing Act 1985 and Part VII of the Housing Act 1996 (homelessness) and to make all administrative decisions in this regard.
- 4.6.26 To let empty acquired properties to housing co-operatives or Housing Associations for housing use and to obtain any necessary consent, following consultation with the Chief Financial Officer.
- 4.6.27 To grant secure tenancies to decanted tenants where a return to their previous address is either not feasible or where to do so would be in the interests of the best management of the stock.
- 4.6.28 To grant approval to offers to applicants as laid down in the policy approved by H&CR Committee in 1997 where properties have proved hard to let.
- 4.6.29 To operate the Special Needs quota exceptional allocations policy as approved. This policy to include PDO referrals in accordance with the Potentially Dangerous Offenders protocol and MAPPA's in accordance with the Multi-Agency Public Protection Agreement.
- 4.6.30 To determine the appropriate number of temporary units of accommodation to be used for this purpose at any one time, including the approval to use SCC "normal" stock as temporary accommodation for the discharge of duties under the Homelessness Act 2002.
- 4.6.31 To grant tenancies, in accordance with the Council's policy, to wardens who retire and approve exceptions to that policy in exceptional circumstances.
- 4.6.32 To review and amend the current allocations policy.
- 4.6.33 To allocate the Department for Communities and Local Government (DCLG) Homelessness Directorate grant received, following consultation with the Homelessness Steering Group, relevant Cabinet Member and Chief Financial Officer.
- 4.6.34 To determine applications under Section 3(5) Housing Defects Act 1984.
- 4.6.35 To authorise payments under the Tenants Right to Compensation or Improvements and the Right to Repair.
- 4.6.36 To accept written in-house bids for the maintenance and improvement of HRA buildings following consultation with the Head of Property, Procurement and Health & Safety.
- 4.6.37 To determine when the Landlord Controlled Heating should be switched on and off, [after](#) consultation with the relevant Cabinet Member to determine and revise the level of charges for Landlord Controlled Heating in future years.

- 4.6.38 ~~In-After~~ consultation with the relevant Cabinet Member, to determine and revise the level of charges for Landlord Controlled Heating in future years.
- 4.6.39 To accept written bids and arrange and enter into suitable supplier contract arrangements for the provision of maintenance and improvement schemes and to do anything necessary to implement , subject to the formal approval of the proposed partnering arrangements by the Head of Property, Procurement and Health & Safety ~~after~~ consultation with the Head of Legal & Democratic Services.
- 4.6.40 To make annual financial amendments to the Housing Revenue Account Business Plan 2007 – 2037 and refresh every five years, following consultation with the Cabinet Member.
- 4.6.41 To set the rent to be charged to tenants for each leased dwelling to ensure that the costs of the overall scheme are at least covered by rental income.
- 4.6.42 To make an ex-gratia payment to 'under occupying' tenants who move to smaller properties in accordance with housing policy.
- 4.6.43 To grant tenancies to applicants in accordance with the Lettings Policy and local lettings policy decisions and to grant temporary service tenancies.
- ~~4.6.45 To grant tenancies to people left in occupation, and joint tenancies [LCB21] in accordance with Annex C of the Code of Guidance on Parts VI and VII of the Housing Act 1996.~~
- ~~4.6.46 To determine transfer by application by tenants on management grounds [LCB22].-~~
- 4.6.44 To determine appropriate officers to act as security administrators for the HCA Investment Management System.
- 4.6.45 To make decisions on the application of the Disabled Adaptations in Council Housing policy in individual cases and to make amendments to the policy as required.
- 4.6.46 To undertake the discharge of any of the Council's functions relating to the welfare of civilians under the Civil Defence Acts 1937 to 1948 and under Section 138 of the Local Government Act 1972 as amended by Civil Contingency Act 2004.
- 4.6.47 Following consultation with the relevant Cabinet Member and Head of Legal & Democratic Services to make applications to the Secretary of State in respect of works on common land.
- 4.6.48 Following consultation with the relevant Cabinet Member and appropriate stakeholders to review and amend Directorate policies and strategies.

4.6.49 To grant a service concession to procure services that meet the Council's service plans, following consultation with the [Chief Financial Officer](#) ~~Director of Corporate Services~~ or Head of Legal & Democratic Services and the relevant Cabinet Member.

Supported Housing

4.6.50 To amend the allocations criteria for supported housing, following consultation with the relevant Cabinet Member and tenants.

4.7 HEAD OF HOUSING OPERATIONS

4.7.1 The Head of Housing Operations is appointed the Proper Officer in relation to the following:

- a. the issue of certificates under the provisions of the Rent (Agriculture) Act 1976 in relation to the provision of alternative accommodation; and
- b. the provisions of Schedule 15 Part IV of the Rent Act 1977 relating to certificates as to the provision of suitable alternative accommodation.

5.1 ASSISTANT CHIEF EXECUTIVE

- 5.1.1 To be responsible for the completion and updating of the Policy Framework Plans and implementing the council's Performance Management Framework.
- 5.1.2 To authorise the attendance by any Member at a conference, meeting or other event, following consultation with the Head of Legal & Democratic Services, provided the costs are to be met from the relevant Portfolio budget.
- 5.1.3 To respond to consultations and requests for submission from Government Departments, other local authorities, international, European, academic, research, business representatives and other bodies in respect of: provision and sharing of data and research initiatives; policies, strategies and plans; performance and partnership working
- 5.1.4 Following consultation with the Chief Financial Officer and the appropriate officers dealing with European matters, to complete and submit expressions of interest for funding or initiatives relating to equalities, cohesion, community safety and community involvement to any UK or EU funding agencies.
- 5.1.5 To complete and submit expressions of interest, enter into and vary, research and development projects and associated partnerships within estimates, including seeking external funding or joining funding partnerships.
- 5.1.6 To submit bids for tenders involving funding or assistance from central government, European Commission or from any other source (direct or indirect to the authority itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders following consultation with the Head of Legal & Democratic Services and the Chief Financial Officer . (NB: this delegation applies not only to lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should apply in the same way).
- 5.1.7 To commission market research.
- 5.1.8 The provision and sharing of data and research initiatives.
- 5.1.9 To exercise any specific or general powers in this Division's section of this Scheme which are delegated to other officers.

~~5.1.8 Following consultation with the Head of Legal & Democratic Services and Chief Financial Officer, to take any steps necessary to implement and operate Overview and Scrutiny functions.~~

5.1.10 To revise, if required, revenue subsidies to Category B Council owned community centres and the funding to support the development of community involvement activities linked to the operation of such centres.

~~5.1.10 Following consultation with the Chief Financial Officer and the appropriate officers dealing with European matters, to complete and submit expressions of interest for funding or initiatives relating to equalities, cohesion, community safety and community involvement to any UK or EU funding agencies.~~

5.1.11 To act in all matters associated with the delivery of neighbourhood renewal, inclusion, community safety and community involvement and other programmes, partnerships or arrangements managed by external partnership bodies where the Council is the accountable body or is responsible for or is a partner in the programme, partnership or arrangement, and in particular to do so following consultation with the board or other body responsible for the management of the programme, partnership or arrangement, and to seek and replace members of such bodies.

(—Action should only follow appropriate consultation at the outset. Where land use and planning processes are involved this must be with the Chief Financial Officer, Head of Legal & Democratic Services and the Head of Planning, Transport & Sustainability. Where there is existing or intended Council ownership this must include the Head of Property, Procurement and Health & Safety.)

5.1.12 The power to enter into grant agreements for the award of grants derived from Government funded regeneration programmes and to determine when a legal charge is required on property to secure the repayment of any grant award.

5.1.13 To formally sign off regeneration Delivery Plans and Funding Agreements with the appropriate Funding Agencies for all externally funded projects and programmes relating to equalities, cohesion, community safety and community involvement following consultation with the Chief Financial Officer.

~~5.1.14 Following consultation with the relevant Cabinet Member and taking into account recommendations made by the Grants Advisory Panel, to determine and allocate Community Chest Grant applications.~~

5.1.14 To make modifications / amendments to the approved standard conditions of grant aid.[LCB24]

~~5.1.15 To undertake any duties in respect of new work in the areas of strategy, community safety, new communities, community cohesion, community involvement and equalities as a result of any revisions to Services and Financial Plans.~~

~~5.1.16 To authorise^[AU25] legal proceedings or other action to be taken to recover possession of any property or land owned by Southampton City Council which is being occupied by travellers, squatters or other unlawful occupants.~~

~~5.1.17 To authorise the closure^[AU26] of premises under Part 1A Section 11 of the Anti Social Behaviour Act 2003.~~

~~5.1.18 To undertake all^[AU27] functions and responsibilities associated with Emergency Planning.~~

~~5.1.19 ^[LCB28] Following consultation with the Chief Financial Officer and the appropriate officers dealing with European matters, to complete and submit expressions of interest for funding or initiatives relating to equalities, cohesion, community safety and community involvement to any UK or EU funding agencies.~~

5.1.15 Following consultation with the relevant Cabinet Member and the Director of Corporate Services, to agree for the City Council to act as the accountable body on behalf of formally constituted “friends” groups, resident, tenant or community groups, or sports clubs applying for external grant funding of less than £125,000 to improve the city’s open spaces and associated assets and infrastructure. This responsibility may include procuring supplies, goods or services on behalf of the grant recipient through identifying the most economically advantageous quote or tender, certifying receipt of goods and services, agreeing practical completion of site works, authorising payment of invoices, controlling and monitoring project expenditure, and keeping accurate and auditable financial records for the purpose of reclaiming project expenditure from the external grant funding body.^[AU29]

~~5.1.21 To approve the hosting of national or international events at facilities within the Leisure and Culture Portfolio.~~

5.1.16 To deputise for the Chief Executive in respect of any matters relating to the Change and Communities Portfolios.

~~5.1.23 To make modifications / amendments to the approved standard conditions of grant aid.~~

~~5.1.24 To submit bids for tenders involving funding or assistance from central government, European Commission or from any other source (direct or indirect to the authority itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any~~

~~necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders following consultation with the Head of Legal & Democratic Services and the Chief Financial Officer. (NB: this delegation applies not only to lottery bids, but also to any new schemes as yet not in place, and is thus framed broadly and should apply in the same way).~~

5.1.17 To change the decision-making^[AU30] body and managerial responsibilities for any property in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Chief Financial Officer and Head of Property, Procurement and Health & Safety.

5.1.26 ~~Following^[LCB31] consultation^[AU32] with the Head of Legal & Democratic Services, to make any order, notice or decision, grant any license, make any charge or take any enforcement action considered necessary or expedient pursuant to Clean Neighbourhood and Environment Act 2005 and all associated secondary legislation.~~

~~To represent the^[AU33] interests of Southampton City Council through attendance at external and partnership meetings.~~

5.1.18 ~~To approve and allocate grants to voluntary organisations, following consultation with the relevant Cabinet Member and Chief Financial Officer and make decisions to vary the budget allocation subject to the approved budget being available within Financial Procedure Rules.~~

5.1.19 ~~To make amendments to the Council's equality policies in order to address evolving legal and performance requirements.~~

5.1.27 ~~To commission market research.~~

5.2 HEAD OF SKILLS, REGENERATION & PARTNERSHIPS

- 5.2.1 To liaise with economic partnerships and other economic bodies to represent the Council's interests on economic issues.
- 5.2.2 To liaise with skills partnerships and other skills economic bodies to represent the Council's interests on skills issues.
- 5.2.3 To submit bids for or tenders involving funding or assistance from central Government, European Commission or from any other source (direct or indirect to the authority itself), and to take any further steps including the entering into of any relevant agreements to fulfil the requirements of any bid or tender and to take any necessary or expedient action (including the purchase of services, supplies and works) in the consequential administration of any such bids or tenders. (NB: this delegation also applies to any new schemes not in place, and is thus framed broadly and should be applied in the same way), following consultation with the Head of Legal & Democratic Services and Chief Financial Officer.
- 5.2.4 To respond to consultations and requests for submissions, including responses to calls for funding proposals, from European, and Government Departments in relation to Domestic, International and European Service activities.
- 5.2.5 Approve Section 106 Employment and Skills Plans.
- 5.2.6 To approve the letting of contracts for the provision of learning, skills and employment related services.
- 5.2.7 To represent the interests of Southampton City Council through attendance at the Sub Regional Group on post 16 commissioning and to take all decisions required pursuant to membership on the group in relation to the exercise of statutory duties for the commissioning of learning and skills for children and young people.
- 5.2.8 To exercise all powers and duties granted or imposed under the Apprenticeship, Skills, Children and Learning Act 2009 and to do anything necessary to commission services as provided for in accordance with the Council's 16-19 obligations.
- 5.2.9 To approve grants to voluntary organisations provide that such approval be limited to £25,0000 per item and overall to no more than 20% of the total amount available for grants to voluntary organisations after consultation with the Cabinet Member.
- 5.2.10 Following consultation with the relevant Cabinet Member and taking into account recommendations made by the Grants Advisory Panel, to determine and allocate Community Chest Grant applications.
- 5.2.11 To approve the hosting of national or international events.

Sixth Form Colleges

- 5.2.12 After consultation with the ~~Director of Corporate Services~~Chief Financial Officer or the Head of Legal & Democratic Services, to approve, cancel or amend funding agreements for learning providers in relation to post 16 learning.

College Transport & Travelling Expenses

- 5.2.13 To pay travelling allowances to eligible students at Further Education establishments on the basis of public transport season ticket costs.
- 5.2.14 To pay travelling allowances to students qualifying for transport who provide their own vehicles to travel to schools/colleges according to a scale to be determined and varied as required following consultation with the Chief Financial Officer .
- 5.2.15 To implement in respect of further education students, where appropriate, any changes in transport regulations made which affect pupils aged 16-19 attending secondary schools and colleges.
- 5.2.16 To work with Post-16 learning providers to ensure that transport is not a barrier to participation in learning, and to implement activities and provide financial support where appropriate.

5.3 COMMUNICATIONS MANAGER

- 5.3.1 To issue releases and comments to the media and public as and when necessary in the context of the relevant legal constraints and Council policy.
- 5.3.2 To edit and publish internal and external communications.
- 5.3.3 In cases of urgency, and/or when an appropriate Member or officer is not available, to act as a spokesperson for the Council.
- 5.3.4 To publish and edit the Council's website (Internet) and any subsequent related media.
- 5.3.5 To make any decisions about the sale of advertising or sponsorship in Council (or Council related) publications or on council property subject to legal, etc constraints and Council policy.
- 5.3.6 To undertake negotiations on behalf of the Council in respect of proposed special events in the City.
- 5.3.7 To prepare and implement communication plans where required by the Council.
- 5.3.8 To ensure that the Council complies with the recommended Code on Local Authority Publicity.

FINANCIAL PROCEDURE RULES

CONTENTS

A: Financial Management	4
Financial Accountabilities in relation to the Scheme of Revenue Virement	4
Financial Accountabilities in Relation to the Treatment of Year-end Balances	9
Financial Accountabilities in Relation to Accounting Policies.....	10
Financial Accountabilities in relation to Accounting Records and Returns.....	10
Financial Accountabilities in relation to the Annual Financial Statements.....	11
B: Financial Planning.....	12
The Budget	12
Format of the Budget.....	12
Revenue Budget Preparation, Monitoring and Control	12
Capital Programmes	14
Variation to the HRA Business Plan	24
C: Risk Management and Control of Resources	26
Risk Management.....	26
Internal Control	26
Audit requirements – Internal Audit.....	27
Audit Requirements - External Audit.....	28
Preventing fraud and corruption	28
Assets - Security.....	29
Assets - Disposal.....	31
Treasury Management.....	31
Staffing	32
D: Systems and Procedures.....	34
General.....	34
Income.....	35
Ordering and Paying for Work, Goods and Services	37
Payments to Employees and Members	40
Taxation.....	41
Quasi Commercial operations	43

E: External Arrangements	44
Partnerships	44
External Funding.....	45
Work for Third Parties.....	45
Appendix 1 - Council Capital Board Terms of Reference	47
Appendix 2 - Guidance on Scheme Approval Reports	49

FINANCIAL PROCEDURE RULES

The Financial Procedure Rules consist of and should be interpreted as the Council's Financial Regulations.

1. STATUS OF FINANCIAL PROCEDURE RULES

- 1.1 The Council's financial procedure rules provide the framework for managing the authority's financial affairs. They apply to every Member and Officer of the authority and anyone acting on its behalf. These rules must be read in conjunction with the whole of the Constitution and any other Council Standards.
- 1.2 The rules identify the financial responsibilities of the Full Council, the Cabinet, Members and Officers. Chief Officers are defined for the purpose of these rules as the Chief Executive, Directors and the ~~Senior Manager Finance and IT~~ Chief Financial Officer (CFO). ~~The Senior Manager Finance and IT is the Chief Financial Officer (CFO).~~
- 1.3 All Members and Officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value.
- 1.4 The CFO is responsible for maintaining a continuous review of the financial procedure rules and may, where he or she considers it necessary, issue revisions during the year. Where the CFO considers the revisions to be significant and material additions or changes, these will be reported to the Full Council for noting and/or approval. The CFO is also responsible for reporting, where appropriate, any breach of the financial procedure rules to the Full Council and/or to the Cabinet.
- 1.5 To underpin the financial procedure rules, the CFO is responsible for issuing any relevant advice and guidance that Members, Officers and others acting on behalf of the authority are required to follow. Such advice and guidance will be reviewed, and amended as necessary, by the CFO.
- 1.6 Chief Officers are responsible for ensuring that all staff in their departments are aware of the existence and content of the authority's financial procedure rules and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their departments.

A: FINANCIAL MANAGEMENT

Responsibilities of the CFO

- A.1 To ensure the proper administration of the financial affairs of the authority.
- A.2 To monitor compliance with the financial procedure rules.
- A.3 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the authority.
- A.4 To advise on the key strategic controls necessary to secure sound financial management.
- A.5 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Responsibilities of Chief Officers

- A.6 To promote the financial procedure rules in their departments and to monitor adherence to the standards and practices, liaising as necessary with the CFO.
- A.7 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.

Financial Accountabilities in relation to the Scheme of Revenue Virement

Explanatory Note

The overall budget is agreed by the Cabinet and approved by the Full Council. Chief Officers and budget managers are therefore authorised to incur net expenditure in accordance with the estimates that make up the budget for the current financial year. The rules below cover virement. That is, switching resources between approved estimates or heads of expenditure and income.

What is a Virement?

A virement is the:

'planned transfer of a budget for use in a different purpose to that originally intended'.

A virement does not create additional overall budget liability. It changes the purpose for which the budget will be used compared to that originally intended.

Chief Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from virements against one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources.

Chief Officers must plan to fund such commitments from within their own budgets having regard to the overall forecast out turn for the service and the Portfolio. Any budget provided by the Full Council to meet specific pressures must be used for the identified purpose or returned to the General Fund balance.

Given the need for overall financial management of the Housing Revenue Account (HRA,) the Head of Service~~Senior Manager~~ for all HRA virements is the Head of Service Senior Manager for Housing Services and the Chief Officer is the Director ~~for~~ Environment of People.

A virement should in no circumstances be used to mask an over or under spend. The reporting of over and under spends is important so that Members have a full understanding of where spending pressures and savings opportunities may arise.

For the purposes of the scheme set out below, a virement occurs when a budget is transferred from one subjective heading to another (for example, from supplies and services to transport expenditure) or from one Service Activity to another. Transfers within a subjective heading within the same Service Activity are not defined as virements. Service activities that will apply for the following financial year are those which are set out in the budget approved by the Full Council for the coming financial year.

Centralisation or decentralisation of budget responsibility is not to be treated as virement, but any proposal to do so should be in consultation with the CFO.

- A.8 All virements should be cleared in the first instance by the relevant accounting support for the Service Activity concerned. All virements must be recorded on the Delegated Virement form and communicated to Financial Planning.
- A.9 Controls on the use of additional controllable income are required to ensure that significant additional income is not spent without any control process in place. These rules do not apply to:
- (a) Grant income (except external funding bids).
 - (b) Trading income.
 - (c) Additional expenditure incurred to deliberately generate more income.
 - (d) Pooled budgets arrangements e.g. with CCG funds
- A.10 Where the additional grant is the result of an external funding bid, approval is required to accept the funding.

~~Employee Expenditure Budgets – Within a Service Activity~~

~~Senior Managers and Chief Officers shall be entitled to vire any amount within and across controllable employee expenditure budgets within a Service Activity. However, no virements are allowed from employee expenditure budgets to non employee expenditure budgets without approval from the CFO.~~

~~Employee Expenditure Budgets – Across Service Activities or Portfolios~~

~~Chief Officers shall be entitled to vire controllable employee expenditure budgets across Service Activities or Portfolios in accordance with the rules below for non employee expenditure budget virements.~~

~~Non Employee Expenditure Budgets~~

~~No virements are allowed from non employee expenditure budgets to employee expenditure budgets, or visa versa, without approval from the CFO.~~

~~Senior Managers, following consultation with their Chief Officer and the CFO shall be entitled to vire between controllable expenditure budgets, where each individual virement does not exceed £50,000.~~

~~Chief Officers following consultation with the relevant Cabinet Member and the CFO shall be entitled to vire between controllable expenditure budgets, where each individual virement is £50,000 or more but does not exceed £125,000.~~

~~Cabinet Members shall be entitled to vire between controllable expenditure budgets, where each individual virement is £125,000 or more but does not exceed £250,000.~~

~~One-off virements between controllable expenditure budgets, where each individual virement is beyond the limit of £250,000 must be agreed by the Cabinet.~~

~~The cumulative virements to or from any expenditure budget within a Service Activity should not exceed £125,000 without the approval of the Cabinet Member and shall not exceed £250,000 without the approval of the Cabinet.~~

~~Virements in excess of £2,000,000 require the approval of the Full Council.~~

Value	Virement of expenditure budgets	Virement of income budgets and acceptance of external funding bids
Any amount	Employee Budgets within a Service Activity can be approved by Heads of Service <u>HEADS OF SERVICE and CHIEF OFFICERS.</u> (*) Chief Officers	Expenditure Budgets can be increased in line with additional grant income (except external funding bids), to deliver an increase in a support service or trading income activity. (except external funding bids)
Up to £200,000	Up to £50,000 Approved by HEADS OF	Approved by CHIEF OFFICERS in consultation with Chief Officer

	SERVICE CHIEF OFFICERS in consultation with Chief Officer and the CFO	and the CFO
<u>£200,000 to £500,000</u>	Over £125,000 up to £250,000 Approved by CABINET MEMBER in consultation with the CFO	Approved by CABINET MEMBER in consultation with the CFO
<u>Over £500,000 to £2 million</u>	One off over £250,000 up to £2 million Approved by CABINET	Approved by CABINET
<u>Over £2 million</u>	Over £2 million Approved by COUNCIL	Approved by COUNCIL

A.11 Decisions will be made in line with the criteria set out in the table below:

<u>Value</u>	<u>Virement of expenditure budgets</u>	<u>Virement of income budgets and acceptance of external funding bids</u>
<u>Any amount</u>	<u>Employee Budgets within a Service Activity can be approved by HEADS of SERVICE and CHIEF OFFICERS. (*)</u>	<u>Expenditure Budgets can be increased in line with additional grant income (except external funding bids), to deliver an increase in a support service or trading activity.</u>
<u>Up to £200,000</u>	<u>Approved by CHIEF OFFICERS in consultation with the CFO</u>	<u>Approved by CHIEF OFFICERS in consultation with the CFO</u>
<u>£200,000 to £500,000</u>	<u>Approved by CABINET MEMBER in consultation with the CFO</u>	<u>Approved by CABINET MEMBER in consultation with the CFO</u>
<u>Over £500,000 to £2 million</u>	<u>Approved by CABINET</u>	<u>Approved by CABINET</u>
<u>Over £2 million</u>	<u>Approved by COUNCIL</u>	<u>Approved by COUNCIL</u>

(* However, no virements are allowed from employee expenditure budgets to non employee expenditure budgets without approval from the CFO).

~~(* However, no virements are allowed from employee expenditure budgets to non employee expenditure budgets without approval from the CFO).~~

~~A.11 Controllable Income Budgets~~

~~Controls on the use of additional controllable income are required to ensure that significant additional income is not spent without any control process in place (these rules do not apply to Grant Income and Trading Income – see separate section below). These also do not apply if additional expenditure is incurred to deliberately generate more income. Approval is required as follows:~~

- ~~i. Additional income up to £50,000, approval of the CFO is required~~
- ~~ii. Additional income over £50,000, approval of the Cabinet is required~~

~~A.11 Revenue Grant Income and Trading Income Budgets (also applies to the HRA)~~

~~A.12 Where additional grant income is received, expenditure budgets can be increased in line with the increase in grant income without any additional approval, except where the additional grant is the result of an external funding bid, and the additional grant funding is in excess of £125,000. In this instance approval from the Cabinet Member is required to accept the external bid funding up to £250,000 beyond which the approval of the Cabinet is required. Where additional trading income is received expenditure budgets can be varied in line with the increase in income without any additional approval.~~

~~A.13 Scheme of Virement for the HRA~~

~~A.14 Within the HRA the distinction between “controllable” and “non-controllable” expenditure and income budgets is not appropriate. The following virement rules therefore apply to the HRA:~~

~~A.15 Employee Expenditure Budgets~~

~~A.16 No virements are allowed from Employee budgets to Non Employee budgets without approval from the CFO.~~

~~A.17 Non-Employee Expenditure and Income Budgets~~

~~A.18 No virements are allowed from non employee expenditure budgets to employee expenditure budgets, without approval from the CFO.~~

~~A.19 The Senior Manager following consultation with their Chief Officer and CFO shall be entitled to agree individual virements of up to £50,000.~~

~~A.20 Chief Officers following consultation with the relevant Cabinet Member and the CFO shall be entitled to agree individual virements of between £50,000 and £125,000.~~

~~A.21 Cabinet Members shall be entitled to agree individual of between £125,000 and £250,000.~~

~~A.22 One-off virements, where each individual virement is beyond the limit of £250,000 must be agreed by the Cabinet.~~

~~A.23 The cumulative virements to or from any budget should not exceed £125,000 without the approval of the Cabinet Member and shall not exceed £250,000 without the approval of the Cabinet.~~

~~A.24 Virements in excess of £2,000,000 require the approval of the Full Council.~~

~~A.25 Any virements that are made to or from budgets which, if they were in the General Fund, would be regarded as non-controllable budgets can only be made following consultation with the relevant Senior Manager for the service concerned.~~

~~A.26~~

A.12 The HRA contingency and revenue balance is defined as a “non-employee” budget. However, any virements from the HRA revenue balance that would reduce the level of balances below the minimum level set by the CFO in the HRA budget and business plan report can only be approved by the Full Council.

Financial Accountabilities in Relation to the Treatment of Year-end Balances

Responsibilities of the CFO

A.13 To administer the scheme of carry-forward within the guidelines approved by the Full Council.

A.14 To report all under spends on service estimates carried forward to the Full Council for approval.

Responsibilities of Chief Officers

A.15 Any over spends will be reported by the CFO to the Cabinet and to the Full Council.

A.16 Under spends on specific estimates may be carried forward within guidelines issued by the CFO, subject to the approval of the Full Council.

~~A.32 All internal business unit surpluses shall be retained within balances for the benefit of the authority.~~

A.17 Schools' balances shall be available for carry-forward to support the expenditure of the school concerned. Where an unplanned deficit occurs, the governing body shall prepare a detailed financial recovery plan for consideration by the Cabinet Member concerned, following evaluation by the relevant Chief Officer and the CFO. Schools will normally be expected to agree a plan to recover the deficit within a defined period.

A.18 In exceptional circumstances, schools may seek to incur expenditure to be financed by anticipating the following year's budget share. Such arrangements require the prior approval of the Cabinet. Proposals shall be accompanied by a detailed plan setting out how the arrangement is to be accommodated as the first call on the reduced budget share.

Financial Accountabilities in Relation to Accounting Policies

Responsibilities of the CFO

- A.19 To select suitable accounting policies, and to ensure that they are applied consistently. The accounting policies are set out in the Financial Statements, which are prepared at 31 March each year, and covers such items as:
- (a) Separate accounts for capital and revenue transactions
 - (b) The basis on which debtors and creditors at year-end are included in the accounts
 - (c) Details on substantial provisions and reserves
 - (d) Fixed assets
 - (e) Depreciation
 - (f) Capital charges
 - (g) Work in progress
 - (h) Stocks and stores
 - (i) Deferred charges
 - (j) Accounting for value added tax
 - (k) Government grants
 - (l) Leasing
 - (m) Pensions

Responsibilities of Chief Officers

- A.20 To adhere to the accounting policies and guidelines approved by the CFO.

Financial Accountabilities in relation to Accounting Records and Returns

Responsibilities of the CFO

- A.21 To determine the accounting procedures and records for the authority. Where these are maintained outside the finance department, the CFO should consult the Chief Officer concerned.
- A.22 To arrange for the compilation of all accounts and accounting records under his or her direction.
- A.23 To comply with the following principles when allocating accounting duties:
- (a) Separating the duties of providing information about sums due to or from the authority and calculating, checking and recording these sums from the duty of collecting or disbursing them
 - (b) Employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

- A.24 To make proper arrangements for the audit of the authority's accounts in accordance with the Accounts and Audit Regulations 2011.
- A.25 To ensure that all claims for funds including grants are made by the due date.
- A.26 To prepare and publish the draft accounts of the authority for each financial year, in accordance with the statutory timetable, which is currently 30 June. With the requirement for the ~~Standards and~~ Governance Committee to approve the audited Financial Statements by the ~~dates~~ set out in the Accounts and Audit Regulations which is currently the 30 September.
- A.27 To administer the authority's arrangements for under spends to be carried forward to the following financial year.
- A.28 To ensure the proper retention of financial documents in accordance with the requirements set out in the authority's document retention schedule.

Responsibilities of Chief Officers

- A.29 To consult and obtain the approval of the CFO before making any changes to accounting records and procedures.
- A.30 To comply with the principles outlined in paragraph A.236, when allocating accounting duties.
- A.31 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- A.32 To supply information required to enable the Financial Statements to be completed in accordance with guidelines issued by the CFO.

Financial Accountabilities in relation to the Annual Financial Statements

Responsibilities of the CFO

- A.33 To select suitable accounting policies and to apply them consistently.
- A.34 To make judgements and estimates that are reasonable and prudent.
- A.35 To comply with the ~~Statement of Recommended Practice (SORP)~~ Code of Practice on Local Authority Accounting in the United Kingdom (Code of Practice).
- A.36 To sign and date the Financial Statements, stating that they present a true and fair view of the financial position of the authority at the accounting date and its income and expenditure for the year ended 31 March ~~20XX~~.
- A.37 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

Responsibilities of Chief Officers

- A.38 To comply with accounting guidance provided by the CFO and to supply the CFO with information when required.

B: FINANCIAL PLANNING

Responsibilities of the CFO

- B.1 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.
- B.2 To contribute to the development of corporate and service targets and objectives and performance information.

Responsibilities of Chief Officers

- B.3 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.
- B.4 To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.
- B.5 To contribute to the development of performance plans in line with statutory requirements.
- B.6 To contribute to the development of corporate and service targets and objectives and performance information.

The Budget

Format of the Budget

Responsibilities of the CFO

- B.7 To advise the Cabinet and opposition groups on the format and content of the budget that is to be approved by the Full Council. This includes providing a commentary on the robustness of the estimates made for the purpose of the calculations (to set the Council Tax), and the adequacy of the proposed level of reserves, as required by Section 25 of the Local Government Act 2003.

Responsibilities of Chief Officers

- B.8 To comply with accounting guidance provided by the CFO.

Revenue Budget Preparation, Monitoring and Control

Responsibilities of the CFO

- B.9 For the General Fund, to ensure that an annual revenue budget together with a three year overview is prepared on an annual basis for consideration and recommendation by the Cabinet, before submission to the Full Council. The CFO will also prepare the indicators required as part of the Prudential Code. The

Full Council may amend the budget and Prudential Indicators or ask the Cabinet to reconsider them before approving [them](#).

- B.10 For the HRA, to ensure that a 30 year business plan is produced which covers revenue and capital spending. With regard to the revenue budget, there must be a detailed budget for the forthcoming financial year for consideration and recommendation by the Cabinet, before submission to the Full Council. The CFO will also prepare the indicators required as part of the Prudential Code. The Full Council may amend the budget and Prudential Indicators or ask the Cabinet to reconsider them before approving [them](#). The 30 year business plan should also be presented to the Cabinet and the Full Council as part of the budget report.
- B.11 To establish an appropriate framework of budgetary management and control that ensures:
- (a) Budget management is exercised within annual cash limits unless the Full Council agrees otherwise
 - (b) Each Chief Officer has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
 - (c) Expenditure is committed only against an approved budget head
 - (d) All managers responsible for committing expenditure comply with relevant guidance, and the financial procedure rules
 - (e) Each cost centre has a single named manager, determined by the relevant Chief Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
 - (f) Significant variances from approved budgets are investigated and reported by budget managers regularly
- B.12 To administer the authority's scheme of revenue virement.
- B.13 To submit reports to the Cabinet and if necessary to the Full Council, following consultation with the relevant Chief Officer, where a Chief Officer is unable to balance expenditure and resources within existing approved budgets under his or her control.
- B.14 To prepare and submit reports to the Cabinet on the authority's projected income and expenditure compared with the budget on a regular basis.

Responsibilities of Chief Officers

- B.15 To ensure that budget estimates reflecting agreed service plans are produced in consultation with the Cabinet Member and submitted to the CFO in accordance with the budget timetable and the guidance issued for the production of budget reports to the Cabinet and the Full Council.

- B.16 To maintain budgetary control within their departments, in adherence to the principles in B.11, and to ensure that all income and expenditure are properly recorded and accounted for.
- B.17 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Chief Officer (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- B.18 To ensure that spending remains within the service's overall cash limit and that individual budget heads are not over spent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- B.19 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget, and that this process is operating effectively.
- B.20 To prepare following consultation with the CFO reports on the service's projected expenditure compared with its budget, in accordance with the Council's Corporate Monitoring procedure and timetable.
- B.21 To ensure prior approval by the Full Council or the Cabinet (as appropriate) for new proposals, of whatever amount, that:
- (a) Create financial commitments in future years
 - (b) Change existing policies, initiate new policies or cease existing policies
 - (c) Materially extend or reduce the authority's services
- The report on new proposals should explain the full financial implications, after consultation with the CFO. Unless the Full Council or the Cabinet has agreed otherwise, Chief Officers must plan to contain the financial implications of such proposals within their cash limit
- B.22 To ensure compliance with the scheme of virement.
- B.23 To agree with the relevant Chief Officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Chief Officer's level of service activity.

Capital Budget Preparation, Monitoring and Control

Responsibilities of the CFO

Capital Programme Management

Explanatory Note

The Council has a two stage approach to deciding its capital spending. An item of spending must first be included in (added to) the Councils Capital Programme, but this does not provide authority to proceed with the scheme. This is done via a separate “scheme approval” process.

Expenditure included in the Capital Programme may relate to a specific project for example, “Communal works at Ventnor Court”, or may make provision for certain types or areas of spending for example, “Future communal area works”. However, a “scheme approval” report must relate to a specific project and contain the information specified by the CFO (as a minimum) as set out in Appendix 2.

Expenditure included in the Capital Programme must show the total value of contracts and related expenses that the council will incur. Any grants or other income must be shown as a source of capital finance and not as a reduction to the gross expenditure.

Responsibilities of the CFO

- B.24 To issue guidance concerning capital schemes and controls, and to determine the definition of “capital”, having regard to government regulations and accounting requirements.
- B.25 To ensure that the Capital Programme is presented to Full Council as part of the budget and at such other times as the CFO may determine. The CFO will determine the period to be covered by the General Fund Capital Programme. The HRA capital spending plans will be included in summarised form in the 30 year HRA business plan that will be reported to Full Council as part of the budget report. The CFO will determine the period that should be covered by the detailed HRA Capital Programme.

Responsibilities of the Council Capital Board

- B.26 To oversee and coordinate the preparation, review and implementation of the Council’s Capital Strategy and Asset Management Plan. The Capital Strategy and the Asset Management Plan must be approved by Council and reviewed annually.
- B.27 Responsibility for evaluating bids for capital funding and the monitoring of the Capital Programme including Post Project Evaluations, within the framework of the Capital Strategy and the Asset Management Plan.
- B.28 The full terms of reference for the Council Capital Board are attached at Appendix 1. In summary the Council Capital Board will be responsible for:
- (a) The governance of the Council’s Capital Programme.
 - (b) Reviewing existing schemes within the Council Approved Capital Programme and considering any changes to those schemes.
 - (c) Considering new bids requiring capital funding.

- (d) Ensuring that there is corporate awareness of all proposals and encouraging joint and collective agreement of schemes to be included in the programme.

B.29 To assess any changes to the Capital Programme, against criteria that aim to align the programme to the Councils overall objectives and values and priorities and the matching those priorities against the available and known future capital resources. Due regard should be given to:

- (a) External funding available to the Council from Government and other grants & supported borrowing;
- (b) Hypothecation ('ring-fencing' of external funding for specified purposes) and non-hypothecated but ear-marked resources that are available for any permitted use;
- (c) Developer contributions towards capital expenditure, under Community Infrastructure Levy or any similar arrangements;
- (d) Internal resources available from capital receipts, non-supported borrowing and revenue contributions to capital;
- (e) Resources allocated to services including resources in the major programme blocks (Education, Housing, Transport & Other Services);
- (f) Unallocated resources held in reserve.

Responsibilities of Chief Officers

B.30 To establish Directorate or Portfolio Capital Boards to monitor the delivery of the approved Capital Programme, reporting exceptions to the Council Capital Board as relevant allowing the Council Capital Board to concentrate on overall capital strategy.

B.31 To act as owners and sponsors of individual capital schemes and hold the ultimate responsibility and accountability for their delivery.

B.32 To identify one officer or post to lead the overall management of the Directorate's Capital Programme. The role will include reporting monthly to the Directorate Management Team on the progress of the capital programme and identify and implement corrective measures that may be required.

B.33 To present annually the Capital Programme, in conjunction with the annual revenue budget process, to Full Council for approval and at such other times as the CFO may determine. The Programme shall be recommended for approval following consideration by the Council Capital Board. This will include projected available resources, the allocation of resource to schemes, prudent retention of resources to meet unforeseen short-term demands, variances in projected available resources and medium term future needs.

B.34 When additions are made to an existing scheme in the capital programme, the required approval should be based on the costs of the entire project.

B.35 Schemes already added to the capital programme may spend up to £50,000 or ten per cent of the scheme budget, whichever is the lesser, with the approval of

the relevant Chief Officer following consultation with the relevant Cabinet Member in advance of approval to spend on the scheme for the purpose of scheme design and costing etc. Feasibility work is generally a charge to revenue carried out prior to a scheme being added to the programme and any such work can only be capitalised if it is directly attributable to an asset being built, acquired or enhanced.

B.36 The CFO will report on the outturn of capital expenditure to Council as soon as practicable after the end of the financial year.

B.37 Decisions will be made in line with the criteria set out in the table below and may include:

- (a) Additions to the council approved programme which are not funded by external resources;
- (b) Virements between schemes detailed in the approved programme;
- (c) Rephasing of expenditure between financial years and
- (d) Removal/Cessation of schemes detailed in the approved programme.

Additions: Existing or New Schemes		Approval to Spend (See Appendix 2) *	Virements and Re- Phasing **
Funded from existing , 100% ring fenced external sources. A previous Council decision must have been made stating that the funding could be used for these purposes	Funded from new , sources. Report required to Council Capital Board by Chief Officer in consultation with CFO and Cabinet Member	Can be sought as a separate decision or within the same report as seeking approval to add a new scheme if sufficient detail is available	Variations across a programme of works within an overall scheme can be approved by CHIEF OFFICER in consultation with CFO and relevant Cabinet Member
Any sum Approved by CHIEF OFFICER in consultation with CFO and Cabinet Member	Up to £200,000 Approved by CHIEF OFFICER in consultation with CFO and Cabinet Member	Up to £200,000 Approved by CHIEF OFFICER in consultation with CFO and Cabinet Member	Up to £200,000 Approved by CHIEF OFFICER in consultation with CFO and Cabinet Member
	Over £200,000 up to £500,000 Approved by CABINET MEMBER in consultation with CFO	Over £200,000 up to £500,000 Approved by CABINET MEMBER in consultation with CFO	Over £200,000 up to £500,000 Approved by CABINET MEMBER in consultation with CFO

	Over £500,000 up to £2 million Approved by CABINET	Over £500,000 up to £2 million Approved by CABINET	Over £500,000 up to £2 million Approved by CABINET
	Over £2 million Approved by COUNCIL	Over £2 million Approved by COUNCIL	Over £2 million Approved by COUNCIL

* This includes credit arrangements such as financing leases.

** If the virement is not in line with current approved council policies and strategies the decision must be made by Council regardless of value.

~~B.29 To ensure that the Capital Programme is presented to the Full Council as part of the budget and at such other times as the CFO may determine. The CFO will determine the period to be covered by the General Fund Capital Programme. The HRA capital spending plans will be included in summarised form in the 30 year HRA business plan that will be reported to the Full Council as part of the budget report. The CFO will determine the period that should be covered by the detailed HRA Capital Programme.~~

~~not as a reduction to the gross expenditure.~~

~~Addition of Schemes to the Capital Programme~~

~~B.25 Any new scheme where the total scheme cost does not exceed £125,000 that is ENTIRELY funded by scheme specific, ring fenced external sources can be added to the Capital Programme by the relevant Chief Officer following consultation with the Cabinet Member and the CFO. The Chief Officer, following consultation with the Cabinet Member and the CFO, may also increase the budget for any existing scheme by up to £125,000, where the funding comes ENTIRELY from scheme specific external sources.~~

~~B.26 Any new scheme where the total scheme cost exceeds £125,000 that is ENTIRELY funded by scheme specific, ring fenced external sources can be added to the Capital Programme by the Cabinet Member and if the cost exceeds £250,000 by the Cabinet . The Cabinet Member may also increase the budget for any existing scheme by a sum that exceeds £125,000 where the funding comes ENTIRELY from scheme specific external sources. For sums in excess of £250,000 the approval of the Cabinet is required.~~

~~B.27 Any new scheme utilising existing scheme specific, ring fenced funding from the City Council may be added to the Capital Programme by the relevant Chief Officer following consultation with the relevant Cabinet Member and the CFO provided that this is consistent with their originally intended use.~~

~~B.28 Any scheme requiring up to £125,000 of new funding from the City Council can be added to the Capital Programme by the CFO following consultation with the Cabinet Member with responsibility for financial matters and the relevant Chief Officer and Cabinet Member providing there is sufficient capital funding available and there is no material change in the revenue implications of the scheme. Any such additions should be highlighted as part of the formal update of the Capital Programme submitted to the Full Council twice a year.~~

~~B.29 Any scheme requiring over £125,000 but less than £250,000 of new funding from the City Council can be approved by the Cabinet Member and in excess of £250,000 by the Cabinet, providing there is sufficient capital funding available and there is no material change in the revenue implications of the scheme. Any such additions should be highlighted as part of the formal update of the Capital Programme submitted to the Full Council twice a year. New funding includes additional borrowing by the Council, except for supported borrowing approvals below £125,000.~~

~~B.30 Any scheme requiring more than £2,000,000 of new funding from the City Council will require approval by the Full Council.~~

~~B.31 Additions requiring new funding from the City Council, including those funded from non ring fenced external sources, will be considered and prioritised following guidance issued by the CFO.~~

Approval of Capital Schemes

Explanatory Note

~~Approval for capital spending may only be sought for schemes that are already in the Capital Programme.~~

~~Where the scheme in the Capital Programme relates to a single project then it is the value of that project that determines which of the decision routes set out in paragraph B.32 should apply. Where the Capital Programme contains provision for a certain type or area of spending then it may be appropriate to get scheme approval for part of the sum included in the programme. It is the value of the spending for which approval is being sought that determines which decision route should apply. The minimum information to be included in a scheme approval report will be specified in guidance by the CFO. (Appendix 1).~~

~~B.32 The basis for approving schemes, including credit arrangements such as Finance Leases that are included in the approved Capital Programme is:~~

~~i. Schemes already in the Capital Programme up to the value of £125,000 can be approved by the relevant Chief Officer following consultation with the relevant Cabinet Member and the CFO, subject to the relevant details (as defined in~~

guidance provided by the CFO) being provided in the form of a written briefing note or report.

ii. Schemes already in the Capital Programme costing £125,000 or more but less than £250,000 will require scheme approval by the relevant Cabinet Member following consultation with the CFO, subject to the relevant details (as defined in guidance provided by the CFO) being provided in the form of a written briefing note or report. Where there are approvals in the programme for which there are block allocations, for example New Deal for Schools or a replacement roofs programme these may be treated as a single scheme, but any individual projects within that scheme costing between £125,000 and £250,000 will need to be separately identified in the request for approval. The allocation of spending within these blocks must be made within policies or strategies already agreed by the Full Council.

iii. Schemes over £250,000 in value will need scheme approval from the Cabinet.

iv. Schemes over £2,000,000 in value will need scheme approval from the Full Council.

v. The costs for schemes that have already received formal scheme approval by the Cabinet may be varied up or down by the relevant Chief Officer following consultation with the relevant Cabinet Member without requiring further scheme approval as long as the variation in costs complies with these financial procedure rules and as long as the scope and design of the project, in the opinion of the Chief Officer in consultation with the CFO, remains largely unchanged from the original approval.

vi. Schemes already added to the Capital Programme may spend up to £50,000 or ten per cent of the scheme budget, whichever is the lesser, with the approval of the relevant Chief Officer following consultation with the relevant Cabinet Member in advance of approval to spend on the scheme for the purpose of feasibility work, scheme design and costing. Schemes requiring significant feasibility or design works should be progressed on the basis that the feasibility works are a separate scheme in their own right.

Variation of Capital Expenditure

B.33 For the purposes of this section “Variation of Capital Expenditure” a scheme is defined as either an individual project that stands alone in its own right or a programme of works consisting of a number of projects. For example a

~~“Scheme” might be described as “Principal Roads” and the “Projects” would be each individual road~~

~~B.34 A Chief Officer following consultation with the relevant Cabinet Member and the CFO may transfer any sum between projects within a scheme providing that the CFO is satisfied that there will be no material change in the revenue implications arising from the transfer.~~

~~B.35 A Chief Officer following consultation with the relevant Cabinet Member and the CFO, may transfer up to £125,000 between schemes in the Capital Programme providing that the CFO is satisfied that there will be no material change in the revenue implications arising from the transfer and as long as the expenditure is in line with policies and strategies already agreed by the Full Council.~~

~~B.36 Transfers between schemes in the Capital Programme from £125,000 up to £250,000 can be approved by the relevant Cabinet Member following consultation with the CFO as long as the expenditure is in line with policies and strategies already agreed by the Full Council.~~

~~B.37 Transfers between schemes in the Capital Programme of £250,000 or more can be approved by the Cabinet as long as the expenditure is in line with policies and strategies already agreed by the Full Council~~

~~-~~

~~B.38 Any transfer in excess of £2,000,000 or between schemes or projects within the Capital Programme that are not in line with policies and strategies already agreed by the Full Council will need the Full Council approval.~~

~~B.39 Any variations to the Capital Programme actioned under the rules above should be carried out in line with guidance issued by the CFO and highlighted as part of the formal update of the Capital Programme submitted to the Full Council twice a year.~~

~~Responsibilities of the CFO~~

~~B.40 To prepare annual capital estimates jointly with Chief Officers and the Chief Executive and to report them to the Cabinet and the Full Council for approval. The Cabinet will make recommendations on the capital estimates and on any associated financing requirements to the Full Council.~~

- ~~B.41 Any additional unsupported borrowing above the sums agreed under B.40 must be approved by the Full Council. This is because the extra borrowing may create future commitments to financing costs.~~
- ~~B.42 To administer the authority's scheme of viement, maintaining the rules that will apply for obtaining "scheme approval" and for variations to capital spending and issuing such guidance on the operation of those rules as may be required.~~
- ~~B.43 To prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.~~
- ~~B.44 To issue guidance that may be updated from time to time on the management and monitoring of the Capital Programme and requirements in respect of all aspects of the Council's project management methodology (PM Connect). The definition of 'capital' will be determined by the CFO, having regard to government regulations and accounting requirements.~~
- ~~B.45 To approve, following consultation with the Senior Manager Legal, HR and Democratic Services and the Cabinet Member with responsibility for financial matters, any addition to the Capital Programme or capital expenditure which in the opinion of the CFO is in the best interests of the Council.~~

Responsibilities of Chief Officers

- ~~B.46 To comply with all guidance issued by the CFO.~~
- ~~B.47 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the CFO.~~
- ~~B.48 To obtain the necessary "scheme approvals" before commencing expenditure on a scheme.~~
- ~~B.49 To ensure that adequate records are maintained for all capital contracts.~~

- ~~B.50 To ensure that budget estimates reflecting agreed service plans are produced in consultation with the Cabinet Member and submitted to the CFO in accordance with the budget timetable and the guidance issued for the production of budget reports to the Cabinet and the Full Council.~~
- ~~B.51 To maintain budgetary control within their departments, in adherence to the principles in B.11, and to ensure that all income and expenditure are properly recorded and accounted for.~~
- ~~B.52 To ensure that an accountable budget manager is identified for each capital project and for the delivery of capital receipts and other items of capital income directly related to a project. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.~~
- ~~B.53 To ensure that spending remains within the approved budget by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.~~
- ~~B.54 To prepare following consultation with the CFO reports on the service's projected expenditure compared with its budget, in accordance with the Council's Corporate Monitoring procedure.~~
- ~~B.55 To prepare and submit reports, jointly with the CFO, to the Cabinet, on completion of all contracts where the final expenditure exceeds the approved contract sum or overall scheme cost by more than 10 per cent or £50,000 which ever is the higher, including where the additional spend was funded from.~~
- ~~B.56 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the CFO and, if applicable, approval of the scheme through the Capital Programme.~~
- ~~B.57 To consult with the CFO and relevant Cabinet Member where the Chief Officer proposes to bid for any capital resources issued by government departments that has not been included in the latest update of the Capital Programme.~~

Variation to the HRA Business Plan

Explanatory Note

The HRA now has a 30 year business plan that will be approved each year by the Full Council as part of the budget. The business plan covers capital and revenue spending and income and forms part of the Policy Framework.

The revenue virement rules deal with in-year changes but by definition, they do not cover situations where there are financial implications beyond one year.

The capital virement rules cover the movement of funds between schemes. The rephasing of spending within a capital scheme is not regarded as a virement but care must be taken to ensure that the cumulative effect of such changes does not increase the overall spending in any one year such that additional prudential borrowing is needed over the levels agreed by the Full Council, (in which case a report would need to be presented to Council to approve the additional borrowing).

It is however possible for matters to arise in-year that would have an impact on the 30 year business plan. In these circumstances the following amendment limits apply:

- B.38 A **Chief Officer** following consultation with the relevant Cabinet Member and the CFO can approve a change in the annual business plan surplus of **up to £125200,000** in any one year providing the change is in line with policies and strategies already agreed by the Full Council. This is subject to the 30 year impact on the cumulative surplus not exceeding £2.5M or 5 per cent of the cumulative surplus, whichever is the lower, and the level of balances in any one year not being reduced below the minimum level set by the CFO.
- B.39 A **Cabinet Member** following consultation with the CFO can approve a change in the annual business plan surplus of ~~up to~~**between £250,000 and £500,000** in any one year providing the change is in line with policies and strategies already agreed by the Full Council. This is subject to the 30 year impact on the cumulative surplus not exceeding £5.0M or 7.5 per cent of the cumulative surplus, whichever is the lower, and the level of balances in any one year not being reduced below the minimum level set by the CFO. ~~Such changes would need to be recorded on a Delegated Decision Notice and published on the Officer Forward Plan.~~
- B.40 Approval from the **Cabinet** is required for any change in the annual business plan surplus of ~~in excess of~~**between £250,500,000 and £2,000,000** in any one year providing the change is in line with policies and strategies already agreed by the Full Council. This is subject to the 30 year impact on the cumulative surplus not exceeding £10.0M or 10 per cent of the cumulative surplus, whichever is the lower.
- B.41 Approval from the **Full Council is required for a**Any change in the annual business plan surplus in **excess of £2,000,000** in any one year or any change the cumulative business plan surplus in excess of £10.0M or 10 per cent of the cumulative surplus, or any change which is not in line with the policies and strategies already agreed by the Full Council, ~~must be approved by the Full Council.~~

C: RISK MANAGEMENT AND CONTROL OF RESOURCES

Risk Management

Responsibilities of the CFO

- C.1 To prepare and promote the authority's risk management policy statement.
- C.2 To develop risk management controls in conjunction with other Chief Officers.
- C.3 To include all appropriate employees of the authority in a suitable fidelity guarantee insurance.
- C.4 To offer insurance cover to schools, ~~in accordance with Fair Funding arrangements.~~
- C.5 To advise the Cabinet on proper insurance cover where appropriate, and effect corporate insurance cover, through external insurance and internal funding.

Responsibilities of Chief Officers

- C.6 To notify the CFO immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the CFO or the authority's insurers.
- C.7 To take responsibility for risk management, having regard to advice from the CFO and other specialist Officers, for example, crime prevention, fire prevention, health and safety.
- C.8 To ensure that there are regular reviews of risk within their departments.
- C.9 To notify the CFO promptly of all new risks, properties or vehicles that require insurance and of any alterations or new initiatives affecting existing insurances.
- C.10 To consult the CFO and where appropriate the ~~Senior Manager~~Head of Service Legal, ~~HR~~ and Democratic Services on the terms of any indemnity that the authority is requested to give.
- C.11 To ensure that employees, or anyone covered by the authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

Internal Control

Responsibilities of the CFO

- C.12 To assist the authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Responsibilities of Chief Officers

- C.13 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and financial performance targets, and management of risks.
- C.14 To review existing controls in the light of changes affecting the authority and to establish and implement new ones in line with guidance from the CFO. Chief Officers should also be responsible for removing controls that are unnecessary or not cost or risk effective, for example because of duplication.
- C.15 To ensure staff have a clear understanding of the consequences of lack of control.

Audit Requirements – Internal Audit

Responsibilities of the CFO

- C.16 To ensure that internal auditors have the authority to:
- (a) Access authority premises at reasonable times
 - (b) Access all assets, records, documents, correspondence and control systems
 - (c) Receive any information and explanation considered necessary concerning any matter under consideration
 - (d) Require any employee of the authority to account for cash, stores or any other authority asset under his or her control
 - (e) Access records belonging to third parties, such as contractors, when required
 - (f) Directly access the Head of Paid Service, the Cabinet and Overview and Scrutiny Management Committee
- C.17 To approve the strategic and annual audit plans prepared by the ~~Senior Manager~~Head of Service Internal Audit, Risk and Assurance~~Chief Internal Auditor~~, which take account of the characteristics and relative risks of the activities involved.
- C.18 To ensure that effective procedures are in place to investigate promptly any suspected fraud or irregularity.

Responsibilities of Chief Officers

- C.19 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- C.20 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- C.21 To consider and respond promptly to recommendations in audit reports.

- C.22 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- C.23 To notify the CFO immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the Chief Officer should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- C.24 To ensure new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the ~~Senior Manager~~Head of Service, Internal Audit, Risk and Assurance~~Chief Internal Auditor~~ prior to implementation.

Audit Requirements – External Audit

Responsibilities of the CFO

- C.25 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- C.26 To ensure there is effective liaison between external and internal audit.
- C.27 To work with the external auditor and advise the Full Council, the Cabinet and Chief Officers on their responsibilities in relation to external audit.

Responsibilities of Chief Officers

- C.28 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- C.29 To ensure that all records and systems are up to date and available for inspection.

Preventing Fraud and Corruption

Responsibilities of the CFO

- C.30 To develop and maintain an anti-fraud and anti-corruption policy.
- C.31 To maintain adequate and effective internal control arrangements.
- C.32 To ensure that all suspected irregularities are reported to the ~~Senior Manager~~Head of Service Internal Audit, Risk and Assurance~~Chief Internal Auditor~~.

Responsibilities of Chief Officers

- C.33 To ensure that all suspected irregularities are reported to the ~~Senior Manager~~~~Head of Service Internal Audit, Risk and Assurance~~Chief Internal Auditor.
- C.34 To invoke the authority's disciplinary procedures where the outcome of an investigation indicates improper behaviour.
- C.35 To ensure that where financial impropriety is discovered, the CFO is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.
- C.36 To maintain a departmental register of interests.

Assets – Security

Responsibilities of the CFO

- C.37 To ensure that an asset register is maintained in accordance with good practice for all fixed assets whose value is material in the manner prescribed by CIPFA in the Institute's Practical Guide to Asset Registers. The function of the asset register is to provide the authority with information about fixed assets so that they are safeguarded, used efficiently and effectively, and are adequately maintained.
- C.38 To receive the information required for accounting, costing and financial records from each Chief Officer.
- C.39 To ensure that assets are valued in accordance with the Code of Practice~~Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA / LASAAG)~~.

Responsibilities of Chief Officers

- C.40 The appropriate Chief Officer shall maintain a property database in a form approved by the CFO for all properties, plant and machinery and moveable assets currently owned or used by the authority. Any use of property by a department or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.
- C.41 To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the appropriate Chief Officers has been established.
- C.42 To ensure the proper security of all buildings and other assets under their control.
- C.43 Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the appropriate Chief Officers
- C.44 To pass title deeds to the appropriate Chief Officer who is responsible for custody of all title deeds.

- C.45 To ensure that no authority asset is subject to personal use by an employee without proper authority.
- C.46 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the authority. If an asset requires to be moved, altered, or disposed of check that the asset has not been leased or that any lease conditions are complied with.
- C.47 To ensure that the department maintains a register of moveable assets in accordance with arrangements defined by the CFO.
- C.48 To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- C.49 To consult the CFO in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- C.50 To ensure cash holdings on premises are kept to a minimum.
- C.51 To ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the CFO as soon as possible.
- C.52 To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the CFO, the relevant Cabinet Member, the Cabinet or the Full Council (as appropriate) agrees otherwise.
- C.53 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the CFO.
- C.54 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the authority in some way.
- C.55 To maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery above £200 in value.
- C.56 To carry out an annual check of all items on the inventory in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the authority.
- C.57 To make sure that property is only used in the course of the authority's business, unless the Chief Officer concerned has given permission otherwise.
- C.58 To make arrangements for the care and custody of stocks and stores in the department.

- C.59 To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- C.60 To investigate and remove from the authority's records (i.e. write off) discrepancies as necessary, or to obtain Cabinet approval if they are in excess of a predetermined limit.
- C.61 To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the CFO, the Cabinet decides otherwise in a particular case.
- C.62 To seek Cabinet approval to the write-off of redundant stocks and equipment in excess of a predetermined sum.
- C.63 To ensure that, in the event of any disaster, contingency plans for the security of assets and continuity of service or system failure are in place.

Assets – Disposal

Responsibilities of the CFO

- C.64 To issue guidelines representing best practice for disposal of assets. Corporate Property Standards should be followed for disposals of Land and Buildings.
- C.65 To ensure appropriate accounting entries are made to remove the value of disposed assets from the authority's records and to include the sale proceeds if appropriate.

Responsibilities of Chief Officers

- C.66 To dispose of surplus or obsolete materials, stores or equipment in accordance with the guidelines issued by the CFO.
- C.67 To ensure that income received for the disposal of an asset is properly banked and coded.

Treasury Management

All financial transactions actioned as part of the Council's Treasury Management function will be undertaken in line with the approved Treasury Management Strategy, but will fall outside of the Delegated Decision Notice process.

Responsibilities of CFO

- C.68 To arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the authority's treasury management policy statement and strategy.
- C.69 To report a proposed treasury management strategy for the coming financial year to the Full Council at, or before the start of, each financial year.

- C.70 To report to the Full Council not less than twice in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.
- C.71 To operate bank accounts as are considered necessary – opening or closing any bank account shall require the approval of the CFO, ~~or Senior Manager Finance~~.
- C.72 To ensure that all investments of money are made in the name of the authority or in the name of nominees approved by the Full Council.
- C.73 To ensure that all securities that are the property of the authority or its nominees and the title deeds of all property in the authority's ownership are held in the custody of the appropriate Chief Officer.
- C.74 To affect all borrowings in the name of the authority.
- C.75 To act as the authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the authority.

Responsibilities of Chief Officers

- C.76 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval, following consultation with the CFO, of the Full Council or the Cabinet as appropriate, subject to the criterion as detailed in E.9.
- C.77 To arrange for all trust funds to be held, wherever possible, in the name of the authority. All Officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with CFO, unless the deed otherwise provides.
- C.78 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the CFO, and to maintain written records of all transactions.
- C.79 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.
- C.80 To follow the instructions on banking issued by the CFO.

Staffing

Responsibilities of the CFO

- C.81 To act as an advisor to Chief Officers on areas such as national insurance and pension contributions, as appropriate.

Responsibilities of Chief Officers

- C.82 To produce an annual staffing estimate within the budget allocation available.

- C.83 To advise the CFO and the ~~Senior Manager~~Head of Service Legal, HR and Democratic ServicesStrategic HR & OD if the budget allocation is insufficient to cover the estimated staffing levels.
- C.84 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training, temporary staff and vacancy management.
- C.85 To ensure that the staffing budget is not exceeded without due authority, adjusting staffing to a level that can be funded within approved budget provision, and varying the provision as necessary within that constraint in order to meet changing operational needs.
- C.86 To ensure that the ~~Senior Manager~~Head of Service Legal, HR and Democratic ServicesHead of Strategic HR & OD and the CFO are immediately informed if the staffing budget is likely to be materially over or under spent.
- C.87 To ensure the proper use of appointment procedures and manage the staffing establishment in line with guidance issued by the CFO and the ~~Senior Manager~~Head of Service Legal, HR and Democratic ServicesStrategic HR & OD.

D: SYSTEMS AND PROCEDURES

General

Responsibilities of the CFO

- D.1 To make arrangements for the proper administration of the authority's financial affairs, including to:
- (a) Issue advice, guidance and procedures for Officers and others acting on the authority's behalf
 - (b) Determine the accounting systems, form of accounts and supporting financial records
 - (c) Establish arrangements for audit of the authority's financial affairs
 - (d) Approve any new financial systems to be introduced
 - (e) Approve any changes to be made to existing financial systems

Responsibilities of Chief Officers

- D.2 To ensure that accounting records are properly maintained and held securely.
- D.3 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the CFO.
- D.4 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- D.5 To incorporate appropriate controls to ensure that, where relevant:
- (a) All input is genuine, complete, accurate, timely and not previously processed
 - (b) All processing is carried out in an accurate, complete and timely manner
 - (c) Output from the system is complete, accurate and timely
- D.6 To ensure that the organisational structure provides an appropriate segregation of duties, an adequate level of internal control, and that the risk of fraud or other malpractice is minimised.
- D.7 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- D.8 To ensure that systems are documented and staff trained in operations.
- D.9 To consult with the CFO before changing any existing system or introducing new systems.
- D.10 To establish a scheme of delegation identifying Officers authorised to act upon the Chief Officer's behalf, or on behalf of the Cabinet, in respect of payments,

income collection and placing orders, including variations, and showing the limits of their authority.

- D.11 Where relevant, to supply lists of authorised Officers, with specimen signatures if required, and delegated limits, to the CFO, together with any subsequent variations.
- D.12 To ensure that effective contingency arrangements, including back-up procedures, ~~exist~~ for computer systems are in place. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- D.13 To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- D.14 To ensure that the authority's IT Standards issued by the appropriate ~~Senior Manager~~Head of Service are observed, and that in particular all computerised data, computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- D.15 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
- (a) Only software legally acquired and installed by the authority is used on its computers
 - (b) Staff are aware of legislative provisions
 - (c) In developing systems, due regard is given to the issue of intellectual property rights

Income

Responsibilities of the CFO

- D.16 To agree arrangements for the collection of all income due to the authority, and to approve the procedures, systems and documentation for its collection.
- D.17 To provide advice to Chief Officers on the statutory regulations which relate to the collection and accounting of income.
- D.18 To assess and approve the form of receipts ~~books and receipting machines~~ used ~~by "accounting Officers"~~.
- D.19 To undertake weekly reconciliations of all deposits to the ~~Collection and Deposit book and Cash book~~authority's bank accounts.
- D.20 To provide an accounting system which records income and provides relevant information to Chief Officers so that income can be monitored.
- D.21 To maintain a Value Added Tax (VAT) account and supply HM Revenues & Customs (HMRC) with such details, explanations and statutory returns as required.

- D.22 To provide a system for the collection and control of credit income, and of sundry debts.
- D.23 To create, monitor and maintain a provision for bad and doubtful debts.
- D.24 To annually review the policy for writing off debts and the terms of credit. The Cabinet is responsible for approving the procedures for writing off debts as part of the overall control framework of accountability and control.

Responsibilities of Chief Officers

- D.25 To establish proposals for a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.
- D.26 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- D.27 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- D.28 To issue official receipts or to maintain other documentation for income
- D.29 To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.
- D.30 To hold securely receipts, tickets and other records of income for the appropriate period.
- D.31 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.
- D.32 To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account and the ledger system on a regular basis appropriate to the level of transactions
- D.33 To ensure income is not used to cash personal cheques or other payments.
- D.34 To supply the CFO with details relating to work done, goods supplied, services rendered or other amounts due, to enable the CFO to record correctly the sums due to the authority and to ensure accounts are sent out promptly. To do this, Chief Officers should use established performance management systems to monitor recovery of income and flag up areas of concern to the CFO. Chief Officers have a responsibility to assist the CFO in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the authority's behalf. Only up to approved levels of cash can be held on the premises.
- D.35 To keep a record of any transfer of money between employees. The receiving Officer must sign for the transfer and the transferor must retain a copy.

- D.36 To recommend to the CFO all debts to be written off and to keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- D.37 To obtain the approval of the CFO when writing off debts in excess of the approved limit, and the approval of the Cabinet where required.
- D.38 To notify the CFO of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the CFO.

Ordering and Paying for Work, Goods and Services

Responsibilities of the CFO

- D.39 To ensure that all the authority's financial systems and procedures are sound and properly administered.
- D.40 To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.
- D.41 To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- D.42 To approve the form of official orders and associated terms and conditions.
- D.43 To make payments from the authority's funds on the Chief Officer's authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- D.44 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- D.45 To make payments to contractors on the certificate of the appropriate Chief Officer, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- D.46 To provide advice and encouragement on making payments by the most economical means.
- D.47 To provide, as necessary, cash change floats, and approve and set up bank imprest accounts to meet minor expenditure on behalf of the authority and to prescribe rules for operating these accounts.
- D.48 To maintain a record of all such cash floats and bank imprest accounts, and periodically to review the arrangements for the safe custody and control of them.

Responsibilities of Chief Officers

- D.49 To ensure that unique numbered official orders are used for all goods and services, wherever possible.
- D.50 To ensure official orders are not used to obtain goods or services for private use.
- D.51 To ensure that only those designated staff initiate or authorise orders and to maintain an up-to-date list of such designated staff, identifying ~~including where appropriate specimen signatures identifying in each case the limits of their authority~~ authorisation limits. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best value principles should underpin the authority's approach to procurement. Value for money should always be achieved.
- D.52 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. Where possible a different Officer from the person who authorised the order should always carry out this check. If appropriate, entries should then be made in inventories or stores records.
- D.53 To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming that:
- (a) The goods or services have been received
 - (b) The invoice has not previously been paid
 - (c) The expenditure has been properly incurred and is within budget provision
 - (d) Prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices
 - (e) Tax has been correctly accounted for
 - (f) The invoice is correctly coded
 - (g) Discounts have been taken where available
 - (h) Appropriate entries will be made in accounting records
- D.54 For the avoidance of doubt, no pre-payment for goods, services or suppliers shall be allowed above the value of £5,000, without the prior written consent of the CFO and the ~~Senior Manager~~ Head of Service Legal, ~~HR~~ and Democratic Services.
- D.55 To ensure no Officer authorises a payment to her or himself, and where practical no Officer should authorise an invoice for which the Officer raised the order.
- D.56 To ensure controls are regularly reviewed to verify they are in place and adequate for the efficient management of the system, which enables invoices to be examined, verified and authorised as properly payable
- D.57 To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice. Any instances of these being rendered should be reported to the ~~Senior Manager~~ Head of Service ~~Internal Audit, Risk & Assurance~~ Chief Internal Auditor unless a written explanation giving the reason is attached. Any copy invoice must be clearly marked by the supplier that it is a copy.

- D.58 To encourage suppliers of goods and services to receive payment by the most economical means for the authority. It is essential, however, that payments made by direct debit have the prior approval of the CFO.
- D.59 To ensure that the department-Council obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the authority's contract procedure rules.
- D.60 To utilise any established central purchasing procedures in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with the authority's contract procedure rules.
- D.61 To ensure that employees are aware of the national code of conduct for local government employees (summarised in the procedures and conditions of employment manual).
- D.62 To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the CFO. This is because of the potential impact on the authority's borrowing powers, to protect the authority against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
- D.63 To notify the CFO of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the CFO.
- D.64 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the CFO, the systems and procedures to be adopted in relation to financial aspects, including:
- (a) Certification of interim and final payments
 - (b) Checking, recording and authorising payments
 - (c) Monitoring and controlling capital schemes
 - (d) Validation of subcontractors' tax status
- D.65 To notify the CFO immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- D.66 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.
- D.67 To ensure that employees operating an imprest account:
- (a) Obtain and retain vouchers to support each payment from the imprest account, including where appropriate an official receipted VAT invoice
 - (b) Make adequate arrangements for the safe custody of the account
 - (c) Produce upon demand by the CFO cash and all vouchers to the total value of the imprest amount
 - (d) Record transactions promptly
 - (e) Reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder

- (f) Provide the CFO with a certificate of the value of the account held at 31 March each year, detailing the breakdown between cash at bank, cash in hand, petty cash floats advanced and vouchers.
- (g) Ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made
- (h) On leaving the authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the CFO for the amount advanced to him or her.

Payments to Employees and Members

Responsibilities of the CFO

- D.68 To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.
- D.69 To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.
- D.70 To make arrangements for payment of all travel and subsistence claims or financial loss allowance.
- D.71 To make arrangements for paying Members travel or other allowances.
- D.72 To provide advice and encouragement to Members, Chief Officers and employees in order to secure payment of allowances, salaries and wages by the most economical means.
- D.73 To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

Responsibilities of Chief Officers

- D.74 To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- D.75 To notify the CFO of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the CFO.
- D.76 To ensure that adequate and effective systems and procedures are operated, so that:
 - (a) Payments are only authorised to bona fide employees
 - (b) Payments are only made where there is a valid entitlement
 - (c) Conditions and contracts of employment are correctly applied

(d) Employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness

- D.77 To ensure that only those staff designated by ~~him or her~~them initiate or authorise payroll documentation and to maintain a list of such designated staff, including where appropriate specimen signatures identifying in each case the limits of their authority.
- D.78 To ensure that payroll transactions are processed only through the payroll system. Chief Officers should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. HMRC applies a tight definition for employee status, and in cases of doubt, advice should be sought from the CFO.
- D.79 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the CFO is informed where appropriate.
- D.80 To ensure that the CFO is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- D.81 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

Responsibilities of Members

- D.82 To submit claims for Members' travel and subsistence allowances on a monthly basis and, in any event, within one month of the year end.

Taxation

Responsibilities of the CFO

- D.83 To complete all HMRC returns regarding PAYE.
- D.84 To complete a monthly return of VAT inputs and outputs to HMRC.
- D.85 To provide details to HMRC regarding the construction industry tax deduction scheme.
- D.86 To advise Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority, and to maintain up-to-date guidance for all authority employees on taxation issues.

Responsibilities of Chief Officers

- D.87 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HMRC regulations.
- D.88 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- D.89 To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- D.90 To follow the guidance on taxation issued by the CFO.

Quasi Commercial operations

Responsibilities of the CFO

D.91 To advise on the establishment and operation of trading accounts and business units.

Responsibilities of Chief Officers

D.92 To consult with the CFO where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the authority. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.

D.93 To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.

D.94 To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.

D.95 To ensure that each business unit prepares an annual business plan in accordance with published guidelines.

E: EXTERNAL ARRANGEMENTS

Partnerships

Responsibilities of the CFO

- E.1 To advise on effective controls that will ensure that resources are not wasted.
- E.2 To advise on the key elements of funding a project.—They include:
 - (a) A scheme appraisal for financial viability in both the current and future years
 - (b) Risk appraisal and management
 - (c) Resourcing, including taxation issues
 - (d) Audit, security and control requirements
 - (e) Carry-forward arrangements.
- E.3 To ensure that the accounting arrangements are satisfactory.

Responsibilities of Chief Officers

- E.4 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the CFO.
- E.5 To ensure that, before entering into agreements with external bodies, appropriate approvals have been obtained and a risk management appraisal has been prepared for the CFO.
- E.6 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the authority.
- E.7 To ensure that all agreements and arrangements are properly documented.
- E.8 To provide appropriate information to the CFO to enable a note to be entered into the authority's statement of accounts concerning material items.
- E.9 To ensure proper authority is obtained for the creation of any company, or any interest in a company, upon the following provisos:
 - i. Cabinet authority – where the interest is within the Policy Framework, a minority one, there is limited liability, less than 20 per cent board membership and the CFO and the ~~Senior Manager~~Head of Service Legal, ~~HR~~ and Democratic Services have no financial or legal concerns;
 - ii. Council authority – any other situation.

External Funding

Responsibilities of the CFO

- E.10 To ensure that any match-funding or partnership funding requirements are considered prior to entering into agreements and that future revenue budgets reflect these requirements and that these issues are fully considered before bids are submitted.
- E.11 To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.
- E.12 To ensure that audit requirements are met.

Responsibilities of Chief Officers

- E.13 To consult with the CFO and the relevant Cabinet Member before any bid for any external funds is submitted
- E.14 To ensure that when a bid is successful, relevant amendments are made to the appropriate capital and revenue budgets, and that all necessary capital and revenue approvals are obtained before any expenditure is incurred or any commitment is made.
- E.15 ~~For externally funded revenue activity the Chief Officer in consultation with the CFO may increase the expenditure budgets by the extent of the external funding up to an amount not exceeding £125,000. If the externally funded activity exceeds £125,000 then the approval of the Cabinet Member is required and if it exceeds £250,000 the approval of the Cabinet. In taking these decisions Chief Officers and the Cabinet must To consider a written statement of any future commitments that arise after the period of external funding ceases and agree a written exit strategy in order to avoid unplanned future commitments or provide a robust financial plan to fund any approved future commitments after the period of external funding ceases. The rules governing externally funding towards capital spending are set out in section B of these Financial Procedure Rules.~~
- E.16 To ensure that all claims for funds are made by the due date.
- E.17 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

Work for Third Parties

Responsibilities of CFO

- E.18 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of Chief Officers

- E.19 To ensure that the approval of the Cabinet is obtained before any negotiations are concluded to work for third parties.
- E.20 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the CFO.
- E.21 To ensure that appropriate insurance arrangements are made.
- E.22 To ensure that the authority is not put at risk from any bad debts.
- E.23 To ensure that no contract is subsidised by the authority.
- E.24 To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- E.25 To ensure that the business unit has the appropriate expertise to undertake the contract.
- E.26 To ensure that such contracts do not impact adversely upon the services provided for the authority.
- E.27 To ensure that all contracts are properly documented.
- E.28 To provide appropriate information to the CFO to enable a note to be entered into the Financial Statements.

APPENDIX 1 – COUNCIL CAPITAL BOARD TERMS OF REFERENCE

General

1. To oversee and endorse the Council's Capital Strategy.
2. To own and oversee the development of, the Council's Capital Programme for both the General Fund and the Housing Revenue Account. Through doing so, and taking a long-term view, the Board should ensure that both individual projects and the programme as a whole is affordable and fits with the Councils vision and priorities as laid out in the Council Plan and other inter linked plans and strategies.
3. To develop and regularly review the processes to support a strategic approach to capital investment planning which will justify investment decisions, taking account of the Council priorities within the resources available.
4. To operate according to the approved processes for consideration of all capital expenditure and for new proposed capital projects.
5. To operate as a critical gateway for capital projects put forward for endorsement of concept and for ultimate commitment by the Council.

On a Bi-Annual Basis

6. To receive bids for inclusion in the Council's Capital Programme.
7. To prioritise all bid submissions.
8. To format a multiyear capital programme taking into account projected available resources for submission to Cabinet and or Council.
9. Receive capital monitoring reports (financial and performance information).
10. Receive asset disposal programme update.

Initially Monthly

11. Consider all requests for in - year additions and changes to the Capital Programme that are not Officer delegated decisions, in accordance with the limits set out in the Financial Procedure Rules.
12. To review all in - year additions and changes to the Capital Programme that have been made as Officer delegated decisions, in accordance with the limits set out in the Financial Procedure Rules.
13. To oversee, monitor and authorise the progression of capital projects through key stages (to include receiving reports from established project, programme or capital boards as appropriate, and approving variations to schemes).

On an Adhoc Basis

14. Review prioritisation and adequacy of existing scoring mechanism.
15. Review systems of pre-project evaluation including project appraisal and business case justification.

16. Review systems of post project evaluation and application to all completed schemes.
17. To review at appropriate points major projects during the construction stage.
18. To receive post-implementation review presentations after the completion of major projects.

Membership

Leader of the Council

Cabinet Member for Resources

Councillor Supporting Cabinet Member for Resources

Chief Executive

~~Head of Finance & IT~~ Chief Financial Officer

~~Deputy Head of Finance~~ Chief Financial Officer

~~Head of Communities, Change & Partnerships~~ Assistant Chief Executive

~~Head of Property & Procurement & Contract Management~~

Attendees as Required / Requested

Directors

Cabinet Members

Project / Programme Managers

APPENDIX 12 – GUIDANCE ON SCHEME APPROVAL REPORTS

This guidance is issued under Financial Procedure Rule B.33 and applies to all reports that seek approval to spend sums in the Capital Programme. It should be noted that seeking scheme approval is only one of the activities needed to proceed with a capital scheme. This guidance must be read in conjunction with the whole of the Constitution and any other Council Standards. Full details of the Councils project management requirements can be found at: on the Ssharepoint site. This will be updated in line with changes in business needs.

<http://intranet.southampton.gov.uk/projects/pm-connect/default.aspx>

For all “gold” and “silver” capital schemes, (as assessed under PM Connect rules), in order to comply with Financial Procedure Rules a full Gateway 3 Project Initiation Document must be available and approved. As this is not available to Members / Decision Takers as part of the scheme approval report the scheme approval report itself must contain, as a minimum, the following summarised information and provide a link to where the reader can obtain the full PID documentation:

- (a) Project description. This should provide sufficient detailed information in order to give an understanding of what the scheme involves, including the need for and urgency for the work. For example where the scheme involves a programme of works such as "improvements to" or "replacements to" give some indication of where and when the work is to take place. It is insufficient to simply restate the scheme description as contained in the capital programme.
- (b) The proposed procurement regime to be followed where contracts are to be let, in consultation with the Senior Manager Property, Procurement and Contract Management, and the intended start and completion dates, for each management stage of the scheme.
- (c) Summary of what the scheme will provide in terms of outputs.
- (d) Latest estimated costs including the phasing over financial years. This should be based on an agreed design and specification. It should also include an allowance for fees, contingencies and inflation. A risk based assessment should be applied to the costs and an indication of the potential range of costs included where appropriate.
- (e) Available budget provision.
- (f) Statement of how any difference between latest and budgeted costs will be dealt with.
- (g) If there is scheme specific external funding, for example third party grants or capital receipts to be generated, this must be identified and any risks to the receipt of this money made clear.
- (h) Any approvals or consents that are required from Government Departments or third parties.

- (i) Confirmation that there is still capital funding available to meet the latest estimated costs.
- (j) Whether there are any revenue implications other than capital financing costs. Where savings are generated the use of the saving must be specified and where there are extra costs there must be a clear statement of how these will be funded. Any impact on fees and charges, either varying existing charges or introducing new ones, must also be specified.
- (k) Details of the staffing and any other internal resource requirements to deliver the scheme as appropriate.
- (l) Project start and finish dates plus any key milestones or review dates. This is particularly important where a scheme approval covers several financial years.
- (m) A risk analysis if appropriate.
- (n) Performance standards / quality standards for the project if appropriate.
- (o) Legal powers.

For “bronze” capital schemes, the scheme approval report must contain all the above information but there is no need to refer to PM Connect documents. The information in the scheme approval report must therefore be sufficiently detailed to meet the scheme approval requirements and to enable the post contract completion assessment to be undertaken.

Budget and Policy Framework Procedure Rules

1. The framework for Executive decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Executive to implement it.

2. Process for developing the framework

A. The process by which the Policy Framework shall be developed is:

- a. The Overview and Scrutiny Management Committee will receive reports from the Executive, and will conduct such research and consultation with stakeholders and investigations as it considers necessary to enable it to develop proposals for the relevant parts of the Policy Framework as fall within its Terms of Reference for the forthcoming year.
- b. The Executive will publicise when the decision is first included in the Forward Plan (which shall be available on the Council's web page) a timetable for making proposals to the Council for the adoption of any plan or strategy that forms part of the Budget and Policy Framework, and its arrangements for consultation. The Chair of Overview and Scrutiny Management Committee will also be notified.
- c. By a date designated by the Executive in accordance with paragraph 2A(b) of these Rules, where a plan or strategy that forms part of the Policy Framework needs to be adopted, the Executive will publish an Issues Paper for the plan or strategy, having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Details of the Executive's consultation process shall be included in relation to each of these matters in the Forward Plan and made available on the Council's web page. Any representations made to the Executive shall be taken into account in formulating the Issues Paper, and shall be reflected in any report dealing with them. If the matter is one where Overview and Scrutiny Management Committee has carried out a review of policy, then the outcome of that review will be reported to the Executive and considered in the preparation of the Issues Paper.
- d. The designated date referred to in paragraph 2A(c) of these Rules shall be three (3) months unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it shall state the reasons in publicising the Forward Plan in accordance with paragraph 2A(b) of these Rules and shall inform Overview and Scrutiny Management Committee of the time for response when the Issues Paper is referred to it.
- e. The Executive's Issues Paper shall be referred to Overview and Scrutiny Management Committee for further advice and consideration by sending a copy to the Head of Communities, Change and Partnerships who will convene a meeting of Overview and Scrutiny Management Committee. Overview and Scrutiny Management Committee shall canvas the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration, and having particular regard not to duplicate any consultation carried out by the Executive. Overview and Scrutiny Management Committee shall report to the Executive on the outcome of its deliberations. Overview and Scrutiny Management Committee shall have six weeks to comment upon the Issues Paper unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the

Overview and Scrutiny Management Committee of the time for response when the Issues Paper is referred to it.

- f. Having considered the report of the Overview and Scrutiny Management Committees, the Executive will finalise its proposals before submitting them to the Council for consideration. It will also report to Council on how it has taken into account any comments or recommendations from the Overview and Scrutiny Management Committee.
- g. The Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place. This includes any plan or strategy, submitted by the Executive, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval – whether in the form of a draft or otherwise – where any plan or strategy is required to be so submitted. In considering the matter, the Council shall have before it the Executive’s proposals and any report from any Overview and Scrutiny Management Committee.
- h. The Council’s decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader. The Notice of Decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Executive’s proposals without amendment) or (if the Executive’s proposals are not accepted without amendment), that the Council’s decision will become effective on the expiry of five clear days after the publication of the notice of decision, unless the Leader objects to it in that period. The Leader may, in writing, waive that right thus giving immediate effect to the decision. If the Council resolves to refer the matter back to the Executive for the further consideration, that decision shall take effect immediately.
- i. If the Leader objects to the decision of the Council, s/he shall give written notice to the ~~Head of Legal~~Head of Legal and Democratic Services to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the ~~Head of Legal~~Head of Legal and Democratic Services shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting. Where the Council has referred the matter back to the Executive for further consideration, the ~~Head of Legal~~Head of Legal and Democratic Services shall convene a further meeting of the Council to reconsider the matter following the Executive’s further considerations.
- j. The Council meeting must take place within 10 clear days of either the receipt of the Leader’s written objection or within 15 clear days of the date of the meeting where the Council has referred the matter back to the Executive for further consideration. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection or further considerations by the Executive, which shall be available in writing for the Council.
- k. The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.
- l. In approving the Policy Framework, the Council will also specify the degree of in-year changes to the Policy Framework which may be undertaken by the Executive, in accordance with paragraphs 5 and 6 of these Rules (viement and in-year

adjustments). Any other changes to the Policy Framework are reserved to the Council.

B. The process by which the Budget shall be developed:

For the purposes of the Constitution, the Budget shall be defined as meaning the process whereby in any financial year, the Executive submits to the Full Council for its consideration in relation to the following financial year -

- i. estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- ii. estimates of other amounts to be used for the purposes of such a calculation;
- iii. estimates of such a calculation; or
- iv. amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,
 - a. Overview and Scrutiny Management Committees will receive regular updates on performance (including financial matters) for their Portfolio. Any Scrutiny Panel may conduct such research and consultation with stakeholders if they wish to enable them to develop opinions and form comments for the relevant parts of the Budget as fall within their Terms of Reference for the forthcoming year and to communicate these to the Executive.
 - b. The Executive will publish in advance a timetable for the Budget. The chair of Overview and Scrutiny Management Committee will also be notified.
 - c. The Executive's timetable will be subject to variation dependent upon the timing of the Local Government Finance Settlement and the information available. This will be advised upon by the Chief Financial Officer. Each Cabinet Member will, during the course of any meetings with Overview and Scrutiny Management Committee update on the progress and the possible changes and pressures within their areas of responsibility. The Executive shall publish the Executive's Major Budgetary Proposals in accordance with the timetable referred to in paragraph (b) above. The Executive's Major Budgetary Proposals shall form the basis of any consultation process or exercise, shall be disseminated to the Group Leaders and may be updated from time to time by the Executive as further information becomes available.
 - d. Issues Papers which shall inform the process upon which the draft Corporate Improvement Plan shall be based shall be referred, in accordance with the timetable referred to above, to Overview and Scrutiny Management Committee for consideration and comment. The Committee shall have such time as the timescale provided for by the Executive to respond to the Issues Paper.
 - e. Having considered the comments of Overview and Scrutiny Management Committee on the Issues Papers upon which the draft Corporate Improvement Plan shall be based, the Executive will finalise its proposals before submitting them to the Council for consideration. It will also report to Council on how it has taken into account any comments or recommendations from Overview and Scrutiny Management Committee.
 - f. By convention, when the Executive's budgetary proposals are endorsed by the Cabinet prior to submission to the Council, the other Groups shall make their budgetary amendments publicly available, and the Council shall make

them available on its website. Failure to comply with this convention will not in any way invalidate the budgetary process and this convention is not enforceable by the Council or any party in any manner.

- g. For the avoidance of doubt, at the budget meeting the only additional papers that may be placed on Members' desks at the outset of the meeting are any papers that, in the view of the Head of Paid Service, Chief Financial Officer or Monitoring Officer, are either conducive to the conducting of the meeting, relevant to the discussion or they otherwise consider ought properly to be brought to Members' attention.
- h. The Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Executive's proposals and any comments or recommendations from Overview and Scrutiny.
- i. The Council's decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Executive's proposals without amendment) or (if the Executive's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of five clear days after the publication of the notice of decision, unless the Leader objects to it in that period. The Leader may, in writing, waive that right, thus giving immediate effect to the decision. If the Council resolves to refer the matter back to the Executive for the further consideration, that decision shall take effect immediately.
- j. If the Leader objects to the decision of the Council, s/he shall give written notice to the ~~Head of Legal~~ Head of Legal and Democratic Services to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Head of Legal and Democratic Services shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting. Where the Council has referred the matter back to the Executive for further consideration, the Head of Legal and Democratic Services shall convene a further meeting of the Council to reconsider the matter following the Executive's further considerations.
- k. The Council meeting must take place within either six clear days of the receipt of the Leader's written objection or within 11 clear days of the date of the meeting where the Council has referred the matter back to the Executive for further consideration (or such other timeframe in order to meet any statutory deadlines). At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection or further considerations by the Executive, which shall be available in writing for the Council.
- l. The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.
- m. In approving the Budget, the Council will also specify the degree of any in-year changes to the Budget which may be undertaken by the Executive, over and above the rules in paragraphs 5 and 6 of these Rules (virement and in-

year adjustments). Any other changes to the Budget are reserved to the Council.

C. VARIATIONS TO THE PROCESS

Legislative requirements specific to an individual element or aspect of the Policy Framework and/or Budget may require that the process outlines in these Budget and Policy Framework Rules has to be varied (for example, the Early years Development Plan is, by virtue of the Schools Standards and Framework Act 1998 the responsibility of the Early Years Partnership who are responsible for the development of the plan prior to submission to Full Council for approval). Where this is the case, in publishing a timetable under paragraphs 2A(b) and 2B(b), the Executive shall outline any variation in the process.

3. Decisions contrary to or not wholly in accordance with the Budget or Policy Framework

- a. Subject to the provisions of paragraph 5 (virement) the Executive, committees of the Executive individual Members of the Executive and any Officer, area committees or joint arrangements discharging Executive functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by Full Council, then that decision may only be taken by the Council, subject to 4 below.
- b. If the Executive, a committees of the Executive, individual Members of the Executive and any Officer, or joint arrangements discharging Executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of either of those Officer is that the decision would not be in line with the Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the Budget and Policy Framework) shall apply.

4. Urgent decisions contrary to or not wholly in accordance with the Budget or Policy Framework

- a. The Executive, a committee of the Executive, an individual Member of the Executive, Officer, or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - if it is not practical to convene a quorate meeting of the full Council; and
 - if the chair of Overview and Scrutiny Management Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chair of Overview and Scrutiny Management Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of Overview and Scrutiny Management Committee, the consent of the Mayor, Sheriff or in all their absence, the Head of Paid Service will be sufficient.

- b. Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virement

a. Budget "heads"

The Council shall have a number of service Budget heads based upon the service and expenditure headings outlined in the Best Value Accounting Code of Practice and grouped into portfolios as determined by Council in accordance with individual Cabinet Member responsibility. The ability to move Budget allocations between these services or Budget heads will be governed by the virement rules set out below.

b. Virement Rules

Net expenditure by the Executive, a Cabinet Member, officers or joint arrangements discharging Executive functions to implement Council policy shall not exceed those Budgets allocated to each Budget head. However:

- i. Chief Officers (defined for these purposes as the Chief Executive, Directors, Head of Legal and Democratic Services and the Chief Financial Officer) shall be entitled to vire across Budget heads where each individual virement does not exceed £~~25200~~,000;
- ii. Cabinet Members shall be entitled to vire across Budget heads where each individual virement does not exceed £500,000;
- iii. the Cabinet shall be entitled to vire across Budget heads where each individual virement does not exceed £~~2,5000~~,000; and

~~iv. provided that total virements in any financial year to or from any budget head shall not exceed £250,000 without the consent of Full Council.~~

Beyond that limit, approval to any virement across budget heads shall require the approval of Full Council.

- c. In the event of a major incident, the Executive may draw up to £~~2100~~,000 from balances. "Major incident" shall be defined in the Council's Major Incident Plan.

6. In-year changes to Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Executive, a committee of the Executive, an individual Member of the Executive, Officer, or joint arrangements discharging Executive functions must be in line with it. No changes to any policy and strategy which make

up the Policy Framework may be made by those bodies or individuals except those changes:

- a. which will result in the closure or discontinuance of a service or part of service to comply with a decision of the Council in respect of the Budget or Policy Framework;
- b. necessary to ensure compliance with the law, ministerial direction or government guidance;
- c. in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;
- d. which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change; and
- e. which the Monitoring Officer and/or Chief Financial Officer agree is, or if not made would not be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget.

7. Call-in of decisions contrary to / not wholly in accordance with Policy Framework and / or Budget

- a. Where an Overview and Scrutiny Committee or Panel is of the opinion that an Executive decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.
- b. In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Financial Officer officer's report shall be to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take and to prepare a report to Council in the event that the Monitoring Officer or the Chief Financial Officer conclude that the decision was a departure, and to the relevant Overview and Scrutiny Committee if the Monitoring Officer or the Chief Financial Officer conclude that the decision was not a departure.
- c. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the overview and scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within ten clear days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals, a report from the relevant Overview and Scrutiny Committee and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may either:
 - i. endorse a decision or proposal of the Executive decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or

- ii. amend the Council's financial regulations, Budget or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - iii. where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter and take account of the advice of either the Monitoring Officer or Chief Financial Officer. Such reconsideration shall take place in accordance with the procedure laid down in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution.
- d. The Council must take one (or more) of the three decisions set out in paragraph 7(c) of these Rules before the end of its meeting. If the Council does not, then the Call-In Procedure in relation to that called-in decision will come to an end and the decision may then be implemented.
- e. The Monitoring Officer / Chief Financial Officer may issue guidance as to the principles by which an Executive decision may be judged contrary and/or not wholly in accordance with the Budget / Policy Framework, and this guidance shall be made available publicly and to all Members of the Council.

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