

GOVERNANCE COMMITTEE

DOCUMENTS FOR THE MEMBERS ROOM

Monday, 25th April, 2016
at 5.00 pm

MEMBERS ROOM DOCUMENTS ATTACHED TO THE
LISTED REPORTS

Contacts

Claire Heather
Senior Democratic Support Officer
Email: claire.heather@southampton.gov.uk
Telephone: 023 8083 2412

MEMBERS ROOM DOCUMENTS

5 ANNUAL REVIEW OF THE CONSTITUTION (Pages 1 - 148)

Friday, 15 April 2016

SERVICE DIRECTOR, LEGAL AND GOVERNANCE



PART 4: RULES OF PROCEDURE

COUNCIL PROCEDURE RULES CONTENTS

1. [Introduction](#)
2. [Meetings of the Council](#)
3. [Minutes](#)
4. [Appointment of Members to Committees and Sub-Committees](#)
5. [Time and place of meetings](#)
6. [Notice of and summons to meetings](#)
7. [Chair of meeting](#)
8. [Quorum](#)
9. [Duration of meeting](#)
10. [Petitions, Deputations and Questions by the Public](#)
11. [Questions by Members](#)
12. [Executive Business](#)
13. [Motions](#)
14. [Rules of debate](#)
15. [Honours](#)
16. [Previous decisions and motions](#)
17. [Voting](#)
18. [Committee Recommendations](#)
19. [Overview and Scrutiny Management Business](#)
20. [Exclusion of public](#)
21. [Members' conduct](#)
22. [Disturbance by public](#)
23. [Adjourned Meetings](#)
24. [Terms of Reference for the Council](#)
25. [Application to Committees and Sub-Committees](#)
26. [Conduct of Business and Debate at Committees or Sub-Committees](#)
27. [Rights of Members to Speak at Meetings of Committees and Sub-Committees](#)
28. [Urgent Business Sub-Committee](#)

1. INTRODUCTION

1.1 Interpretation

- (a) Throughout these Council Procedure Rules the following words and expressions shall have the under-mentioned meanings respectively assigned to them:-

"Cabinet Member" shall mean a member of the Executive appointed by the Leader in accordance with the Council's Constitution.

"Chief Financial Officer" shall mean the officer holding the post of Chief Financial Officer of the City Council who is also designated as the "Chief Financial Officer" responsible for the purposes of Section 151 Local Government Act 1972, Section 73 Local Government Act, 1985, and Section 112 Local Government Act 1988 for monitoring the Council's financial affairs.

"Clear Day" in relation to a meeting excludes the day on which the summons or agenda for a meeting was published, the day on which the meeting was or is to be held and in this context "Day" shall mean a day other than a Saturday or a Sunday, or a day which is a public or Bank Holiday.

"Committee" shall mean a Committee of the Council.

"Constitution" shall mean the Council's Constitution as approved by the Council in accordance with the 2000 Act.

"Council" shall mean Southampton City Council acting through the Full Council, save where applied to a Committee or Sub-Committee where it shall mean that Committee or Sub-Committee.

"Executive" shall mean the Executive of the Council as set out in the Constitution and defined by the 2000 Act.

"Head of Paid Service" shall mean the officer holding the post of Chief Executive in the City Council who is also designated as the Head of Paid Service by virtue of Section 4 Local Government and Housing Act 1989.

"Leader" shall mean the Leader of the Council, elected by the Council in accordance with the Constitution and the 2000 Act.

"Mayor" shall mean the Mayor of the Council or the Person Presiding.

"Meeting" shall mean a meeting of the Full Council or in relation to a Committee or Sub-Committee, a meeting of that body.

"Member" shall mean in relation to a meeting of the Council, a Councillor, and in relation to a Committee or Sub-Committee shall mean a member of that Committee or Sub-Committee, whether a Councillor or a person who is not a Councillor but who is appointed to be a member of the Committee or Sub-Committee under Section 102 of the 1972 Act.

"Motion" includes a recommendation contained in any report concerning an item of business for a meeting and a new motion.

"Panel" is the description and label applied to a regulatory Committee or Sub-Committee of the Council.

"Person Presiding" shall mean the person appointed or entitled to preside at any meeting including the Chair or Vice-Chair where either presides.

"Protocol" means a protocol approved by the Service Director: Legal & Governance under these Council Procedure Rules.

"Proposition" shall include "Motion".

"Rule" shall mean a Council Procedure Rule.

"Special Procedure" means a procedure approved by the Service Director: Legal & Governance under these Council Procedure Rules.

"Specialist Committee" means a Committee or Sub-Committee to which a Special Procedure applies.

"Summons" shall mean the summons for a meeting, or in relation to a Council Procedure Rule applied to a Committee or Sub-Committee, shall mean the agenda for the meeting.

"Sub-Committee" shall mean a Sub-Committee of a Committee of the Council.

"Terms of Reference" shall mean the terms of reference of the Committees, and Sub-Committees as varied from time to time.

"Urgent" means that the matter giving rise to the urgency must be unforeseeable (in an objective sense) and is not attributable to a failing on the part of the Council (and similar expressions shall be construed accordingly).

"Vice-Chair" shall mean the Vice-Chair of a Committee or Sub-Committee, and shall encompass the term "Person Presiding" where the Vice-Chair does not preside.

"Voting Member" means either a Councillor or other person appointed as a member of a Committee or Sub-Committee under Section 102 of the 1972 Act who is entitled by law to vote at a meeting of the Committee or Sub-Committee.

"1972 Act" shall mean the Local Government Act 1972.

"1989 Act" shall mean the Local Government and Housing Act 1989.

"2000 Act" shall mean the Local Government Act 2000.

- (b) Unless the context otherwise requires, the singular includes the plural and the plural the singular.
- (c) Any reference in a Council Procedure Rule to a numbered or lettered paragraph is, unless the context otherwise requires, a reference to the paragraph of that Council Procedure Rule.

1.2. Council Procedure Rules

- a. Subject to paragraphs (b), (c) and (h), only the Council may vary, revoke, add to or suspend these Council Procedure Rules.
- b. This Council Procedure Rule and Council Procedure Rule 2.1 (The Annual Meeting), 3 (Minutes), 6 (Notice and Summons to Meetings) and 17 (Voting), are not capable of being suspended.
- c. Any of the other Council Procedure Rules may be suspended by the Council provided that:
 - i. a motion is given with due notice; or

- ii. notice of intention to move such suspension is embodied within a minute or report referred to in the Summons.
- d. No Council Procedure Rule shall be suspended, revoked or varied by the Council without the consent of the majority of Members present and voting, and there shall be no speeches other than by the mover of the motion whose speech shall be confined to the reasons for moving the suspension of the Council Procedure Rule(s) in question, and no discussion on a motion to suspend a Council Procedure Rule.
- e. A printed copy of these Council Procedure Rules shall be given by the Service Director: Legal & Governance to every Member upon acceptance of office.
- f. Any proposal to permanently alter these Council Procedure Rules, other than a motion to implement a recommendation of the Governance Committee, shall be in the form of a motion instructing the Governance Committee to report upon such proposals. Any such motion upon being seconded shall be put to the vote without discussion. The Governance Committee shall report to the next ordinary Council meeting upon any matter referred to it under this Council Procedure Rule.
- g. These Council Procedure Rules embody the requirements of the mandatory Standing Orders, as provided for by the Local Government Act 1972, Local Government and Housing Act 1989 and the Local Government Act 2000, together with secondary legislation, where appropriate. These Council Procedure Rules, therefore, constitute the Council's statutory procedural standing orders, and should be interpreted accordingly.
- h. Subject to Council Procedure Rule 26(2), a Special Procedure or Protocol may vary, revoke, add to or suspend these Council Procedure Rules.
- i. Where any step or action under these Council Procedure Rules is prescribed to be performed by a designated officer, that officer may nominate or authorise another officer in his/her place.

1.3 Save as in respect of any notice that has to be signed to be valid (Council Procedure Rule 13.1(a) and 13.1(d)) any other notice may be given by email to the address as prescribed by the Service Director: Legal & Governance as designated for the receipt of such communications.

1.4 **Mayor's Decision Final**

The Mayor's ruling on any point of order, interpretation of these Council Procedure Rules, matters arising during the debate or with regard to the admissibility of an explanation, or otherwise, including any logistical arrangements for any meetings, shall be final and not open to discussion. The Mayor may, from time to time, issue guidance as to how s/he will discharge his/her responsibility in chairing Full Council.

2. **MEETINGS OF THE COUNCIL**

2.1 **The Annual Meeting**

- a. Timing and business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- i. elect a person to preside if the Mayor is not present;
- ii. elect the Mayor;
- iii. elect the Sheriff;
- iv. approve the minutes of the last meeting;
- v. receive any announcements or reports from the Head of the Paid Service, Monitoring Officer, Chief Financial Officer or Mayor;
- vi. elect the Leader;
- vii. appoint the Overview and Scrutiny Management Committee, the Governance Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3, Table 1 of this Constitution);
- viii. agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Table 3 of this Constitution);
- ix. approve a programme of ordinary meetings of the Council for the year; and
- x. consider any business set out in the notice convening the meeting.

b. Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the council meeting will:

- i. decide which committees to establish for the municipal year;
- ii. decide the size and terms of reference for those committees;
- iii. decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- iv. receive nominations of Councillors to serve on each committee and outside body; and
- v. appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

c. Sub-Committees may be appointed by a special meeting of Committees held immediately following their appointment during the proceedings of annual, Council, subject to the powers of Committees to appoint Sub-Committees, Members to those Sub-Committees and Chairs and Vice-Chairs.

2.2 Ordinary Meetings

- a. Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:
- i. elect a person to preside if the Mayor and Sheriff are not present;
 - ii. approve the minutes of the last meeting;
 - iii. matters arising from the minutes of the last meeting;

- iv. receive any declarations of interest from Members;
- v. receive any announcements or reports from the Mayor, Leader, the Head of Paid Service, Monitoring Officer or Chief Financial Officer;
- vi. receive deputations, petitions and requests from and provide answer to the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the Council;
- vii. deal with any business from the last Council meeting;
- viii. receive reports from the Executive and receive questions and answers on any of those reports;
- ix. consider motions;
- x. receive questions on notice to any chair or the Mayor;
- xi. consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework;
- xii. receive reports about and receive questions and answers on the business of joint arrangements and external organisations; and
- xiii. receive reports from Overview and Scrutiny and receive questions and answers on any of those reports.

- b. The order of business in this Council Procedure Rule may only be varied by:
 - i. direction of the Mayor, made with the unanimous consent of the Members present; or
 - ii. a resolution of the Council, moved, seconded and put without comment but not so as to preclude the consideration of any business required by law or to override the provisions of Council Procedure Rule 3.

However, the content of the Summons may be differentiated and subject to any legal requirements, the order and nature of business may vary from meeting to meeting.

- c. Matters brought forward by the Mayor

The Mayor may bring forward without notice at any meeting any business judged by the Mayor to be sufficiently urgent to warrant so doing and such business shall have precedence over any notice of motion on the summons. The special circumstances which warrant inclusion of an item without notice shall be specified in the minutes.

2.3 Extraordinary Meetings

- a. Calling extraordinary meetings

Those listed below may request the Service Director: Legal & Governance to call Council meetings in addition to ordinary meetings:

- i. the Council by resolution;
- ii. the Mayor of the Council;
- iii. The Leader;
- iv. the Chief Executive;

v. the Monitoring Officer;

vi. the Service Director: Finance & Commercialisation; and

vii. any five Members of the Council if they have signed a requisition presented to the Mayor and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

b. **Business**

The Service Director: Legal & Governance shall, in calling an Extraordinary Meeting of the Council, restrict the business on the summons to that required by law, any matter or matters that the Chief Executive, Monitoring Officer or Chief Financial Officer wish to raise and the business for which the Extraordinary Meeting has been called.

Timing and Logistics of Extraordinary Meetings

c. The Service Director: Legal & Governance shall determine the time and day of any Extraordinary Meeting in accordance with the Constitution and following consultation with the group leaders, but shall endeavour to arrange any such meeting to be held, where possible, at 6:00 pm on a Wednesday.

d. The Mayor shall, following consultation with the Group Leaders, subject to any legal obligations and provided that the Service Director: Legal & Governance is satisfied as to its legality, be entitled to vary any process or procedure at Full Council and/or introduce new procedures or processes for the purpose of experimenting or trialing new initiatives.

e. If, following either annual elections or a by election, the political control of the authority changes, as a direct result no meetings of Council can be called, or the Urgent Business Sub Committee convened to enable significant decisions to be taken until the next meeting of Council.

f. Such changes will not affect the Council's ability to react to any time limited or emergency matters, in the rare event that they should they arise as there are existing powers under the Officer Scheme of Delegation to permit the Chief Executive or Service Director: Legal & Governance to act."

2.4 **Budget Meeting**

The Budget Meeting, which shall commence at 2:00 pm, shall transact such business as:

a. in the opinion of the Service Director: Finance & Commercialisation, is necessary to enable the Council to comply with its legal obligations in terms of setting a budget and other legal matters associated with the determination of the Council Tax, etc;

b. is necessary to approve, review, refresh or otherwise consider in the opinion of the Chief Executive, the Medium Term Plan; and

c. any other business which the Chief Executive, Service Director: Finance & Commercialisation or Monitoring Officer consider should be placed before Members.

3. MINUTES

- 3.1 Minutes of every meeting of the Council, of any Committee or of any Sub-Committee shall be submitted to, and signed at that meeting or at the next following meeting of the body concerned.
- 3.2 The Mayor shall put the question that the minutes submitted to the meeting be approved as a correct record of that meeting, or of a specified former meeting, as the case may be.
- 3.3 Any question on their accuracy shall be raised by motion, and shall be duly seconded. If no such question is raised, or if it is raised, then as soon as it has been dealt with, the Mayor shall sign the minutes (“the Approved Minutes”).
- 3.4 The Mayor shall ask if there are any matters arising upon the Approved Minutes, pursuant to which any member may ask as to the current position or progress made on any item contained in the Approved Minutes. The Mayor shall avoid any debate or discussion that could be construed as attempting to change or vary a previous decision and shall not allow any debate or discussion to transgress the statutory rule that only business specified in the Council Summons may be disposed of at a Council meeting. Information provided under this Rule shall not be minuted.
- 3.5 Where in relation to any meeting of the Council the next such meeting is a meeting called under Paragraph 3 (extraordinary meetings) of Schedule 12 to the 1972 Act, the next following meeting of the Council (being a meeting called otherwise than under that Paragraph of the 1972 Act) shall be treated as a suitable meeting for the purposes of Paragraphs 41(1) and (2) (signing of minutes) of that Schedule.

4. APPOINTMENT OF MEMBERS TO COMMITTEES AND SUB-COMMITTEES

- 4.1 **Allocation**
The Council will allocate seats on the Committees and Sub-Committees of the Council in accordance with the 1989 Act and secondary legislation.
- 4.2 **Appointment of Members to Seats**
The Service Director: Legal & Governance shall be the Proper Officer for the purposes of the 1989 Act and associated secondary legislation in respect of appointing members to seats on behalf of political groups in accordance with the wishes of political groups as prescribed by the law.
- 4.3 **Replacement Members on Committees and Sub-Committees**
In the event that a member of a Committee or Sub-Committee resigns from that Committee or Sub-Committee, the Service Director: Legal & Governance shall be the Proper Officer for the purposes of the 1989 Act and secondary legislation for the purposes of appointing a replacement member, in accordance with the wishes of the political group to whom that seat has been allocated.
- 4.4 **Procedure**
The Service Director: Legal & Governance shall, following consultation with the Group Leaders, issue such procedures, protocols and other guidance associated with this Council Procedure Rule as s/he deems necessary.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Service Director: Legal & Governance and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Service Director: Legal & Governance will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five Clear Days before a meeting, the Service Director: Legal & Governance will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor also include the Chair of committees and sub-committees.

8. QUORUM

The quorum of a meeting will be one third of the whole number of Members. During any meeting, the Mayor shall conduct a count if any Member present so requests or if the Mayor so determines of his/her own volition. If the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

9.1 Interruption of the meeting

- a. At a time when a period of not less than four hours excluding adjournments has elapsed since the commencement of a meeting of the Council a Member of the Council may move, without comment, that the meeting shall end at a time to be specified in the motion;
- b. The Mayor may refuse to accept the motion and must do so if a similar motion has been rejected earlier in the same meeting;
- c. If the motion is accepted, it shall be seconded and put without comment;

9.2 Motions and recommendations not dealt with

If the motion is passed, when the time specified arrives, if there are other motions or recommendations on the agenda that have not been dealt with, they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote(s) will be taken in the usual way.

9.3 Recorded vote

If a recorded vote is called for during this process it will be taken immediately.

9.4 Motions which may be moved

During the process set out in Rules 9.1 – 9.3, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

9.5 Close of the meeting

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

9.6 Presumption in favour of meetings ending by 6:30 pm

There is a presumption in favour of all meetings of the Council, Committees and Sub-Committees that start at 2:00 pm will finish by 6:30 pm. When a meeting reaches that time, any member of the Council, Committee or Sub-Committee may move, without comment, that the meeting shall end. If the motion is accepted and seconded, it shall be put without comment and if passed, if there are any other motions or recommendations on the agenda that have not been dealt with, the Mayor or person presiding may determine either to deal with them in accordance with this Council Procedure Rule, or to defer remaining business to the next meeting, but in doing so shall take particular account of any advice from the Chief Executive, Service Director: Finance & Commercialisation and/or Monitoring Officer as to any business that, in their view, the Council or the meeting of the Council should determine at that meeting. In the event of a motion being put to the meeting under this Council Procedure Rule, it will be necessary for two thirds of the members present and voting at the meeting to support a proposal that the meeting should carry on for the meeting to proceed beyond 6:30 pm.

10. PETITIONS, DEPUTATIONS AND QUESTIONS BY THE PUBLIC

10.1 Petitions

Petitions shall be managed in accordance with the Petition Scheme set out in [Part 11](#) of this Constitution save as provided elsewhere within the Constitution or as provided by law. At a meeting of the Council any Member or member of the public may present a petition which is submitted in accordance with the Council's scheme for handling petitions as annexed to Part 11 of this Constitution.

10.2 Action

- a. Petitions containing 1500 signatures or more (a qualifying petition) will require a debate at a Council meeting;
- b. Petitions with less than 1500 signatories (non-qualifying) shall be presented to the Council meeting and be received without discussion and shall be included on the agenda for the next available meeting of the Cabinet. The Member of the Council or member of the public presenting the petition shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in accordance with the requirements of the Council's Petitions Scheme;
- c. Petitions containing a minimum of 750 signatures but less than 1500 signatures and requesting a senior officer to give evidence will be referred to a public meeting of the Overview and Scrutiny Committee in the first instance;
- d. Petitions with more than 50 signatories will be treated as a petition that requires a response in accordance with the Council's Scheme for Handling Petitions; and
- e. The Council will take a more flexible approach on a case by case basis in responding to Petitions with less than 50 signatories.

10.3 Presentation

The presentation of non qualifying petitions shall be confined to reading out, or summarising the petition and indicating the number and description of the signatories. Petitions shall be presented in the order in which notice of them is received by the Mayor.

10.4 Debate on Petitions

A qualifying petition will require a debate at Full Council, if timescales permit, except where the petition is asking for a senior officer to give evidence. Where timescales do not allow a debate at Full Council, the matter will be referred to the first available meeting of the appropriate decision-maker or relevant committee. The length of debate shall be at the discretion of the Mayor and in accordance with the Council's procedure rules, after which a vote will be put.

10.5 Response to Petitions

The Council will decide how to respond to the petition and shall decide either:

- a. To take the action the petition requests;
- b. Not to take the action the petition requests for reasons stated in the debate;
- c. To commission further investigation into the matter prior to consideration at a future meeting of the Council, which may include holding an inquiry or public meeting, commissioning research or reference to a particular committee or body for their views;
- d. To refer the petition to Cabinet or the relevant Cabinet Member meeting where the matter relates to an executive function, in which case the Council may make recommendations to the relevant executive decision.

10.6 Officer Evidence

The senior officers to be called to give evidence at a public meeting under section 16 Local Democracy, Economic Development and Construction Act 2009 and pursuant to the Council's scheme for handling petitions are:

- The Chief Executive
- Directors

10.7 Deputations

- a. Persons wishing to make a deputation to the Council shall give at least seven Clear Days notice in writing to the Service Director: Legal & Governance explaining the subject of the deputation, unless in the opinion of the Mayor the matter is one of significance and urgency, such that it would not have been possible for the above timetable to be complied with. In such circumstances the Mayor may, at his or her sole discretion, either permit the deputation to be heard or alternatively ask Council by vote without discussion to determine whether it wishes the deputation to be heard. All requests shall be referred to the Mayor for consideration. The Mayor shall have the discretion to reject or refuse any request, or may determine that such a request should be redirected to the Executive, a committee or sub-committee of the Council or, by agreement, a third party (eg a partner). Petitions presented as part of or with a deputation will be dealt with in accordance with the provisions of the Council's Constitution and Scheme for Handling Petitions.
- b. A deputation to be received by the Council shall be read by the Service Director: Legal & Governance or other officer, and immediately after having done so, any proposal to receive the person or persons or the deputation

shall be formally moved and seconded without discussion and shall be put to the vote. If the motion is carried, the person or persons shall be conducted into the meeting and shall present their deputation.

- c. A deputation may comprise between one and three persons all of whom may address the Council. The deputation shall not exceed seven minutes in duration, such time to include any time taken by the deputation to read any petition or other document.

If in the view of the Mayor the deputation is duplicatory or overlaps with other deputation(s) to be considered at the same meeting, the Mayor may move that the deputations be consolidated and the time limit for the deputation varied accordingly.

- d. Subject to this Council Procedure Rule, the Service Director: Legal & Governance shall deal with requests for deputations in accordance with the following:

- i. **Where the issue is the subject of a recommendation or notice of motion to the next meeting of the Council**

The request shall be placed on the agenda for that Council meeting and the Council shall be asked whether it is willing to receive the deputation.

When a deputation has been received by the Council, there shall be no discussion on the points raised and the matter shall stand deferred until the relevant recommendation or notice of motion is presented to the Council.

- ii. **Where the issue is the subject of a previous deputation or resolution of the Council within the previous six months and is not covered by (a) above**

The deputation shall not be entertained by the Council, when the Council has considered a previous deputation within the previous six months.

- iii. **Where the issue is not before the Council and has not been resolved upon in the previous six months**

The request shall be placed on the agenda for that Council meeting and the Council shall be asked if it is willing to receive the deputation.

When a deputation has been received by the Council, the Mayor shall refer the matter to the Leader or appropriate Cabinet Member for a response. In the absolute discretion of the Mayor, Members may thereafter be permitted to comment or ask questions in relation to the Leader or Cabinet Member's response. Where the Mayor permits such questions or responses to be raised, the Mayor shall allow the Leader or appropriate Cabinet Member a right of reply at the end of the debate on the deputation.

- iv. **Where**

- a. the issue is within the terms of reference of a Specialist Committee; or
- b. the issue is or relates to matters of a quasi-judicial nature; or
- c. where the issue is defamatory, frivolous or offensive; or

- d. where the issue refers to legal proceedings being taken or being anticipated by or against the Council;
- e. where the issue relates to the provision of personal (eg a care package, housing) services; or
- f. where the depute has a commercial or financial interest in the issue

the deputation shall not be entertained and the depute shall be advised accordingly by the Service Director: Legal & Governance.

10.8 Questions

- a. General
Members of the public (who are not Councillors or Officers) may ask questions of the Mayor, Chairs of Committees and Members of the Executive at ordinary meetings of the Council.
- b. Order of questions
Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.
- c. Notice of questions
A question may only be asked if notice has been given by delivering it in writing to the Service Director: Legal & Governance no later than midday seven Clear Days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Executive to whom it is to be put.
- d. Number of questions
At any one meeting no person may submit more than three (3) questions and no more than three (3) such questions may be asked on behalf of one organisation.
- e. Scope of questions
The Service Director: Legal & Governance may reject a question if it:
 - i. is within the terms of reference of a Specialist Committee; or
 - ii. is or relates to matters of a quasi-judicial nature; or
 - iii. is defamatory, frivolous or offensive; or
 - iv. refers to legal proceedings being taken or being anticipated by or against the Council; or
 - v. is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - vi. requires the disclosure of confidential or exempt information; or
 - vii. relates to the provision of personal (e.g. a care package) services; or
 - viii. where the questioner has a commercial or financial interest in the issue

If rejected, the questioner shall be advised accordingly by the Service Director: Legal & Governance.
- f. Record of questions
The Service Director: Legal & Governance will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons

for rejection. Copies of all questions to be asked will be circulated to all Members and will be made available to the public attending the meeting.

- g. Asking the question at the meeting
The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.
- h. Supplemental question
A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 10.4.
- i. Written answers
Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.
- j. Reference of question to the Executive or a committee
Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

10.9 Representation by Honorary Alderman of the Council

~~At the sole discretion of the Mayor, an Honorary Alderman of the Council may ask a question or address the Council on any report contained on the agenda in which they have a genuine or relevant interest provided they have given 3 days prior notice to the Mayor.~~ Service Director: Legal and Governance, Any representation shall not exceed 5 minutes in duration for any one item or a total of 15 minutes in any meeting where they speak on more than one item.

10.10 Representations on an Item of Business

At the sole discretion of the Mayor, members of the public may be invited to address the Council, a Committee or Sub-Committee on any report in which they have a genuine or relevant interest. This includes (but is not limited to) the presentation of petitions by the public.

10.11 Aldermen

At the discretion of the Mayor Honorary Aldermen shall be entitled to speak on any item of business up to a maximum of 5 minutes per item and 15 minutes in total.

10.12 Application and Variation of this Council Procedure Rule

The Service Director: Legal & Governance, may, at his/her discretion, in exceptional circumstances, vary the procedure set out in this Council Procedure Rule and a Special Procedure or Protocol may regulate whether and the manner in which representations by Members, officers of the Council or other organisations and individuals may be made.

Formatted: Font: Bold

Formatted: Font: (Default) Arial, 11 pt, Not Italic, English (United Kingdom)

Formatted: Font: (Default) Arial, 11 pt, Not Italic, English (United Kingdom)

Formatted: Body Text, Indent: Left: 1.27 cm

Formatted: Font: (Default) Arial, 11 pt, Not Italic, English (United Kingdom)

Formatted: Font: (Default) Arial, 11 pt, Not Italic, English (United Kingdom)

Formatted: Font: (Default) Arial, 11 pt, Not Italic, English (United Kingdom)

Formatted: Font: (Default) Arial, 11 pt, Not Italic, English (United Kingdom)

11. QUESTIONS BY MEMBERS

11.1 On reports of the business of the Executive

Subject to Rule 11.4, a Member of the Council may ask the Leader or Cabinet Member any question on notice during the Report of the Executive when that item of business is under consideration by the Council.

11.2 Questions to the Mayor or Chairs

Subject to Rule 11.4, a Member of the Council may ask:

- i. the Mayor;
- ii. the Chair of any committee or sub-committee

a question on any matter related to their role, responsibilities and/or office.

11.3 Questions on notice at committees and sub-committees

Subject to Rule 11.4, a Member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that committee or sub-committee.

11.4 Notice of questions

A Member may only ask a question under Rule 11.1, 11.2 or 11.3 if:

- a. the question is given in writing to the Service Director: Legal & Governance by 12:00 noon on the Thursday of the week preceding the Council meeting (of if the Council meeting is held on a day other than a Wednesday, by 12:00 noon three Clear Days before the meeting). The Service Director: Legal & Governance will acknowledge receipt of such questions; or
- b. if the question relates to urgent matters, they have the consent of the Mayor and the content of the question is given to the Service Director: Legal & Governance prior to the commencement of the meeting.

11.5 Form of Response

An answer may take the form of:

- a. a direct oral answer;
- b. where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c. where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

11.6 Transferring the Response

Every question shall be put and answered without discussion, but the person to whom a question has been put may ask another Member to respond or may decline to answer.

11.7 Supplementary question

Any Member, following a question asked under Rules 11.1, 11.2 or 11.3 may ask one or more supplementary questions without notice to the Member to whom the first question was asked at the discretion of the Mayor and subject to Rule 12. The supplementary questions must arise directly out of the original question or the reply.

11.8 Written Answers

On request from the Member asking a question, a brief summary of key points in an oral answer shall be provided within 10 working days.

11.9 Record of Questions and Answers on Notice at Full Council

Questions asked on Notice at Full Council under Rule 11.1 or 11.2 will be recorded in the minutes, as will any answer. For the avoidance of doubt, neither supplementary questions nor answers shall be recorded. Where a verbal answer is given to a question asked under Rule 11.1 or 11.2, the precise wording of the answer to be included in the minutes shall be agreed with the Member giving the response.

12. EXECUTIVE BUSINESS

12.1 The Leader shall prepare a Report of the Business of the Executive for each ordinary meeting of the Council. In presenting the report, the Executive shall have seven minutes to make any statements that they wish, either relating to the report before Council or in relation to any other item, topic or subject that they feel should be drawn to the attention of Council.

12.2 Following the presentation of the Report of the Business of the Executive, any member may ask a question of the Leader or a Cabinet Member arising from either the written report or a verbal statement made by a member of the Executive provided that the question is not one which is to be put under Council Procedure Rule 12.3. This item of business shall not last longer than eight minutes unless in the view of the Mayor, or on a motion moved by a Member, seconded and approved by Council, it is deemed appropriate to extend the time. In this event, the Mayor shall specify the duration of any extension."

12.3 Following the presentation of the report and questions arising on that, the Mayor shall, subject to Rule 12.6, call Members to ask questions for which due notice has been given of the Leader or a Cabinet Member submitted pursuant to Rule 11.1.

12.4 Where possible, the answer to the question shall be made available in writing to Members and the public prior to the meeting and, in that case, the Executive Member shall not read the answer out in full.

12.5 Following any question asked pursuant to Rule 12.3, subject to Rule 12.6, any Member may ask one or more supplementary questions provided the supplementary question arises directly out of the original question or reply.

12.6 The Mayor, in his/her absolute discretion, shall determine the order of speaking, the order in which questions are put, and shall endeavour to ensure the widest possible debate between the Executive and the Council on issues relating to the business of the Executive. The Mayor may also determine that a question should not be put, or does not warrant or justify a supplementary.

12.7 The Mayor, in his/her absolute discretion, may allow a Member to ask a question not on notice if in the opinion of the Mayor the matter is one which should be raised, whether it has been referred to by the Executive in their report or not.

12.8 At the end of the debate on Executive business, the Leader shall be afforded a further five minutes to reply, which time s/he may share with the other Members of the Executive in whole or in part at his/her absolute discretion.

- 12.9 This item of business shall not last longer than one hour unless, in the view of the Mayor, or on a motion moved by a Member, seconded and approved by Council, it is deemed appropriate to extend the time. In this event, the Mayor shall specify the duration of any extension.
- 12.10 Any question properly submitted under Rule 12.3 but which is not reached in the timeframe allotted for this item of business shall receive a written response from the Executive.
- 12.11 Members shall ensure that questions and answers are concise, relevant and to the point.

13. MOTIONS

13.1. Motions on Notice

- a. **Notice**
Except for motions which can be moved without notice under Rule 13.2, written notice of every motion, signed by at least one (1) Member, must be delivered to the Service Director: Legal & Governance not later than 10:00 am on the Monday in the week preceding the next meeting of the Council (or if the Council meeting is held on a day other than a Wednesday, by 10:00 am six Clear Days before the meeting). These will be entered in a book open to public inspection.
- b. **Motion set out in agenda**
Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- c. **Scope**
Motions must be about matters for which the Council has a responsibility or which affect the City of Southampton.
- d. **Notice of Motion to Amend**
Members shall use their best endeavours to ensure that notices of motion to amend shall be in writing, signed by the Member giving the notice, and delivered not later than 12:00 pm (noon) on the day before the day of the meeting to the Service Director: Legal & Governance.
- e. If notice is given of any Motion that the Service Director: Legal & Governance considers proposes action which is ultra vires, unconstitutional or otherwise illegal, said motion shall not be printed in the Council Summons. If the Service Director: Legal & Governance considers that a motion is otherwise out of order, such Motion shall be submitted forthwith to the Mayor. The Mayor shall, in his/her absolute discretion, have the right to either rule the Motion out of order or place it on the Council Summons if, in his/her opinion, it is one that ought properly to be considered by the Members of the Council with a view to determining its validity. In the event of a Motion being rejected, the Service Director: Legal & Governance shall so inform the Member giving notice as soon as reasonably practicable.

13.2 Motions without Notice

- a. **The following motions may be moved without notice:**
- i. to appoint a Chair of the meeting at which the motion is moved;
 - ii. in relation to the accuracy of the minutes;
 - iii. to change the order of business in the agenda;
 - iv. to refer something to an appropriate body or individual;
 - v. to appoint a committee or Member arising from an item on the summons for the meeting;
 - vi. to receive reports or adoption of recommendations of committees or Officer and any resolutions following from them;
 - vii. to withdraw a motion;
 - viii. subject to Rule 13.1(d), to amend a motion;
 - ix. to proceed to the next business;
 - x. that the question be now put;
 - xi. to adjourn a debate;
 - xii. to adjourn a meeting;
 - xiii. any matter arising under Rule 9;
 - xiv. to suspend a particular Rule;
 - xv. to exclude the public and press in accordance with the Access to Information Rules;
 - xvi. to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4;
 - xvii. to give the consent of the Council where its consent is required by this Constitution; and
 - xviii. in any other circumstances where the Mayor considers it appropriate.

14. RULES OF DEBATE

14.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

14.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

14.3 Secunder's speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Without the consent of the Mayor, save where otherwise specified, the maximum length of speeches shall be as follows:

Movers of motions	7 minutes
Movers of amendments	7 minutes

The Leader or appropriate Cabinet Member	7 minutes
All other speakers	4 minutes
All rights of reply	4 minutes

14.5 **When a Member may speak again**

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a. to speak once on an amendment moved by another Member;
- b. to move a further amendment if the motion has been amended since s/he last spoke;
- c. if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which s/he spoke was carried);
- d. in exercise of a right of reply;
- e. on a point of order; and
- f. by way of personal explanation.

14.6 **Amendments to Motions**

- a. An amendment to a motion must be relevant to the motion and will either be:
 - i. to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - ii. to leave out words;
 - iii. to leave out words and insert or add others; or
 - iv. to insert or add words.
 as long as the effect of (ii) to (iv) is not to negate the motion.
- b. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- c. If an amendment is not carried, other amendments to the original motion may be moved.
- d. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- e. After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 **Alteration of motion**

- a. A Member may alter a motion of which s/he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b. A Member may alter a motion which s/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c. Only alterations which could be made as an amendment may be made.

14.8 Withdrawal of motion

A Member may withdraw a motion which s/he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.9 Right of Reply

- a. The mover of a motion has a right to reply which shall be heard prior to any vote.
- b. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c. The mover of the amendment has no right of reply to the debate on his or her amendment.

14.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a. to withdraw a motion;
- b. to amend a motion;
- c. to proceed to the next business;
- d. that the question be now put;
- e. to adjourn a debate;
- f. to adjourn a meeting;
- g. any matter arising under Rule 9;
- h. to exclude the public and press in accordance with the Access to Information Rules; and
- i. to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.11 Closure motions

- a. A Member may move, without comment, the following motions at the end of a speech of another Member:
 - i. to proceed to the next business;
 - ii. that the question be now put;
 - ii. to adjourn a debate; or
 - iv. to adjourn a meeting.
- b. If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, s/he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- c. If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote.
- d. If it is passed s/he will give the mover of the original motion a right of reply before putting his/her motion to the vote.

- e. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, s/he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 Point of order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which s/he considers it has been broken. The ruling of the Mayor on the matter will be final.

14.13 Point of Information

A Member, whether or not he or she has spoken on the question under discussion, may rise whilst another Member is speaking, in order to provide information of assistance to the Council on the subject matter of that other Member's speech and shall, upon rising, say "Point of Information please, Mr/Madam Mayor". It shall then be for the Member who is speaking to decide whether or not to give way to the Member wishing to provide information.

If it appears to the Mayor that the Member who is addressing the Council does not intend to give way, the Mayor shall have absolute discretion as to who speaks and in what order.

14.14 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood or which contained a reference to that Member in the course of a speech by another Member in the present debate. The ruling of the Mayor on the admissibility and timing of a personal explanation will be final.

14.15 Inappropriate or Excessive Interventions

Any use of Rules 14.12, 14.13, 14.14 which the Mayor shall judge to be excessive shall be deemed to be a breach of order under Rule 21.

14.16 Disclosure of Interests and Participation

Where a member has a disclosable pecuniary interest under the Localism Act 2011 or a personal and pecuniary interest under Part 4 of the Code of Conduct for Members in any matter being discussed, then the member must declare that interest and withdraw from the room where the meeting is being held immediately after making representations, answering questions or giving evidence unless a dispensation to remain has been obtained from the Council's Governance Committee.

15. HONOURS

- 15.1 Where there is any proposal, howsoever it arises, to grant the status of Honorary Alderman or Freeman of the City to any citizen or group of citizens, it is a requirement of the person proposing that such an honour is conferred that the proposal shall be referred, without any further consideration, in confidence, to the Service Director: Legal & Governance. There shall be no public statement whatsoever by the proposer as to this matter at this stage. The Service Director: Legal & Governance shall determine whether and if such a proposal is to be taken forward to Council, in consultation with the Group Leaders.

- 15.2 The Service Director: Legal & Governance shall, following consultation with the Group Leaders, operate a process and bring forward nominators for the Council to bestow recognition on citizens or groups of citizens for service and the City.

16. PREVIOUS DECISIONS AND MOTIONS

16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the Members of the Council.

16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third Members of the Council. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17. VOTING

17.1 Majority

Unless the law or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

17.2 Mayor's casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

17.3 Show of hands

Unless a vote is demanded under Rule 17.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 Recorded vote

If 10 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

17.5 Right to require individual vote to be recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.6 Voting at Budget Meeting

Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting"

18. COMMITTEE RECOMMENDATIONS

Upon a motion for the determination of minutes of a Committee containing recommendations of that Committee to Council, the Mayor will ask the Chair and

Vice-Chair or such other members as appropriate to move and second the minute. If the Chair wishes to move an amendment it should be moved at this time otherwise it is taken that the Chair has reserved his/her introductory speech. The Mayor shall put that minute to the meeting following which it shall be open for general discussion.

If there is more than one minute of a Committee containing recommendations of that Committee to Council, it shall be dealt with once the first minute has been disposed of.

19. OVERVIEW AND SCRUTINY BUSINESS

- 19.1 The Chair of the Overview and Scrutiny Management Committee or another Member in his/her place, may move a motion relating to the business of Overview and Scrutiny and/or of the findings of a Panel, or a matter that Overview and Scrutiny consider should be debated by Full Council.
- 19.2 For the avoidance of doubt, the Council does not have the legal power to overrule, vary or change an Executive decision, save as provided in the Constitution.
- 19.3 The normal rules of debate for motions shall apply to this item of business.
- 19.4 This item of business shall not last longer than one hour unless in the view of the Mayor, or on a motion moved by a Member, seconded and approved by Council, it is deemed appropriate to extend the time. In this event, the Mayor shall specify the duration of any extension.

20. EXCLUSION OF PUBLIC

- 20.1 Members of the public and press may only be excluded either in accordance with the law, the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

21. MEMBERS' CONDUCT

- 21.1 **Standing to speak**
When a Member speaks at full Council they must stand (if they are able to) and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order, information or personal explanation.
- 21.2 **Mayor standing**
When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.
- 21.3 **Member not to be heard further**
If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.
- 21.4 **Member to leave the meeting**
If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is

adjourned for a specified period. If seconded, the motion will be voted on without discussion.

21.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as s/he thinks necessary.

22. DISTURBANCE BY PUBLIC

22.1 Removal of Member of the public

If a Member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal.

22.2 Clearance of part of room

If there is a general disturbance in any part of the room open to the public, the Mayor may call for that part to be cleared.

23. ADJOURNED MEETINGS

When a meeting is adjourned to a future day, notice of the adjourned meeting shall be sent to each Member specifying the business to be transacted thereat, but it shall not be necessary to send with any such notice a second print of any Committee minutes or reports referred to therein. Only new business of an urgent nature may be introduced at an adjourned meeting.

24. TERMS OF REFERENCE FOR THE COUNCIL

The Council may discuss any matter relevant to it, including its Constitution, election, powers and duties, and the City of Southampton.

25. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

25.1 All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Executive. Only Rules 1, 5–9, 11–14 (but not 12), 16–18, 20–28 (but not Rule 21.1 in so far as it relates to standing) apply to meetings of committees and sub-committees subject to:

- a. in relation to Rules 5 and 6, the Service Director: Legal & Governance shall determine the time and place and be responsible for issuing Committee and Sub-Committee summonses and agendas; and
- b. in relation to Rule 17.4, the number of Members present at a meeting requisite to call a recorded vote, shall be three (3) or one third of the full membership of the Committee or Sub-Committee, whichever is greater.

25.2 Whenever a casual vacancy arises in relation to a person appointed other than a Member to a Committee or Sub-Committee, the Service Director: Legal & Governance shall make that appointment.

25.3 Special Meetings of Committees and Sub-Committees

- a. The Chair of a Committee or Sub-Committee may call a special meeting of that Committee or Sub-Committee at any time.

- b. If
 - i. a requisition for a special meeting of a Committee or Sub-Committee, signed by at least three, or one-third of the total number of the voting Members of a Committee or Sub-Committee, whichever is the greater, has been presented to the person appointed to preside at their meetings, and
 - ii. either s/he has refused to call a meeting or, without him/her so refusing, no special meeting has been called within five Clear Days of the presentation of the requisition.

then any three, or one-third of the number of the members of the Committee or Sub-Committee, whichever is the greater, may forthwith call a special meeting of the Committee or Sub-Committee.
- c. If a meeting of a Committee or Sub-Committee is requisitioned under this Council Procedure Rule, the person doing so shall forthwith give notice in writing that they have done so to the Service Director: Legal & Governance, specifying the business proposed to be transacted. The Service Director: Legal & Governance shall forthwith give notice to all Members of the Committee or Sub-Committee and all persons entitled to receive the papers.
- d. Any requisition under this Council Procedure Rule may be presented by being left with the Service Director: Legal & Governance.

26. CONDUCT OF BUSINESS & DEBATE AT COMMITTEES OR SUB-COMMITTEES

26.1 Terms of Reference

Subject to and in accordance with the provisions of these Council Procedure Rules, and to any directions of the Council, the terms of reference of the various Committees and Sub-Committees shall be as set out in Part 3 of this Constitution.

26.2 Special Procedures and Protocols

- a. Any Committee or Sub-Committee shall follow a Special Procedure or Protocol, where one exists, for the transaction of the whole or part their business which has been approved by the Service Director: Legal & Governance.
- b. The Service Director: Legal & Governance may direct that a Special Procedure or Protocol shall apply to the transaction of the whole or part of business at other Committees or Sub-Committees or in respect of other functions or activities of the Council in order to comply with the Human Rights Act 1998 or any rule of law or to avoid maladministration by the Council or for the efficient despatch of business.
- c. Subject always to any legal requirements, a Special Procedure or Protocol may -
 - i. vary, revoke or add to or suspend any of these Council Procedure Rules in respect of the rules and procedures to be followed by such Committees and Sub-Committees; and
 - ii. allow the Chair to waive or vary a Special Procedure or Protocol in exceptional circumstances where to do so would be in the interests of fairness or natural justice.

26.3 Committee Business Restricted to Agenda Items

Except by reason of urgent circumstances, of which the Chair of the Committee or Sub-Committee shall be judge, no business shall be transacted at any meeting of a

Committee or Sub-Committee except such as is set out on the agenda which shall be available to the public five clear days before the meeting concerned or at such time as the meeting is convened, if convened at shorter notice.

26.4 Reports to Contain Recommendations

Subject to any Special Procedure or Protocol, all reports relating to items of business on the agenda shall contain a recommendation or recommendations that shall be the original motion for determination by the meeting, and which shall be open to amendment.

26.5 Matters on the agenda raised by Members

Any Member requiring a report on a matter within the terms of reference of a Committee or Sub-Committee to be included on the agenda of that Committee or Sub-Committee must advise the Service Director: Legal & Governance in writing twelve Clear Days prior to the meeting of this request.

26.6 Any Member wishing to urgently raise a matter in the Committee or Sub-Committee after the agenda has been published may do so on giving to the Service Director: Legal & Governance reasonable notice in writing stating the reason for urgency. Such matter may only be discussed if the Chair of the Committee or Sub-Committee considers the nature of the business of sufficient urgency to warrant inclusion at the meeting.

27. RIGHTS OF MEMBERS TO SPEAK AT MEETINGS OF COMMITTEES AND SUB-COMMITTEES

27.1 Save where the law or this Constitution provides to the contrary:

- a. the Mayor and Sheriff of the Council, the Leader or any Cabinet Member may speak (but may not vote) at a meeting of a Committee or Sub-Committee of which they are not Voting Members.
- b. the Chair and Vice-Chair of a Committee, may speak at a meeting of any Sub-Committee appointed by that Committee, but may not vote unless appointed as a Voting Member.
- c. a Member of the Council who is not otherwise entitled to speak at a Committee or Sub-Committee shall be entitled to do so (but not to vote) at a meeting of the Committee or Sub-Committee:
 - i. during the consideration of any motion of which notice has been given which s/he has moved or seconded at a meeting of the Council and which has been referred to that Committee or Sub-Committee; or
 - ii. with the prior agreement of the Chair; or
 - iii. during the consideration of any matter which affects his/her ward differently from other wards.
- d. This Council Procedure Rule shall apply equally to meetings or parts of meetings of Committees and Sub-Committees to which the press and public are not admitted under the access to information provisions of the 1972 Act.
- e. A Special Procedure may exclude Rule 27.1(a) above and regulate the manner in which Rules 27.1(b) and (c) are exercised.

28. URGENT BUSINESS SUB COMMITTEE

- 28.1 The Chair and Vice-Chair of each Committee and Sub-Committee of the Council and a representative of the Opposition Party(s) for each Committee or Sub-Committee shall constitute a Sub-Committee with power to deal with any urgent business arising at any time which cannot await the next scheduled meeting of the Committee or Sub-Committee. The quorum for such a meeting shall be two. The reason for urgency shall be included on the agenda, in the report and in the Minutes of the meeting.
- 28.2 Where an Urgent Business Sub-Committee involves more than one Committee or Sub-Committee then the Chairs and Vice-Chairs of those Committees or Sub-Committees together with one representative from each of the Opposition Parties for each parent Committee or Sub-Committee shall constitute the Urgent Business Joint Meeting.
- 28.3 Any Chair or Vice-Chair may nominate a Member of the Committee or Sub-Committee of which they are the Chair and Vice-Chair to act for the purposes of (1) or (2) above whenever they are absent or otherwise unable to act.
- 28.4 Every Urgent Business Sub-Committee shall, when acting in pursuance of Rule 28.1 or 28.2 above, do so subject to the provisions of these Council Procedure Rules and the respective terms of reference of the Committee or Sub-Committee concerned, and in accordance with the appropriate Committee's general policies.
- 28.5 Every decision of an Urgent Business Sub-Committee acting in pursuance of Rule 28.1 or 28.2 above shall be reported to the next following meeting of the Committee or Sub-Committee if time permits or direct to Council.
- 28.6 An Agenda shall be published 5 clear days before the date set for the Urgent Business Sub-Committee's meeting or (if the meeting is called on less than 5 clear days notice) at the time the meeting is convened. Copies of the agenda shall be made available to the Leaders of the Political Group(s) or their nominated representatives and to the public at the time the agenda is published.
- 28.7 The public shall have access to an Urgent Business Sub-Committee meeting but may be excluded by resolution if the urgent business relates to confidential or 'exempt' information as defined in Local Government Act 1972 as amended. The public will be automatically excluded if the business of the meeting is 'confidential' as defined by the Act.
- Note: Urgent Business Sub-Committees shall only be called where it is impracticable to either (1) add the report to the agenda of a scheduled Committee or Sub-Committee meeting as a "late urgent item" or (2) to call a Special Meeting of the Committee or Sub-Committee in question.**
- 28.8 In the case of any business which is included in the meeting of the Committee, Sub-Committee or Urgent Business Sub-Committee by reason of its urgency there shall be within the Minutes of such meeting a note specifying the special circumstances which warranted that the item be included.
- 28.9 For the avoidance of doubt, no business other than urgent business shall be conducted at an Urgent Business Sub-Committee.

This page is intentionally left blank

Access to Information Procedure Rules

1. SCOPE

These rules apply to all meetings of the Council, its Committees and Sub-Committees (including but not limited to the Overview and Scrutiny Committees, area committees (if any), the Governance Committee and regulatory committees and panels and public meetings of the Executive (together called “meetings”).

2. PRINCIPLES

These rules will be interpreted, where possible, in accordance with the following guiding principles / presumptions:

- a. Openness: the right of the public to gain access to meetings and documents;
- b. Transparency: the provision of information so that the public know who is responsible for making a particular decision, when and where, and have an explanation or justification for a decision;
- c. Accountability: the public can measure the actions taken against policies and plans on which those responsible were elected to office.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICES OF MEETING

The Council will give at least five clear days’ notice of any meeting by posting details of the meeting at the designated office and publishing on its website.

5. RIGHTS TO PAPERS

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the agenda has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection for the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

- a. any agenda and reports which are open to public inspection;
- b. any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- c. if the Service Director: Legal & Governance thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7. ACCESS TO PAPERS AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- a. the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive , excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- b. a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- c. the agenda for the meeting; and
- d. reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

The officer with responsibility for the report (usually the report author) will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- a. disclose any facts or matters on which the report or an important part of the report is based; and
- b. which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and available to the public at the Civic Centre – from the Service Director: Legal & Governance.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of exempt information

Exempt information means information falling within the following seven categories (subject to any condition):

CATEGORY		CONDITION
1.	Information relating to any individual.	This means any individual person and relates back to the Data Protection Act 1998 (DPA).
2.	Information which is likely to reveal the identity of an individual.	This again relates back to DPA.
3.	Information relating to the financial or business affairs of any particular person (including the Authority holding that information).	Includes information relating to the Authority's own financial or business affairs. It does not include information which is required to be registered under the Companies Act 1985, the Friendly Society Acts 1974 and 1992, the Industrial and Provident Societies Acts 1965-1978, the Building Societies Act 1986 or the Charities Act 1993 as such information will be in the public domain in any event. The "financial affairs or business affairs" include past, present and contemplated activities.
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority.	"Employee" means a person employed under a contract of service with the Council and would not therefore include a consultant or a temporary member of staff employed through an agency or a company. Information about such a person, however, may well be covered under the exemptions in paragraphs 1, 2 and 3 but it will depend on the individual matter.
		"Labour relations matter" means matters which may be the subject of a trade dispute within the meaning of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 or any dispute about such a trade dispute. This is therefore fairly narrow and does not appear to include normal staff negotiations which are not part of a dispute.

CATEGORY		CONDITION
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6.	Information which reveals that the Authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or (b) to make an order or direction under any enactment.	
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	
7(A)	Information which is subject to any obligation of confidentiality	
7(B)	Information which relates in any way to matters concerning national security	
7(C)	The deliberations of a Standards Committee or of a sub committee of the Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act	

Information is **not exempt** if it relates to proposed development for which the Local Planning Authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning (General) Regulations 1992.

10.5 Public Interest Test

Paragraphs 1-7 of the exceptions (Rule 10.4) are subject to the public interest test. In determining whether this information should remain exempt, the report writer and the decision-maker will have to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. All report writers will, therefore, give consideration to this and explain why they consider the public interest test is best served by the information remaining exempt. The final officer determination as to disclosure will be made by the Proper Officer for Freedom of Information decisions (the Service Director: Legal & Governance) who is also the Proper Officer for decision-making. This determination, together with reasons, will appear in the report and the agenda as well in relation to that item.

10.6 Governance Committee

All the exemptions may apply to the Governance Committee (and any sub-committees of that) although 7(A), (B) and (C) are specifically applicable to Governance sub-committees when determining complaints alleging breaches of the Members' Code of Conduct.

10.7 Executives

The Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006 taken cumulatively with previous regulations and primary legislation provide that exempt information does not need to be made available for all Members unless it comes within paragraph 3 and 6 of the table set out in rule 10.4. However, in relation to information under paragraph 3 of the table in rule 10.4, this can remain exempt if the information relates to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract.

11. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Service Director: Legal & Governance thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. **APPLICATION OF RULES TO THE EXECUTIVE**

Rules 13 – 24 apply to the Executive and its committees. If the Executive or its committees meet to take a Key Decision then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A Key Decision is as defined in Article 13.03 of this Constitution. If the Executive or its committees meet to discuss a Key Decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include briefings, whose sole purpose is for Officers to brief Members.

13. **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 10 (general exception) and Rule 11 (special urgency), a Key Decision may not be taken unless:

- a. a notice (called here a Forward Plan) has been published in connection with the matter in question;
- b. at least twenty eight (8) Clear days have elapsed since the publication of the Forward Plan in which the decision was first included; and
- c. where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period of Forward Plan

Forward Plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and published 28 clear days prior to any regularly scheduled meeting of the Executive.

14.2 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Executive, a committee of the Executive, individual members of the Executive, Officers, or under joint arrangements in the course of the discharge of an Executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- a. the matter in respect of which a decision is to be made;
- b. where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- c. the date on which, or the period within which, the decision will be taken;
- d. the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- e. the means by which any such consultation is proposed to be undertaken;
- f. the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- g. a list of the documents submitted to the decision taker for consideration in relation to the matter.

The Forward Plan must be produced and disseminated at least 28 days before the start of the period covered.

15. GENERAL EXCEPTION

If a matter which is likely to be a Key Decision has not been included in the Forward Plan, then subject to Rule 11 (special urgency), the decision may still be taken if:

- a. the decision must be taken by such a date that it is impracticable to defer the decision until 28 clear days notice has been given on the Forward Plan;
- b. the Service Director: Legal & Governance has informed the chair of the Overview and Scrutiny Management Committee, or if there is no such person, the Mayor or in his/her absence the Sherriff, by notice, of the matter to which the decision is to be made;
- c. the Service Director: Legal & Governance has made copies of that notice available to the public at the offices of the Council; and
- d. at least 5 (five) clear days have elapsed since the Service Director: Legal & Governance complied with (b) and (c).

Where such a decision is taken collectively, it must be taken in public subject to the provisions of Rule 10 and Rule 19.

16. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 10 (general exception) cannot be followed, then the decision can only be taken if the Service Director: Legal & Governance, on behalf of the decision taker, obtains the agreement of the Chair of the Overview and Scrutiny Management Committee that the taking of the decision cannot be reasonably deferred. If the Chair is unable to act, then the agreement of the Mayor, or in his/her absence, the Sheriff will suffice.

17. REPORT TO COUNCIL

17.1 Overview and Scrutiny Management Committee can require a report

- a. if the committee thinks that a Key Decision has been taken which was not:
 - i. included in the Forward Plan; or
 - ii. the subject of the general exception procedure; or
 - iii. the subject of an agreement under Rule 11;

the committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Service Director: Legal & Governance, who shall require such a report on behalf of the committee when so requested by the Chair or any five Members; or

- b. the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Management Committee.

17.2 Executive's report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a Key Decision the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 11 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

After any meeting of the Executive or any of its committees, whether held in public or private, the Service Director: Legal & Governance or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. PROCEDURES PRIOR TO PRIVATE MEETINGS OF THE EXECUTIVE

- 19.1 A private meeting of the Executive shall include any meeting or part of a meeting at which members of the public are to be excluded in accordance with Rule 10.
- 19.2 At least 28 clear days prior to any private meeting of the Executive, the Service Director: Legal & Governance shall publish Notice of the Executive's intention to hold all or part of the meeting in private, together with a statement of reasons for the meeting to be held in private.
- 19.3 At least five clear days prior to any private meeting of the Executive, the Service Director: Legal & Governance shall publish a further Notice on the agenda for the meeting and the Council's website confirming the Executive's intention to hold all or part of the meeting in private, a statement of the reasons for privacy and details of any representations received by the Council as to why the meeting should be held in public and the Executive's response to those representations.
- 19.4 Where the date by which a meeting must be held makes compliance with Rules 19.2 and 19.3 impracticable, the meeting may still be held in private where:
- a. the Service Director: Legal & Governance has obtained the agreement of the Chairman of the relevant Overview and Scrutiny Committee; or
 - b. if there is no such person or such a person is unable to act, the agreement of the Mayor; or
 - c. if the Mayor is unable to act, the agreement of the Sheriff.

20. NOTICE OF PRIVATE MEETING OF THE EXECUTIVE

Members of the Executive or its committees will be entitled to receive five clear days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

21. ATTENDANCE AT PRIVATE MEETINGS OF THE EXECUTIVE

- a. All Members of the Executive will be served notice of all private meetings of committees of the Executive, whether or not they are Members of that committee.
- b. All Members of the Executive are entitled to attend a private meeting of any committee of the Executive.
- c. Members other than Executive Members will not be entitled to attend private meetings of the Executive, and its committees.
- d. The Head of the Paid Service, the Chief Financial Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive and its committees. The Executive may not meet unless the Service Director: Legal & Governance has been given reasonable notice that a meeting is to take place.
- e. A private Executive meeting may only take place in the presence of the Service Director: Legal & Governance or his/her nominee with responsibility for recording and publicising the decisions

22. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

22.1 Reports intended to be taken into account

Where an individual Member of the Executive receives a report which s/he intends to take into account in making any Key Decision, then s/he will not make the decision until at least five clear days after receipt of that report.

22.2 Provision of copies of reports to overview and scrutiny committees

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair and Vice-Chair of the Overview and Scrutiny Management Committee as soon as reasonably practicable, and make it publicly available at the same time.

22.3 Record of individual decision

As soon as reasonably practicable after an Executive decision has been taken by an individual Member of the Executive or a Key Decision has been taken by an officer, s/he will prepare, or instruct the Service Director: Legal & Governance to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

23. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

23.1 Rights to copies

Subject to Rule 23.2 below, Overview and Scrutiny Management Committee (and its sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive (or its committees) and which contains material relating to

- a. any business transacted at a public or private meeting of the Executive or its committees; or
- b. any decision taken by an individual Member of the Executive; or
- c. any decision taken by an officer of the authority exercising an Executive function.

23.2 Limit on rights

An overview and scrutiny committee will not be entitled to:

- a. any document that is in draft form;
- b. any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- c. the advice of a political adviser.

23.3 Copies of documents requested under Rule 23 must be supplied within 10 clear days of receipt of the request.

24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

24.1 Material relating to previous business

All Members will be entitled to inspect any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies:

- a. it contains exempt information falling within paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information; or
- b. it contains the advice of a political adviser.

24.2 Material relating to Decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive or its committees which relates to any decision of the Executive made at a public meeting unless paragraph (a) or (b) above applies.

24.3 Nature of rights

These rights of a Member are additional to any other right s/he may have.

25. CONFIDENTIALITY OF COUNCIL BUSINESS

25.1 Any item of business at Full Council, a Committee or Sub-Committee which falls to be dealt with as confidential and the relevant body's discussion in relation to the item shall be kept confidential and may only be disclosed to and discussed by the following:

- a. Councillors;
- b. other persons appointed under Section 102 of the 1972 Act as members of Committees or Sub-Committees;
- c. such officers of the Council as are concerned with the matter in the course of their duties;
- d. [the Designated Independent Person \(in respect of Members complaints under the Code of Conduct\)](#)
- e. such other persons to whom in the Service Director: Legal & Governance' opinion the item of business or report ought to be disclosed in order to comply with the Human Rights Act 1998 or any rule of law or to avoid maladministration by the Council;

and there shall be no further disclosure of such report, item of Council business or discussion thereof to any other person whatsoever.

25.2 The business referred to in Council Procedure Rule 25.1 consists of any report marked "not for publication" in accordance with the requirements of the 1972 Act or an item of Council business which has been agreed as being confidential by the Committee or Sub-Committee concerned, or by the Council in accordance with the 1972 Act.

25.3 Subject to the Council Procedure Rules, a member of a working party or panel set up by the Council, a Committee or Sub-Committee (including any working party or panel established for the purpose of meeting and holding discussions with an individual,

body of individuals or organisation distinct from the City Council) being a working party or panel comprised of Members or Members and co-opted members or Members and officers, or Members co-opted members and officers, shall not disclose a matter dealt with by or brought before the working party or panel, without its permission until the proceedings of that working party or panel have been reported to the Council or to the Committee or Sub-Committee which set up the working party or panel, or the working party or panel shall otherwise have concluded action on that matter.

- 25.4 An item of business or report shall remain confidential until its confidentiality is removed by decision of the Committee or Sub-Committee concerned, or by the Full Council or in exceptional circumstances, the Service Director: Legal & Governance may waive the confidentiality.

26. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

This page is intentionally left blank

Civic and Ceremonial Protocol

A Member will be elected by Full Council each year to hold the office of Chairman. The Chairman of the Council will be known as the Mayor when carrying out his/her civic and ceremonial role. The responsibilities of the position will be carried out in accordance with the guidance contained in this Protocol. This Protocol should be read in conjunction with the Civic Handbook – The Role of the Mayor and Sheriff.

Key responsibilities of the Mayor

1. To chair meetings of the Council effectively.
2. To preside over civic functions, including but not limited to the Remembrance Service, the reception following the annual meeting and to promote the City of Southampton Awards Scheme.
3. To act and conduct him/herself as the first citizen and ambassador of the Council in promoting the City of Southampton and the Council's aims including its vision.
4. To lead the community in support of the Council's values and visions, to provide community leadership and to proactively engage with the Council, its priorities, aims and objectives and the partners of the Council (including, but not limited to, the local strategic partnership) in supporting the City and its citizens.
5. To assist the promotion of good causes. To promote, raise the profile and gain publicity for projects and events that are of a good charitable or voluntary nature that benefit the citizens of Southampton, particularly smaller organisations.
6. To attend funerals of officers who die in service and civic dignitaries past and present.
7. To raise funds for the charities chosen by the Mayor, and to announce to the AGM Full Council a charity or charities that will be supported during the Civic Year that will benefit the citizens of Southampton. The Mayor will report the amount raised to the AGM.
8. To give a summary of activities / achievements during the year at the AGM.
9. To represent the Council at events, including any international visits which should promote the Council's aims, values and/or vision.
10. To encourage citizenship and participation in the life of the City.
11. The Deputy Mayor will undertake a similar role as the Mayor and will be known as the Sheriff when carrying out his/her civic and ceremonial role. The Sheriff and the Mayor will work together in developing a programme that would successfully fulfil the above roles.
12. To observe civic protocols when undertaking the civic and ceremonial role.

Key responsibilities of the Sheriff

1. To deputise for the Mayor, when appropriate, and undertake the key responsibilities of the Mayor, at the direction of the Mayor.
2. To chair Court Leet and Beat the Bounds.
3. To attend the Annual Sheriff's Conference.

CIVIC PROTOCOLS

Definitions

In these protocols:

- 'The Mayor's Office' is the office and staff designated by the Service Director: Legal & Governance as supporting the Mayor and Sheriff.

1. INTRODUCTION

- 1.1 The Mayor, Sheriff and their escorts / consorts, when undertaking their civic and ceremonial roles, shall:
 - 1.1.1 not bring the Council into disrepute through abuse of office;
 - 1.1.2 follow any instructions issued by the Mayor's Office;
 - 1.1.3 not attend any function or otherwise give support to any organisation or person, whose objectives are contrary to law and/or Council policy,
 - 1.1.4 not solicit engagements or visits at home or abroad or otherwise procure favours by virtue of office; and
 - 1.1.5 not overspend the budget / allowance allocated by the Council to the Mayor.
 - 1.1.6 it will be the Mayor and/or Sheriff's responsibility to ensure that, in attending any event or initiative on behalf of the Council when undertaking their civic and/or ceremonial roles, that the Mayor and/or Sheriff and their escorts / consorts, shall behave in a manner appropriate and fitting to their position as First and Second Citizens of the City, and any breach of this protocol may constitute a breach of the Code of Conduct for Members.

2. ANNUAL MEETING OF THE COUNCIL / COUNCIL MEETINGS

- 2.1 The Annual Meeting includes the Mayor Making ceremony. The Mayor's Office will prepare the Council's guest list in liaison with the Service Director: Legal & Governance. Traditionally the incoming Mayor and Sheriff are allowed a personal guest list of approximately 10. These are usually family, friends and work colleagues whom the Mayor invites to the Mayor Making Ceremony and the parlour for refreshments after the meeting.
- 2.2 The Mayor will be guided and supported in chairing Full Council meetings by the Service Director: Legal & Governance, who will provide the Mayor with appropriate support, guidance and assistance including (but not limited to) briefing the Mayor prior to the Council meeting on procedural and other relevant issues.

3. THE ELECTION OF THE MAYOR

- 3.1 The election of a Chairman of the Council (Mayor) shall be the first item of business conducted by the Council in accordance with Local Government Act 1972 and the Constitution. The process shall be that required by law and the Constitution. If making nominations and undertaking this process, members shall take account in nominating any prospective candidate of the responsibilities of the job as set out in this Protocol, and Members shall, subject to the inherent discretion of the Council to elect whomsoever they deem fit as Chairman / Mayor within the law and the Council's Constitution use their best endeavours to avoid a contest at the Annual General Meeting.

4. SUPPORT TO CHARITIES

- 4.1 The Mayor must abide by any guidance issued from time to time by the Service Director: Legal & Governance and/or the Chief Financial Officer in respect of the Mayor's charities and/or the budget allocated to the Mayor by the Council.
- 4.2 The Mayor may select one or more charities that s/he shall announce at the Annual General Meeting, which s/he shall support. These charities will already be established and registered with the Charity Commission. If, in the opinion of the Chief Financial Officer, any charity is unacceptable for legal or financial reasons, the Mayor shall select an alternative.
- 4.3 All administrative functions related to the Mayor's charities must be undertaken by the appropriate officers of the charity in question and not by the Mayor or the Council, or ~~by officers~~the Mayor's Office.

The Mayor's Charity

- 4.4 It is expected that the charity will undertake all fund raising and its administration, as the Council does not have the staffing resources to support this type of activity. However, ~~officers~~the staff in the Mayor's office are happy to advise the charity as to the suitability of events, appropriate procedures and matters of protocol if required. ~~The Mayor's Office will organise the annual charity ball on a date to be agreed with Live Nation and in discussion with the Mayor. The Mayor and the charity will assist in the procurement of raffle and auction prizes for this event.~~
- 4.5 The Mayor's Charity has been registered with the Charity Commission. ~~A bank account is held with the Co-operative Bank and the Senior Civic and Members' Services Officer will undertake the day to day administration of this account.~~ All monies raised during the mayor's year of office will be distributed to the chosen charities as soon as possible after the end of the mayor's term of office.

5. APPOINTMENT OF CHAPLAIN

- 5.1 The Mayor may appoint a Chaplain, and in accordance with the Council's values and visions maintain the establishment of the panel of religious advisers established since 2003. The Mayor's Office shall advise any incoming Mayor on these issues and options.

- 5.2 To encourage a deeper and broader relationship between the Council and faith communities, the religious advisers will act as a 'sounding board' to advise on effective engagement with faith communities, and the impact of Communities and Local Government policy on faith communities.

6. ANNUAL CIVIC SERVICE

- 6.1 The Mayor may hold an Annual Civic Service in June at the place of worship determined by the Team Rector of the City Centre Parish. Alternatively, the Mayor may hold an alternative event which will enhance the Council's understanding of, and engagement, with faith communities in the City. Such events must be inclusive of all sections of the community and open to all faiths. .

7. EVENTS

- 7.1 The Mayor should work with ~~officers~~the Mayor's Office to produce a proactive programme, which meets the Civic and Ceremonial Portfolio objectives. The Mayor will take account of the Executive's requirements and priorities in determining the programme. All invitations to civic / ceremonial events to be undertaken by the Mayor and/or Sheriff or any proposal for a civic event or engagement, however arising, will be processed through ~~officers~~the Mayor's Office who will liaise closely with the Mayor, conduct any necessary research and advise the Mayor and/or Sheriff on their suitability. Attendance at all engagements will be co-ordinated by ~~officers~~the Mayor's Office. Events attended by the Mayor should be of a non-political nature. The advice of the Leader and/or Service Director: Legal & Governance should be sought if necessary. Delegations or visits led by the Mayor to places outside Southampton should be subject to appropriate planning, budget and reporting, and must be organised by ~~officers~~the Mayor's Office.
- 7.2 The Sheriff should cover events / engagements that the Mayor is unable to undertake. Where the Sheriff is not available, the Council's representative should be a Councillor (with priority for former Mayor's). Invitations should only go beyond Sheriff when it is considered that the lack of civic presence would be seen as detrimental to the Council. ~~Officers~~The Mayor's Office should decide this in consultation with the Service Director: Legal & Governance when necessary. As the consorts / escorts of both the Mayor and Sheriff have no legal status, they should rarely attend functions independently of the Mayor or Sheriff. Consorts / escorts must never attend an event / engagement as a representative of the Council.
- 7.3 At events hosted by the Council, such as conferences and seminars, the Mayor will normally give a welcome to delegates. At events promoting Council achievements (eg opening new facilities) the Mayor will normally undertake ceremonial duties such as cutting of a ribbon, and the Leader or appropriate Cabinet Member will normally make the official speech.

8. VISITS ABROAD

- 8.1 Any planned visits abroad should be discussed with ~~officers~~the Mayor's Office who will refer the issue to the Service Director: Legal & Governance if necessary. Visits should be for official purposes and not of a personal or political nature.
- 8.2 If the Mayor proposes such a visit, as a guide it will be necessary to consider the following:

8.2.1 the purpose of the visit, the benefits to Southampton and its residents and how it will contribute to the city and/or detailed itinerary;

8.2.2 the names of others who will be accompanying the Mayor, details of the costs and any hospitality that will be received and from whom;

8.3 Invitations abroad should be arranged through ~~officers~~the Mayor's Office. The Service Director: Legal & Governance will decide on any logistical or other arrangements necessary or appropriate or ancillary to any visit abroad, eg whether or not officers of the Council should accompany the Mayor.

9. ADMIRAL OF THE PORT

9.1 As Admiral of the Port, the Mayor has no formal powers as such associated with this particular office. However, in view of the historic relationship between the City Council and particularly the Mayor as Admiral of the Port and port-related activities and because of the significance of the port to Southampton's life, the Mayor shall maintain, promote, enhance and support those links, whether in the business, leisure, tourism or other aspect of the City's life.

10. ALLOWANCE

10.1 Both the Mayor and Sheriff are paid an allowance during their term of office to reflect expenses incurred. This is to cover general expenses and receptions they wish to host. The Mayor and ~~officers~~the Mayor's Office should ensure that overall spend on the civic purse, civic hospitality and civic functions is within budget. The Mayor should abide by any rules of guidance issued from time to time by the Service Director: Legal & Governance and/or the Chief Finance Officer in respect of the ~~Mayor's charities and/or the~~ budget allocated to the Mayor by the Council.

11. USE OF THE OFFICIAL CAR

11.1 The Mayor and Sheriff may use a car provided by the Council to undertake their duties. Use of the ~~official~~ car is managed ~~through~~by officersthe Mayor's Office. The chauffeur and ~~official~~ car may not be used by the Mayor and Sheriff other than in the civic and ceremonial capacity of these offices. ~~The chauffeur and official car are the assets of the Council under the control of the Mayor's Office~~. Instructions to the chauffeur are given by ~~officers~~the Mayor's Office. It is normal for the Mayor or their escort to be collected from the Mayor's residence; where this is not practical, arrangements shall be agreed in advance with ~~officers~~the Mayor's Office.

12. USE OF MAYOR'S OFFICE AND PARLOUR

12.1 The Mayor and Sheriff may use accommodation (the Mayor's office and parlour) provided by the Council to undertake their duties. Use of this accommodation is managed through ~~officers~~the Mayor's Office. The Mayor and/or Sheriff shall not use this accommodation other than for civic and/or ceremonial purposes without the prior consent of ~~officers~~the Mayor's Office. The accommodation is the asset of the Council under the control of ~~officers~~the Mayor's Office.

13. ACCEPTANCE OF GIFTS

- 13.1 Personal gifts received by the Mayor and Sheriff must be declared in the normal way. Gifts presented to the Mayor and /or Sheriff (in his/her ceremonial capacities as first or second citizen for the City) shall be accepted by the Mayor or Sheriff for the city / Council, may not be retained by the Mayor or Sheriff either during their municipal year or after and shall be passed to ~~officers~~the Mayor's Office who shall manage such gifts on behalf of the Council. Gifts received during the year shall be displayed in the Mayor's Parlour. In exceptional circumstances, the Service Director: Legal & Governance may decide that it is appropriate for them to retain a gift (for example, when the gift is of nominal value and/or similar gifts are presented to and retained by other Members and/or ~~Officers~~).

14. USE OF IMAGES OF THE MAYOR AND/OR SHERIFF IN ELECTORAL MATERIAL

- 14.1 It is considered inappropriate for the Mayor and/or Sheriff to appear in any electoral material, whether associated with their election, or another candidate's election, in any official regalia or robes. The Mayor and Sheriff should use all reasonable endeavours to avoid this from occurring. Any such occurrence may well be reported to the Governance Committee depending upon the circumstances.

15. MEDIA

- 15.1 Given the status of the Mayor and Sheriff as First and Second Citizens of the City, any dealings with the media should be conducted via Public Relations and ~~officers~~the Mayor's Office should be advised. The Communications team is responsible for dealing with the press and media on behalf of the Council. Therefore, all official communication relating to the Council (but not party political or private matters) should be dealt with by the team. The Mayor and Sheriff should be aware that any private / party political communications they issue may bring their office into disrepute and should always, therefore, seek advice before doing so.

16. SUPPORT FROM ~~OFFICERS~~THE MAYOR'S OFFICE

- 16.1 ~~Officers~~The Mayor's Office will provide to the Mayor and Sheriff upon their appointment to office information on:
- 16.1.1 The different allowances and how they may be used;
 - 16.1.2 Awareness of tax liabilities of allowance
 - 16.1.3 Local charities and regular yearly events and functions;
- 16.2 During the Civic year, ~~officers~~the Mayor's Office will:
- 16.2.1 manage the civic diary and ensure arrangements for chauffeur are in place;
 - 16.2.2 receive and follow up invitations;
 - 16.2.3 arrange occasional events;
 - 16.2.4 give proper briefings and advice as necessary;
 - 16.2.5 manage the budget, in consultation with the Democratic Services Manager;

- 16.2.6 prepare necessary reports for the Council / Committee etc;
- 16.2.7 provide such other support as is necessary and appropriate.

16.3 ~~The Mayor's Office and Officers working in the Mayor's Office work for the Council and are~~ under the managerial control of the Democratic Services Manager and ultimately the Service Director: Legal & Governance.

17. SUPPORT FROM THE REST OF THE COUNCIL

17.1 During the course of the Mayoral year, the Mayor and the **Service Director: Legal and Governance** will liaise regularly. ~~OfficersThe Mayor's Office~~ will take steps in order to enable regular briefings to take place, and will liaise with the **Service Director: Legal & Governance** to ensure this happens.

17.2 At the commencement of the Mayoral year, the Mayor will have meetings with the ~~Chief Executive, Directors,~~ Chief Financial Officer and/or Service Director: Legal & Governance, so the Mayor may be briefed and aware of issues of interest. The Mayor's role will include supporting the council's corporate priorities and the key themes that the Mayor wishes to adopt should be explored to ensure they match the council's corporate plan. In this way, all of the engagements and initiatives that the Mayor undertakes will be supportive of the work of the council.

17.3 During the Mayoral year the Mayor may wish to be briefed by officers on other issues of interest to the Mayor or on issues that arise relevant to the Mayoral duties. Meetings may also be arranged on behalf of the Sheriff.

18. END OF YEAR REPORT

18.1 At the end of the Mayor's municipal year, the Mayor will have the opportunity to review the year with the Service Director: Legal & Governance and the Democratic Services Manager. The views of the Mayor will be taken into account in making changes to this protocol, the work of ~~officersthe Mayor's Office~~ and in the planning of future initiatives. A report on the work of the Mayor will be included on the Mayor's web page.

19. CIVIC EVENTS CO-ORDINATION

19.1 Following identification of the key themes that the Mayor wishes to adopt, a meeting will be held with the Leader of the Council to set a programme for the co-ordination of events. The meeting will ensure that appropriate Members and Officers represent the Council according to the type of function and will advise external organisations to whom representative invitations should be addressed. The programme of events will be reviewed by the **Service Director: Legal and Governance as appropriate**~~Council Management Team on a quarterly basis~~ to ensure that the programme continues to match the council's corporate objectives.

This page is intentionally left blank

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



Page

General Notes

1. Chief Officers & Service Directors
2. Chief Executive
3. Director of Public Health
4. CHIEF STRATEGY OFFICER
5. Service Director: Strategic Finance & Commercialisation (S151)
6. Service Director: Intelligence, Insight & Communications
7. HR Manager (OD & Reward)
8. HR Manager (Workforce Planning)
9. Service Director: Legal & Governance (MO)
10. Service Director: Strategic Commissioning
11. CHIEF OPERATIONS OFFICER
12. Service Director: Children's & Families (DCS)
13. Service Director: Adults, Housing & Communities (DASS)
14. Service Director: Transactions & Universal Services
15. Service Director: Growth
16. Building Control Partnership Manager
17. Planning & Development Manager
18. Head of Economic Development & Skills
19. Head of Capital Assets
20. TRANSFORMATION IMPLEMENTATION DIRECTOR
21. Service Director: Digital & Business Operations

April 2016

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 Service Director.
12. The compilation of a Register of Delegated Powers is a statutory requirement. The Register is maintained by the Service Director: Legal & Governance, 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 Service Director: Legal & Governance 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 Service Director: Legal & Governance.
18. All matters of interpretation of this document will be determined by the Service Director: Legal & Governance.

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 Service Director: Legal & Governance.
23. This Scheme of Delegated Powers was approved as part of the Council's Constitution on xxxxxxxxxx. 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 Service Directors can also be exercised by their relevant Service Leads.

DIRECTORS AND SERVICE DIRECTORS

1. DIRECTORS AND SERVICE DIRECTORS

- 1.1 If a function, power or responsibility has not been specifically reserved to the Council, a Committee or the Executive, the Service Director within whose remit the matter falls is authorised to act.
- 1.2 The Council, its Committees and the Executive will make decisions on matters of significant policy. Directors and Service Directors 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.
- 1.3 Directors and Service Directors are empowered to take all routine and day-to-day operational service 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).
- 1.4 In relation to all delegated authorities conferred on Directors and Service Directors, 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.
- 1.5 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.
- 1.6 Directors and Service Directors 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.
- 1.7 Directors and Service Directors 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, Service Director: Strategic Finance & Commercialisation and Service Director: Legal & Governance (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.
- 1.8 Directors and Service Directors may set, approve or vary, following consultation with the relevant Cabinet Member, Service Director: Strategic Finance & Commercialisation and the Service Director: Legal & Governance, the scale of fees and charges for all services within their service area. 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.
- 1.9 Directors and Service Directors may write off debt, following consultation with the Service Director: Strategic Finance & Commercialisation, in line with guidance that is issued by the Service Director: Strategic Finance & Commercialisation.
- 1.10 Directors and Service Directors 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 Service Leads, 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

DIRECTORS AND SERVICE DIRECTORS

issues), and the Service Director: Strategic Finance & Commercialisation and Service Director: Legal & Governance 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”.

- 1.11 Directors and Service Directors shall have the authority and may authorise officers within their functional responsibilities to undertake activities and have powers to undertake those activities including powers of entry, in accordance with relevant legislation as advised from time to time by the Service Director: Legal & Governance.
- 1.12 Directors and Service Directors will undertake all and any functions and tasks necessary in support of or related to supporting approved partnerships and joint working. This includes joint working with other public bodies and agencies, including the CCG, 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).
- 1.13 Directors and Service Directors are empowered 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.
- 1.14 Chief Officers and Service Directors are empowered 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.
- 1.15 Following consultation with the Service Director: Legal & Governance and Service Director: Strategic Finance & Commercialisation, Service Directors are empowered 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 lottery bids, but also to any new schemes as yet not in place, and is framed broadly and should apply in the same way).
- 1.16 Directors and Service Directors are empowered to authorise the attendance by any Member at a conference, meeting or other event, following consultation with the Service Director: Legal & Governance, provided the costs are to be met from the relevant Portfolio budget.
- 1.17 Following consultation with the Service Director: Strategic Finance & Commercialisation and the appropriate officers dealing with European matters, Service Directors are empowered to complete and submit expressions of interest for funding or initiatives to any UK or EU funding agencies.

DIRECTORS AND SERVICE DIRECTORS

- 1.18 Directors and Service Directors are empowered 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.
- 1.19 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.
- 1.20 To authorise the attendance by any Member at a conference, meeting or other event, following consultation with the Service Director: Legal & Governance, provided the costs are to be met from the relevant central training budget.
- 1.21 To purchase services or sell spare capacity where there is a financial, service or other benefit to the authority, in consultation with the Service Director: Strategic Finance & Commercialisation and Service Director: Legal & Governance.
- 1.22 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.

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 Service Directors 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 Service Directors.

Regulation of Investigatory Powers Act 2000

- 1.23 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.
- 1.24 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.
- 1.25 To execute works in default of compliance of any statutory notice served and to demand the recovery of expenses incurred by the local authority.
- 1.26 To service notice requiring payment for works carried out in default.

MAY ONLY BE EXERCISED BY A DIRECTOR AND/OR SERVICE DIRECTOR AS THE NOMINEE OF THE CHIEF EXECUTIVE

Employment Matters

General Authority

- 1.27 To take action under the Council's HR Policies and Procedures, including any work associated with consequential appeals, whether within the Council or otherwise.

DIRECTORS AND SERVICE DIRECTORS

- 1.28 To appoint officers for the implementation of the Council's functions as prescribed by Procedure Rules and Recruitment Policy.

DIRECTORS AND SERVICE DIRECTORS

Structures and Establishments

1.29 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, where no posts are regraded and where all arrangements are in line with the approved pay and allowances framework.

NB: Any proposed change or variation to the approved pay and allowances framework may only be authorised by the Chief Strategy Officer.

1.30 To delete posts from the organisational structure.

N.B Any other variations in the organisational structure are subject to approval from the appropriate Service Director and Chief Strategy Officer.

1.31 To agree an overlap period for the appointment of employees provided the necessary finance is available within service budgets.

1.32 To authorise the appointment of temporary employees provided that the necessary finance is available within service budgets or financed from external sources.

1.33 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

1.34 To approve and authorise overtime in accordance with the scheme of allowances as approved by the Chief Strategy Officer, subject to the necessary finance being available.

1.35 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 after consultation with the Chief Strategy Officer.

1.36 Subject to budgetary provision, to approve the attendance of employees at conferences, courses and seminars.

1.37 To approve payment of subscriptions for membership of professional associations (only one per employee) when the job description specifies that such membership is obligatory.

1.38 To authorise subsistence payments in accordance with the Council's approved schemes.

1.39 To withdraw the payment of a telephone allowance.

1.40 To approve an occasional payment to an employee where a Directorate has a need for language interpretation 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 service requires the language skills to be made available on demand.

Leave

DIRECTORS AND SERVICE DIRECTORS

- 1.41 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, after consultation with the Chief Strategy Officer.
- 1.42 To authorise up to 28 days paid leave of absence per annum for employees undertaking duties as a Member of a relevant Council (Local Government and Housing Act 1989).
- 1.43 To authorise leave of absence without pay for over three months for post entry training or for other reasons.
- 1.44 To grant compassionate leave of up to six days, in accordance with the guidance provided.
- 1.45 To grant compassionate leave in excess of six days, after consultation with the Chief Strategy Officer.
- 1.46 To approve other special leave, with or without pay, after consultation with the Chief Strategy Officer.

Sickness

- 1.47 After consultation with the Chief Strategy Officer, to grant extensions of sick pay in excess of two months at either full or half pay dependent on the circumstances.

Trade Union Facilities

- 1.48 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 Chief Strategy Officer.

Other Matters

- 1.49 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.
- 1.50 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.
- 1.51 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 Service Director: Growth being given 14 days to comment on the proposal prior to the submission of the formal application; and
 - ii. the Service Director: Growth 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.
- 1.52 Subject to the approval of the Service Director: Legal & Governance, 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.

DIRECTORS AND SERVICE DIRECTORS

- 1.53 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.
- 1.54 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.
- 1.55 To authorise all suitably qualified members of staff to carry out all powers delegated and to sign statutory notices on behalf of the Council.
- 1.56 To use 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.
- 1.57 To investigate and respond to all complaints, whether under the Council's Customer Complaints procedure or otherwise.
- 1.58 To dispose of any surplus equipment.
- 1.59 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.
- 1.60 In the event of an emergency, to take any action as necessary.
- 1.61 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.
- 1.62
 - 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 Service Director: Legal & Governance.
- 1.63 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

DIRECTORS AND SERVICE DIRECTORS

Service Director (where they are not the delegatee) to the Service Director: Legal & Governance and the appropriate Service Director.

- 1.64 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.
- 1.65 To arrange visits, lectures and similar visits to publicise Council and City activities.
- 1.66 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.
- 1.67 To grant a civic reception or luncheon subject to approval of the Service Director: Legal & Governance who shall consult with the Mayor.
- 1.68 To authorise appropriate officers to administer formal cautions in respect of any criminal offence.
- 1.69 Where a decision is required to be made by the Executive, following consultation with the community or part of a community, the relevant Service Director is authorised to commence that consultation, following consultation with the relevant Cabinet Member, and the decision shall be reported back to the Executive for it to determine whether or not to proceed (including the results of that consultation).
- 1.70 Under the direction of the Service Director: Legal & Governance, 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.
- 1.71 As directed from time to time by the Communications Manager, to take such action as necessary in relation to internal or external communications.
- 1.72 Following consultation with the relevant Cabinet Member and Service Director: Legal & Governance to make applications to the Secretary of State in respect of works on common land.

CHIEF EXECUTIVE

2. CHIEF EXECUTIVE

2.1 The Chief Executive shall be the Head of Paid Service and be provided by the authority with such resources as s/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.

2.2 Urgent Matters

2.2.1 The Chief Executive may decide that any function, question or matter 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 (2.3.2) shall apply.

2.2.2 The Chief Executive shall have the power (or may designate the Chief Operating Officer, Chief Strategy Officer or a Service Director 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.

2.2.3 The exercise by the Chief Executive, Chief Operating Officer, Chief Strategy Officer and Service Director 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, Chief Operating Officer, Chief Strategy Officer or designated Service Director before making a decision under paragraph 2.3.2 shall consult with the Leader;
- c. that the Chief Executive, Chief Operating Officer, Chief Strategy Officer or designated Service Director before making a decision under paragraph 2.3.2, shall consult with the Service Director: Legal & Governance and the Service Director: Strategic Finance & Commercialisation or their nominated deputies;
- d. that a record of all decisions made or recommendations implemented, together with the consultations referred to in paragraphs 2.3.3(b) and

CHIEF EXECUTIVE

(c) shall be recorded and maintained by the Service Director: Legal & Governance; 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.

2.3 The Chief Operating Officer, Chief Strategy Officer and each Service Director (in their service area) and Service Director: Legal & Governance (all areas) may each exercise the powers of the Chief Executive in the event of his/her incapacity, absence or unavailability.

DIRECTOR OF PUBLIC HEALTH

3. DIRECTOR OF PUBLIC HEALTH

- 3.1 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.
- 3.2 To undertake any of the Secretary of State's public health protection or health improvement functions delegated to local authorities.
- 3.3 To plan for, and respond to, emergencies that present a risk to public health, after consultation with the council's emergency planning officer where appropriate.
- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 To produce and update as necessary the Southampton Joint Strategic Needs Assessment in partnership with Southampton City Clinical Commissioning Group.
- 3.8 To lead on and co-ordinate the development, production, publication and updating of the Southampton Joint Health and Wellbeing Strategy in partnership with Southampton City Clinical Commissioning Group.
- 3.9 To produce the Director of Public Health's annual report.
- 3.10 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
- 3.11 To ensure delivery of the National Child Measurement Programme.
- 3.12 To secure the delivery of the NHS Health Check assessment.
- 3.13 To ensure appropriate access to sexual health services.
- 3.14 To ensure appropriate clinical governance arrangements are in place in respect of any clinical services commissioned, including sexual health and drug and alcohol services.
- 3.15 To maintain a particular focus on ensuring disadvantaged groups receive the attention they need, with the aim of reducing health inequalities.

CHIEF STRATEGY OFFICER

4. CHIEF STRATEGY OFFICER

- 4.1 To make amendments to the Council's equality policies in order to address evolving legal and performance requirements.
- 4.2 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 Service Directors, and the Service Director: Strategic Finance & Commercialisation.
 - a. defining the overall standards to be adhered to for that particular service area; and
 - b. commissioning advice on changes to policy.

HR

- 4.3 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.

General

- 4.4 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.
- 4.5 In respect of the resolution dated 16th April 2002 of Employment Panel regarding Appointment and Dismissal of Directors and Service Directors to implement and adopt arrangements in the event of exceptional circumstances and following consultation with the relevant Cabinet Member.
- 4.6 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).
- 4.7 To make such operational requirements as to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 as referred to in the revised Officer Employment Procedure Rules.

Structures and Establishments

- 4.8 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.
- 4.9 To approve changes in the designation of posts.

Pay and Benefits

- 4.10 To approve any variations or changes to the approved pay and allowances framework.

CHIEF STRATEGY OFFICER

- 4.11 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.
- 4.12 To approve the payment of honoraria where it does not relate to covering a higher graded post.
- 4.13 In the case of covering for a post, approve the payment of an honorarium.
- 4.14 To approve merit increments in excess of two in any year.
- 4.15 To determine applications for the re-assessment of the grade of posts, whether initiated by management or an employee.
- 4.16 To waive the conditions under which payments are made under the Relocation Expenses Scheme.
- 4.17 To review and vary the value of long service awards, following consultation with the relevant Cabinet Member.
- 4.18 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.
- 4.19 To adjust the Taxi Allowance in line with taxi fare increases.
- 4.20 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 Service Director: Strategic Finance & Commercialisation.
- 4.21 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.
- 4.22 To authorise the allocation and payment of car allowances.
- 4.23 To authorise advance of pay on appointment to monthly pay.

Sickness

- 4.24 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.
- 4.25 To grant extensions of sick pay for up to two months at either full or half pay dependent on the circumstances.

Trade Union Facilities

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

HR MANAGER (ORGANISATIONAL DEVELOPMENT & RENEWAL)

5. HR MANAGER (ORGANISATIONAL DEVELOPMENT & RENEWAL)

General

- 5.1 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.
- 5.2 In respect of the resolution dated 16th April 2002 of Employment Panel regarding Appointment and Dismissal of Directors and Service Directors to implement and adopt arrangements in the event of exceptional circumstances and following consultation with the relevant Cabinet Member.
- 5.3 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).
- 5.4 To make such operational requirements as to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 as referred to in the revised Officer Employment Procedure Rules.
- 5.5 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.

Structures and Establishments

- 5.6 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.
- 5.7 To approve changes in the designation of posts.

Pay and Benefits

- 5.8 To approve any variations or changes to the approved pay and allowances framework.
- 5.9 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.
- 5.10 To approve the payment of honoraria where it does not relate to covering a higher graded post.
- 5.11 In the case of covering for a post, approve the payment of an honorarium.
- 5.12 To approve merit increments in excess of two in any year.
- 5.13 To determine applications for the re-assessment of the grade of posts, whether initiated by management or an employee.
- 5.14 To waive the conditions under which payments are made under the Relocation Expenses Scheme.
- 5.15 To review and vary the value of long service awards, following consultation with the relevant Cabinet Member.

HR MANAGER (ORGANISATIONAL DEVELOPMENT & RENEWAL)

- 5.16 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.
- 5.17 To adjust the Taxi Allowance in line with taxi fare increases.
- 5.18 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 Service Director: Strategic Finance & Commercialisation.
- 5.19 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.
- 5.20 To authorise the allocation and payment of car allowances.
- 5.21 To authorise advance of pay on appointment to monthly pay.

Sickness

- 5.22 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.
- 5.23 To grant extensions of sick pay for up to two months at either full or half pay dependent on the circumstances.

Trade Union Facilities

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

HR MANAGER (EMPLOYEE RELATIONS & WORKFORCE PLANNING)

6. HR MANAGER (EMPLOYEE RELATIONS & WORKFORCE PLANNING)

General

- 6.1 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.
- 6.2 In respect of the resolution dated 16th April 2002 of Employment Panel regarding Appointment and Dismissal of Directors and Service Directors to implement and adopt arrangements in the event of exceptional circumstances and following consultation with the relevant Cabinet Member.
- 6.3 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).
- 6.4 To make such operational requirements as to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 as referred to in the revised Officer Employment Procedure Rules.

Structures and Establishments

- 6.5 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.
- 6.6 To approve changes in the designation of posts.

Pay and Benefits

- 6.7 To approve any variations or changes to the approved pay and allowances framework.
- 6.8 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.
- 6.9 To approve the payment of honoraria where it does not relate to covering a higher graded post.
- 6.10 In the case of covering for a post, approve the payment of an honorarium.
- 6.11 To approve merit increments in excess of two in any year.
- 6.12 To determine applications for the re-assessment of the grade of posts, whether initiated by management or an employee.
- 6.13 To waive the conditions under which payments are made under the Relocation Expenses Scheme.
- 6.14 To review and vary the value of long service awards, following consultation with the relevant Cabinet Member.
- 6.15 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.

HR MANAGER (EMPLOYEE RELATIONS & WORKFORCE PLANNING)

- 6.16 To adjust the Taxi Allowance in line with taxi fare increases.
- 6.17 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 Service Director: Strategic Finance & Commercialisation.
- 6.18 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.
- 6.19 To authorise the allocation and payment of car allowances.
- 6.20 To authorise advance of pay on appointment to monthly pay.

Sickness

- 6.21 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.
- 6.22 To grant extensions of sick pay for up to two months at either full or half pay dependent on the circumstances.

Trade Union Facilities

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

SERVICE DIRECTOR: STRATEGIC FINANCE & COMMERCIALISATION

7. SERVICE DIRECTOR: STRATEGIC FINANCE & COMMERCIALISATION

The Service Director: Strategic Finance & Commercialisation is responsible, for the purposes of Section 151 Local Government Act 1972, for the Council's Financial Affairs.

- 7.1 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.
- 7.2 To provide loans under the Assisted Car Purchase Scheme and review the minimum loan in accordance with the increase in RPI for the Council's benchmark cars.
- 7.3 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.
- 7.4 To annually review and set the interest rate for the car loan scheme.
- 7.5 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.
- 7.6 To finalise details of the operation of the Employee Car Scheme within the Council's policy.
- 7.7 To determine the instalment date in respect of the Statutory Instalment Scheme for the Council Tax.
- 7.8 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.
- 7.9 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 Rates | |
- reserving only to the Council those functions specifically precluded from delegation by legislation.
- 7.10 To approve the Council Tax Base for the City.
- 7.11 To approve the National Domestic Rates Return (NNDR1) for submission to the Department for Communities and Local Government.
- 7.12 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.
- 7.13 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.

SERVICE DIRECTOR: STRATEGIC FINANCE & COMMERCIALISATION

- 7.14 To set the mortgage interest rate for Council mortgages in accordance with the Housing Act 1985.
- 7.15 To finalise details of the operation of the Mortgage Equity Scheme within the Council policy.
- 7.16 To introduce and operate a Discretionary Housing Payments Scheme in accordance with the Discretionary Financial Assistance Regulations 2001.
- 7.17 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.
- 7.18 After consultation with the Service Director: Adults, Housing & Communities and the Service Director: Legal & Governance, to enter into business agreements for the provision of financial assistance provided by external partners in relation to the Private Sector Housing Strategy.
- 7.19 To have authority to take all action as is necessary or expedient to fulfil the statutory obligations under Section 151 Local Government Act 1972.
- 7.20 To provide or arrange for the provision of financial advice to the Council, including from external sources.
- 7.21 To negotiate all loans of money to the City Council (including bank overdrafts) within the City Council's overall borrowing powers.
- 7.22 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.
- 7.23 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.
- 7.24 To be responsible to the Council for the purchase, sale, realisation or exchange of investments.
- 7.25 To enter into any operating leasing agreements that might be required.
- 7.26 To write off any debts of the Council up to £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.
- 7.27 To approve any direct debit arrangements for the Council.
- 7.28 To authorise requests for Assisted Car Purchase Scheme loans after consultation with the Chief Strategy Officer.

Sixth Form Colleges

- 7.29 After consultation with the Service Director: Children & Families, to make an advance of funds to a college.
- 7.30 To issue a Financial Notice to Improve in accordance with the Apprenticeships, Skills, Children & Learning Act 2009.
- 7.31 After consultation with the Service Director: Children & Families, to issue a capital related borrowing consent in relation to post 16 learning providers.

SERVICE DIRECTOR: STRATEGIC FINANCE & COMMERCIALISATION

7.32 After consultation with the Service Director: Children & Families, to issue a solvency related borrowing consent in relation to post 16 learning providers.

Other

7.33 After consultation with the Service Director: Children & Families, to use intervention powers under the Apprenticeships, Skills, Children and Learning Act 2009.

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

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

7.36 To support services areas in the management of operational and strategic risk;

7.37 To facilitate and support the Council Management Team in respect of the periodic review of the council's strategic risks;

7.38 To arrange appropriate risk financing measures and provide advice and guidance on the extent of insurance or self-insurance arrangements;

7.39 Where appropriate, to arrange the placement of cover with insurers including the negotiation of premium rates and policy terms

7.40 To provide and manage a claims handling service to process claims made by directorates and by members of the public.

SERVICE DIRECTOR: INTELLIGENCE, INSIGHT & COMMUNICATIONS

8. SERVICE DIRECTOR: INTELLIGENCE, INSIGHT & COMMUNICATIONS

- 8.1 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.
- 8.2 To edit and publish internal and external communications.
- 8.3 In cases of urgency, and/or when an appropriate Member or officer is not available, to act as a spokesperson for the Council.
- 8.4 To publish and edit the Council's website (Internet) and any subsequent related media.
- 8.5 To commission the sale of advertising or sponsorship in Council (or Council related) publications or on council property subject to legal, etc constraints and Council policy.
- 8.6 To undertake negotiations on behalf of the Council in respect of proposed special events in the City.
- 8.7 To prepare and implement communication plans where required.
- 8.8 To ensure that the Council complies with the recommended Code on Local Authority Publicity.
- 8.9 To commission market research.
- 8.10 The provision and sharing of data and research initiatives.
- 8.11 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.
- 8.12 To develop and implement a system for collecting and analysing data to understand and communicate Southampton's relative position in the Public Health Outcomes Framework.
- 8.13 To be responsible for the completion and updating of the Policy Framework Plans and implementing the council's Performance Management Framework.
- 8.14 To grant permission for events on public lands (including the Guildhall Square open space and Cultural Quarter) and, where applicable, to make appropriate charges.
- 8.15 To make amendments to the Housing Strategy 2011-2015 following consultation with the relevant Cabinet Member and further consultation with the relevant Scrutiny Panel.
- 8.16 To liaise with the Police on matters regarding the Prevent duty and related matters.

Film Requests

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

SERVICE DIRECTOR: LEGAL & GOVERNANCE

9. SERVICE DIRECTOR: LEGAL & GOVERNANCE

The Service Director: Legal & Governance is 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.

- 9.1 To be any Proper Officer, required by any legislation.
- 9.2 To undertake, appoint and vary the appointment of any Proper Officer required by any legislation.
- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 To grant authorisations for the dissemination of information under Section 142 Local Government Act 1972 and Section 115 Highways Act 1980.
- 9.8 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.
- 9.9 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.
- 9.10 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.
- 9.11 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.
- 9.12 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.

SERVICE DIRECTOR: LEGAL & GOVERNANCE

- 9.13 Following consultation with the Service Director: Strategic Finance & Commercialisation, 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.
- 9.14 To implement the Incident List and Exclusion Policy and to issue and vary a procedure under which the Council shall operate said policy.
- 9.15 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 £100,000 in value and to determine when a legal charge is required on property to secure the repayment of any grant awarded.
- 9.16 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.
- 9.17 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.
- 9.18 To fill vacant Executive appointments following consultation with the Leader.
- 9.19 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.
- 9.20 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).
- 9.21 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

- 9.22 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.
- 9.23 To determine the category of members of the pool (lay or independent members) and to maintain a list of pool members.
- 9.24 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.
- 9.25 To act as Clerk to the Independent Education Appeal Panels and to appoint officers to act as clerks at hearings of the Panels.

SERVICE DIRECTOR: LEGAL & GOVERNANCE

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

- 9.26 All functions, powers and duties under the Wildlife and Countryside Act 1981 as amended in relation to Rights of Ways, including but not limited to the 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).
- 9.27 Power to prepare a map and statement by way of consolidation of definitive map and statement, under section 57A.
- 9.28 Power to determine applications under Section 53 and Schedule 14 for inclusion of routes on the Definitive Map & Statement.

Other Matters

- 9.29 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).
- 9.30 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;
- 9.31 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.
- 9.32 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.
- 9.33 To enter into any necessary planning obligations on behalf of the Council prior to the grant of planning permission.
- 9.34 Power to agree and recommend the terms of variation for a planning obligation where the overall effect of the planning obligation is still achieved.
- 9.35 Power to enter into any necessary Deed of Variation of a planning obligation where the overall effect of the planning obligation is still achieved.
- 9.36 To enter into joint agreements for the provision of the services by health bodies or organisations.
- 9.37 To obtain information about people interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 9.38 To issue any remedial notices or withdraw, relax or waive (after consultation with the Service Director: Growth pursuant to section 68(4) and Section 69 and 70 of the Anti-Social Behaviour Act 2003 (High Hedges).
- 9.39 To take any necessary enforcement action in relation to remedial notices and to take appropriate action to recover costs reasonably incurred.

SERVICE DIRECTOR: LEGAL & GOVERNANCE

- 9.40 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.
- 9.41 To make arrangements for the appointment and operation of an Independent Remuneration Panel to recommend the level of allowances paid to Members.
- 9.42 To determine the eligibility of Members and others entitled to such allowances.
- 9.43 To authorise payment of Members' allowances.
- 9.44 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.
- 9.45 To determine and approve allowances payable to the Independent Remuneration Panel.
- 9.46 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.
- 9.47 To authorise the temporary replacement of Committee and Sub-Committee members in accordance with the published procedure under Council Rules of Procedure 4.3.
- 9.48 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.
- 9.49 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.
- 9.50 (i) 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.
- (ii) Additionally, to investigate, institute and authorise legal proceedings and prosecutions in respect of any statutory conspiracy offences and common law offences to include conspiracy and conspiracy to defraud; and authorisations to officers contained within this scheme shall include powers to investigate any statutory conspiracy offences and common law offences such as conspiracy and conspiracy to defraud.
- (iii) In respect of all statutory and common law offences referred to within this scheme, where deemed appropriate and reasonable to institute, or authorise legal proceedings and prosecutions where the cause of action arises or the place of offence is outside of Southampton City Council boundaries where such action deliver a benefit to the residents of the City of Southampton.
- 9.51 To appear and to authorise officers including those not within the managerial control of the Service Director: Legal & Governance to:
- (i) issue statutory notices or documents under any legislation, and
- (ii) appear on behalf of the City Council in proceedings in the County Court,

SERVICE DIRECTOR: LEGAL & GOVERNANCE

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.

- 9.52 To sign, serve and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.
- 9.53 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.
- 9.54 To recover all debts with the exception of outstanding general rates, community charges, national non domestic rates, Council tax, mortgages and rent arrears.
- 9.55 To settle any claim whether proceedings have been initiated or not, up to £250,000 following consultation with the Service Director: Strategic Finance & Commercialisation.
- 9.56 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.
- 9.57 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.
- 9.58 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.
- 9.59 To amend the Constitution pursuant to any decision of the Council where that decision warrants a change to the Constitution.
- 9.60 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.
- 9.61 To sign or endorse any documents on behalf of the authority where so requested by a citizen, eg authentication details, etc.
- 9.62 To issue and certify all forms of authorisation, including identity cards, for all Council officers and employees.
- 9.63 To certify as a true and correct record any documents in accordance with Section 229 Local Government Act 1972.
- 9.64 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 within the terms of the Regulations relating to local government functions.

SERVICE DIRECTOR: LEGAL & GOVERNANCE

- 9.65 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.
- 9.66 To determine all matters delegated to in his/her capacity as Proper Officer under the Council's Constitution, which may be amended from time to time, including 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
- 9.67 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.
- 9.68 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).
- 9.69 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.
- 9.70 Following consultation with Group Secretaries, to fill vacancies on all appointments to outside bodies and organisations that arise, 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.
- 9.71 To appoint members nominated by external organisations to any bodies set up under statutory requirements, partnership or other arrangements, excluding members of the Council.
- 9.72 To make arrangements for the receipt and opening of all tenders invited in accordance with the provisions of the Council's Contracts Procedure Rules.
- 9.73 To approve appointments to the Southern Group Valuation Tribunals.
- 9.74 To sign on behalf of the Council, Members' Declaration of Interest forms and to maintain any statutory or voluntary registers of Members' interests.
- 9.75 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.
- 9.76 To enter into interim Supporting People contracts.
- 9.77 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

SERVICE DIRECTOR: LEGAL & GOVERNANCE

associated civic or ceremonial matters, events or occasions regardless of portfolio overlaps.

Localism Act 2011

9.78 To determine applications made under the Community Right to Bid (CRTB) regulations.

SERVICE DIRECTOR: STRATEGIC COMMISSIONING

10. SERVICE DIRECTOR: STRATEGIC COMMISSIONING

- 10.1 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.
- 10.2 To approve expenditure on the following matters:
 - a. To approve and allocate grants to voluntary organisations, following consultation with the relevant Cabinet Members and Service Director: Strategic Finance & Commercialisation and make decisions to vary the budget allocation within Financial Procedure Rules.
 - b. contributions towards the running costs of new meals-on-wheels schemes and luncheon clubs and variations in costs of existing schemes.
- 10.3 To make modifications / amendments to the approved conditions of grant aid.
- 10.4 Following consultation with the relevant Cabinet Members and taking into account recommendations made by the Grants Advisory Panel, to determine and allocate Community Chest Grant applications and awards.
- 10.5 To act as receiver under legislation relating to mental health.
- 10.6 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.
- 10.7 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Service Director: Strategic Finance & Commercialisation.
- 10.8 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.
- 10.9 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 Care Act, Children's Act and allied legislation and Public Health responsibilities, after consultation with the Service Director: Children & Families and the relevant Cabinet Member.
- 10.10 To approve, amend or terminate contracts with providers whose services are commissioned by Southampton City Council or jointly with partners as part of the Integrated Commissioning Unit,.
- 10.11 To enter into partnership arrangements with Health bodies and approve future variations to the arrangements under Section 75 of the National health Services Act 2006 after consultation with the relevant Cabinet Members and the Service Director: Legal & Governance.
- 10.12 After consultation with the Service Director: Strategic Finance & Commercialisation and the Service Director: Legal & Governance, to extend, re-negotiate or enter into any further agreements with ~~Southampton City Clinical Commissioning Group~~ (SCCCG Health Bodies) in relation to any funding streams allocated to SCCC, or successor body, with the specific purpose of being transferred to or from the local

SERVICE DIRECTOR: STRATEGIC COMMISSIONING

authority under a Section 256 or Section 765 of the NHS Act 2006 arrangement and add any such sums to the budget.

10.13 Following consultation with the relevant 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.

10.14 All Adult Social Care functions exercisable by the Council in its capacity as a local authority.

10.15 To approve changes to the Health and Wellbeing Strategic Plan to ensure that it is kept updated.

~~10.16 To approve grants to voluntary organisations provide 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 relevant Cabinet Member.~~

~~10.17 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.~~

~~10.18 To approve and allocate grants to voluntary organisations, following consultation with the relevant Cabinet Member and Service Director: Strategic Finance & Commercialisation and make decisions to vary the budget allocation within Financial Procedure Rules.~~

~~10.19~~10.16 Any function exercised on behalf of an NHS body relating to children contained within Section 31 of the Health Act 1999.

~~10.20 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 relevant Cabinet Member.~~

~~10.24~~10.17 To set the fees and charges associated with the Southampton Shared Lives Scheme (formally known as the Adult Placement Scheme).

CHIEF OPERATIONS OFFICER (CUSTOMER EXPERIENCE)

11. CHIEF OPERATIONS OFFICER (CUSTOMER EXPERIENCE)

- 11.1 To change the decision-making body and managerial responsibilities for any property within the relevant portfolios in line with any amendments to the terms of reference for Executive decision-making bodies, Committees and Sub-Committees, following consultation with the Service Director: Strategic Finance & Commercialisation and Head of Capital Assets.
- 11.2 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 relevant portfolios and any other relevant environmental legislation, subject to the right of appeal 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
 - Gambling Act 2005
 - Highways Act 1980
 - Licensing Act 2003
 - 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
 - Scrap Metal Dealers Act 2013
 - Town and Country Planning Acts
 - Town Police Clauses Act 1847
 - Traffic Calming Act 1992
 - Traffic Management Act 2004
- 11.3 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.

CHIEF OPERATIONS OFFICER (CUSTOMER EXPERIENCE)

- 11.4 To submit bids for or tenders or to receive external competitively secured funding (in compliance with the 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 Financial Procedure Rules (including the purchase of services, supplies, and works) in the consequential administration of any such bids or tenders.
- 11.5 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

- 11.6 In respect of regeneration land, to approve variation to the terms of leases, licences, easements or wayleaves, covenants or any other transaction, after consultation with the Service Director: Strategic Finance & Commercialisation.
- 11.7 In respect of regeneration land, to approve the temporary use of property, pending long-term use.
- 11.8 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.
- 11.9 In respect of regeneration land, to acquire dwellings repurchased under Part XVI Housing Act 1985, following consultation with the Service Director: Strategic Finance & Commercialisation, subject to finance being available.
- 11.10 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.
- 11.11 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 Service Director: Strategic Finance & Commercialisation, to approve capital expenditure under Financial Procedure Rules in accordance with the sums included in the approved capital programme subject to the capital resources being available.
- 11.12 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

CHIEF OPERATIONS OFFICER (CUSTOMER EXPERIENCE)

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 Service Director: Strategic Finance & Commercialisation, Service Director: Legal & Governance and the Service Director: Growth. Where there is existing or intended Council ownership this must include the Head of Capital Assets.

- 11.13 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.
- 11.14 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 Service Director: Strategic Finance & Commercialisation.

Elections & Referenda

- 11.15 As Returning Officer and Electoral Registration Officer, 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.

Other

- 11.16 To make modifications / amendments to the approved standard conditions of grant aid.
- 11.17 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 Service Director: Strategic Finance & Commercialisation and Head of Capital Assets.
- 11.18 All Children's Services functions exercisable by the Council in its capacity as a local authority.
- 11.19 All functions relating to children contained within the Local Authority Social Services Act 1970.

11.20 Functions under Sections 23C to 24D of the Children Act 1989.??

- 11.21 Functions under Sections 10 to 17 inclusive and 20(9) of the Children Act 2004. In particular, the Service Director: Children & Families 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).
- 11.22 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.

CHIEF OPERATIONS OFFICER (CUSTOMER EXPERIENCE)

- 11.23 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.
- 11.24 To serve notices under Section 117 of the Education Act 1996 to suspend the financial delegation of any school.
- 11.25 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.
- 11.26 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Service Director: Strategic Finance & Commercialisation.
- 11.27 Following consultation with the Service Director: Legal & Governance, 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.
- 11.28 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.
- 11.29 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.
- 11.30 To appoint annually on 1st April the chairs of the Local Safeguarding Children's Board and the Local Safeguarding Adults Board.
- 11.31 Following consultation with the relevant 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.
- 11.32 Following consultation with the relevant Cabinet Member and Service Director: Legal & Governance, 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.
- 11.33 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.

CHIEF OPERATIONS OFFICER (CUSTOMER EXPERIENCE)

- 11.34 To issue Penalty Notices for non-attendance at all Southampton Schools in accordance with the Education (Penalty Notices) (England) Regulations 2004.
- 11.35 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.
- 11.36 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.
- 11.37 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.
- 11.38 Following consultation with the Service Director: Strategic Finance & Commercialisation, 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

- 11.39 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.
- 11.40 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.
- 11.41 To accept guardianship applications and subsequent renewals such action to be reported to the relevant Cabinet Member and to determine subsequent applications for discharge by the Authority.
- 11.42 To act as receiver under legislation relating to mental health.
- 11.43 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.
- 11.44 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.
- 11.45 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Service Director: Strategic Finance & Commercialisation.

CHIEF OPERATIONS OFFICER (CUSTOMER EXPERIENCE)

- 11.46 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.
- 11.47 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.
- 11.48 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).
- 11.49 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 Service Director: Strategic Finance & Commercialisation or Service Director: Legal & Governance 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 Service Director: Legal & Governance 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
- 11.50 To implement the developments agreed regarding the Council's own home care services, following consultation with the relevant Cabinet Member and the Service Director: Legal & Governance.
- 11.51 To make modifications / amendments to the approved standard conditions of grant aid.
- 11.52 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 Service Director: Strategic Finance & Commercialisation and Head of Capital Assets.
- 11.53 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 relevant Cabinet Member.
- 11.54 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 relevant Cabinet Member and the Service Director: Strategic Finance & Commercialisation.
- 11.55 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.

CHIEF OPERATIONS OFFICER (CUSTOMER EXPERIENCE)

- 11.56 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.
- 11.57 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.
- 11.58 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.
- 11.59 After consultation with the Service Director: Strategic Finance & Commercialisation and the Service Director: Legal & Governance, to extend, renegotiate, or enter into any further agreements with Southampton City Clinical Commissioning Group (SCCCG) in relation to any funding streams allocated to SCCC, or successor body, with the specific purpose of being transferred to or from the Local Authority under a S256 or S76 of the NHS Act 2006 arrangement and add any such sums to the budget.
- 11.60 Following consultation with the relevant 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.
- 11.61 All Adult Social Care's functions exercisable by the Council in its capacity as a local authority.
- 11.62 To approve, amend or terminate contracts with providers whose services are commissioned by Southampton City Council or jointly with partners as part of the Integrated Commissioning Unit, after consultation with the Service Director: Legal & Governance, Service Director: Strategic Finance & Commercialisation and the relevant Cabinet Member.

Care Act 2014

- 11.63 To discharge the Council's functions for care and support in accordance with the Care Act 2014 and any regulations thereunder.
- 11.64 To enter into any agreements including partnership arrangements to authorise a person or organisation to discharge the Council's functions under the Care Act 2014, pursuant to section 79 Care Act 2014
- 11.65 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; and

CHIEF OPERATIONS OFFICER (CUSTOMER EXPERIENCE)

- c. 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 Service Director: Legal & Governance, Head of Contract Management and the relevant Cabinet Member.

SERVICE DIRECTOR: CHILDREN'S & FAMILIES (DCS)

12. SERVICE DIRECTOR: CHILDREN'S & FAMILIES (DCS)

12.1 In relation to the Children Act 1989:

- a. to act as Director of Children's Services 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.

12.2 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.

12.3 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.

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

12.5 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 Chief Operating Officer considers that the prospective adopter's application is in the best interests of the child.

12.6 To reduce or waive the charge of providing a home study report for prospective inter-country adopters.

12.7 To exercise the functions of the Council in relation to individual children boarded out under the Children Act 1989 and other Regulations.

SERVICE DIRECTOR: CHILDREN'S & FAMILIES (DCS)

- 12.8 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.
- 12.9 To have discretion to reduce or waive any charge in any particular case of exceptional hardship.
- 12.10 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.

Boarding Policy

- 12.11 To administer boarding policies.
- 12.12 To provide assistance with appropriate incidental expenses in cases where the standard parental contribution towards boarding fees is nil.
- 12.13 Where appropriate, to deal with the requirements of particular cases outside the limitations of the policies outlined in 10.11 and 10.12.
- 12.14 All functions relating to children contained within the Local Authority Social Services Act 1970.
- 12.15 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.
- 12.16 Any function exercised on behalf of an NHS body relating to children contained within section 31 of the Health Act 1999.
- 12.17 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.
- 12.18 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 relevant Cabinet Member.
- 12.19 All children's services functions exercisable by the Council in its capacity as a local authority.
- 12.20 Functions under sections 10 to 17 inclusive and 20(9) of the Children Act 2004.
- 12.21 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Service Director: Strategic Finance & Commercialisation.

SERVICE DIRECTOR: CHILDREN'S & FAMILIES (DCS)

- 12.22 Following consultation with the Local Education Authority Governors' Appointment Panel, to nominate LEA governors.
- 12.23 To approve nominations of LEA representatives to serve on College Governing Bodies.
- 12.24 Following consultation with the appropriate Governing Body, to short-list candidates for interview for appointment as headteacher.
- 12.25 To approve individual exceptions to the general principle of including the names and addresses of all governors in written information for parents.
- 12.26 To administer within budgetary provision any scheme of aid to pupils with outstanding ability in sport.
- 12.27 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.
- 12.28 To exercise (following consultation with the Service Director: Strategic Finance & Commercialisation 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.
- 12.29 To make modifications / amendments to the approved standard conditions of grant aid.
- 12.30 Following consultation with the relevant Cabinet Member, the Service Director: Legal & Governance and the Service Director: Strategic Finance & Commercialisation 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.
- 12.31 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.
- 12.32 To issue penalty notices for non-attendance at all Southampton schools in accordance with the Education (Penalty Notices) (England) Regulations 2004.
- 12.33 Following consultation with the Service Director: Legal & Governance, 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.
- 12.34 To provide financial assistance to community organisations hiring education facilities in the City in order to encourage dual use.
- 12.35 To receive the instrument of Government from Governing Bodies.

SERVICE DIRECTOR: CHILDREN'S & FAMILIES (DCS)

Youth Bands and Orchestras

12.36 Following consultation with the Service Director: Strategic Finance & Commercialisation and Service Director: Legal & Governance, to approve all staffing and insurance arrangements for the visits of Youth Bands Orchestras and Choirs.

Music Service

12.37 In exceptional cases, to make available awards to pupils with musical talent who do not attend Southampton schools.

12.38 To approve, for music or performing arts courses, any college a Discretionary Award applicant wishes to attend.

Clothing Allowances

12.39 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.

12.40 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.

12.41 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 12.40 to 12.41 may be devolved to schools as part of their budget share after consultation with the Service Director: Strategic Finance & Commercialisation.

12.42 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.

12.43 To serve notices under Section 117 of the Education Act 1996 to suspend the financial delegation of any school.

12.44 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.

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

12.46 Following consultation with the Service Director: Strategic Finance & Commercialisation, 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.

12.47 To review and amend the scale of grants for extra-curricular activities to pupils at non-maintained schools as necessary.

Swimming

12.48 To approve educational arrangements with regard to swimming.

SERVICE DIRECTOR: CHILDREN'S & FAMILIES (DCS)

School Term and Holiday Dates

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

School Transport and Travelling Expenses

- 12.50 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.
- 12.51 To determine when supervision is necessary in motorcars and to arrange accordingly for pupils attending day schools.
- 12.52 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.
- 12.53 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.
- 12.54 To apply distance limits to obviate the division of groups of children living in specific roads where it is considered to be desirable.
- 12.55 To arrange transport where this is justified by exceptional family circumstances or on medical grounds.
- 12.56 To accept a route other than the shortest available in cases where the shortest route could constitute a temporary danger to a pupil.
- 12.57 To vary the charge for privilege transport from time to time.
- 12.58 To approve additional payments in exceptional cases in respect of travel expenses incurred by pupils with special educational needs attending boarding schools.
- 12.59 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.
- 12.60 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

- 12.61 Following consultation with the relevant 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.
- 12.62 Following consultation with the relevant Cabinet Member and Service Director: Legal & Governance, 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

SERVICE DIRECTOR: CHILDREN'S & FAMILIES (DCS)

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.

- 12.63 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.
- 12.64 To approve the data and inflation rates used in calculating school budget shares including numbers of special unit places.
- 12.65 To issue Penalty Notices for non-attendance at all Southampton Schools in accordance with the Education (Penalty Notices) (England) Regulations 2004.

INFRASTRUCTURE

School Organisation and Administration

- 12.66 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.
- 12.67 Following consultation with the appropriate Governing Body, to raise or lower the admission limit for a school on a temporary basis.
- 12.68 To agree, following consultation with the Service Director: Legal & Governance, the wording, form and content of any Statutory Notice for School Organisational Changes and the arrangements for their publication.

Premises and Equipment

- 12.69 Following consultation with the Service Director: Legal & Governance, 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.

School Meals

- 12.70 To decline requests for the provision of school meals in school holidays.
- 12.71 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.
- 12.72 To make suitable adjustments to the charge for school milk as necessary to ensure that no expense falls on the Council.
- 12.73 Following consultation with the Service Director: Strategic Finance & Commercialisation, 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.

SERVICE DIRECTOR: HOUSING, ADULTS & COMMUNITIES (DASS)

13. SERVICE DIRECTOR: ADULTS, HOUSING & COMMUNITIES (DASS)

ADULT SOCIAL CARE

- 13.1 All Adult's Social Care functions exercisable by the Council in its capacity as a local authority.
- 13.2 To discharge as Director of Adult Social Services, 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.
- 13.3 To accept guardianship applications and subsequent renewals such action to be reported to the relevant Cabinet Member and to determine subsequent applications for discharge by the Authority.
- 13.4 To act as receiver under legislation relating to mental health.
- 13.5 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.
- 13.6 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.
- 13.7 To make payments of trust monies for the maintenance, advancement or benefit of a beneficiary following consultation with the Service Director: Strategic Finance & Commercialisation.
- 13.8 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.
- 13.9 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.

HOUSING

These powers relate to Council dwellings within the HRA

- 13.10 To serve Notices of Seeking Possession and/or Notices to Quit where appropriate and to take necessary action upon the expiry of such Notices.
- 13.11 To institute proceedings for the recovery of possession of property and/or land occupied by squatters.
- 13.12 To serve notices and to institute forfeiture proceedings to residential leaseholders in appropriate cases.
- 13.13 To evict, where lawful, necessary and expedient.
- 13.14 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.

SERVICE DIRECTOR: HOUSING, ADULTS & COMMUNITIES (DASS)

- 13.15 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.
- 13.16 To operate the deferred payment mortgage scheme.
- 13.17 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.
- 13.18 In relation to water rates and budget warmth debts, to write off any debts which have been accepted and cannot be recovered.
- 13.19 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.
- 13.20 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.
- 13.21 To approve homeless, disturbance and ex-gratia payments for removal expenses for displaced tenants on modernisation or major works of Council dwellings.
- 13.22 To determine transfer by applications by tenants on management grounds.
- 13.23 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.
- 13.24 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.
- 13.25 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.
- 13.26 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.
- 13.27 To determine applications made under the Leasehold Reform, Housing and Urban Development Act 1993.
- 13.28 To institute proceedings under the Protection from Eviction Act 1977.
- 13.29 To institute proceedings under Section 1 Accommodation Agencies Act 1953.
- 13.30 To make amendments to the Tenants' Incentive Scheme eligibility criteria and authorise payments under the scheme if local circumstances require.
- 13.31 After consultation with the Service Director: Children & Families:

SERVICE DIRECTOR: HOUSING, ADULTS & COMMUNITIES (DASS)

- 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.
- 13.32 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.
- 13.33 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.
- 13.34 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 Service Director: Strategic Finance & Commercialisation.
- 13.35 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.
- 13.36 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.
- 13.37 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.
- 13.38 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.
- 13.39 To grant tenancies, in accordance with the Council's policy, to wardens who retire and approve exceptions to that policy in exceptional circumstances.
- 13.40 To review and amend the current allocations policy.
- 13.41 To allocate the Government Homelessness Directorate grant received, following consultation with the Homelessness Steering Group, relevant Cabinet Member and Service Director: Strategic Finance & Commercialisation.
- 13.42 To determine applications under Section 3(5) Housing Defects Act 1984.
- 13.43 To authorise payments under the Tenants Right to Compensation or Improvements and the Right to Repair.
- 13.44 To accept written in-house bids for the maintenance and improvement of HRA buildings following consultation with the Service Director: Strategic Finance & Commercialisation.
- 13.45 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.

SERVICE DIRECTOR: HOUSING, ADULTS & COMMUNITIES (DASS)

- 13.46 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 Service Director: Strategic Finance & Commercialisation after consultation with the Service Director: Legal & Governance.
- 13.47 To make financial amendments to the Housing Revenue Account Business Plan 2007 – 2037 and refresh every five years, following consultation with the relevant Cabinet Member.
- 13.48 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.
- 13.49 To make an ex-gratia payment to 'under occupying' tenants who move to smaller properties in accordance with housing policy.
- 13.50 To grant tenancies to applicants in accordance with the Lettings Policy and local lettings policy decisions and to grant temporary service tenancies.
- 13.51 To determine appropriate officers to act as security administrators for the HCA Investment Management System.
- 13.52 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.
- 13.53 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.
- 13.54 Following consultation with the relevant Cabinet Member and Service Director: Legal & Governance to make applications to the Secretary of State in respect of works on common land.
- 13.55 Following consultation with the relevant Cabinet Member and appropriate stakeholders to review and amend Directorate policies and strategies.
- 13.56 To grant a service concession to procure services that meet the Council's service plans, following consultation with the Service Director: Strategic Finance & Commercialisation or Service Director: Legal & Governance and the relevant Cabinet Member.
- 13.57 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 relevant Cabinet Member and the Service Director: Strategic Finance & Commercialisation.
- 13.58 To authorise and implement changes to the "Decants and Permanent Rehousing due to the decommissioning of Council Housing Stock – Rented or Leasehold" as required.

SERVICE DIRECTOR: HOUSING, ADULTS & COMMUNITIES (DASS)

following consultation with the Cabinet Member responsible and Service Director:
Strategic Finance & Commercialisation.??

Supported Housing

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

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

14. SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

REGULATORY SERVICES

- 14.1 To undertake all Environmental Health and Consumer Protection Services functions exercisable by the Council in its capacity as a local authority. This includes Registration and Bereavement Services' functions.
- 14.2 Act as Proper Officer for Registration under the Registration Service Act 1953.
- 14.3 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 Service Director. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.
- 14.4 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, Crime and Policing Act 2014
 - 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

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

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

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

Fuel (Lead Content of Petrol) Regulations 1981 (as amended);
Fur Farming (Prohibition) Act 2000
Gambling Act 2005
Hall Marking Act 1973
Hampshire Act 1983
Health Act 2006
Health and Safety at Work etc Act 1974
Home Safety Act 1961
House to House Collections Act 1939
Housing Act 1985
Housing Act 1996
Housing Act 2004
Housing Act 2004
Hypnotism Act 1952
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
Police, Factories etc (Miscellaneous Provisions) Act 1916
The Southampton Port Health Authority Order 2010
Prevention of Damage by Pests Act 1949

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

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 Misdemeanors Act 1991
Protection of Animals (Amendment) Act 2000
Protection of Animals Act 1911
Public Health Acts Amendment Act 1907
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
Scrap Metal Dealers Act 2013
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
Town Police Clauses Act 1847
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 (COMMERCIAL AND NEIGHBOURHOODS)

Animal Legislation

14.5 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 3.9.27).

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

- 14.6 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.
- 14.7 To appoint veterinary practitioners to inspect and report upon premises requiring a licence.
- 14.8 All powers and duties under the Pet Animals Act 1951 relating to licensing, including but not restricted to grant and revocation.
- 14.9 All powers and duties under the Dangerous Wild Animals Act 1976 relating to licensing, including but not restricted to grant and revocation.
- 14.10 To authorise an officer to seize a dangerous dog in accordance with section 5 Dangerous Dogs Act 1991.
- 14.11 To continue to appoint veterinary practitioners to inspect premises requiring a licence under the Pet Animals Act 1951.
- 14.12 All powers and duties under the Zoo Act 1981 relating to licensing, including but not restricted to grant and revocation.
- 14.13 To appoint Inspectors under the Animal Welfare Act 2006.

Anti-Social Behaviour Act 2003

- 14.14 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

- 14.15 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

- 14.16 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

- 14.17 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.
- 14.18 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 Service Director: Legal & Governance.
- 14.19 Following consultation with the Service Director: Legal & Governance, 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

- 14.20 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.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

14.21 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

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

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

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

14.25 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)

14.26 All powers and duties under the Environmental Protection Act 1990 including but not restricted to the powers outlined below.

14.27 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.

14.28 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.

14.29 To determine applications for information to be treated as commercially confidential under Section 22 of the Act.

14.30 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.

14.31 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.

14.32 To sign and serve notices under Sections 33, 34, 46, 47, 59 and 71 to deal with waste.

14.33 To sign and serve notices under Sections 80 and 80A dealing with the abatement of nuisances.

14.34 To sign and serve notices under Sections 92A, 93 and 94A dealing with litter.

European Communities Act 1972

14.35 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.

14.36 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.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

Food and Environment Protection Act 1985

- 14.37 To authorise as enforcement officers such members of 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.
- 14.38 To issue and sign written instruments of appointment under the Act and regulations.
- 14.39 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

- 14.40 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.
- 14.41 To register premises covered by regulations made under Section 19.
- 14.42 To appoint such members of professional and support staff deemed to have suitable qualifications under Section 5(6).
- 14.43 To appoint suitable specialists under Section 32(4).
- 14.44 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

- 14.45 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

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

International Health Regulations 2005

- 14.47 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.
- 14.48 To introduce increased charges for the issue of Ship Sanitation control and exemption certificates for coastal vessels.
- 14.49 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

- 14.50 All powers and duties under the Local Government (Miscellaneous Provisions) Act 1976 including but not restricted to the powers outlined below.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

- 14.51 To sign and serve notices under Section 16 requiring information.
- 14.52 To sign and serve notices under sections 23 and 25 to deal with dangerous trees and dangerous excavations.
- 14.53 To sign and serve notices under section 35 to remove obstructions from private sewers.

Local Government (Miscellaneous Provisions) Act 1982

- 14.54 To determine applications for registration under Part VII of the Local Government (Miscellaneous Provisions) Act, 1982 (Skin Piercing Activities) and authorise the Service Director: Legal & Governance institute legal proceedings for contraventions.
- 14.55 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

- 14.56 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

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

Prevention of Damage by Pests Act 1949

- 14.59 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

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

Public Health Acts 1936

- 14.61 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.
- 14.62 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

- 14.63 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.
- 14.64 To exercise duties under Sections 46 and 48 to arrange for a body to be removed to a mortuary for burial or cremation.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

- 14.65 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.
- 14.66 To make payments by way of compensation, to persons required to discontinue or refrain from engaging in any occupation connected with food.
- 14.67 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

- 14.68 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

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

Bye-laws for Hairdressers and Barbers

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

Appointment of Public Analysts

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

Healthcare Waste Services

- 14.72 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

- 14.73 All powers under the Sunbed (Regulation) Act 2010.

PRIVATE SECTOR HOUSING

- 14.74 To institute proceedings under the Protection from Eviction Act 1977.
- 14.75 To institute proceedings under Section 1 Accommodation Agencies Act 1953.
- 14.76 To make minor modifications to the approved terms and conditions of financial assistance provided in accordance with the Council's Private Sector Housing Strategy.
- 14.77 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.
- 14.78 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.
- 14.79 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.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

- 14.80 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.
- 14.81 To approve applications for the provision of financial assistance in accordance with the Council's Private Sector Housing Strategy.
- 14.82 To waive financial assistance repayment conditions in relation to the Council's Private Sector Housing Strategy.
- 14.83 To make amendments to the Tenants Incentive Scheme eligibility criteria and authorise payments under the scheme if local circumstances require.
- 14.84 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.
- 14.85 After consultation with the Chief Operating Officer:
- 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.
- 14.86 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.
- 14.87 To seek confirmation from the appropriate national authority of a designation for a Selective Licensing Scheme under section 80 of the Housing Act.
- 14.88 To approve the use of the Enforced Sale Procedure.
- 14.89 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.
- 14.90 To make necessary revision to the Private Sector Enforcement Policy as the need arises, following consultation with the relevant Cabinet Member.
- 14.91 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 policies.

HMO Licensing

- 14.92 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.
- 14.93 To seek confirmation from the appropriate national authority of a designation for a Selective Licensing Scheme under section 80 of the Housing Act.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

- 14.94 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 Service Director. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.
- 14.95 To make any order or decision, grant any licence or take any ancillary action (including setting, varying and removing charges):
- 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
- 14.96 To serve notice requiring payment for works carried out in default.
- 14.97 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the local authority.
- 14.98 To affix statutory notices to and to arrange for the removal of, vehicles deemed to be abandoned on public land.
- 14.99 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.
- 14.100 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.
- 14.101 To serve street litter control notices.
- 14.102 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.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

BEREAVEMENT SERVICES

The Local Authority Cemeteries Order 1977

14.103 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)

14.104 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

14.105 To set out rules and regulations in connection with powers and duties under the Burial Act 1853.

14.106 To enter into agreements with external bodies for the purposes of maintaining graves, memorials and crematoria.

14.107 To inspect burial grounds for the purposes of ensuring that the rules and regulations imposed by the burial authority are adhered to.

14.108 To remove unauthorised memorials situated within the burial authority's land, including cemeteries and crematoria.

14.109 To keep a register of all burials and cremations.

14.110 To authorise the disposal of cremated remains.

REGISTRATION SERVICES

Marriage Act 1994

14.111 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

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

Powers of Entry

14.113 To authorise officers 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

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

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 PLANNING

- 14.114 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.
- 14.115 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.
- 14.116 To authorise the closure of premises under Part 1A Section 11 of the Anti-Social Behaviour Act 2003.
- 14.117 To undertake all functions and responsibilities associated with Emergency Planning.
- 14.118 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.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

- 14.119 To execute works by agreement, at the expense of the owner or occupier, in respect of any notice served.
- 14.120 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.
- 14.121 To exercise any specific or general powers in this Division's section of this Scheme that are delegated to other Officers.
- 14.122 To authorise and institute any legal proceedings, the issue of simple cautions and, where authorised by the Service Director: Legal & Governance, to prosecute or defend any such proceedings, in relation to any powers listed or implied under the delegations to the Service Director: Transactions & Universal Services, Environmental Health Practitioners, the Chief Inspector of Weights & Measures, Trading Standards Officers and Fair Trading Officers.

In addition to the statutory offences referred to in this scheme, to investigate, institute and authorise legal proceedings and where authorised by the Service Director: Legal & Governance, to prosecute in respect of any statutory conspiracy offences and common law offences to include conspiracy and conspiracy to defraud; and authorisations to officers contained within this scheme shall include powers to investigate any statutory conspiracy offences and common law offences such as conspiracy and conspiracy to defraud.

In respect of all statutory and common law offences referred to within this scheme, where authorised by the Service Director: Legal & Governance, and where deemed appropriate and reasonable to institute, or authorise legal proceedings and to prosecute where the cause of action arises or the place of offence is outside of Southampton City Council boundaries where such action deliver a benefit to the residents of the City of Southampton.

- 14.123 To liaise with relevant authorities in Hampshire and PUSH and the Solent LEP on flood risk management issues.
- 14.124 To represent the Council on flood defence, coastal defence and European Marine Site Management Groups.

CITY SERVICES

Street Cleansing, Allotments & Green Spaces

- 14.125 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 Service Director: Legal & Governance.
- 14.126 To serve street litter control notices.
- 14.127 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.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

- 14.128 To agree to waive charges for allotments.
- 14.129 To decide and accept the most suitable tender for mobile catering services in the parks and enter into a contract with that operator.
- 14.130 Following consultation with the Service Director: Legal & Governance, to make applications under Section 38 of the Commons Act 2006.
- 14.131 Following consultation with the relevant Cabinet Member and the Service Director: Legal & Governance, 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.
- 14.132 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.

WASTE & RESOURCES MANAGEMENT

- 14.133 All Waste and Fleet Transport services functions exercisable by the Council in its capacity as a local authority.
- 14.134 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.
- 14.135 To complete and submit expressions of interest for waste and sustainable resource management, funding or initiatives to any UK or EU funding organisations.
- 14.136 To liaise with waste collection authorities in Hampshire on all strategic waste issues, ensuring appropriate consultation with colleagues on non-specific waste issues such as spatial planning.
- 14.137 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 Service Director: Legal & Governance.
- 14.138 To determine the charges for the collection of trade refuse, garden waste, textile and shoe banks and MOTs.
- 14.139 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.
- 14.140 To determine charges for the provision of a specified type of bulk bin container as specifically requested for by customers.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

14.141 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.

14.142 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

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

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

Enviro-Crime

14.145 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
- Deregulation Act 2015
- 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

LICENSING

Hypnotism Act 1952

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

Public Health Acts Amendment Act 1907

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

Licensing Act 2003

14.148 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.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

14.149 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 certificate;
 - 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 notices ;
 - 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 whether a representation 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. consultation of other responsible authorities on minor variation applications;
 - vii. applications for minor variations of premises licences and club premises certifications;
 - viii. to suspend premises licences or club premises certificates where the annual fee or late night levy has not been paid;
 - ix. to withdraw club premises certificates where a club does not satisfy the conditions for being a qualifying club in relation to a qualifying club activity.

14.150 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

14.151 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.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

Anti-Social Behaviour, Crime and Policing Act 2014

14.152 To issue a closure notice under sections 76 to 91 (Chapter 3) of the Anti-Social Behaviour, Crime and Policing Act 2014, if satisfied that there are reasonable grounds:

- (a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or.
- (b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises,.

and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring

14.153 To ensure that any appropriate body or individual has been consulted before issuing a notice;

14.154 To vary and cancel a closure notice;

14.155 To serve a closure notice, an extension notice, a cancellation notice and variation notice, and to enter any premises for the purposes of complying with section 79(2)(a);

14.156 Where appropriate, to apply to the Magistrates' Court for a closure order.

14.157 To carry out appropriate consultation and to recommend to Council on the making, extension, variation and discharge of Public Spaces Protection Orders under sections 59 to 75 (Chapter 2) of the Anti-Social Behaviour, Crime and Policing Act 2014.

Local Government (Miscellaneous Provisions) Act 1982

14.158 To inspect licensed sex establishments.

14.159 To renew sex establishment licences where no objection is made.

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

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

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

Scrap Metal Dealers Act 2013

14.162 To administer and enforce the function.

14.163 To determine applications (including refusal), revoke licences or to impose conditions under section 3(8)

14.164 To request further information of applicants (para 4, schedule 1)

14.165 To issue or cancel a closure notice for unlicensed sites and where appropriate to apply for closure orders (schedule 2) and take such other action in this respect as may be required.

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

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

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

- 14.167 To determine applications for private hire vehicle licences, in accordance with Council policy and to suspend and revoke such licences.
- 14.168 To determine applications for hackney carriage drivers' licences, in accordance with Council policy and to suspend and revoke such licences.
- 14.169 To determine applications for private hire drivers' licences, in accordance with Council policy and to suspend and revoke such licences.
- 14.170 To determine applications for private hire operators' licences, in accordance with Council policy and to suspend and revoke such licences.
- 14.171 To make or vary a hackney carriage table of fares and to determine objections to any proposal to make or vary a table of fares.

Gambling Act 2005 (save for any matter concerning Large Casino licences until 1st June 2016)

- 14.172 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 determine 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.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

- xvii. to determine applications for family entertainment centres.
- xviii. to notify the lapse of family entertainment centre gaming permit.
- xix. to register non-commercial societies for small lotteries.
- xx. to refuse 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 determine 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.

Police and Social Responsibility Act 2011

Late Night Levy

- 14.173 To determine whether the holders of any relevant late night authorisations fall within any permitted exemption or reduction categories and in particular whether the holders of any relevant late night authorisations who are members of any approved business-led best practice scheme fall within the permitted reduction category;
- 14.174 To determine the aggregate amount of expenses of the Council that are permitted deductions under section 130(1)(b) of the 2011 Act;
- 14.175 To publish annual notices under section 130(5) of the 2011 Act relating to anticipated expenses and the net amount of the levy payments;
- 14.176 To make adjustments to payments in accordance with paragraph 7 of the Late Night Levy (Application and Administration) Regulations 2012;
- 14.177 To determine from time to time when and for what purposes the Council will apply the non-specified proportion of the net amount of the levy payments.

LIBRARIES

- 14.178 To obtain additional software licences for any library IT when the user base expands.
- 14.179 To set levels of royalty payment and agree licences to print.
- 14.180 To sign agreements for copying from books and journals.
- 14.181 Subject to obtaining the necessary licences, to take multiple abstracts from national newspapers.

SERVICE DIRECTOR: TRANSACTIONS & UNIVERSAL SERVICES

- 14.182 To accept publicity for display from outside bodies, subject to any legal requirements and policies adopted by the Council.
- 14.183 To take whatever action is necessary in respect of library fines, and costs / charges for lost books, photocopying, loans, etc, including waiving or reducing.

PARKING

- 14.184 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 Service Director: Legal & Governance.
- 14.185 To grant permission for use of Council car parks for display purposes.
- 14.186 To advertise proposed disabled persons' parking bays in accordance with Council policy.
- 14.187 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 identity of the driver of a vehicle, the initiation of prosecutions and the issue of permits, dispensations and waivers.
- 14.188 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.
- 14.189 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the local authority.
- 14.190 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.
- 14.191 To present the Council's evidence to the National Parking Adjudication Service.
- 14.192 To approve the issue of civil penalty notices in Cemetery Road and to respond to appeals (challenges) against the issue of any notice.
- 14.193 All City Parking functions exercisable by the Council in its capacity as a local authority.
- 14.194 To grant permission for use of Council car parks for display purposes, following consultation with the Service Director: Legal & Governance.
- 14.195 To advertise proposed disabled persons' parking bays in accordance with Council policy.
- 14.196 To exercise all Parking functions exercisable by the Council in its capacity as a local authority.
- 14.197 To undertake any necessary investigative work for the purposes of detection of fraud relating to parking activities including the use of Blue Badges, pursuant to the Traffic Management Act 2004 and Disabled Persons Act 2013.

SERVICE DIRECTOR: GROWTH

15. SERVICE DIRECTOR: GROWTH

LEISURE & CULTURE

- 16 To approve the provision of new leisure and culture facilities identified and provided for in current plans subject to the proposals not requiring 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.
- 16.1 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.
- 16.2 To negotiate fees for hiring of indoor and outdoor entertainment.
- 16.3 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.
- 16.4 To grant permission for the use of Speakers' Corner at Hoglands Park, and where appropriate, to make proper charge.
- 16.5 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.
- 16.6 To select and acquire works of art for the collection under the Smith Bequest.
- 16.7 To grant permission for loans from and to the collections and to permit the reproduction of work from the collection.
- 16.8 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.
- 16.9 To enter into standard agreements for the carrying out of archaeological works
- 16.10 To allocate the annual interest on the sports fund to support outstanding individual sportsmen and sportswomen resident in the City.
- 16.11 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.
- 16.12 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.
- 16.13 To revise the Implementation Plan for the Arts and Heritage Acquisition and Disposal Policies for Museum Accreditation, following consultation with the relevant Cabinet Member.
- 16.14 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.
- 16.15 To provide appropriate support to the Southampton Cultural Development Trust following consultation with the relevant Cabinet Member.

PLANNING, TRANSPORT & SUSTAINABILITY

- 16.16 To exercise all Planning functions exercisable by the Council in its capacity as a local authority.

SERVICE DIRECTOR: GROWTH

- 16.17 To 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 Service Director. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.
- 16.18 To purchase services or sell spare capacity where there is a financial, service or other benefit to the authority.
- 16.19 To enter into professional transport, sustainability, planning and building control memberships in the interests of the authority.
- 16.20 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).
- 16.21 To liaise with relevant authorities in Hampshire and PUSH and the Solent LEP on strategic spatial planning, transport and energy issues.
- 16.22 To determine fees and charges under the Building (Local Authority Charges) Regulations, after consultation with the BC Partnership.
- 16.23 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.
- 16.24 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.
- 16.25 To execute work in default of compliance with any notice served and to demand the recovery of expenses incurred by the authority.
- 16.26 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 Service Director: Legal & Governance.
- 16.27 To authorise staff under the authority of the Service Director: Growth to enter premises where such action is necessary to conduct duties and is authorised by legislation.
- 16.28 Following appropriate consultation with the relevant 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.
- 16.29 To monitor the application of the Planning Enforcement Policy, conduct any necessary reviews of the policy and, after consultation with the Service Director: Legal & Governance, to make any changes to the policy necessary.

SERVICE DIRECTOR: GROWTH

16.30 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.

NB: Action should only follow appropriate consultation at the outset. Where land use and planning processes are involved this must be with the Service Director: Strategic Finance & Commercialisation, Service Director: Legal & Governance and the Service Director: Growth. Where there is existing or intended Council ownership this must include the Head of Capital Assets.

16.31 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.

16.32 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 Service Director: Strategic Finance & Commercialisation.

16.33 Following consultation with the relevant Cabinet Member and the Service Director: Strategic Finance & Commercialisation, 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.

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

16.34 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).

16.35 Power to prepare a map and statement by way of consolidation of definitive map and statement, under section 57A.

SERVICE DIRECTOR: GROWTH

- 16.36 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.
- 16.37 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 Service Director: Legal & Governance.

Byelaws

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

Powers of Entry

- 16.39 To authorise officers of the Culture and Planning 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

- 16.40 To appoint officers for the implementation of the Council's functions under all relevant legislation.
- 16.41 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

- 16.42 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.
- 16.43 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.
- 16.44 To determine applications for exceptional relief from, and applications to deliver payment in kind for, Community Infrastructure Levy, following consultation with the relevant Cabinet Member, Service Director: Strategic Finance & Commercialisation and Service Director: Legal & Governance.

TRANSPORT & HIGHWAYS

- 16.45 To amend the proposed five year Capital Programme in the light of ongoing consultation with the Government.
- 16.46 To enter into, vary and determine public transport contracts in order to optimise the delivery of transport policy objectives and maintain reliable services.
- 16.47 To liaise with and respond to consultation from neighbouring authorities, from public transport operators and public transport infrastructure providers on services, routes

SERVICE DIRECTOR: GROWTH

and timetables and other bodies on local and strategic transport matters including public transport services, routes and timetables, and implications.

- 16.48 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:[general]
- a. provision and sharing of data and research initiatives;
 - b. transport and infrastructure issues; and
 - c. professional engineering issues.
- 16.49 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. [ditto]
- 16.50 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.
- 16.51 Following consultation with the Service Director: Legal & Governance:
- a. to introduce temporary road closures and other temporary traffic restrictions on the highway;
 - 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.
- 16.52 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.
- 16.53 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 when negotiating works and agreements for the adoption of highways on behalf of the Highway Authority.
- 16.54 To make any order or decision, grant any licence or take any ancillary action and enforcement (including setting, varying and removing charges), relating to highways and traffic management and parking 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
 - Disabled Persons Badges Act 2013
 - Hampshire Act 1983
 - Highways Act 1980
 - Local Government Act 1972 (Section 111)
 - Local Government Act 2000 (Section 2)

SERVICE DIRECTOR: GROWTH

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

- 16.55 To determine and vary the Capital Programme in accordance with the policies and other criteria set by the Authority.
- 16.56 To serve notice requiring payment for works carried out in default.
- 16.57 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the local authority.
- 16.58 All powers and duties under the Refuse Disposal (Amenity) Act 1978 including but not restricted to the power to serve notice under Sections 3 and 6 of the Act to deal with abandoned motor vehicles.
- 16.59 To make decisions in respect of the use and release of digital images 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.
- 16.60 To purchase services or sell spare capacity where there is a financial, service or other benefit to the authority.
- 16.61 To enter into professional memberships in the interests of the authority.
- 16.62 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.
- 16.63 To issue street works licences and permits to control street works and roadworks carried out on the public highway.
- 16.64 Following consultation with the relevant Cabinet Member, annually review the Transport Asset Management Plan.
- 16.65 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 Service Director: Legal & Governance.
- 16.66 To serve street litter control notices.

SERVICE DIRECTOR: GROWTH

- 16.67 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, the Town and Country Planning Act 1990, the Hampshire Act 1983 and the Disabled persons Badges Act 2013.
- 16.68 To issue permits allowing vehicles into "Pedestrian Only" streets in order to carry out essential works.
- 16.69 To agree street naming and numbering.
- 16.70 To execute work in default of compliance of any notice served and to demand the recovery of expenses incurred by the Local Authority.
- 16.71 To take any action in relation to or associated with HGV Operators' Licences.
- 16.72 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.
- 16.73 To act as Traffic Manager to meet the duty of the Traffic Management Act 2004 and ensure that the road network in Southampton is properly managed.
- 16.74 To grant use of the Above Bar pedestrian precinct and Bargate pedestrian area following consultation with the Service Director: Legal & Governance in accordance with conditions laid down and Part VIIA of the Highways Act 1980 where applicable, and where appropriate to make a proper charge.[Growth]

Energy & Sustainability

- 16.75 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;
 - transport and infrastructure issues;
 - professional engineering issues
- 16.76 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.
- 16.77 To exercise all Energy Management and Sustainability functions exercisable by the Council in its capacity as a local authority.

Trees

- 16.78 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.
- 16.79 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.

SERVICE DIRECTOR: GROWTH

- 16.80 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.
- 16.81 To execute works in default of non-compliance with a notice to replant trees and to recover all reasonable costs from the landowner.
- 16.82 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).
- 16.83 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).
- 16.84 To execute works in default of the remedial work detailed in any remedial notice under the Anti-Social Behaviour Act 2003 (High Hedges).
- 16.85 After consultation with the Service Director: Strategic Finance & Commercialisation and the Service Director: Legal & Governance, 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).
- 16.86 To authorise an appropriate officer to enter land for any purpose pursuant to Part 8 of the Anti-Social Behaviour Act 2003 (High Hedges).
- 16.87 To approve modifications to the Southampton's Tree Operational Risk Management System (STORMS) following consultation with the Service Director: Legal & Governance, the Council's Risk and Insurance Manager and the Council's Health and Safety Manager to ensure the system remains fully effective.
- 16.88 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, after consultation with the Service Director: Legal & Governance.
- 16.89 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.

BUILDING CONTROL PARTNERSHIP MANAGER

16. BUILDING CONTROL PARTNERSHIP MANAGER

16.1 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.

16.2 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 Service Director: Growth.

Building Act 1984

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

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

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

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

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

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

16.9 To serve notice to alter / remove work etc (Section 36).

16.10 To serve notice to make satisfactory provision for drainage (Section 59).

16.11 To serve notice regarding entrances, exits, etc (Section 71).

16.12 To serve notice regarding means of escape in case of fire (Section 72).

16.13 To serve a notice regarding the raising of chimneys (Section 73).

16.14 To take any action necessary in respect of dangerous structures (Sections 77 & 78).

16.15 To serve notice re ruinous dilapidated and neglected sites (Section 79).

16.16 To accept notices of intention to demolish (Section 80).

16.17 To serve notice requiring shoring and weatherproofing to adjoin buildings (Section 81).

BUILDING CONTROL PARTNERSHIP MANAGER

16.18 To enter buildings to ascertain if a breach of relevant legislation has occurred (Section 95).

Building Regulations

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

Local Government Miscellaneous Provisions Act 1982

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

Other relevant Powers

16.21 To refer questions, as to whether or not certain work complies with the Building Regulations to the appropriate Government department.

16.22 To deal with "type" relaxations to the Building Regulations instigated by the appropriate Government department.

16.23 To authorise prosecution for non-compliance with notices served and non-compliance of the Building Regulations.

16.24 To deal with Partnership applications on behalf of other local authorities in accordance with the nationally agreed Local Authority Building Control Partnership Scheme.

16.25 To deal with System Approvals in accordance with the nationally agreed scheme.

16.26 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

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

Safety at Sports Grounds Act 1975

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

Disability Discrimination Act 1995

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

Licensing Act 2003

16.30 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

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

16.32 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 Service Director: Legal & Governance.

PLANNING AND DEVELOPMENT MANAGER

17. PLANNING & DEVELOPMENT MANAGER

17.1 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 ~~applications for planning permission 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 on the prescribed Call-in Form, giving valid and material planning grounds, by a ward member of the ward in which the application site predominantly falls, or where at least five written letters of representation (where such representation is contrary to the officer's recommendation) (discounting petitions, proforma and circulated standard letters) on valid and material planning grounds have been received 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~~consideration. If a request by a member is received after the publicity period, or the necessary five independent properly addressed letters of representation (where such representation is contrary to the officer's recommendation) 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 officers recommend approval where the proposal is contrary to the development plan ~~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;
- 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;

17.2 Where appropriate, to instruct the Service Director: Legal & Governance to serve any notices in pursuance of regularising breaches of planning (and other relevant legislation), commence court proceedings and to complete or seal agreements, , 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)

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

PLANNING AND DEVELOPMENT MANAGER

- 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), following consultation with the Service Director: Legal & Governance;
- 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 effect 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 Service Director: Legal & Governance 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 Service Director: Legal & Governance 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;

PLANNING AND DEVELOPMENT MANAGER

- 17.3 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.
- 17.4 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 Service Director: Legal & Governance.
- 17.5 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.
- 17.6 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.
- 17.7 To execute works in default of non-compliance with a notice to replant trees and to recover all reasonable costs from the landowner.
- 17.8 To agree street naming and numbering.

HEAD OF ECONOMIC DEVELOPMENT & SKILLS

18. HEAD OF ECONOMIC DEVELOPMENT & SKILLS

- 18.1 To liaise with economic partnerships and other economic bodies to represent the Council's interests on economic issues.
- 18.2 To liaise with skills partnerships and other skills economic bodies to represent the Council's interests on skills issues.
- 18.3 Approve Section 106 Employment and Skills Plans.
- 18.4 To approve the letting of contracts for the provision of learning, skills and employment related services.
- 18.5 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.
- 18.6 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.
- 18.7 To approve the hosting of national or international events.
- 18.8 To determine applications for authorisation to entertain in Above Bar Precinct.
- 18.9 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.
- 18.10 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.
- 18.11 (Action should only follow appropriate consultation at the outset. Where land use and planning processes are involved this must be with the Service Director: Strategic Finance & Commercialisation, Service Director: Legal & Governance and the Service Director: Growth. Where there is existing or intended Council ownership this must include the Head of Capital Assets.
- 18.12 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.
- 18.13 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 Service Director: Strategic Finance & Commercialisation.

HEAD OF ECONOMIC DEVELOPMENT & SKILLS

Sixth Form Colleges

- 18.14 After consultation with the Service Director: Strategic Finance & Commercialisation or the Service Director: Legal & Governance, to approve, cancel or amend funding agreements for learning providers in relation to post 16 learning.

College Transport & Travelling Expenses

- 18.15 To pay travelling allowances to eligible students at Further Education establishments on the basis of public transport season ticket costs.
- 18.16 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 Service Director: Strategic Finance & Commercialisation .
- 18.17 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.
- 18.18 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.

HEAD OF CAPITAL ASSETS

19. HEAD OF CAPITAL ASSETS

PROPERTY

19.1 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 Service Director: Legal & Governance may determine.
- 19.2
- 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 £500,000.
 - c. To negotiate and agree terms of sale of property exceeding £500,000 in value providing the consideration does not exceed £1.5 million, following consultation with the relevant Cabinet Member.
- 19.3 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.
- 19.4 To determine applications for home loss payments under the Land Compensation Act 1973.
- 19.5 To revise charges made for room bookings within Civic Buildings.
- 19.6 To approve the surrender or assignment of any lease, licence, wayleave or easement by Agreement between the parties.
- 19.7 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

HEAD OF CAPITAL ASSETS

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.

- 19.8 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 £100,000 per annum or a premium payment of £1,000,000, provided sufficient finance is available.
- 19.9 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 £50,000 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 £150,000; 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 Service Director: Strategic Finance & Commercialisation.
- 19.10 Following consultation with the relevant Service Director, to grant licences for works on land.
- 19.11 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 £500,000; 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 £500,000 providing the consideration does not exceed £1.5 million, following consultation with the relevant Cabinet Member .
- 19.12 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.
- 19.13 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 £1.5 million.
- 19.14 To approve the temporary use of property, pending long-term use.
- 19.15 To manage the Council's investment, social and general purpose property portfolios.
- 19.16 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

HEAD OF CAPITAL ASSETS

Notices, appointment of Party Wall Surveyors and compliance with all steps required by any Party Walls Award.

- 19.17 Authority to exercise the powers and duties of the Council under the Landlord and Tenant (Covenants) Act 1995.
- 19.18 To grant and sign licences in a form approved by the Service Director: Legal & Governance.
- 19.19 To approve the acceptance of tenders for land disposals, whether the highest bid or not, up to £1.5 million capital (where the principle of the disposal has already been approved) or £150,000 per annum revenue income.
- 19.20 To agree compensation under Land Compensation legislation where no interest in the land is acquired by the Council.
- 19.21 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.
- 19.22 To place property on the market in accordance with Corporate Standards with a view to a disposal.
- 19.23 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.
- 19.24 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.
- 19.25 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, after consultation with the relevant Cabinet Member.
- 19.26 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.
- 19.27 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.
- 19.28 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).
- 19.29 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.
- 19.30 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.
- 19.31 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

HEAD OF CAPITAL ASSETS

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.

- 19.32 After consultation with the relevant Cabinet Member, to enter into option agreements, disposals or any other property transactions with the Public Sector plc, to progress redevelopment and property schemes in line with the Council's Corporate Property Strategy.
- 19.33 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.
- 19.34 Together with the Service Director: Growth, to undertake the acquisition of land for approved major development schemes, following consultation with the Service Director: Legal & Governance.
- 19.35 To liaise with economic partnerships and other economic bodies to represent the Council's interests on economic issues.
- 19.36 To grant use of the Above Bar pedestrian precinct and Bargate pedestrian area following consultation with the Service Director: Legal & Governance in accordance with conditions laid down and Part VIIA of the Highways Act 1980 where applicable, and where appropriate to make a proper charge.[Growth]
- 19.37 To set a level for donations for the placing of temporary objects on the paved area outside the Bargate.
- 19.38 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 Service Director: Strategic Finance & Commercialisation.
- 19.39 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.
- 19.40 To approve variation to the terms of leases, licences, easements or wayleaves, covenants or any other transaction, subject to the approval of the Service Director: Strategic Finance & Commercialisation.
- 19.41 To appoint external agents or consultants to provide specialist services in respect of the Council's major development schemes.
- 19.42 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 Service Director: Strategic Finance & Commercialisation.
- 19.43 After consultation with the Service Director: Legal & Governance to accept Blight Notices which are valid and which are served in respect of major development schemes proposals.
- 19.44 To grant licences for works on land within the major Development project sites.
- 19.45 To approve the temporary use of property, pending long-term use.
- 19.46 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

HEAD OF CAPITAL ASSETS

Notices, appointments of Party Wall Surveyors and compliance with all steps required by any Party Walls Award in respect of Major Projects.

- 19.47 To make minor amendments to boundaries after consultation with the relevant Cabinet Member to disposals in respect of approved major development schemes.
- 19.48 To allow developers on to council land to carry out site investigations subject to the granting of an appropriate licence.
- 19.49 In relation to the Private Sector Housing Strategy to:
- d. alter existing or introduce new formulae to calculate loan repayment sums in respect of financial assistance packages;
 - e. approve adjustments to the occupancy terms for the grant element of existing and new financial assistance packages; and
 - f. approve the introduction of subsequent financial assistance packages developed, and any significant alterations to the criteria of existing packages following consultation with the relevant Cabinet Member and the Service Director: Strategic Finance & Commercialisation.
- 19.50 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 Service Director: Strategic Finance & Commercialisation.??
- 19.51 To make minor amendments to boundaries after consultation with the relevant Cabinet Member to disposals in respect of approved major development schemes.

ESTATE REGENERATION

- 19.52 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.
- 19.53 Following consultation with the relevant Cabinet Member responsible, Service Director: Legal & Governance, Service Director: Strategic Finance & Commercialisation and Service Director: Adults, Housing & Communities 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.
- 19.54 Following consultation with the relevant Cabinet Member responsible, Service Director: Legal & Governance, Service Director: Strategic Finance & Commercialisation 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.
- 19.55 To commence a programme of consultation and engagement with residents and stakeholders on sites identified for redevelopment, subject to consultation with the Service Director: Strategic Finance & Commercialisation and relevant Cabinet Member.
- 19.56 To accept, in accordance with FPR any grant funding towards the costs of the Estate Regeneration project and as a consequence:

HEAD OF CAPITAL ASSETS

- 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.
- 19.57 Following consultation with the relevant Cabinet Member, Service Director: Legal & Governance, Service Director: Strategic Finance & Commercialisation 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.
- 19.58 To approve homeloss, disturbance and ex-gratia payments for removal expenses for displaced tenants on modernisation or major works of Council dwellings.

TRANSFORMATION IMPLEMENTATION DIRECTOR

20. TRANSFORMATION IMPLEMENTATION DIRECTOR

- 20.1 The Transformation Implementation Director, following consultation with the Transformation Improvement Board, Service Director: Strategic Finance & Commercialisation and the Service Director: Legal & Governance, shall be empowered to take all decisions or actions necessary to develop, implement and deliver transformation projects approved by the Transformation Board up to a value of £5,000,000 including but not limited to incurring expenditure, structural re-organisations, service reorganisations and entering into contracts and partnership arrangements to deliver services as required together with all ancillary matters necessary to give effect to or conducive to the delivery of such projects. All proposals which are estimated to exceed £500,000 shall be considered by Cabinet. The £5,000,000 ceiling requiring reference to full Council is waived for such proposals.
- 20.2 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.

SERVICE DIRECTOR: DIGITAL & BUSINESS OPERATIONS

21. SERVICE DIRECTOR: DIGITAL & BUSINESS OPERATIONS

IT

- 21.1 To initiate tendering processes for IS/IT products and services, subject to consultation with the Service Director: Legal & Governance and Service Director: Strategic Finance & Commercialisation. *
- 21.2 To vary, renegotiate and amend leases and other IT contract details in agreement with the Service Director: Legal & Governance, where these improve service or reduce costs.*
- 21.3 To approve changes and enhancements to the City Council's website and its technology and standards and similar initiatives.
- 21.4 To approve changes and exceptions to IS/IT Corporate Standards and Policy.
- 21.5 To enter into professional IT memberships in the interests of the Authority.
- 21.6 To initiate projects to explore new technology opportunities for the Authority, subject to appropriate budgetary provision.
- 21.7 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 Service Director: Legal & Governance and the appropriate Director.*
- 21.8 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 Service Director: Strategic Finance & Commercialisation and the Service Director: Legal & Governance.*
- 21.9 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 Service Directors.
- 21.10 To prepare or approve the form and content of all IT plans, proposals, policies, standards, strategy and acquisitions.
- 21.11 To approve the acceptance of IT contracts other than the lowest for contracts up to £150,000 in value subject to the approval of the Service Director: Strategic Finance & Commercialisation.
- 21.12 To vary prices for divisional services following consultation with the appropriate Service Director.
- 21.13 To approve dispensation for those not able to adopt IS/IT Corporate Standards, policies or strategy.

PROCUREMENT

- 21.14 To amend the Council's Contract Compliance questionnaire as required.
- 21.15 To authorise named individuals to be the Council's nominated professional officers for inclusion in appropriate contracts.
- 21.16 To approve all exceptions and relaxations to Contract Procedure Rules.
- 21.17 To approve acceptance of tenders other than the lowest for all contracts.

SERVICE DIRECTOR: DIGITAL & BUSINESS OPERATIONS

- 21.18 To authorise the Service Directors to participate in contracts arranged by the Central Business Consortium member authorities.
- 21.19 To approve procedures specifying the requirements of Contract Procedure Rules and local procedures implementing those requirements.
- 21.20
- 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 Service Director: Strategic Finance & Commercialisation and Service Director: Legal & Governance.
- 21.21 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.
- 21.22 To manage all EU procurement procedures and authorise such other person or department as he or she may direct, to do so.
- 21.23 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.
- 21.24 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 (whichever is the lesser).
- 21.25 To authorise all extensions and variations to a contract awarded under the EU Procurement Directives.
- 21.26 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.
- 21.27 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 Living Places 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 Places for People Limited
 - f. the Guildhall management contract with Live Nation
 - g. the golf course management contract with Mytime Active

SERVICE DIRECTOR: DIGITAL & BUSINESS OPERATIONS

- h. the contract for management of Sports Centre St Mary's with Southampton Solent University
- i. the contract for Sports Development with Southampton Solent University
- j. the Schools PFI with Pyramid Schools
- k. the wireless network contract with Aqvia
- l. any other contract designated by the Chief Executive as a strategic contract for the purposes of this delegation.

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

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

Health & Safety

21.30 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.

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

21.32 To sign and issue written instruments of appointment for all persons appointed under above, except in the case of the appointments of Service Directors when the Service Director: Legal & Governance shall sign and issue a written instrument of appointment.

This page is intentionally left blank