

Part 2

Decision Making

PART 2 - AREAS OF RESPONSIBILITY

Section 1 - Purpose

One of the primary purposes of the Constitution is to make it clear where responsibility for particular functions lies and which person or body (council or committee, cabinet) makes the decision.

All decisions will be made in accordance with the principles set out in Chapter 13 of the Constitution.

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Section 2 - Committee responsibilities

The responsibilities of the following committees (and sub-committees where appropriate) are set out below

Planning Committee

Licensing Committee

Governance & Audit & Standards Committee

Employment Committee

Deleted: Development Control

Planning Committee (10 members)

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Functions relating to town and country planning and development control, as specified in Schedule 1 to the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 (the functions regulations), and which are set out below for ease of reference -

Planning matters:-

1. Power to determine application for planning permission.
2. Power to determine applications to develop land without compliance with conditions previously attached.
3. Power to grant planning permission for development already carried out.
4. Power to decline to determine application for planning permission.
5. Duties relating to the making of determinations of planning application.
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
8. Power to enter into agreement regulating development or use of land.
9. Power to issue a certificate of existing or proposed lawful use or development
10. Power to serve a completion notice.
11. Power to grant consent for the display of advertisements.
12. Power to authorise entry onto land.
13. Power to require the discontinuance of a use of land.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.
15. Power to issue an enforcement notice.
16. Power to apply for an injunction restraining a breach of planning control.
17. Power to determine applications for hazardous substances consent, and related powers.
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
19. Power to require proper maintenance of land.
20. Power to determine application for listed building consent, and related powers.
21. Power to determine applications for conservation area consent.
22. Duties relating to applications for listed building consent and conservation area consent.
23. Power to serve a building preservation notice, and related powers.

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24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.
26. Power to apply for an injunction in relation to a listed building.
27. Power to execute urgent works.

Common land

1. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to -
 - a. an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981; or
 - b. an order under section 147 of the Enclosure Act
2. Power to register variation of rights of common.

Other consents and licences

1. Power to permit deposit of builder's skip on highway.
2. Power to license planting, retention and maintenance of trees etc in part of highway.
3. Power to authorise erection of stiles etc on footpaths or bridleways.
4. Power to license works in relation to buildings etc. which obstruct the highway.
5. Power to consent to temporary deposits or excavations in streets.
6. Power to dispense with obligation to erect hoarding or fence.
7. Power to restrict the placing of rails, beams etc. over highways.
8. Power to consent to construction of cellars etc. under street.
9. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.

Highways

Functions relating to public rights of way as set out in the schedule to the Functions and Responsibilities (Amendment) Regulations 2001, which are set out below for ease of reference –

1. Power to create footpath or bridleway by agreement.
2. Power to create footpaths and bridleways.
3. Duty to keep register of information with respect to maps, statements and declarations.
4. Power to stop up footpaths and bridleways.
5. Power to determine application for a public path extinguishment order.
6. Power to make a rail crossing extinguishment order.
7. Power to make a special extinguishment order.
8. Power to divert footpaths and bridleways.
9. Power to make a public path diversion order.
10. Power to make a rail crossing diversion order.
11. Power to make a special diversion order.
12. Power to require applicant for an order to enter into an agreement.

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13. Power to make an SSSI diversion order.
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
15. Power to decline to determine certain applications under section 121C of the Highways Act 1980.
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.
17. Duty to serve notice of proposed action in relation to an obstruction on the highway.
18. Power to apply for variation order under section 130B of the Highways Act 1980.
19. Power to authorise temporary disturbance of surface of footpath or bridleway.
20. Power temporarily to divert footpath or bridleway.
21. Functions relating to the making good of damage and the removal of obstructions.
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.
23. Power to extinguish certain public rights of way.
24. Duty to keep Wildlife and Countryside Act 1981 definitive map and statement under review.
25. Power to include modifications in other orders, under section 53A of the Wildlife and Countryside Act 1981.
26. Duty to keep register of prescribed information with respect to applications under section 53 (5) of the Wildlife and Countryside Act 1981.
27. Duty to reclassify roads used as public paths.
28. Power to prepare map and statement by way of consolidation of definitive map and statement.
29. Power to designate footpath as cycletrack.
30. Power to extinguish public right of way over land acquired for clearance.
31. Power to authorise stopping up or diversion of footpath or bridleway.
32. Power to extinguish public rights of way over land held for planning purposes.
33. Power to enter into agreements with respect to means of access.
34. Power to provide access in absence of agreement under section 37 of the Countryside and Rights of Way Act 2000.
35. Power to make limestone pavement order under the Wildlife and Countryside Act 1980.

Other miscellaneous functions set out in the schedule to the Functions and Responsibilities (Amendment) Regulations 2001, as follows -

1. Powers relating to the preservation of trees.
2. Powers relating to the protection of important hedgerows.

Other Powers:

Powers within Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges.

Licensing Committee (15 members)

Licensing matters:

Functions relating to licensing and registration as set out in Schedule 1 to the functions regulations, which are set out below for ease of reference -

1. Power to issue licences authorising the use of land as a caravan site ("site licences").
2. Power to license the use of moveable dwellings and camping sites.
3. Power to license hackney carriages and private hire vehicles.
4. Power to license drivers of hackney carriages and private hire vehicles.
5. Power to license operators of hackney carriages and private hire vehicles.
6. Power to register pool promoters.
7. Power to grant track betting licences.
8. Power to license inter-track betting schemes.
9. Power to grant permits in respect of premises with amusement machines.
10. Power to register societies wishing to promote lotteries.
11. Power to grant permits in respect of premises where amusements with prizes are provided.
12. Power to issue cinema and cinema club licences.
13. Power to issue theatre licences.
14. Power to issue entertainments licences.
15. Power to license sex shops and sex cinemas.
16. Power to license performances of hypnotism.
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.
18. Power to license pleasure boats and pleasure vessels.
19. Power to register door staff.
20. Power to license market and street trading.
21. Power to license night cafés and take-away food shops.
22. Duty to keep list of persons entitled to sell non-medical poisons.
23. Power to license dealers in game and the killing and selling of game.
24. Power to register and license premises for the preparation of food.
25. Power to license scrap yards.
26. Power to issue, cancel, amend or replace safety certificates (whether general or special) for sports grounds, and to issue prohibition notices.
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.
28. Power to issue fire certificates.
29. Power to license premises for the breeding of dogs.
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
31. Power to register animal trainers and exhibitors.
32. Power to license zoos.
33. Power to license dangerous wild animals.
34. Power to license knackers' yards.
35. Power to license the employment of children.
36. Power to license persons to collect for charitable and other causes.
37. Power to grant consent for the operation of a loudspeaker.
38. Power to grant a street works licence.
39. Power to license agencies for the supply of nurses.
40. Power to issue licences for the movement of pigs.
41. Power to license the sale of pigs.
42. Power to license collecting centres for the movement of pigs.
43. Power to issue a licence to move cattle from a market.
44. Power to sanction use of parts of buildings for storage of celluloid.

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45. Power to approve meat product premises.
46. Power to approve premises for the production of minced meat or meat preparations.
47. Power to approve dairy establishments.
48. Power to approve egg product establishments.
49. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.
50. Power to approve fish products premises.
51. Power to approve dispatch or purification centres.
52. Power to register fishing vessels on board where shrimps or molluscs are cooked.
53. Power to approve factory vessels and fishery product establishments.
54. Power to register auction and wholesale markets.
55. Duty to keep register of food business premises.
56. Power to register food business premises.
57. Power to issue near beer licence.
58. Power to register premises or stalls for the sale of goods by way of competitive bidding.
59. Power to make closing order with respect to take-away food shops.
60. Power to approve premises for the solemnisation of marriages and civil partnerships.

Other powers (licensing)

Powers to deal with matters under the Licensing Act 2003

Licensing Sub committees A, B, C, D & E, each comprising three members of the Licensing committee, and two named alternate members.

Functions and Powers to deal with the following licensing matters:-

1. determination of application for premises licence where representations have been made,
2. section 31(3) (determination of application for provisional statement where representations have been made),
3. section 35(3) (determination of application for variation of premises licence where representations have been made),
4. section 39(3) (determination of application to vary designated premises supervisor following police objection),
5. section 44(5) (determination of application for transfer of premises licence following police objection),
6. section 48(3) (consideration of police objection made to interim authority notice)
7. section 72(3) (determination of application for club premises certificate where representations have been made),
8. section 85(3) (determination of application to vary club premises certificate where representations have been made),
9. section 105(2) (decision to give counter notice following police objection to temporary event notice),
10. section 120(7) (determination of application for grant of personal licence following police objection),

11. section 121(6) (determination of application for renewal of personal licence following police objection), or
12. section 124(4) (revocation of licence where convictions come to light after grant etc),
13. any function under section 52(2) or (3) (determination of application for review of premises licence) in a case where relevant representations (within the meaning of section 52(7)) have been made,
14. any function under section 88(2) or (3) (determination of application for review of club premises certificate) in a case where relevant representations (within the meaning of section 88(7)) have been made, or
15. any function under section 167(5) (review following closure order), in a case where relevant representations (within the meaning of section 167(9)) have been made.

Governance and Audit and Standards Committee (6 members)

The Governance and Audit and Standards Committee shall have the following roles and functions:

Audit Activity

1. To consider, approve or otherwise deal with:
 - a. The ~~Chief Internal Auditor~~'s annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
 - b. Summaries of specific internal audit reports as requested.
 - c. Reports dealing with the management and performance of the providers of Internal Audit services.
 - d. Reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
 - e. The External Auditor's annual letter, relevant reports, and the reports to those charged with governance.
 - f. Specific reports as agreed with the external auditor.
2. To receive and comment upon the Audit Charter together with its Terms of Reference and Audit Strategy.
3. To comment on the scope and depth of external audit work and to ensure it gives value for money.

4. To commission work from Internal Audit in accordance with the agreed Audit Strategy, and External Audit.

Regulatory Framework

Deleted: Internal Audit Manager

Deleted: <#>To liaise with the Audit Commission over the appointment of the Council's external auditor. ¶

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1. To consider amendments to the Council's Constitution and to make such recommendations to the Council as may be necessary.
2. To review any issue referred to it by the Chief Executive or a Director, or any Council committee.
3. To monitor and take decisions in respect of the effective development and operation of risk management and corporate governance in the Council.
4. To monitor and take decisions in respect of the Council policies on the anti-fraud and anti-corruption strategy
5. To oversee and take decisions in respect of the authority's Annual Governance Statement.
6. To consider and take decisions in respect of the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
7. To consider the Council's compliance with its own and other published standards and controls, including the Annual Governance Statement.
8. To monitor call in and urgency arrangements set out in Part 3 of the Constitution and submit a report to the City Council if the Committee considers it necessary.

Accounts

1. To review the Annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
2. To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

Other functions

1. Power to make standing orders.
2. Duty to approve the authority's statement of accounts, income, and expenditure and balance sheet or record of receipts and payments (as the case may be).

Standards

Deleted: School Transport & Student Awards Appeals (3 members of Governance, Audit and Standards)¶

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Councillors no longer sit on appeal panels (Council minute 32/2014 - 18th March 2014). ¶

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In respect of standards matters the Committee will have the following roles and functions:

1. promoting and maintaining high standards of conduct by Councillors,
2. assisting councillors to observe the Code of Conduct
3. monitoring the operation of the Code of Conduct
4. advising, training or arranging to train Councillors on matters relating to the Code of Conduct;
5. granting dispensations to Councillors from requirements relating to interests set out in the Members' Code of Conduct;
6. complaints about the conduct of the City Council or any of its committees, sub-committees, members (whether or not they relate to maladministration) including the power to investigate any complaint against any member of the City Council, and any facts brought to the attention of the Committee by the Council's Monitoring Officer
7. to review complaints handling and Ombudsman investigations
8. to keep under review the Council's "whistle blowing" policy
9. to be responsible for member training and development

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Deleted: <#>subject to 5 and 6 to resolve what further action should be taken (if any), including the administering of any warning or reprimand to the Councillor concerned¶
<#>to make recommendations to the Council on any changes to the Council's procedures, guidelines or standing orders relating to the conduct of members¶
<#>to make recommendations that a member be removed from a committee, sub-committee or any other body¶
<#>to determine the procedure to be adopted in each case including, if appropriate, an initial meeting to examine papers to establish whether a prima facie case exists¶

Employment Committee (6 members)

Functions relating to the following matters as set out in Schedule I to the functions regulations -

(To be read in conjunction with the officer employment procedure rules)

Functions relating to pensions

1. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)
2. To be the committee of Portsmouth City Council responsible for the strategic overview of workforce/employment matters to ensure the delivery of good quality services to the people of Portsmouth.
3. To approve key strategies as the basis for people management within Portsmouth City Council, including:
 - a. People management strategy
 - b. Pay strategy
 - c. Learning and development strategy

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- d. Workforce development strategy
- e. Health and safety strategy
- f. members learning and development strategy

4. To be responsible for the recruitment of directors.

5. In respect of the following posts, to be responsible for their recruitment, which will be subject to Full Council approval:

- a. Section 151 Officer;
- b. Monitoring Officer;
- c. Director of Public Health
- d. Head of Paid Service

6. The following bodies will report to this committee

- a. Joint health and safety forum
- b. Staff Joint Committee
- c. Joint Officer and Staff Forum

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Deleted: to be responsible for their recruitment, discipline and dismissal including redundancy.¶

Deleted: <#>In respect of the Section 151 Officer and Monitoring Officer, to be responsible for their recruitment, the appointment of which will be subject to Full Council approval¶

Deleted: <#>In respect of the Chief Executive, the recruitment is reserved to Full Council and in relation to Chief Executive, Monitoring Officer and Section 151 Officer, any matters in relation to their discipline, dismissal for a reason other than redundancy. These powers are reserved to Full Council¶

Deleted: Joint staff

Deleted: committee

Deleted: staff/officer forum

Deleted: Senior Officer Appeals (3 members)¶

¶ The role and function to hear personnel appeals against grievances, dismissals, performance, retirements on the grounds of ill-health and redundancy, from senior officers to include Head of Paid Service, Monitoring Officer, Section 151 Officer and directors subject to the provisions for appointment and dismissal of Head of Paid Service, Monitoring Officer and Section 151 Officer as set out in officer employment procedure rules.¶

Deleted: <#>Disciplinary, Ill-health and Performance¶

¶ The committee may:-¶

¶ <#>confirm the action of the manager¶
 <#>quash the action of the manager¶
 <#>substitute for the decision of the manager any other management action¶

¶ which is permitted by the city council's employment policies¶

Deleted: <#>Redundancy¶

¶ The committee may:-¶

¶ <#>allow the appeal¶
 <#>dismiss the appeal¶
 <#>instruct the manager to implement an alternative solution ¶

¶ as permitted by the city council's employment policies¶

Deleted: <#>Grievances¶

¶ The committee may:-¶

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Section 3 - Responsibility for Cabinet Functions

The following pages set out the allocation of responsibilities within the Cabinet. The portfolios are expressed in broad terms and may be varied only by the Leader.

The principles of responsibility are:

1. The Cabinet comprises a Leader with Cabinet Members and will carry out all of the City Council's functions which are not the responsibility of any other part of the City Council, whether by law or under this constitution.
2. The Leader appoints the Cabinet and allocates roles to them.
3. The Cabinet will be responsible collectively.
4. All decisions will be recorded, with reasons.

Although the Cabinet is collectively responsible operational and day to day management of the Council has been delegated to officers in accordance with the Scheme of Delegation set out below.

The constitution provides for individual decision making to be made by Cabinet Members in the areas of responsibility set out below.

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The Leader

Responsible for:-

1. Over-arching responsibility for the performance of the council.
2. Principal spokesperson for the council.
3. Overall responsibility for style priorities and strategic policy and strategic management of the council.
4. To take lead responsibility for the council's corporate priority to achieve less poverty.
5. Responsible for championing social inclusion.
6. Chairing of the Cabinet.
7. Final arbiter between Cabinet Members
8. Overall responsibility for the finances of the council.
9. Responsibility for public relations.
10. Corporate, economic and financial policies, plans and programmes, including the revenue estimates and capital estimates.

Cabinet Member for Adult Social Care and Public Health

Deleted: Health and Social Care

Responsible for:-

1. The council's corporate priority to achieve good health for all and safe independent lives for vulnerable people.
2. Social Services, including commissioning, providing and planning services for older people and in the areas of; physical disability; mental health; learning disability; and ancillary facilities.
3. City health plan.
4. Community care plan.
5. All matters relating to the city council's functions in relation to promoting healthy living and preventing ill health.

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Cabinet Member for Housing

Responsible for:-

1. The council's corporate priority to achieve decent affordable homes.
2. Local authority and social housing.
3. Council rents for housing and ancillary facilities.
4. Private housing conditions and housing defects.
5. Relations between private landlords and their tenants.
6. Residential caravan site.
7. Any other functions conferred on the city council as a housing authority.
8. Community development.
9. Grants and loans to housing associations and voluntary organisations for housing purposes, and for community purposes.
10. Liaison with and responsibility for relations with external bodies in relation to housing priorities.

Cabinet Member for Children ~~and Families~~

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Responsible for:-

General

1. The Lead Member for Children ~~and Families~~ is politically accountable for ensuring the Local Authority fulfils its legal responsibilities for safeguarding and promoting the welfare of children and young people.
2. The Lead Member for Children ~~and Families~~ has a strategic political role as a member of the Council in respect of decisions on Local Authority Children's Services.
3. Only one person can be the statutory Lead Member for Children ~~and Families~~, but the role and responsibilities are broad. The Lead Member may therefore need to be supported by one or more other selected Members. The remit of the support roles can be as wide as the Local Authority wishes, as long as the Lead Member maintains an effective overview of all services for children and retains overall political accountability.

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Children and Young People

To take the lead responsibility for the Council's statutory responsibilities, functions and accountabilities in respect of children and young people, to include:

1. Safeguarding and promoting the welfare of children and young people including the Local Children's Safeguarding Board (participant observer)
2. Promoting outcomes for Looked After Children (LA), protecting the interests of those children and young people and chairing the Corporate Parenting Board
3. Lead Member for the Portsmouth Children's Trust and the development and implementation of the Children's Trust Plan
4. Ensuring that children and young people, parents and carers are able to make a contribution to the development of services
5. Ensuring effective governance and monitoring frameworks are in place within the Local Authority and key partnerships
6. Championing effective integration in Children's Services, working in partnership with the Children's Trust
7. Promoting better outcomes for children and young people Grants and loans to appropriate voluntary organisations
8. Responsibility for aligning with the Portfolio holders for Health and Social Care, Community Safety and Housing in respect of the delivery of those services and how children and young people are impacted upon by those services
9. Children's Centres
10. Children's Social Care services for children and families Youth services and facilities

Overall performance

1. Overall performance of the Directorate for Children's Services in respect of these functions.
2. Holding the Director of Children's Services to account in respect of these functions.

Deleted: Education¶

Deleted: To take lead responsibility for the Council's corporate priority to achieve improved education standards and first class learning opportunities. The Council's¶ functions in respect of education, includes (but is not limited to):¶

¶

<#>Allocation of resources and commissioning of services¶

<#>Attendance on the Schools Forum¶

<#>School governance¶

<#>School improvement and intervention (chairing the Schools Standards Improvement Group)¶

<#>Admissions¶

<#>Pupil Place Planning¶

<#>School Attendance, Exclusions and Reintegration Education Welfare Service¶

<#>Special Education Needs and behavioural issues¶

<#>Education Psychology, Portage, Sensory Impairment and Specialist Teacher Advisor Services¶

<#>Music Service Nursery Education Early Years¶

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Cabinet Member for Education

To take lead responsibility for the Council's corporate priority to achieve improved education standards and first class learning opportunities. The Council's functions in respect of education, includes (but is not limited to):

1. Allocation of resources and commissioning of services
2. Attendance on the Schools Forum
3. School governance
4. School improvement and intervention (chairing the Education Advisory Board)
5. Admissions
6. Pupil Place Planning
7. School Attendance, Exclusions and Reintegration Education Welfare Service
8. Special Education Needs and behavioural issues
9. Education Psychology, Portage, Sensory Impairment and Specialist Teacher Advisor Services
10. Music Service Nursery Education Early Years

Overall performance:

1. Overall performance of the Directorate for Children's Services in respect of these functions.
2. Holding the Director of Children's Services and to account in respect of these functions.

Cabinet Member for Planning, Regeneration & Economic Development

Responsible for:-

1. The council's corporate priority to achieve good prospects and a better environment.
2. The built environment including:
 - a. Structure and local planning
 - b. Conservation areas and schemes
 - c. Buildings of architectural and historic interest
3. Economic Development, including tourism
4. Encouraging the development of land outside the city council's ownership for industrial and commercial uses in accordance with the provisions of the city plan.
5. Marketing the city for inward investment and to attract visitors and provide support for further diversification of the economic base.
6. Developing and protecting employment opportunities in partnership with other authorities both in the Portsmouth Travel to Work Area and elsewhere, and with business, government, voluntary organisations and the University of Portsmouth.
7. Managing the city council's international economic relations and regional economic work in the UK, but excluding twinning and other forms of friendship or association with other cities and communities.
8. The exercise of any other powers and functions of the city council in relation to economic development.
9. Formulating and implementing proposals for each of the district shopping centres.
10. Entertainments and conferences.
11. Seafront illuminations.
12. The city council's functions as harbour authority, in respect of pilotage, and the development, operation, maintenance and control of the Commercial Port, including the continental ferry port, the Camber Docks, Flathouse and Albert Johnson Quays and ancillary facilities, and including all land and property held for port operational purposes.
13. Street trading amenities policy within the highway (excluding licensing provisions).
14. Building regulations and control.
15. Land and property assets of the city council including advising the council on changes to the approved policies on those matters including compulsory purchase orders.
16. Local legislation and other parliamentary proceedings, including Harbour Revision Orders and Transport Works Act orders.
17. Management of the city council's administrative buildings
18. Camping and non-residential sites.

Cabinet Member for Traffic and Transportation

Responsible for:

1. The council's corporate priority to *improved public transport*.
2. Traffic and transportation issues, including:
 - a. Transportation policies and programmes
 - b. Transport engineering, tendered bus/ferry services
 - c. Public transport co-ordination and publicity
 - d. Subsidies to local passenger transport services and concessionary fares schemes
 - e. Construction and maintenance of highways and bridges, traffic management and road safety, street lighting, signposting, other street furniture, road naming and house numbering
 - f. Traffic engineering including road safety, accident investigation, safety audit and urban traffic control.
 - g. On and off-street vehicle parking
 - h. Such other activities as may contribute to the actual and effective movement of people and goods to, from or within the City of Portsmouth
 - i. Such other functions as may contribute to managing, maintaining and improving the transport infrastructure of the City.
3. Dangerous trees on or adjacent to the highway.

Cabinet Member for Culture, Leisure and Sport

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Responsible for:

1. Museums, art galleries and their collections.
2. Promotion of arts within the City.
3. Libraries.
4. Historical publications of the city council.
5. Maintenance of City records and archives, (excluding the Modern Records Service).
6. To liaise and be responsible for relations with cultural organisations.
7. Indoor and outdoor recreation, including sports.
8. Community Services and facilities, including community centres.
9. Parks and open spaces.
10. Allotments.
11. Grants to appropriate voluntary organisations.

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Cabinet Member for Environment and Community Safety

Responsible for:-

1. Emergency Planning
2. Crime prevention and reduction, including:
 - a. Preparing and recommending a strategy for crime prevention in Portsmouth;
 - b. Monitoring its implementation and making recommendations from time to time to amend it.
 - c. To promote, consider and approve schemes for crime prevention in Portsmouth; including publicity projects and campaigns, and the making of grants or loans for the purpose of promoting crime prevention in Portsmouth.
 - d. Closed circuit television (CCTV) systems.
 - e. Anti-Social Behaviour Unit and related initiatives.
 - f. Community Wardens.
3. Youth Justice
4. To liaise and be responsible for relations with external bodies carrying out duties related to the Council's functions including the following:
 - a. Police and Crime Panel
 - b. Hampshire Fire and Rescue Service
 - c. Hampshire Magistrates' Courts Committees
5. Sports Ground Safety (excluding licensing provisions).
6. Public Protection matters including the enforcement of legislation relation to:
 - a. Trading Standards and associated matters
 - b. Health & Safety at work.
 - c. Food Safety and Food Hygiene.
 - d. Smoke free Premises and Vehicles
 - e. Infectious Disease Control
 - f. Port Health
 - g. Animal Health & Welfare
 - h. Miscellaneous Matters including Sunday Trading and specific licensing and registrations, welfare burials and compulsory removal of persons to care.

Deleted: <#>Coroner's Service¶

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7. Such other functions as may contribute towards the assessment and fulfilment of present and future needs in the field of public protection.
8. Grants and loans to voluntary bodies in respect of any of the functions listed above
9. Waste Management, Refuse collection and disposal (including the recycling of waste, the functions of the City Council as Waste Collection Authority and Waste Disposal Authority).
10. Street and beach cleansing.
11. Public conveniences.
12. Litter.
13. Dog fouling.
14. Stray dogs
15. Maritime oil pollution and its consequences.
16. Coast protection, sea defences and land drainage.
17. Environmental protection including noise, air quality, smoke control, contaminated land, other pollution matters and pest control
18. Dangerous land, buildings and other structures (minimal involvement but responsible for securing of dangerous land and buildings in order to prevent public access.)
19. To liaise and be responsible for relations with external bodies carrying out duties related to the Council's functions including the following:
 - a. Langstone Harbour Board
 - b. Portchester Crematorium

Deleted: <#>Cemeteries.¶

Deleted: <#>Portsmouth and Gosport Joint Board¶

Deleted: Joint Committee. Carbon reduction/sustainability/renewable energy

Cabinet Member for Resources

Responsible for:-

1. Financial, Information Technology and other resources of the city council (other than property) and advising the city council on changes to its approved policies on those matters.
2. Internal audit and relations with external audit.
3. Management of the support services of the city council
4. Local taxation (including the city council's functions relating to funds) and rating (including business rates).
5. Modern Records
6. Grants to voluntary organisations.
7. Twinning and other forms of friendship or association with other cities and communities.
8. Coroner's Service
9. Cemeteries

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Section 4 - Joint Arrangements

The following joint arrangements, referred to in Part 1 Chapter 11, have created the formal body(ies) described, to discharge the functions and responsibilities referred to -

1. *Portchester Crematorium Joint committee*

This is an executive function, discharged jointly between the councils of Portsmouth, Gosport, Fareham and Havant under the terms of a formal agreement. The joint committee is responsible for the management and operation of the crematorium, and the employment of the crematorium staff, which includes a registrar and manager, clerk, treasurer, engineer, and horticultural consultant. The day to day management and operation is delegated to the registrar and manager. The joint committee is subject to a separate financial regime from the 4 authorities, and has separately audited accounts.

2. *Project Integra Management Board*

Project Integra's mission is to manage waste generated by households in Hampshire, gaining benefits from integration, scale, synergy and influence. This Board comprises 15 members, appointed by each partner authority (Hampshire County Council; Southampton City Council; Portsmouth City Council and the Hampshire district councils) and one co-opted member representing Hampshire Waste Services.

The Board is responsible, amongst other things, under the terms of a formal agreement, for –

- a. developing a strategic policy framework within which the partner authorities can each discharge their functions as waste disposal authority/waste collection authority, as appropriate;
- b. discharging functions in respect of making arrangements for the recycling of waste;
- c. producing and implementing an approved annual business plan.

The formal agreement also provides for the appointment of a joint policy review and scrutiny committee.

Section 5 - Chief Officers' Delegated Authority

The City Council, the Cabinet, and Regulatory committees have delegated various functions, powers, and responsibilities to chief officers.

In discharging these, chief officers are required, in certain circumstances, to give all members of the council advance notice of a proposed decision, using the Member Information Service (MIS). Any member of the council can, before the decision is taken, request that the matter is remitted back to the person or body responsible for the function so that it (and not the chief officer) can take the decision.

The list of delegations subject to the MIS rules is set out in Section 5A.

In all other cases, chief officers are empowered to act without giving notice to members of the council, and the list of such delegations is set out in Section 5B.

Both lists contain details of -

1. any limitations or conditions attaching to the use of any delegation;
2. whether the function or power is the responsibility of the City Council; the Cabinet, or a regulatory committee;

All chief officers and managers are authorised to take all necessary actions to implement decisions of the City Council, the Cabinet and committees of the council, including -

1. commitment of resources within approved budgets and in accordance with financial regulations;
2. the service, placing or publication of any necessary statutory or other notices.

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City of Portsmouth Member Information Service (M.I.S.)

1. The following powers, duties and functions of the city council, cabinet and regulatory committees shall be delegated to the officers indicated below (or an officer within their department nominated by them for that purpose), subject to the rules in the following paragraphs.
2. An officer may choose to publish an intended decision in MIS before exercising the delegated power.
3. The proposals shall be identified by a heading, must be summarised, must identify any ward or wards affected by the proposal, and must name the officer or officers who can be contacted for further information about the proposal (with their telephone extensions).
4. A member may require that any proposed decision within MIS shall be referred to the relevant Cabinet / Member or committee for decisions within the time period specified within the MIS. No decision shall be made under delegated powers should an item be 'called in'.
5. Those powers delegated may be amended from time to time by the City Solicitor to remove anomalies and ambiguities to reflect structural and legislative changes.
6. Any regulatory committee or the Cabinet, may vary the powers which they have delegated.

The following powers are delegated subject to M.I.S. provisions above:-

1. **TO CHIEF EXECUTIVE, DEPUTY CHIEF EXECUTIVE AND DIRECTORS:-**

a. In consultation with the **Director of Finance and IS:-**

- i. The incurring of capital expenditure of more than £100,000 up to a limit of £500,000.
- ii. Subject to (b) below, to approve additional capital expenditure or overspending above £50,000 when the additional expenditure has not been provided in the estimates, when equivalent savings can be identified within the approved estimates.
- iii. Subject to (b) below, to approve additional revenue expenditure or overspending of £50,000 or more when the additional expenditure has not been provided in the estimates, when equivalent savings can be identified within the approved estimates.
- iv. Determining the level of any fee or charge (including a new fee or charge or reduction in an existing fee or charge), where first any fee or charge is otherwise than in accordance with RPI or secondly where the Director of Finance and IS believes there are corporate policy implications in the proposal.

b. In consultation with the **Director of Finance and IS:-**

- i. Overspending on an approved contract sum above the greater of £1,500 or 0.5% (capital) or 5% (revenue) up to the greater of a limit of £5,000 or 0.5% (capital) or 5% (revenue).
- ii. Payments of grants to voluntary bodies including clubs and societies above £5,000.

c. In consultation with the **Director of Finance and IS:-**

The purchase or leasing of any computer hardware or software, or other similar equipment above £100,000.

d. Consultation

To finalise the city council's comments on any matter where the city council is a consultee.

2. | **TO THE DIRECTOR OF REGENERATION :-**

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Deleted: DEVELOPMENT CONTROL MANAGER

a. Except in respect of applications where the Development Control Manager has outright delegation, to grant or refuse all applications for planning permission or other consents under the town and country planning legislation (including for hazardous substances), which are not a departure from the Development Plan or do not have implications for the council's general policies. For the avoidance of doubt, this includes the granting of operative, planning resolutions for city council development and when the decision would be contrary to views expressed by statutory consultees or material planning representations received as a result of publicity given to the proposals.

b. Approve minor changes to conservation area boundaries.

c. To determine complaints received in respect of high hedges and to take such other action under Part 8 of the Anti-Social Behaviour Act 2003 as may be appropriate.

d. To grant or refuse applications for telecommunications code operator proposals under part 24 of the Town and Country Planning General Development Order. This power is subject to consultation with the chair, vice-chair and opposition spokesperson (or their nominees) of the Planning Committee when the proposed decision would be contrary to views expressed by statutory consultees or representations received as a result of publicity given to the proposal.

Deleted: development control committee

e. The closure or restriction of rights over any highway, other than closures under Section 14 or 16A of the Road Traffic Regulation Act 1984.

f. Except in respect of traffic regulation orders where there is outright delegation, to approve, vary or otherwise deal with traffic regulation orders where objections have been received and have not been subsequently withdrawn.

g.

3. | **TO THE DIRECTOR OF HOUSING AND PROPERTY SERVICES ,**

Deleted: PROPERTY

In respect of proposals affecting property held under the Housing Revenue Account:-

a. To approve the principle of disposal of land and premises;

b. To grant leases or licenses to occupy land or buildings for up to seven years at less than the best rents reasonably obtainable;

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- c. The appropriation of land and property between holding powers, subject to consultation with the relevant chief officer and the Director of Finance and IS.
- d. To agree offers for or exchanges of land.
- e. In consultation with the Director of Regeneration to give permission for installation of communications services and services equipment, electricity sub-stations and other minor works or wayleaves in or on any council premises or land under their management.
- f. To agree terms for the variation of covenants for land and property previously sold by the council.

Deleted: Development Control Manager and the Director of Transport, Environment and Business Support

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4. TO THE MONITORING OFFICER

- a. To settle claims made against the council up to £50,000 and in respect of industrial injuries, up to £250,000.
- b. To prepare and complete deeds of release in respect of covenants which are no longer applicable.

Deleted: <#>TO THE DIRECTOR OF TRANSPORT, ENVIRONMENT AND BUSINESS SUPPORT AND ASSISTANT DIRECTOR OF CULTURE AND CITY DEVELOPMENT (PLANNING) IN CONSULTATION WITH EACH OTHER¶

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5. TO THE LOCAL DEMOCRACY MANAGER

To make member and officer level appointments to outside bodies and organisations on those occasions when time does not permit the appointment to be made at a council meeting or by the appropriate portfolio holder.

6. TO THE DIRECTOR OF HR, AUDIT AND PERFORMANCE

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To approve the harmonisation of corporate personnel and related policies in force in PCC and HCC, and to approve any review of existing (or introduction of new) human resources policies, after appropriate consultative procedures have been followed.

The powers, duties and functions were revised under council Minute 71/07.

PART 2 - SECTION 5B

Delegation of decision making to officers

1	Chief Executive	
2	City Solicitor <u>and Deputy Chief Executive</u>	
3	Director for Finance and IS	
4	Director of HR, <u>Audit</u> and <u>Performance</u>	Deleted: Legal
5	Director of Property	Deleted: Procurement
6	<u>Director of Regeneration</u>	Deleted: 6 ...
7	Director of Culture	Deleted: and City Development
9	Director of Community and Communication	Deleted: 8 ...
10	Director of Adult Social Care	
11	Director of Children's Services	
12	Director of Public Health	
14	<u>Director of the Port</u>	Deleted: 13 ...
		Deleted: The Port Manager

Scheme of delegation to officers

The Chief Executive and Deputy Chief Executive with responsibility for the directorates have concurrent powers to act in respect of the delegations set out below.

The delegated powers are subject to the terms of the following general conditions:

1. All delegated functions shall be deemed to be exercised on behalf of and in the name of the council, or the Cabinet, as the case may be.
2. The exercise of a delegated power shall:
 - a. be in accordance with the city council's adopted policies
 - b. not amount to a new policy or extension ~~or amendment of an existing policy~~
 - c. be subject to the requirements of standing orders, financial rules, contract procedure rules and HR policies
3. An officer to whom a power is delegated may nominate or authorise another officer of the council to exercise that power. The term director and officer includes the chief executive and deputy chief executive, as appropriate.
4. Any reference to any act of parliament includes reference to regulations or subordinate regulations made under that Act.
5. References to any sum shall be increased annually by reference to such inflation index as the Director of Finance and IS considers appropriate. The Director of Finance and ~~JS~~ shall notify the directors annually of the relevant sums.
6. Where the exercise of powers is to be 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 circumstance, to remove the need for consultation for each proposal.
7. Delegation to officers is subject to -
 - a. the right of the council, the Cabinet or any committee to decide any matter in any particular case (the officer may in any case in lieu of exercising his/her delegated power refer to the Cabinet or a committee for decision)
 - b. any restrictions, conditions or directions of the Cabinet or a committee

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Delegation to Directors

General

These powers may be delegated by the directors to another officer.

Financial Management

1. To incur routine revenue expenditure. (For the avoidance of doubt 'routine' expenditure includes items of a repetitive and largely unvarying nature such as purchase of minor office equipment and materials).
2. To incur non-routine revenue expenditure within the budget.

Staffing within Directorate

1. To appoint staff.
2. To approve contractual arrangements for staff.
3. To apply the Council's HR policy with regard to staff employed within the directorate remit with regard to appointments, dismissal and redundancy.
4. Confirmation of appointments on completion of probationary period.
5.

Deleted: planned overtime.

Deleted: To approve flexible working arrangements in accordance with the Council's policies.

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Miscellaneous

1. Where appropriate, to submit tenders and quotations and to undertake the supply of goods and services to other Local Authorities and public bodies in so far as such goods and services can be provided within the existing resources of their departments, subject to consultation with the city solicitor on the terms of any proposed contract.
2. To exercise the council's statutory powers of entry, of requisitioning information, and of executing work in default and recovering costs where appropriate, in connection with or for the purpose of carrying out any function delegated to an officer (including enforcement of any decision of the council taken under delegated powers or otherwise).
3. To apply for planning permission and any other necessary planning consents for development by the council in connection with or for the purpose of carrying out any function delegated to an officer.
4. To sell surplus vehicles, stores and other equipment for the best price obtainable and to write-off any such items which have become unfit for use and of no value, in accordance with agreed Council policy.
5. Following an investigation into a complaint, to make an ex-gratia/ compensation payment up to a limit of £2,000 for any one case, or in agreement with the Monitoring Officer for an amount in excess of £2,000, and to advise the relevant Cabinet Member or Chair of any such payment.
6. To award contracts within agreed budgets and in accordance with Council policies.

Emergencies

If the Council needs to act urgently in any matter including, without limitation, complying with the Emergency Response Plan and other council response plans or taking any action under new legislation of powers, the Chief Executive may authorise any action taken or expenditure occurred as necessary. A Director may act in the place of the Chief Executive where the Chief Executive is unwell, unobtainable or where there is no Chief Executive in post. The Chief Executive, or Director as appropriate, may delegate responsibility to another nominated Officer where it is considered appropriate.

TO THE DIRECTOR CONCERNED AFTER CONSULTATION WITH THE DIRECTOR RESPONSIBLE FOR HR, AUDIT AND PERFORMANCE

Deleted: LEGAL

1. To appoint and dismiss staff below Chief Officer level.
2. To act as the authorising officer for the use of covert surveillance under the Regulation of Investigatory Powers Act 2000.
3. To refer cases of suspected dishonesty on the part of council employees to the police for investigation after consultation where necessary with the City Solicitor.

TO THE DIRECTOR CONCERNED IN CONSULTATION WITH THE DIRECTOR RESPONSIBLE FOR FINANCE AND INFORMATION SERVICE

Deleted: <#>Following the completion of an IT salary benchmarking exercise, authority for resolving changes in the remuneration of IT staff in the computer services unit and information systems unit be delegated to the Director of Finance and Information Service and the Director of HR, Legal and Performance in consultation with the Chair, vice chair and opposition spokespersons of the employment committee.¶

1. To approve extensions of sick pay up to a maximum of 6 months.
2. To dispense with or relax the requirements for contracts to provide for liquidated damages and for indemnities.
3. To approve overspending on a contract sum up to the greater of £1500 or 0.5% (capital scheme) or 5% (revenue scheme). For amounts above this refer to MIS.
4. Subject to the following paragraph, to incur additional revenue expenditure or overspending up to the sum of £50,000 where estimate provision has not been made, but where equivalent savings can be found within the relevant budget heading.
5. To incur capital expenditure up to a limit of £100,000.
6. Subject to paragraph 3 above, to approve additional capital expenditure or overspending up to £50,000 when the additional expenditure has not been provided in the estimates, when equivalent savings can be identified within the approved estimates for the relevant portfolio or committee.
7. To determine the increase in any existing fee or charge where increases are proposed in line with RPI, subject to any rounding.
8. To add any supplementary credit approval (SCA) to the approved budget and to authorise its expenditure for the purpose allocated, subject to a report for information on the MIS on the receipt of the SCA and the subsequent action taken.

9. To purchase, lease or otherwise acquire Information Technology hardware, software or communications products or services up to a value of £100,000.

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CHIEF EXECUTIVE

The Chief Executive is also the Council's Head of Paid Service, which is a statutory function. For further details regarding this function, please refer to Section 4F of the Constitution

1.
 - a. In the absence of the Chief Executive and Deputy Chief Executive, to nominate a director to exercise all or any of the functions of the Chief Executive during any absence of the Chief Executive, and to advise all councillors accordingly.
 - b. In the event of a vacancy in the office of a director, the Chief Executive is authorised to appoint another director or senior officer to act temporarily in his or her place and with the full delegated authority of the officer concerned, and to advise all councillors accordingly.
2. To appoint any officer as the proper officer, where allowed by statute.
3.
 - a. To authorise directors who wish to undertake lectures or write articles on issues arising solely or mainly from their employment, position and experience with the city council, to undertake the work associated with the preparation and delivery of such activities in normal working hours, subject to all fees being paid to the city council;
 - b. To authorise directors to lecture at a College or other establishment throughout a collegiate year.
4. Pursuant to the statutory appointment of Electoral Registration Officer to appoint any officer(s) as Deputy Electoral Registration Officer with full or partial powers in accordance with Section 52 (2) of the Representation of the People Act 1983.

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Deleted: <#>Other than the appointment of the s.151 officer or Monitoring Officer, appoint another officer to conduct disciplinary proceedings in any general or specific case where the Chief Executive considers it inappropriate for a director to conduct those proceedings.¶

Deleted: , authorised officer or appointed officer under any provision in a statute or statutory instrument

CITY SOLICITOR AND DEPUTY CHIEF EXECUTIVE

The City Solicitor is also the Council's statutory Monitoring Officer. For details of this function please refer to Section 4F of the Constitution

1. To take the opinion of counsel or instruct counsel.
2. To be responsible for the conduct and investigation into complaints against councillors under the arrangements approved by Council.
3. To institute and conduct any prosecution or any other legal proceedings on behalf of the council.
4. To defend any proceedings against the council and to counterclaim for damages or other relief
5. To settle claims made against the council up to a limit of £50,000, or to seek damages or other relief for any amount, and in the event of claims arising out of industrial injury to settle claims up to £250,000 and the relevant cabinet member or chair to be advised periodically of claims that have been settled. In the event of a financial settlement of termination of employment, to agree this jointly with the Director of Finance and IS.
6. To represent the council at any meeting of creditors and to take any action that may be necessary to protect the council's interests in connection with company insolvency or personal bankruptcy.
7. To secure legal advice to, or to act in appropriate cases for, employees assaulted by members of the public in the course of their duties, where criminal proceedings might be justified and the police are not taking action.
8. To consider and take action including the service, variation or withdrawal of any statutory notice.
9. Subject to the above, to complete legal agreements on behalf of the Council.
10. To undertake the council's functions under the Commons Registration Act 1965, and where applications are well founded to apportion rights of common and to amend the commons register.
11. To secure the provision of and to manage a local land charges service, and to execute the council's functions under the Local Land Charges Act 1975.
12. To attest the council's seal.
13. To appear and to authorise any other officer to appear on behalf of the council, in the magistrates court, county court, or other appropriate court or tribunal.
14. To take such steps as shall be necessary in respect of any breach of any licensing requirements.
15. To make such consequential changes to the constitution as may be required to reflect legislative changes, council decisions or where required typographical alterations, in consultation with the Chair of Governance & Audit & Standards Committee.
16. To approve applications to fly flags.
17. To convene a special panel and appoint three members (in political proportionality) from the Governance & Audit & Standards Committee, as and when necessary, to deal with matters arising from a particular registration where individuals exercise their right to make representations under the Registered Homes Act 1984.

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DIRECTOR OF HR, AUDIT AND PERFORMANCE

1. Exercise of the discretion contained within the National Conditions for sick payment entitlements.
2. Extension of industrial accident pay (in consultation with the Director of Finance and IS).
3. Arrange insurance cover for the Council.
4. To implement the Council's disciplinary and grievance procedures in accordance with Council's Conditions of Service.
5. To make ex-gratia payments in respect of claims not exceeding £1,000 in respect of damage or injury resulting from the actions of clients looked after by the Council both in relation to young people and adults.
6. To approve compensation and other payments to all current and former employees of the Council (other than employees in maintained schools) by way of a settlement agreement in consultation with the relevant director to an amount not exceeding £50,000.
7. Honoraria
 - a. If honoraria payments of £1000 or over or paid to 5 or more staff for the same reason, then must be authorised by Director of HR, Audit and Performance. Director for HR, Audit and Performance must be consulted in advance and authorise the payment.
8. Acting up allowance
 - a. For periods of less than 4 weeks must be agreed in advance by the Director of HR, Audit and Performance.
9. Career Break Scheme
 - a. Consideration to be made initially by manager and then in conjunction with Director of HR, Audit and Performance.
10. Early termination of employment payments
 - a. Decisions on redundancy or early retirement in the interests of efficiency of the service of any member of staff other than those employed under JNC Conditions of Service will be taken by the relevant Director in consultation with the Director of HR, Audit and Performance and the Director of Finance and IS.
11. Emergency Management guidelines
 - a. The decision to implement this policy will be undertaken by the Director of HR, Audit and Performance liaising with the Chief Executive or Deputy Chief Executive.
 - b. The decision to deactivate this policy will be taken by the Director of HR, Audit and Performance in consultation with the Chief Executive and subsequently communicated to managers.
12. Exit interviews
 - a. The Director of HR, Audit and Performance, the Deputy Chief Executive or Chief Executive will conduct the exit interview where an employee is on JNC for chief officer grade.
13. Flexible retirement
 - a. Staff on JNC Terms and Conditions of Employment

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Deleted: <#>To agree temporary posts provided costs are contained within service staffing budgets (in accordance with Council's Conditions of Service). ¶

<#>Employment of consultants to advise on specialist aspects of work within the relevant Service Area.¶

<#>Advertisement of staff vacancies within establishment (in accordance with the Council's recruitment procedures). ¶

<#>To fill a post without advertisement (in consultation with the relevant Director and appropriate Trade Unions). ¶

<#>Appointment of staff to posts below second tier. ¶

<#>Determination of starting point within grade. ¶

<#>To sign job offers and/or contract of employment for: ¶

¶

<#>Corporate Director appointments;¶

<#>Director appointments (by Chief Executive or responsible Director) ¶

¶

<#>To agree flexible contracts, homeworking and term-time working (in consultation with relevant Director and appropriate Trade Unions). ¶

Deleted: <#>Approval of car purchases and car leases in accordance with Council's Conditions of Service and the Council's relevant policies (in consultation with the Director of Finance and IS). ¶

Deleted: <#>Approval of application of Council Service Related Additional Payments Scheme. ¶

<#>Approval of variations to Council payment schemes (in consultation with employee representatives). ¶

Deleted: <#>To sign contracts for external employment services within approved budgets (with agreement of Corporate Director or Officer delegated by one of these). ¶

Deleted: <#>General organisation of services within policy laid down by Council. ¶

Deleted: who are covered by section 37 of the Education Act 2002)

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- i. Where flexible retirement results in a pension strain cost or the reduction in salary following 'retirement' is less than 20%, approval will be required by the Employment Committee. The Director responsible for HR or his / her representative will present a report to the committee detailing the facts of the case.
- b. All other staff
 - i. For approval where there is no pension strain and the reduction is met - line manager and relevant director.
 - ii. For approval where there is a pension strain and /or the reduction is not met - Director and Director of Finance and IS.

14. Grading

- a. Grades for posts will be assessed under the JESS job evaluation scheme.
- b. There will be a delegation to directors in consultation or with the agreement of the Director of HR, Audit and Performance to ensure equity of treatment and effective process.

15.

16. Policies

To manage and approve any deviation from the following policies:

- a. Ill health retirement;
- b. Job share
- c. Recruitment and retention
- d. Relocation
- e. Special leave

17. Staff Joint Committee consultation

- a. On the employer's side, the Director of HR, Audit and Performance (or nominated deputy) shall attend.

Audit Function

- 1. To refer cases of suspected dishonesty on the part of council employees to the police for investigation after consultation where necessary with the City Solicitor.

Deleted: Legal and Procurement

Deleted: Ill health retirement¶
 <#>Employees have two routes of appeal against the initial decision:¶
 <#>Appeal against the decision of PCC to dismiss;¶
 <#>Appeal against the ill health retirement pension decision which is made using the Internal Dispute Resolution Procedure (IDRP).¶
 <#>Final decision should be made in consultation and agreement with the Director of HR, Legal and Procurement.¶
 ¶
 <#>Job share¶
 <#>All posts are open to job sharing unless a case for their exemption is made and accepted by the Director of HR, Legal and Procurement. Exceptions are rare and will only be granted in exceptional circumstances.¶
 ¶
 <#>Recruitment and Retention¶
 <#>All proposed solutions for recruitment and retention will be consulted and agreed with the Director of HR, Legal and Procurement.¶
 ¶
 <#>Relocation scheme¶
 <#>Employees to whom this benefit applies will normally be expected to move within 26 weeks of taking up their appointment. This period may be extended by a further 26 weeks with the approval of the relevant director and the Director of HR, Legal and Procurement.¶
 ¶
 <#>In exceptional circumstances the 26 weeks separation allowance may be extended to a maximum of 52 weeks at the discretion of the service manager in consultation with the Director of HR, Legal and Procurement.¶
 ¶
 <#>Special leave¶
 <#>Up to 4 weeks unpaid leave may be authorised by the line manager. ¶
 Over 4 weeks unpaid leave must be discussed with the relevant senior manager in HR and authorised by the relevant director.

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DIRECTOR OF FINANCE AND IS

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The Director of Finance and IS is also the Council's statutory Section 151 Officer and for his functions in that capacity see Section 4F of the constitution.

Finance Function

2. To write off debts above £500 which are considered to be irrecoverable or not economically recoverable.
3. To approve the payment of pension costs.
4. To pay all increases in salaries, wages, fees or allowances approved in national negotiations where these are mandatory or which have otherwise been approved by the city council.
5. To grant rate relief.
6. Council Tax and NDR Rates
 - a. The power formally to request information from and to identify persons liable to pay Community Charge council Tax or national non-domestic rate.
 - b. The powers to impose and quash penalties for failure to supply information or for supplying inaccurate information or for similar acts or omissions.
 - c. Power to reduce or remit the National Non-Domestic Rate in cases of hardship and to determine applications for discretionary charitable rate relief.
7. To pay members remuneration allowance and travelling allowances as approved by Council.
8. To make deductions from employees' pay on behalf of approved bodies or trade unions in return for a suitable service charge.
9. Where an employee is absent from work as a result of personal injury, to make payments of sick pay for a period not exceeding the sickness allowance to which the employee is entitled under the national sick pay arrangements, subject to the employee signing an appropriate undertaking with regard to possible third party claims, and completing an accident report.
10. To make deductions from employees pay for salary sacrifice schemes.
11. To approve applications for the transfer of mortgaged properties.
12. To recover sums due to the city council.
13. I.
14. To collect all income due to the city council.
15. To raise loans and issue bonds as required, which have been authorised by the council to meet capital and revenue requirements by such methods and on such terms as considered necessary.
16. To approve or refuse applications for repayment of bonds and mortgage loans.
17. To manage the Insurance Fund.
18. To release funds from the contingency provision within the limits set out in the financial rules.
19. The powers and duties of the city council with regard to the demand, collection and recovery of community charges, council tax and the national non-domestic rate, and all other income due to the city council.
20. To lend surplus funds.
21. To approve changes in the interest rate of mortgaged properties and give notice of changes.
22. To authorise jointly with the City Solicitor financial settlements on termination of employment.

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Deleted: S151 Officer to authorise, from time to time, in accordance with Regulation 24 of the Valuation and Community Charges Tribunals Regulations 1989 any proceedings before such a Tribunal and in accordance with Section 223 Local Government Act 1972 to initiate or appear on behalf of the council in any proceedings before the Magistrates Court in connection with the Community Charge, council Tax or National Non-Domestic Rate, for officers of the Council to represent the Council in such proceedings.

Deleted: arrange insurance cover for the council.

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Internal Audit

In accordance with the Local Government Act 1972, the Accounts and Audit Regulation 2015 specifically requires that a relevant authority must have an effective internal audit function excluding the Annual Internal Audit Opinion, this being specifically delegated to the Chief Internal Auditor.

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IS Function

23. To ensure that the following arrangements meet the required security standards and that the intended systems are compatible with the Council's technical standards and infrastructure:-

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- a. to authorise where data is to be hosted external to the PCC infrastructure (i.e. in the Cloud);
- b. to authorise the purchase of systems that are to be hosted on the PCC infrastructure

24. The Director of Finance and IS, or his delegated representative, to authorise any departure from standards regarding point 25 above. The determination and interpretation of adherence to standards is at the sole discretion of the Director of Finance and IS or his delegated representative.

Procurement Function

Deleted:

25. Tenders / Contracts

General supervision and progressing of contracts.

Execution of work and invitation for and acceptance of tenders for recurring or non-recurring items provided for in the approved annual revenue estimates and estimates for the General Housing Repairs Fund, except items reserved by the Cabinet for further approval.

Acceptance of tenders for demolition works approved by the Cabinet or Full Council.

Acceptance, renewal and variation of maintenance contracts for installed equipment within the approved estimates.

To determine the selling prices of goods and services in relation to trading activities.

26.

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DIRECTOR OF PROPERTY AND HOUSINGGeneral

1. To manage the repair and maintenance of all council property and land enabling the council to maintain and improve its properties as appropriate in accordance with the council's asset management strategy including but not limited to response repairs, void repairs, planned and cyclical maintenance.
2. To be responsible for the management and development of council assets, included but not limited to lease management, adaptation, acquisition, the direct construction of assets and disposal to third parties.
3. To manage the council's housing estates and the dwellings on them, including the allocation of accommodation and exercise the council's powers as a housing authority
4. To approve the appropriation of assets between the Housing Revenue Account and the General Revenue Account.
5. To dispose of vacant or tenanted properties where the market value is greater than £250,000 by way of private treaty or public auction, where the principle of disposal has been agreed by the city council.
6. To agree terms for the variation of covenants for land and property previously sold by the council.

Management of corporate assets

1. To agree leases up to a term of 150 years and licence non-residential properties including land at the best rents obtainable.
2. To grant, building agreements, licences, easements and wayleaves.
3. To serve notices under the Landlord and Tenant Act 1954 to determine leases with a view to renewal on fresh terms.
4. To serve notices under Part II of the Landlord and Tenant Act 1954 where the council wishes to oppose the grant of new tenancies or wishes to protect future interests as a tenant of leased property.
5. To agree surrender and lease renewal transactions including leases of up to 150 years.
6. To service Section 146 notices under the Law of Property Act 1925, in situations where breach of covenants of commercial leases occur and where appropriate to regain possession by means of peaceable re-entry.

Deleted: Acquisition, disposal, investment and development¶

¶
<#>To identify and assess opportunities for asset development and investment including the management and chair of the asset development board ¶

¶
<#>To provide market advice (including tenant demand, price, availability, type of transaction) to inform wider development decisions¶

¶
<#>To provide all valuation advice regarding development and investment (including assessments of existing use) ¶

<#>To undertake asset acquisitions and disposals ¶

¶
<#>To carry out all functions required to manage the Council's property investment fund including but not limited to acquisition and disposal of assets in and out of the fund, management, appointment of consultants and annual performance reporting.¶

¶
<#>To assist the Property & Housing Finance Manager in modelling and assessing financial appraisals¶

¶
<#>To maintain and update the Asset Development Programme plan¶

¶
<#>To provide relationship management of key public sector ...

Deleted: <#>In consultation with the city solicitor, to accept blight notices which s/he considers to be valid and which are served in respect of properties affected by city council proposals.¶

¶
<#>Where the council has resolved to make a compulsory purchase order, to settle terms for the purchase of property within the relevant approved budget. ¶

¶
<#>To make payments on account of up to 90% of estimated compensation for compensation in relation to claims for the value of interests in property and claims for disturbance, where the council have resolved to make a compulsory purchase order.¶

¶
<#>In conjunction with other officers concerned, to settle claims not exceeding £5,000 for compensation under Section 596 of the Housing Act 1985 and under the provisions of the Land Compensation Act 1973.¶

¶
<#>To agree terms for the acquisition of freehold or leasehold interest, where funding has been approved. ¶

¶
<#>In consultation with the Director of City Development and Culture and the Director of Transport, Environment and Business Support to give permission for installation of communications services and services equipment, electricity sub-stations a...

7. To approve the lettings of any premises under the control of the council to approved, non-profit making organisations, including charities at less than market value, after consultation with the appropriate chief officer.
8. To undertake all functions appropriate to the management of property held under trust by the city council including authority to agree with and submit to the Charity Commissioners 'schemes' relating to the future management or disposal of such property.
9. To authorise the termination of any lease, licence, easement, or wayleave to use or occupy non-residential land and property.
10. To grant service tenancies of council owned land and buildings.
11. To place orders for reactive maintenance and emergency works to council owned buildings and structures.
12. To settle claims and requests for ex-gratia payments not exceeding £1,500 subject to the city solicitor being satisfied that the council are likely to be legally liable.
13. To represent the council in proceedings before the courts including but not limited to:
 - a) To make proposals for the alteration of the valuation list.
 - b) To serve notices of objection concerning proposed assessments of hereditaments.
 - c) To enter into agreements as to the proposed assessments of hereditaments.
 - d) To secure alteration, inclusion or deletion of any rating assessment of property owned or occupied by the council.
 - e) The power to appeal (if such be given to the council) against any valuation banding.
14. Recovery of costs - Where services are provided externally to the Council, the power to recover the full cost of the provision of those services.
15. Work on behalf of other public bodies - Power to carry on work on behalf of other public bodies.
16. To determine the selling prices of goods and services in relation to trading activities.
17. To agree terms of disposal for areas of land and vehicular access rights to owners or tenants who are in the process of purchasing their council house.

Mortgages

1. After consultation with the City Solicitor and Director of Finance and Information Service, to approve lettings of property in mortgage to the city council on terms that do not adversely affect the council's interests as mortgagee.
2. Where a mortgagor of the council fails to comply with any covenants in his legal charge (other than those relating to payment of principal and interest) after written warning of the default, to authorise the city solicitor to institute proceedings for

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possession of the mortgaged security; and where appropriate jointly with the Director of Finance and Information Services, and city solicitor to exercise the council's power of sale under the legal charge.

3. To instruct the City Solicitor where a property is in mortgage with the city council and an order for possession has been granted for mortgage arrears:
 - a) To arrange for re-possession of the property,
 - b) To arrange for disposal on the open market at the best price reasonably obtainable, and
 - c) To complete the disposal

Housing Property Management

1. To grant or refuse requests for the inclusion of other land with premises where the secure tenant is exercising the right to buy and to serve appropriate notices, under Section 184 of the Housing Act 1985.
2. To grant or refuse requests received from tenants purporting to exercise the right to exchange under Section 92 of the Housing Act 1985.
3. To prepare and serve all appropriate notices under Part IV of the Housing Act 1988 in respect of land held for Housing purposes.
4. To serve notices of seeking possession or notices to quit on tenants of council dwellings in rent arrears or otherwise in breach of their tenancy agreements or on the President of the Probate Division where the tenant has died and subject to any right of succession.
5. In consultation with the city solicitor to take legal proceedings for the possession of council dwellings and/or for the recovery of rent arrears.
6. To decide when to grant tenancies where no statutory right of succession applies.
7. To deal with tenants' requests to carry out improvements to their dwellings under the Housing Act 1985.
8. To settle unpaid accounts with utility companies under Section 33 Local Government (Miscellaneous Provisions) Act 1976.
9. Authority to approve where reasonable or refuse assignments and offer secure tenancies to the assignees under the Housing Act 1985, Section 91.
10. To supply indemnities, under Section 442 of the Housing Act, 1985 to building societies and other recognised bodies in appropriate cases.
11. To make all payments to tenants of city council accommodation for home loss, disturbance, removal and allied expenditure involved in either temporary or permanent moves.
12. In respect of the under-occupation of houses to make payments to city council tenants in accordance with the council's approved scheme.

13. To manage the council's housing estates and the dwellings on them, including the allocation of accommodation and exercise the council's powers as a housing authority for that purpose.
14. To administer the sale of council dwellings under the 'right to buy' provisions, including the determination of applications for the waiver of any requirement to repay discount.
15. To repurchase suitable ex-council properties, including leasehold flats.
16. To agree nomination rights under schemes to be carried out by social housing landlords.
17. To enter into contract for tenancy related support services.
18. To enter into contracts or leases to provide temporary homelessness accommodation.
19. To serve Notices under Section 146 Law and Property Act 1925 on its long leaseholders who are in breach of the lease.
20. In respect of tenancy relation issues:
 - a) To take action, including the service of notices, in respect of the unlawful eviction of tenants and the harassment of occupiers of tenanted property.
 - b) To take action, including the service of notices, to obtain information, rent books, insurance arrangements and other documents relating to tenanted property.
 - c) To take action under the rent acts to recover from landlords sums paid in excess of recoverable rents.

Housing Standards

1. Where the council have approved the repair, refurbishment or improvement of an asset and the relevant expenditure, to enter into contract and discharge the functions required to complete the work to the asset.
2. In his discretion authorise repairs which the city council does not have a statutory obligation to carry out.
3. To exercise the council's powers and duties in respect of the following:
 - a) sanitation, sanitary conveniences and appliances in buildings and workplaces, drains, sewers, water closets cleansing, decorating or cleaning filthy or verminous premises, cleansing or destruction of filthy or verminous articles, accumulation of rubbish, neglected sites, prevention of damage by pests, food storage accommodation, defective premises, ruinous and dilapidated buildings, protection of unoccupied buildings and structures, and statutory nuisances.
 - b) repairs notices, deferred action notices, closing orders, demolition orders, standards of amenity provision, overcrowding of dwellings, management and

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means of escape from fire in houses in multiple occupation, including enforcement, determination and variation of any notices, orders and directions, and the power to execute work.

4. To approve or refuse grants for improvements and repairs, applications for improvement loans, and home insulation grants and loans.
5. Recovery of costs - where services are provided externally to the council, the power to recover the full cost of the provision of these services.
6. Work on behalf of other public bodies - power to carry on work on behalf of the public bodies.
7. To agree terms for rights of light and air affecting council property.
8. To exercise the council's powers and duties in respect of the following:
 - a) sanitation, sanitary conveniences and appliances in buildings and workplaces, drains, sewers, water closets cleansing or destruction of filthy or verminous articles, accumulation of rubbish, neglected sites, prevention of damage by pests, food storage accommodation, defective premises, ruinous and dilapidated buildings, protection of unoccupied buildings and structures, and statutory nuisances.
 - b) All relevant parts of the Housing Act 2004 including, enforcement, notice of entry, determination of works and variation of any notices, orders and directions, and the power to execute the work, with or without the permission of the homeowner. Power to set amenity provision and space standards for houses in multiple occupation. And subject to consultation with the appropriate executive member over the level of fees to be charged for any aspects of cost recovery available within the Housing Act 2004.
 - c) To license any mobile home site as required and in consultation with the appropriate Executive Member, set a reasonable fee for doing so.
 - d) Maintain a list of and sample any private water suppliers within the area, as required by the Private Water supply regulations. In consultation with the appropriate Executive Member, set a fee for undertaking this work.
 - e) Supply of public utility services to tenanted dwellings including in consultation with the City Solicitor the recovery of costs incurred.
9. In respect of tenancy relation issues:
 - a) To take action, including the service of notices, to obtain information, rent books, insurance arrangements and other documents relating to tenanted property.

- b) To take action under the rent acts to recover from landlords sums paid in excess of recoverable rents.

10. In respect of private sector housing policy -

- a) To establish (in consultation with the executive member) a waiting list with suitable criteria for grant applications outside action areas; and to report this for information on MIS
- b) To extend the agency service to householders wishing to improve their properties but who are not eligible for grant aid initially within the proposed Action Area)
- c) To initiate action in any of the areas listed in housing minute 50/97 in a sequence which will best maintain approved levels of annual expenditure, following consultation with the appropriate executive Member. To develop an approved builders scheme
- d) To consider and determine -
 - a. Applications for mandatory disabled facilities grants;
 - b. Applications for renovation grants; HMO grants; common parts grants; and home repair grants.
- e) To approve, in consultation with the appropriate executive Member, changes to the weighting of the criteria used for the assessment of renovation grants where the application is made by a landlord.

11. To exercise the council's powers and duties to appoint authorised officers and authorised persons for any purpose within the responsibilities of the Director.

12. As part of the private sector housing strategy to operate and manage a home improvement service;

Repair and Maintenance of Council Assets and Land

- 1. To carry out the right repair at the right time to Council assets within the appropriate scope of service that ensures the Council meets customer demand for the repairs and maintenance service.
- 2. To undertake all of the Council's statutory asset repairs and maintenance obligations and maintain appropriate records including but not limited to the following:
 - a. Gas safety inspection and servicing in accordance with the Gas Safety (Installation & Use) Regulations 1998
 - b. Electrical inspection in accordance with the Landlord and Tenant Act 1985

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- c. Legionella testing in accordance with the Approved Code of Practice L8 (The Control of Legionella Bacteria in Water Systems) of all communal water systems and large water storage tanks
 - d. Passenger lifts and stairlifts servicing in accordance with general health and safety legislation including the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)
 - e. Fire risk assessments and prevention in accordance with the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005
 - f. Asbestos management in accordance with the Control of Asbestos Regulations 2012
 - g. Housing health and safety rating in accordance with the Housing Act 2004
- 3. To maintain and regularly review an asset management strategy and business plan for all Council assets.
 - 4. To assess the condition of the Council's assets, develop asset management plans and undertake schemes to meet demands to maintain and improve Council assets.
 - 5. To maintain and update asset management plans for Council assets including but not limited to planned maintenance of assets, structural work to non-traditional properties, energy performance of assets, environmental improvements, mechanical and electrical services to installations and sites suitable for potential development.
 - 6. To continually assess and utilise all Council assets to provide suitable assets to meet customer demand when needed including but not limited to refurbishment, change of use, reconfiguring layouts, disabled adaptations, improving energy performance, area regeneration and environmental improvements..
 - 7. To maintain a bespoke repairs and maintenance stock database that will capture all the relevant data required to enable measures to support the management of the repairs and maintenance service.
 - 8. To evaluate all Council assets and assess the financial benefits to the Council including vacant dwellings, this can include but not limited to the development of land including garage and parking sites, the conversion of existing buildings, the sale and acquisition of properties.
 - 9. To recruit, train, support and develop the skills of the repairs and maintenance teams to meet the demands they receive and provide a complete in-house surveying service.
 - 10. To assess the most appropriate procurement route that will enable a contractor to be appointed that provides value for money for the specific project or service required to include but not limited to using existing service providers, gaining quotes, utilising an agreed select list or tenders utilising a framework contract or tendering a specific one off contract.

11. To enter into contract with a contractor to provide a repairs and maintenance service or undertake a specific project in accordance with the Council financial rules and standing orders.
12. To accept the surrender of contracts for a repairs and maintenance service or specific project and seek novation, assignment or procurement of work elsewhere for completion as appropriate.
13. To enter into contract with a consultant to provide specialist surveying services and advice as appropriate where it is not proportionate to provide the service in-house or there is insufficient capacity including but not limited to building surveys, architect and design services, measured surveys, structural surveys, mechanical and electrical design, asbestos surveys and energy surveys.

Clean City

1. Cleansing or destruction of filthy or verminous articles, accumulation of rubbish, neglected sites, prevention of damage by pests, food storage accommodation, defective premises, ruinous and dilapidated buildings, protection of unoccupied buildings and structures, and statutory nuisances.
2. To exercise the council's powers and duties including serving notices and taking appropriate action in respect of the following:
Collection, disposal and treatment of controlled waste; receptacles for housing hold waste; commercial or industrial waste; disposal of waste collected; payments for recycling and disposal of waste; powers for recycling waste; powers to require removal of waste unlawfully deposited; removal and disposal of abandoned vehicles.
3. To exercise the council's powers and duties including:
 - a. The power to appoint inspectors and authorised persons.
 - b. (subject to consultation with the city solicitor, to institute legal proceedings and to represent the council in appropriate cases).
4. To grant or refuse consents, to serve notices and take any necessary action including recovery of costs in respect of the following:
 - a. Assertion and protection of public rights to use of highways.
 - b. Unlawful damage or disturbance to highways and footways, unauthorised marks on highways.
 - c. Control of deposit and removal of builders' skips.
 - d. Planting trees in or near the highway.
 - e. Removal of deposits on the highway.
 - f. Snow clearance.
 - g. Prevention of soil or refuse being washed out in the street.
 - h. Removal of projections from buildings.
 - i. Trees, shrubs, hedges overhanging the highway, or which are dangerous.

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APPENDIX 2 TO THE MINUTES**PART 2 - SECTION 5A**

- j. Prevention of water falling on or flowing on to the highway.
- k. Barbed wire fences.
- l. Dangerous land adjoining street.
- m. Control of deposit of building materials.
- n. Making of excavations in streets.
- o. Construction of fence/hoarding, or other structure in connection with erection or demolition of building.
- p. Privately owned bridges.
- q. Construction of buildings over highways.
- r. Erection of apparatus across a highway.
- s. Construction of cellars under a carriageway of a street.
- t. Cellars and opening under streets and pavement lights and ventilation.
- u. Vehicle crossings over footways and verges.
- v. Repairs to private streets.
- w. Encroachments in, on or over the public highway.

5. To exercise the council's powers and duties including serving notices and taking appropriate action in respect of the following:
- a. Offence of leaving litter; summary proceedings by litter authority; Duty to keep public registers; Powers in relation to abandoned shopping and luggage trolleys including the power to authorise officers to carry out functions under Section 99 and schedule 4 of the EPA 1990; restrictions on the importation etc of waste; seizure, detention and disposal of stray dogs.
 - b. To enforce and otherwise deal with the offence of dog fouling, including authority to appoint 'authorised officers' (not necessarily under his direct managerial control of city council employees) to enforce the Portsmouth Dogs (Fouling of Land) Act Designation Order 1997 (as may be amended from time to time by Clean Neighbourhoods & Environment Act 2005 sec 59 and the Anti-social Behaviour, Police & Crime Act 2014 with regard to Community Protection Notices and Public Space Protection Orders).

Environment Enforcement Team Delegated Authority

Offence Type	FPN AMOUNT SET BY PCC or REPORTED FOR PROSECUTION ONLY
Littering	£75
Number of Dogs a person may have under their Control	Not currently in force in Portsmouth and would require a change to the current control order
Dog Fouling	£75
Dogs in Prohibited areas, off lead etc.	£75
Dog issues, off lead on designated highways.	No FPN reported for prosecution only
Aggressive Dog issues or without name tags	No FPN reported for prosecution only

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Dog issues on private land.	No FPN reported for prosecution only
Exposing Vehicles for sale on the road	Enforcement under taken by parking, (£100)
Repairing vehicles on the road	Enforcement under taken by parking <u>only</u> , (£100)
Fly Posting or affixing things on highways structures	<u>£75.00</u>
Presentation of Domestic Waste	£60 Civil Debit <u>+ costs</u>
Presentation of trade waste	£100
All Highways Issues affecting the PFI Contract (skips, building materials, damage to the highway, fly posting etc.)	No FPN available for any Highways Act 1980 offences but they must be reported for prosecution only
Obstructions of the Highway	No FPN available for this offence must be reported for prosecution only
Fly Tipping	<u>£400</u>
Duty of care Waste transfer documentation	£300
Waste Carriers Licence	£300
Sec 108 Investigation	No FPN available for this offence must be reported for prosecution only
Fly Posting (Private Land issues)	<u>£75</u>
Fly Posting (Highways)	<u>£75</u>
Graffiti	£75
Private Land and buildings issues which are detrimental to the amenity of an area. E.g. dumped waste on private land	No FPN available for this offence Issuing of notices requiring actions to be undertaken as laid out if not complied with must be reported for prosecution.
Prevention of Pests/vermin	No FPN available for this offence Issuing of notices requiring actions to be undertaken as laid out if not complied with must be reported for prosecution
Removal of waste from jointly owned private land	No FPN available for this offence Issuing of notices requiring actions to be undertaken as laid out if not complied with must be reported for prosecution
Sealing up of Dangerous Building/Land	No FPN available for this offence Issuing of notices requiring actions to be undertaken as laid out if not complied with must be reported for prosecution
Unauthorised Distribution of Literature.	£75
Litter abatement notice for statutory undertakers	No FPN available for this offence must be reported for prosecution only
Vehicles being used for advertising	No FPN available for this offence must be reported for prosecution only

Deleted: only and no FPN currently authorised for PCC to use for this offence¶

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Deleted: No FPN available for this offence must be reported for prosecution only¶

Deleted: Litter & Refuse Clearing notice¶

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APPENDIX 2 TO THE MINUTES

PART 2 - SECTION 5A

People living in vehicles on the highway overnight	No FPN available for this offence must be reported for prosecution only
Community Protection Notices for Environmental & ASB issues	£100
Public Space Protection Orders	£100
<u>Householders Duty of Care</u>	<u>No FPN available for this offence at this time so must be reported for prosecution only, but FPN will be introduced in 2018</u> <u>£400</u>

DIRECTOR OF REGENERATION

1. To grant or refuse consents, to serve notices and take any necessary action including recovery of costs in respect of the following -
 - a. Assertion and protection of public rights to use of highways
 - b. Unlawful damage or disturbance to highways and footways; unauthorised marks on highways
 - c. Control of deposit and removal of builders' skips;
 - d. Planting trees in or near the highway;
 - e. Removal of deposits on the highway;
 - f. Snow clearance;
 - g. Prevention of soil or refuse being washed into street;
 - h. Removal of projections from buildings;
 - i. Trees, shrubs, hedges overhanging the highway, or which are dangerous;
 - j. Prevention of water falling on or flowing on to highway;
 - k. Barbed wire fences;
 - l. Dangerous land adjoining street;
 - m. Control of deposit of building materials;
 - n. Making of excavations in streets;
 - o. Construction of fence/hoarding, or other structure in connection with erection or demolition of building;
 - p. Privately owned bridges;
 - q. Construction of buildings over highways;
 - r. Erection of apparatus across a highway;
 - s. Construction of cellars under a carriageway of a street;
 - t. Cellars, and openings under streets and pavement lights and ventilation;
 - u. Vehicle crossings over footways and verges;
 - v. Repairs to private streets
 - w. Licences for street works and new road
 - x. Encroachments in, on, or over the public highway.
 - y. The erection of Direction Signs by private individuals or outside bodies.
2. To take such action as is considered necessary to secure compliance with the provisions of the Rights of Way Act 1990.
3. To accept offers of land for dedication for highway purposes, and to carry out works or pay costs and expenses in adopting the land, up to a total of £5,000.
4. To approve the marking of the word "Entrance" or "Disabled" on the carriageway where requested by the occupants of premises, and to ask in the case of "Entrance" the occupant to meet its cost.
5. To decide any request for a disabled parking space where a car is not available but the applicant is clearly in need of assistance.
6. To object to the proposed naming of a street by developers or any other person.
7. To allocate street numbers to small infill developments in the city, and to allocate street names and building names.
8. Temporary restrictions:-
 - a. To authorise any necessary action in respect of temporary traffic restrictions for all purposes.
 - b. Power to set the level of fees payable by outside bodies for temporary restrictions undertaken on their behalf.

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9. Powers and duties in respect of traffic regulation orders where no objections are received to a proposed order or where an objection is received but subsequently withdrawn.
10. To agree terms for agreements with developers under Section 38 of the Highways Act 1980.
11. To agree terms for agreements under Section 278 of the Highways Act 1980 (contributions towards off-site highway infrastructure).

Transport

12. To operate and manage the city council's off street car parking.
13. To operate and manage on street pay and display schemes.
14. To exercise the council's powers and duties in respect of:-
 - a. the enforcement of traffic regulation orders, including the power to appoint civil enforcement officers
 - b. residents' parking schemes
15. The powers and duties under the Reservoirs Act 1975 including authorising the issue of statutory notices, entry upon land, and exceptionally, the taking of emergency action to protect persons or property.
16. To exercise the council's powers and duties as highway authority.

17. Trading

- a. To trade services within the directorate.
- b. To determine the selling prices of goods and services in relation to trading activities.

18. Recovery of costs

- a. Where services are provided externally to the Council, the power to recover the full cost of the provision of those services.

19. Work on behalf of other public bodies

- a. Power to carry out work on behalf of other public bodies.

20. Coastal Flood and Erosion Risk Management / Drainage

The council's functions in respect of coastal protection

- a. to exercise the Council's powers and duties in respect of the Flood and Water Management Act 2010 and Coast Protection Act 1949;
- b. to negotiate and authorise all necessary work with Government departments, statutory and non-statutory agencies and organisations to manage flood risk and drainage.

21. Economic Development and Business Support

Deleted: <#>to provide technical, professional and financial support to businesses and training / employment / learning organisations who are either operating, or wish to operate within the city and the sub-region;¶

- a. to enable activity by the Council or its agents to assist businesses and thereby stimulate economic growth, improve the city's skills base and individual and community prosperity.

Property Investment

- 22. To take such steps as shall be considered necessary to protect the council's interest in land and property.
- 23. Acquire properties that provide long term investment in accordance with corporate objectives. To carry out all transactions required to manage the councils investment fund in line with the property investment strategy

Acquisition, disposal, investment and development

- 24. To identify and assess opportunities for asset development and investment including the management and chair of the asset development board
- 25. To provide market advice (including tenant demand, price, availability, type of transaction) to inform wider development decisions
- 26. To provide all valuation advice regarding development and investment (including assessments of existing use)
- 27. To carry out all functions required to manage the Council's property investment fund including but not limited to acquisition and disposal of assets in and out of the fund, management, appointment of consultants and annual performance reporting.
- 28. To assist the Directorate Finance Manager in modelling and assessing financial appraisals
- 29. To maintain and update the asset development programme plan
- 30. To provide relationship management of key public sector partners in relation to property.
- 31. To provide property lead and support to all corporate projects and service reviews
- 32. Where the city council have approved a purchase and the relevant expenditure, to settle terms up to the approved figure.
- 33. Where the council have approved the direct construction of an asset and the relevant expenditure, to enter into contract and discharge the functions required to complete the development of the asset.
- 34. In consultation with the City Solicitor, to accept blight notices which s/he considers to be valid and which are served in respect of properties affected by city council proposals.

Deleted: <#>To undertake asset acquisitions and disposals ¶

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35. Where the council has resolved to make a compulsory purchase order, to settle terms for the purchase of property within the relevant approved budget.
36. To make payments for compensation in relation to claims for the value of interests in property and claims for disturbance, where the council have resolved to make a compulsory purchase order.
37. In conjunction with other officers concerned, to settle claims not exceeding £50,000 for land compensation.
38. To agree terms for the acquisition of freehold or leasehold interest, where funding has been approved.
39. To give permission for installation of communications services and services equipment, electricity sub-stations and other minor works or wayleaves in or on any council premises or land under his management.

Deleted: on account of up to 90% of estimated compensation

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40. To dispose of freehold interests where the market value does not exceed £150,000.
41. To accept offers and to agree terms and conditions for the sale of land and property.

Deleted: <#>To agree terms for the disposal of land and premises (including disposal on a freehold or leasehold basis) where the council have approved the principle of disposal.¶

Planning

42. To prepare and submit the local planning authority's views to,
 - a. internal parties within Portsmouth City Council, and
 - b. external parties responsible for policy formulation, including but not limited to commenting on consultation papers and assisting the policy formulation associated with government departments (except formal responses to draft and final versions of regional planning guidance).
43. To prepare and submit the local planning authority's views to working parties on implementation work related to statutory development plan issues affecting the whole or part of the local planning authority's area, to review any statutory development plan, to conduct the consultation, arrange the deposit of drafts, to consider proposed modifications and ultimately secure the adoption of required statutory development plans.
44. To prepare and submit the local planning authority's views to working parties, and policy formulation related to the preparation of minerals and waste policy (except resolutions to review the plan, the consultation and deposit drafts, proposed modifications and adoption of the plan).
45. To publish -
 - a. new planning advice or guidance notes and amend existing notes and to repeal the same where appropriate;
 - b. future heritage guideline documents.
46. To make, confirm or otherwise deal with Directions to create local restrictions on permitted development rights made under the Town & Country Planning legislation

Deleted: working parties, policy formulation and implementation work review the plan, the consultation and deposit drafts, proposed modifications and adoption of the plan

Deleted: and policy formulation related to the preparation of minerals and waste policy (except resolutions to review the plan, the consultation and deposit drafts, proposed modifications and adoption of the plan).

Deleted: comment on consultation papers and assist the policy formulation associated with government departments (except formal responses to draft and final versions of regional planning guidance).

relating to General Permitted Development, taking into account any representations received.

General Matters

47. To determine -

- a. whether development would fundamentally conflict with or prejudice the implementation of any statutory development plan;
- b. whether development would materially conflict with or prejudice the implementation of any of the policies or general proposals of the NPPF or with a fundamental provision of a statutory development plan.
- c. all planning applications where they do not involve a departure from the development plan and where -
 - i. no adverse representations are received from statutory consultees;
 - ii. other representations are not based on material planning considerations; and
 - iii. no request has been received to attend committee as a deputation

d. whether any representations made are based on material planning grounds **in consultation with Highways:**

- i. whether a highway diversion and/or stopping-up order under the Town and Country Planning legislation should be made and subsequently confirmed where unopposed, or
- ii. whether a highways diversion and/or stopping-up order under the Town and Country Planning legislation should be referred to the appropriate appellate body for determination where opposed.

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48. Applications to register land on the Council's Assets of Community Value Register

49. Applications to register land as [Town and Village Green]

50. To prepare and submit -

a. Recommendations on any items before the Planning Committee

- b. the local planning authority's observations on development proposals within other local authority areas and proposals by government;
- c. observations on applications and consultations not covered by the Town & Country Planning legislation which seek the council's views as local planning authority.

51. To determine whether an environmental assessment statement is required for relevant development projects under the Town and Country Planning legislation and environmental legislation

Deleted: (Assessment of Environmental Effects) Regulations 2011.

52. To determine whether an environmental impact assessment is required for relevant development projects.

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APPENDIX 2 TO THE MINUTES

PART 2 - SECTION 5A

53. In consultation with the City Solicitor, to approve or refuse applications for certificates of lawfulness of existing or proposed use or development under Sections 191 and 192 of the Town and Country Planning Act 1990 and any successor legislation.
54. To advertise as statutorily required or publicise in such way he considered necessary any planning application under Town and Country Planning legislation.
55. To serve statutory notices in respect of listed buildings and conservation areas.
56. To deal with conservation area tree notices including considering objections and representations, and to take such action as considered appropriate.
- To authorise variation of conditions attached to planning consents where such variation does not require a formal application.
57. To authorise the making of and to confirm or otherwise deal with tree preservation orders, taking into account any objections and representations received.
58. To administer and monitor the enforcement, collection and spend of all planning obligations under Section 106 of the Town and Country Planning Act and the Community Infrastructure Levy Regulations
59. To grant or refuse consent, in respect of building plans and the Building Regulations.
60. To grant or refuse applications for advertisement consent.

Contentious Matters

61. To decide whether to issue a contaminated land notice/remediation notice under environmental protection legislation and to take any preparatory and/or consequent steps to such an action
62. To take enforcement action and prosecution or other appropriate disposal in relation to listed buildings and conservation areas
63. To recommend appropriate breaches of tree preservation orders for prosecution or other disposal to the City Solicitor
64. In relation to breaches of planning control, to serve enforcement notices, breach of condition notices, planning contravention notices and to take any other action including but not limited to serving statutory notices, making an application to court or making statutory demands for information in consultation with the City Solicitor and to recommend breaches of planning control for prosecution or other disposal to the City Solicitor where appropriate.
65. In relation to anticipated breaches of planning control, to seek the City Solicitor's advice on seeking an injunction.
66. To serve statutory notices relating to land having a detrimental effect upon the amenity of an area under all enabling legislation.

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Deleted: (General Development Procedure) 1995

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Deleted: <#>Subject to the MIS rules, to grant or refuse applications for telecommunications code operator proposals under the Town and Country Planning (Permitted Development) (Telecommunications) Order 2013. This power is subject to consultation with the chair, vice-chair and opposition spokesperson (or their nominees) of the Planning committee when the proposed decision would be contrary to views expressed by statutory consultees or representations received as a result of publicity given to the proposal. Deal with all other Prior Notification applications under the same mechanism.¶

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<#>Authority to vary conditions attached to planning consents where such variation does not require a formal application.¶

Deleted: <#>To make, confirm or otherwise deal with Directions made under Article 4(2) of the Town & Country Planning (General Permitted Development) Order 1995?, taking into account any representations received.¶

Deleted: <#>To serve enforcement notices and pursue prosecutions.¶

¶<#>To serve notices under Section 215 of the Town and Country Planning Act.¶

¶<#>To administer and monitor the collection and spend of all obligations under Section 106 of the Town and Country Planning Act and the Community Infrastructure Levy Regulations.¶

¶<#>The closure or restriction of rights of any highway.¶

Deleted: to serve notices and to take other necessary action

Deleted: <#>In the case of Sports Grounds to which the Safety of Sports Grounds Act 1975, the Fire Safety and Safety of Places of Sport Act 1987, and the Football Spectators Act 1989 apply:¶

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...

67. To serve notices and to take other necessary action, including the recommendation of prosecution or other disposal to the City Solicitor, in respect of building plans and the Building Regulations.

68. In planning appeals and inquiries, to either:

- a. Present the Council's case in appropriate matters; or,
- b. Act as expert witness and seek the advice of the City Solicitor to procure advocacy services in appropriate matters.

Environmental Matters

69. To administer public registers of land which may be contaminated, and to appoint inspectors and authorised persons for the purposes of establishing whether land is contaminated in accordance with all enabling environmental legislation.

70. To administer hazardous substance registers in accordance with all enabling environmental legislation

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71.

DIRECTOR OF CULTURE

1. To trade services within the directorate.
2. Where services are provided externally to the Council, the power to recover the full cost of the provision of those services.
3. Power to carry on work on behalf of other public bodies.
4. To manage the arts, libraries, museums and art galleries, records, archives, and the other properties and facilities which are the responsibility of the Director of Culture.
5. To determine requests to hold special events on land and premises under the control of the Director of Culture.
6. To approve applications for the granting of minor trading concessions, promotions and similar events.
7. To allow charitable organisations a reduction of the normal hiring charge.
8. To make the necessary arrangements for special events.
9. To book orchestras, bands and artists for concerts and other events.
10. To determine the selling prices of goods and services in relation to trading activities.
11. To accept (or refuse) loans or donations of works of art, museum specimens and library material.
12. To apply money bequests towards the purchase of works of art, museum specimens and library material in consultation with the Cabinet Member.
13. To arrange exhibitions and public lectures.
14. To approve reproductions of works of art and museum specimens from the collections and library material.
15. To restrict access to or prevent the availability of archives when their condition is such as to render them unfit for handling by the public.
16. To accept donations and deposits of collections or archival material of local interest.
17. To apply donations and bequests towards the purchase of archives.
18. To approve reproductions of archives and maps from the collections.
19. To manage the parks and open spaces, allotments, cemeteries, community centres and the other properties and facilities which are the responsibility of the

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Director of Culture.

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20. To regulate the use of recreational facilities (outdoor and indoor) by organisations.

21. To grant reduced charges for facilities including allotments to persons of pensionable age in accordance with the approved scale.

22. To accept (or refuse) the donation of seats, plants and livestock.

23.

Deleted: To determine requests to hold special events on land and premises under the control of the Director of Culture and City Development subject to the conditions laid down under council minutes 5/85 and 85/93.

24. To enforce the power to seize and impound horses, notify owners, arrange sale or other disposal.

25. To let allotments, caravan plots and camping sites and other ancillary facilities on an annual basis.

Deleted: under Section 9, Hampshire Act 1983

26. To approve applications for the granting of minor trading concessions and for holding of caravan rallies, promotions and similar events.

27. To allow charitable organisations a reduction of the normal hiring charge.

28. To vary, in consultation with the Cabinet Member, the rate of hire charges for leisure facilities and equipment.

29. To regulate the use of sun huts and sun chalets.

30. To grant, approve or refuse -

- a. applications for the sale and repurchase of rights of burial.
- b. the assignment and devolution of rights of burial.
- c. plans for memorials on purchased grave spaces.
- d. agreements for extended maintenance.
- e. to approve applications for exhumation.
- f. permission for a burial to take place or for ashes to be scattered in any of the council's cemeteries.

31. To exercise local authority powers and duties concerning the maintenance of burial grounds.

32. To manage leisure facilities

33. Powers and duties in relation of environmental health, including the:

- appointment of inspectors, authorised persons and agents

Deleted: 04/15

- authorisation to grant and/or revoke permissions associated with the service of notices, registrations, licenses and permits and/or other enforcement or regulatory documentation
- powers necessary to implement appropriate and proportionate interventions and formal proceedings in relation to non-conforming and/or illegal practices - including the demand for information

in respect to the following:

- a. Animal feed
- b. Animal health and welfare
- c. Bathing water and compliance
- d. Clean air / control of dark smoke - including emissions from chimneys/vehicles and within smoke control areas
- e. Community funerals - including cost recovery and disposal of dead bodies
- f. Control of noxious materials
- g. Control of vermin and other pests - including prevention of damage by pests
- h. Determination and assessment of chimney heights
- i. Determination of applications in relation to environmental impact and associated mitigation
- j. Drainage and sanitation
- k. Environmental permitting - including pollution, prevention and control
- l. Filthy and/or verminous premises and land
- m. Fisheries and shellfish - including associated water sampling
- n. Food hygiene, food safety and food standards - including food supplements, food sampling, control of approved premises, seizure of food and control of foods, temperature controls, content and movement restrictions, import regulations, labelling and public health assurance measures
- o. Health, safety and welfare including dangerous substances
- p. Infectious disease, control and reporting of notifiable diseases
- q. Licensing and prevention of public nuisance
- r. Noise control and investigation - including use of anti-social behaviour legislation
- s. Port health functions - including the ship sanitation, water quality, control of infected persons and the examination of vessels.
- t. Public health agendas - including delivering clearer air and water, smoking enforcement, mandatory display of public information, healthy eating, sustainable development and food production/content
- u. Review, assessment and publication of pollution levels
- v. Statutory nuisance regime

34. The power to appoint Duty Executives.

35. To exercise the council's powers under the Road Traffic (Vehicle Emissions) (Fixed Penalty) Regulations 2002

DIRECTOR OF COMMUNITY & COMMUNICATION

Democratic Service

The Monitoring Officer has concurrent powers to act in respect of the delegations set out regarding Democratic Service.

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Deleted: Note: the power to delegate to officers is contained in section 67 of the Local Government Finance Act 1992 as amended.)

1. In consultation with the Chair of the Employment committee, to appoint members to serve on senior officer appeals and sub-committees under the authority's disciplinary code for teachers and disciplinary boards established in accordance with the disciplinary code adopted by the Diocesan Schools Commission of the Arch-Diocese of Portsmouth for teachers in Voluntary Aided Roman Catholic Schools.
2. Authorised to establish and maintain lists of persons -
 - a. eligible to serve as lay members of education appeals committees; and
 - b. with experience in education.
3. Authorised to appoint individual education appeals panels from amongst the members and persons set out below -
 - a. persons on the list maintained by the democratic services manager who have experience in education, are acquainted with the educational conditions of the City or are parents of registered pupils at schools; and
 - b. persons on the list maintained by the democratic services manager who are eligible to serve as lay members.
4. To approve applications to use the city crest, coat of arms, badge or logo.

Deleted: , acquainted with educational conditions in the city or who are parents of registered pupils at a school but are not employees of the local education authority other than teachers

Freedom of Information

1. To ensure all requests made under the Freedom of Information Act (FOI) / Environmental Information Regulations (EIR) are responded to in accordance with the relevant legislation.
2. To ensure the Council remains up to date with changes in the legislation.
3. To develop and disseminate corporate policies and procedures in relation to FOI / EIR.
4. To provide advice to all areas of the Council on FOI / EIR matters.

Data Protection

1. To handle all Data Subject Access requests (excluding requests for Social Care information) and requests for personal data from third parties (e.g. the Police)).
2. To ensure the Council remains up to date with changes in the legislation.
3. To develop and disseminate corporate policies and procedures in relation to Information Governance and Data Protection.
4. To provide advice to all areas of the Council relating to Information Governance and Data Protection to ensure its obligations under the Data Protection Act are met.

Corporate Complaints

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1. To monitor and manage complaints to ensure Council and Local Government Ombudsman (LGO) timescales are adhered to.
2. To investigate complaints, ascertain the facts and assess whether maladministration exists.
3. To decide on suitable local settlements and ensure that measures are in place to improve service areas and prevent reoccurrence.
4. To manage information regarding complaints figures and escalate any identified trends accordingly.
5. To ensure the Council remains up to date with changes in the legislation.
6. To develop and disseminate corporate policies and procedures relating to complaints.
7. To provide advice to all areas of the Council.

Council tax

1. To approve or otherwise deal with applications for Council Tax Benefit under the following regulations -
 - a. *Council Tax (Administration and Enforcement) Regulations 1992*

All Local Authority powers/duties contained within regulations except those within Sections 25 and 26 (discounts).
 - b. *Council Tax (Administration and Enforcement) Regulations 1992 and Schedule 4 Local Government Finance Act 1992*
 - i. Representing the Council at all proceedings in connection with the collection of Council Tax
 - ii. All Local Authority powers/duties contained within the Regulations.
 - c. *Council Tax (Situation and Valuation of Dwellings) Regulations 1992*

All Local Authority powers/duties contained within the Regulations.
 - d. *Council Tax (Reductions for Disabilities) Regulations 1992*

All Local Authority powers/duties contained within the Regulations.
 - e. *Local Authorities (Calculation of Council Tax Base) Regulations 1992*
 - i. Regulations 3 to 5 - calculation of the amount of a billing authority's council tax base for the purposes of the calculation of its council tax.
 - ii. Regulation 6 calculation of a billing authority's council tax base for a part of its area for the purposes of the calculation of its council tax similarly to the way in which the council tax base is to be calculated for the whole of a billing authority's area under regulations 3 to 5.
 - iii. Regulation 7 the calculation of the council tax base of the area or part of the area of a billing authority for the purposes of the calculation of a major precepting authority's council tax and the amount payable by a billing authority to a major precepting authority, based on the rules set out in regulations 3 to 6.

Revenues and benefits

1. To implement and operate the housing benefit scheme.
2. To approve or otherwise deal with applications for Council Tax Benefit.
3. Under the powers given to the Authority by section 223 of the Local Government Act 1992, all permissions for the granting, varying reviewing and revocation of discretionary relief under the Local Government finance Act 1988, the Local Government and Rating Act 1997 the Local Government Act 2003 and the localism Act 2011 (and any other relevant legislation).

Elections Consultation and Community Engagement

1. To support the Returning Officer in undertaking all functions and responsibilities for local, national, European and any other elections and referenda, in accordance with UK and European legislation and regulations.
2. To support the Electoral Registration Officer in undertaking the electoral registration functions and duties in accordance with legislation.
3. To oversee the corporate consultation process accepting, revising or declining proposals submitted and placing all approved consultations on the web.
4. To support neighbourhood forums by way of advice, venue hire, publicity and staff attendance.

Trading

| To trade services within the directorate.

Deleted: with a view to profit

Recovery of costs

Where services are provided externally to the Council, the power to recover the full cost of the provision of those services.

Work on behalf of other public bodies

Power to carry on work on behalf of other public bodies.

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DIRECTOR OF ADULT SOCIAL CARE1. Commissioning of Services

To approve expenditure on the following matters:

- a. contributions to the funds of voluntary organisations providing social care services for vulnerable adults, including grants and purchases.
- b. the provision of aids, appliances and special equipment and the adaptation of dwelling houses to assist meet the needs of vulnerable adults to live independently people with physical disability;
- c. The commissioning of care and support services for vulnerable adults and carers, either through individual packages of care or through contractual arrangements with care providers
- d. Personal Budgets including Direct Payments to service users to meet the agreed costs of social care arranged by the service user within agreed criteria and procedures.

Deleted: of

2. Charges for Services

To reduce or waive any charge in any particular case which the director regards as being one of exceptional hardship.

Deleted: head of service

3. The Mental Health Act, 2007 (MHA)

- a. To ensure sufficient Approved Mental Health Professionals trained to cover 24 hour rota.
- b. To issue warrants on behalf of the Council in respect of Approved Mental Health Professionals (AMHP) under the Mental Health Act 1983.
- c. To act as nearest relative under MHA if appointed to do so by County Courts.
- d. To consider for acceptance all guardianship applications made by Social Care professionals.
- e. To deal with the renewal and discharge of guardianship applications under the Mental Health Act 1983.

4. Directly Provided Services

To implement the council's policies with regard to responsibilities for provision of directly provided services, and authority to exercise discretion in applying the council's standards in cases which the director regards as exceptional.

Deleted: head of service

5. Proceedings

To institute proceedings and to appear in any legal proceedings on behalf of the council, where the director considers such proceedings necessary, in order to safeguard the well-being of any vulnerable adult.

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6. Deputyship

To prepare and submit recommendations to the Court of Protection, under the Mental Health Act 1983, for the appointment of a Deputy and to administer and comply with Orders of the Court.

7. Deprivation of Liberty

- a. To authorise deprivation of liberty in accordance with Schedule A1 ~~of~~ the Mental Capacity Act 2005.
- b. To authorise applications to the Court of Protection in conjunction with the ~~City~~ Solicitor for those being deprived of their liberty falling outside of Schedule A1 of the Mental Capacity Act 2005.

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8.

DIRECTOR OF CHILDREN'S SERVICES

The Director of Children's Services has concurrent powers to act in respect of the delegations set out below.

1. Financial Assistance

To approve expenditure on the following matters:-

- a. contributions to the funds of voluntary organisations providing social care services for disadvantaged, deprived, or disabled adults, children and families, including initial grants to newly formed clubs and centres, annual grants and contributions towards running costs;
- b. to provide financial assistance in exceptional circumstances to support children and families in severe hardship, and to prevent children from being accommodated by the city council.
- c. direct payments to service users to cover the agreed costs of social care arranged by the service user within the Direct Payments Scheme criteria and procedures.

2. Charges for services

To reduce or waive any charge in any particular case which the director regards as being one of exceptional hardship.

Deleted: head of service

3. Social Workers and Social Care staff

To authorise on behalf of the city council applications by social workers and social care staff for registration by the Health and Care Professions Council (HCPC).

4. Registered Homes

To take all action necessary to implement the council's policies with regard to the council's responsibilities for registered homes, and authority to exercise discretion in applying the council's standards in cases which the director regards as exceptional.

Deleted: head of service

5. Inspection of Residential Homes Advisory Panel

To accept nominations for co-opted members of an inspection of residential homes advisory panel, to serve for a fixed term.

Deleted: Inspection

6. Nurseries, Child Minders and Day Care for Children

To implement and take any appropriate action in respect of nurseries, child minders and day care for children.

7. Receivership

To prepare and submit recommendations to the Court of Protection under the Mental Health Act 1983 for the appointment of a receiver and to administer and monitor orders of the court.

Deleted: court

Deleted: protection

8. Children's Guardians

To implement and take any appropriate action in respect of the children's guardian and reporting officers (panel) regulations.

9. Adoption

- a. To implement and take any appropriate action in respect of adoption agencies regulations.
- b. 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.

10. Protection of Children

To implement and take any appropriate action in respect of the care, supervision and protection of children.

11. Proceedings

To institute proceedings and to appear in any legal proceedings on behalf of the council where the **director** considers such proceedings necessary in order to safeguard the well-being of any child, young person, or adult.

Deleted: head of service

12. Allowances to Foster Parents

To pay allowances in respect of children and young persons accommodated by the council in accordance with the scheme approved for the time being by the **Cabinet**.

Deleted: executive

13. Authority to exercise the following functions of the local authority in respect of education:

- a. To **arrange** teaching staff establishments other than those for which school governing bodies are responsible and to appoint teaching staff;
- b. To grant financial assistance to students and pupils, scales of provision of equipment for educational establishments and hospitality allowances;
- c. To agree terms for and sign licences for the use of spare classroom accommodation by playgroups;
- d. To write off and replace equipment lost owing to fire or theft up to a limit of £1,000;
- e. **The** power to dismiss an employee in **city** or controlled schools who is the subject of a determination by the governing body that he or she should no longer work at school as the case may be or fails probation
- f. In connection with the dual use of schools and other educational premises, subject to the provisions of **statute**, to let buildings and schools and grounds of schools and other educational establishments
- g. To administer school transport schemes approved by the **Cabinet**, including the use of buses and private cars; the appointment of supervisors; application of distance limits; arrangements for disabled children or those with Special Needs
- h. To secure the provision of a school meals service and in consultation with the **Director of Finance and IS** to fix charges;

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Deleted: the articles of government

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Deleted: and services

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APPENDIX 2 TO THE MINUTES

PART 2 - SECTION 5A

- i. To determine, in consultation with the ~~Director of Finance and IS~~, fees and charges payable (including granting discounts) for any course, service or activity, for which a specific fee has not been determined by the ~~Cabinet~~.
 - j. To conclude negotiations on and make new instruments of government required by the School Standards and Framework Act 1998.
14. The holders for the time being of the following posts or such other posts as may be designated by the Director of Children's Services be authorised for the purposes of Section 40(3)(b) of the Local Government (Miscellaneous Provisions) Act 1982 (nuisance and disturbance on educational premises) to exercise the power of removal contained in Section 40(3) in respect of the premises at which they are based:
- a. Headteacher
 - b. Deputy Headteacher
 - c. Adult Education Centre Manager
15. Authority to exercise the following functions of the local authority:
- a. The approval of statements of special educational needs
 - b. Attendance and representation of the local authority at education tribunals
 - c. The giving of directions to governing bodies to reinstate pupils following exclusions
 - d. The power to give any notice, to issue any direction and to institute any legal proceedings on behalf of the council under the relevant provisions of any act, regulations or bye law relating to:
 - i. compulsory attendance at school and the duty of parents to secure regular attendance at school;
 - ii. the employment of children and young persons
 - iii. the statementing of children with special educational needs;
 - iv. the power to ensure cleanliness of pupils;

Deleted: strategic director for corporate resources and services

Deleted: executive

Deleted: <#>Authority to manage, control and administer the children, families & learning directorate and the teaching and support staff, subject to standing orders, financial and staffing regulations of the city council.¶

DIRECTOR OF PUBLIC HEALTH

1. General

- a. The Director of Public Health (DPH) is a statutory chief officer of the Council who is accountable for the delivery of the authority's public health duties. The DPH is the principal adviser on all health matters to elected members and officers, with a leadership role spanning all three domains of public health - health improvement, health protection and healthcare public health.
- b. In general the statutory responsibilities of the DPH are designed to match exactly the corporate public health duties of the Local Authority. The DPH has delegated authority for those matters which they are required to be responsible for under the National Health Service Act 2006 (as amended by the Health and Social care Act 2012).

2. Functions

Section 73A(1) of the National Health Service Act 2006 Act, gives the Director of Public Health responsibility for:

- a. all of the Local Authority's duties to take steps to improve public health
- b. any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the 2006 Act, inserted by section 18 of the 2012 Act, including:
 - i. appropriate access to sexual health services
 - ii. plans in place to protect the health of the population
 - iii. ensure NHS Commissioners received the public health advice they need
 - iv. The National Child Measurement Programme
 - v. The NHS Health Check Assessment
 - vi. Elements of the Healthy Child Programme
 - vii. Duty to produce an annual report on the health of the population.
 - viii. exercising their local authority's functions in planning for, and responding to, emergencies that present a risk to public health
 - ix. co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders such other public health functions as the Secretary of State specifies

3. As well as the core functions described above, the Acts and regulations give the DPH other specific responsibilities:
 - a. for the local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications;

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- b. if the local authority provides or commissions a maternity or child health clinic, then regulations made under section 73A(1) will also give the DPH responsibility for providing Healthy Start vitamins (a function conferred on local authorities by the Healthy Start and Welfare Food Regulations 2005 as amended)
 - c. To be a member of the local health and wellbeing board
4. The Director of Public Health will also:
- a. be the person who elected members and senior officers look to for leadership, expertise and advice on a range of issues, from outbreaks of disease and emergency preparedness through to improving local people's health and concerns around access to health services.
 - b. know how to improve the population's health by understanding the factors that determine health and ill health, how to change behaviour and promote both health and wellbeing in ways that reduce inequalities in health.
 - c. provide the public with expert, objective advice on health matters which promote action across the life course, working together with local authority colleagues such as the director of children's services and the director of adult social services, and with NHS colleagues.
 - d. work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health work with local criminal justice partners and police and crime commissioners to promote safer communities.
 - e. work with wider civil society to engage local partners in fostering improved health and wellbeing.
 - f. be an active member of the health and wellbeing board, advising on and contributing to the development of joint strategic needs assessments and joint health and wellbeing strategies, and commission appropriate services accordingly
 - g. take responsibility for the management of their authority's public health services, with professional responsibility and accountability for their effectiveness, availability and value for money
 - h. play a full part in their authority's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children Board
 - i. contribute to and influence the work of NHS commissioners, ensuring a whole system approach across the public sector.
5. The Director of Public Health is also responsible for non-mandatory public health services which allow for commissioning and delivery at a local level:
- a. Tobacco Control
 - b. Increasing physical activity
 - c. Dental public health services
 - d. Behavioural and lifestyle campaigns to prevent cancer and long term conditions

- e. Comprehensive sexual health services
- f. Promotion of community safety, violence prevention and response
- g. Alcohol and drug misuse services
- h. Assessment and lifestyle interventions as part of the NHS Health Checks programme
- i. Accidental injury prevention
- j. Local initiatives for workplace health
- k. Local initiatives to reduce excess deaths due to seasonal mortality
- l. Local initiatives to tackle social exclusion
- m. Obesity and community nutrition
- n. Public mental health services
- o. Population level interventions to reduce birth defects
- p. Supporting, reviewing and challenging key public health funded services e.g. immunization programmes
- q. Health protection, incidents and emergencies

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Deleted: DIRECTOR OF
INTEGRATED COMMISSIONING
UNIT¶

Deleted: <#>Managing secondments
of CCG staff to Portsmouth City
Council.¶

¶
<#>Budgetary control inclusive of CCG
monies under Section 256 of the NHS
Act 2006 and the Continuing
Healthcare budget.¶

¶
<#>Execution of contracts for Council
service and CCG services under
delegation to the Council.¶

¶
<#>Signing off Section 75 agreements
with CCG responsibility for Pooled
Budgets.¶

¶
<#>Management of the Solent contract
for CCG.¶

DIRECTOR OF THE PORT

1. Authority to discharge the Council's policies, duties and obligations as a Statutory Harbour Authority and Competent Harbour Authority.
2. Authority to manage the Port including leadership, health and safety, quality control and assurance.
3. Authority to negotiate and enter into commercial arrangements.
4. To agree charges for "common user" use of Port facilities
5. Charges -
 - a. To vary charges on demurrage/parking charges at the ferry port and quay storage charges at Flathouse Quay and Camber Quays, using discretionary power with regard to the raising of accounts where special circumstances apply.
 - b. To negotiate charges for quay space, demurrage and parking in all areas of Port operational land.
6. To ensure that operations of established shipping are not unreasonably impeded by hovercraft and hydrofoil vessels under Sections 70 and 71, Hampshire Act 1983.
7. In consultation with the Director of HR, Audit and Performance to conclude agreements with port staff relating to payment for attendance required outside of their contractual hours of work.
8. To negotiate and agree with ferry companies slot time allocations, including variations to slot times during the year.

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"Proper Officer" / Statutory appointments

The following Proper officer/Statutory appointments were re-confirmed by the city council under Minute 83/02. The authority for subsequent changes is set out as a footnote.

<u>Provision of Local Government Act 1972</u>	<u>Function</u>	<u>Officer</u>
83(1) to (4)	Witness and receipt of declarations of office.	CS
84	Receipt of declaration of resignation of office.	CS
88(2)	Convening of meeting of council to fill casual vacancy in the office of chairman.	CS
89(1)(b)	Receipt of notice of casual vacancy from 2 local government electors.	CX
96(1)	Receipt of notices of pecuniary interest.	CS
96(2)	Keeping record of disclosures of pecuniary interest under Section 94, and of notices under Section 96(1).	CS
115(2)	Receipt of money due from officers.	DF
146(1)(a)&(b)	Declarations and certificates with regard to securities.	DF
151	Proper administration of financial affairs.	DF
191	Functions with respect to ordnance survey.	CS
204(3)	Receipt of application for licence under Sch 2, Licensing Act, 1964.	CX
210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to Proper officer where no equivalent office exists.	CS
225(1)	Deposit of documents.	CS
229(5)	Certification of photographic copies of documents.	CS
234 (1)& (2)	Authentication of documents.	CS
238	Certification of bye-laws.	CS
248	Keeping of roll of freemen.	CS
Schedule 12 Para 4(2)(b)	Signature of summonses to council meetings.	CS
Schedule 12 Para 4(3)	Receipt of notices regarding address to which summons to meetings is to be sent.	CS
Schedule 14 Para 25(7)	Certification of resolutions under para 25 of Schedule 14.	CS
	Any reference in any local statutory provision to the Clerk of the council.	CX

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<u>Provision</u>	<u>Function</u>	<u>officer</u>
<u>Proper officer Resolutions or Statutory Appointments arising from subsequent enactments</u>		
S100B(2) Local Government Act 1972 (as amended)	Designation of Reports "Not for Publication".	All officers (in respect of reports in their name)
S100B(7)	Supply of copies of documents.	CS
S100C(2)	Duty to summarise proceedings where press and public excluded.	CS
S100D(1)	Preparation of list of background papers.	All officers (re: their reports)
(NB The following 3 duties on the city council do not require "Proper officer" resolutions):		
S100G(1)	Register of elected members.	CS
S100G(2)	List of delegated powers of officers.	CS
S100G(3)	Written summary of rights to attend meetings and to inspect and copy documents.	CS
Representation of the People Act 1983) Registration officer	CX
) Returning officer	CX
) Proper officer	CX
Public Health (Control of Infectious Diseases) Act 1984		DC
S114 Local Government Finance Act 1988 Unlawful expenditure		CS
S2 Local Government and Housing Act 1989	Deposit of statutory list of "politically restricted" posts with the Proper officer	DHR
S4 1989 Act	Designation as Head of the Paid Service	CX
S5 1989 Act	Designation as Monitoring officer	CS
S37 1989 Act (inserting S137A Local Government Act 1972)	Deposit of a statement or report or accounts from a voluntary body in receipt of financial assistance above the relevant minimum.	CS
Local Government (Contracts) Act 1997	Certifying Contracts under the legislation.	CS

CX = chief executive
 CS = city solicitor
 DHR = director of human resources

DC = director of culture
DF = director of finance

Deleted: DRS

Deleted: DRS

Deleted: regulatory services

Deleted: SDCRS = . strategic director, Corporate Resources and Services

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Absence of Proper officer, or the non appointment of a Proper officer

- (i) Chief officers are authorised to appoint the holder(s) of a senior post(s) to exercise all the functions of their respective chief officers, in the event of absence of the relevant chief officer, including such functions as may be conferred on the chief officer by resolution as the proper officer of the city council.
- (ii) Where in any enactment or instrument whatsoever reference is made to a Proper officer of the authority and no officer has been appointed by the council to act for that purpose, then the chief executive will be deemed to be the Proper officer until a resolution is passed by the council appointing a particular officer as Proper officer of the authority for that purpose.