

# Delegation to Officers & Deputies

## GENERAL

1. The Chief Executive & Growth Director, Deputy Chief Executive, Directors, Chief Finance Officer, City Solicitor & Head of HR, Corporate Managers (JNC Officers) and all officers with delegated authority must ensure that relevant Executive members are consulted on all matters of a controversial or sensitive nature. Where appropriate, these matters must be referred to the Executive for a decision/guidance.
2. If a delegated decision requires prior consultation with a specific portfolio holder and that person is not available, if the decision cannot wait, the consultation shall be with the Leader or other portfolio holder.
3. Where any decision proposed under delegated powers is likely to involve a departure from Council policy or any instruction of the Council, Committee or Executive, the officer must refer the matter to the Executive for a decision/guidance after consultation with the Chief Finance Officer where a budgetary issue is involved.
5. Where any decision proposed under delegated powers is likely to involve the approved annual estimate being exceeded, or is outside the approved capital programme or AIM process, the officer with delegated authority must refer the matter to the Executive for a decision/guidance.
4. Where reference is made in the scheme of delegation to an exercise of a function under specific legislation, this shall be deemed to include any statutory extension, amendment, modification and re enactment and any Statutory Instrument, rule, order, or bylaw made thereunder, provided that the nature of the function delegated remains the same.
5. All decisions delegated from the Executive and made under delegated authority shall be recorded by each officer with delegated authority in order that the Scrutiny Committees can properly examine any decision reached.
6. The Deputy Chief Executive, Directors, Chief Finance Officer, City Solicitor & Head of HR and Corporate Managers are responsible for the day to day management of operational issues. This Scheme of Delegation is intended to supplement the powers, duties and obligations set out in each officer's job description. Without prejudice to the above, the following powers have been specifically delegated to the following officers:-

## Chief Executive & Growth Director

1. In consultation with the Leader of the Council, (or in his/her absence the relevant Portfolio Holder), and the Chair of the relevant Scrutiny Committee, to authorise any emergency action required, on any matter which shall include incurring of expenditure, including those falling within the jurisdiction of a Committee, subject to a report then being submitted to the Executive (or relevant Committee).

2. In cases of emergency and in consultation with the Leader of the Council, the power to prohibit public processions under section 13 of the Public Order Act 1986.
3. In consultation with the Leader of the Council, to grant or withhold consent to the Police making the Authorisation pursuant to sections 30 and 31 of the Anti-Social Behaviour Act 2003.
4. To ensure compliance with the Council's Health and Safety Policy throughout the common parts of the Civic Centre.
5. Subject to approved budget and in consultation with the Leader of the Council, Executive member with relevant portfolio to agree redundancies in accordance with the Council's adopted policy and procedure. To prepare a quarterly summary of any such redundancies for information to the Executive, Corporate Services Scrutiny Committee and Audit and Governance Committee.
6. To exercise all/any delegated functions already reserved to specific officers as set out in the scheme of delegation.

#### **Deputy Chief Executive and Directors**

1. The Deputy Chief Executive and Directors may exercise any delegated function in the absence of an Officer to whom that authority has been specifically delegated, within the service areas which they manage.

#### **Deputy Chief Executive, Directors, Chief Finance Officer, City Solicitor & Head of HR and Corporate Managers**

1. To be responsible for the effective and efficient day-to-day management of the services for which he/she is responsible in accordance with the Council's agreed priorities and strategic objectives. This shall include authority to sign agreements/contracts in order to fulfil the powers, functions and duties of the service for which the officer is responsible. This power shall only be exercisable where expenditure is included in the approved annual budget, capital programme or AIMs process.
2. To ensure that all policies adopted by the Council, which shall include those relating to its workforce are implemented.
3. In agreement with the City Solicitor & Head of HR, authority to institute legal proceedings under any statute, by law or agreement (which shall include authority to appeal any decision made by a County or Magistrates Court) in the areas for which the Director/Chief Finance Officer/City Solicitor & Head of HR/Corporate Manager is responsible.
4. Where appropriate, to defend any proceedings brought against the Council (which shall include the power to defend any appeal lodged against any decision or determination made under delegated authority).

5. To authorise the City Solicitor & Head of HR to undertake covert surveillance in accordance with the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000.
6. To be responsible for ensuring that the Council's Health and Safety Policy is implemented within their own service area and for all buildings and sites for which they are responsible.
7. Where appropriate to discharge any function/s delegated to an officer within their service area in accordance with this Scheme of Delegation.
8. Authority is required for the removal of goods from a Director, Chief Finance Officer, Chief Executive & Growth Director or Deputy Chief Executive.
9. To take all necessary action for the economic, efficient and effective day to day management, administration and supervision of his/her service subject to compliance with the Council's policies on the management, employment and remuneration of staff (or in their absence the agreement of the Chief Executive & Growth Director) including but without prejudice to the generality of the foregoing:
  - a) Authorising the filling of posts within the approved budget (i.e. within the Council's establishment) and in accordance with the Council's employment policies.

*Deputies - City Solicitor & Head of HR*

*Legal Services*

*Chief Legal Executive or/and Litigation Solicitor*

*Human Resources*

*Human Resources Transactional Services Manager*

- b) The taking of any necessary disciplinary action ~~short of dismissal~~ in accordance with the Council's established policy and procedures (this function may also be exercised by other Officers as set out in the relevant employment policy); ~~and to determine, in consultation with the City Solicitor & Head of HR, suspension and/or dismissal of an employee.~~

~~*Deputy for City Solicitor & Head of HR*~~

~~*Human Resources Transactional Services Manager*~~

*Delegated Authority for Necessary Disciplinary Action for:-*

*Environment – Cleansing and Fleet Manager*

*Public Realm – Public & Green Spaces Manager*

10. Directors in consultation with their Portfolio Holders can vary fees and charges throughout the year to take account of market conditions, with the exception of car parking charges and statutory charges set by the Government. Commercially sensitive fees are no longer published

## Deputy Chief Executive

1. In consultation with the Leader of the Council, to amend the Managing Organisational Change and Redundancy Policy and Procedure where necessary.

## CITY DEVELOPMENT

### City Development Manager

Powers, responsibilities and decisions related to the Council's role as a local Planning Authority and its purpose 'Deliver Good Development' including those related to planning, building control and land charges but excluding: Functions of the Planning Committee, Executive and Council.

The following functions are delegated subject to consultation or agreement with/of other postholders/group.

Function	Consultation or Agreement	With Postholders/Group
<u>Applications</u> Applications (including TPO confirmations) that Ward Members have requested to be brought to the Delegation Briefing.  City Council applications not subject to any objections.  Applications that have been subject to objections based on material planning considerations that Officers are minded to approve under delegated powers.	Consultation  “  “	Delegation Briefing  “  “
<u>Enforcement</u> Issue of Enforcement Notice, Stop Notice (inc Temporary), Urgent Works and Repairs Notices and commencement of injunction, prosecution or other	Agreement	City Solicitor & Head of HR and  Executive Member with Relevant Portfolio

formal legal proceedings. Hazardous substance contravention notice.		
<u>Section 106 Planning Obligations</u> Minor variations of existing Section 106 agreements, new agreements involving sums of less than £10,000 and those considered necessary with regard to planning appeals.  Decisions on use of Section 106 funding where the terms are not prescribed by the agreement.	Consultation    Agreement	Chair of Planning Committee   Executive Member with Relevant Portfolio
<u>Neighbourhood Planning</u> Publicity, consideration of representations and decisions in respect of applications for neighbourhood plan areas and forums.	Agreement	Executive Member with Relevant Portfolio
<u>Local Infrastructure Fund</u> Decisions not considered by the Panel	Agreement	Chair of the Major Grants or of any group that replaces it.
<u>Assets of Community Value</u> Decisions on listing assets	Agreement	Executive Member with Relevant Portfolio

*Deputies – the relevant officer post holder either Assistant City Development Manager (Planning) and/or Assistant City Development (Building Control)*

## **CUSTOMER ACCESS**

### **System Lead - Finance**

1. To operate and administer the scheme of housing benefit on behalf of the Council, to include residual council tax benefit including taking all decisions or actions required under the provisions of statute and statutory instrument regulating the scheme and the collection and recovery of Housing Benefits Overpayments.

*Deputy – Service Improvement Lead (Benefits)*

2. To determine applications for assistance from the Discretionary Housing Payment Fund and Exceptional Hardship Fund'

*Deputy – Service Improvement Lead (Benefits)*

3. To exercise the Council's powers in respect of the administration, collection and recovery of monies owed to the Council in respect of national non-domestic rates and council tax; and the Business Improvement District levy on behalf of the Exeter BID Company.

*Deputies – Service Improvement Lead (Payments) and Service Improvement Lead (Local Taxation)*

4. To authorise appropriate officers to appear in the Magistrates Court on behalf of the Council in respect of the recovery of national non domestic rates and council tax; and the Business Improvement District levy on behalf of the Exeter BID Company.

*Deputies – Service Improvement Lead (Payments) and Service Improvement Lead (Local Taxation)*

5. To operate and administer the local scheme for Council Tax support for working age claimants on behalf of the Council, including taking all decisions or actions required under the Council's local policy and to make administrative amendments to the Council's Section 13A policy under LGFA 1992.

*Deputy – Service Improvements Lead (Benefits)*

6. To operate and administer the scheme for Council Tax support for pension age claimants on behalf of the Council, including taking all decisions or actions required under the provisions of statute and statutory instrument regulating the scheme.

*Deputy – Service Improvements Lead (Benefits)*

7. To authorise the service in relation to rent arrears of Notice of Intention to seek Possession (secure tenancies) and Notice to Quit (non-secure tenancies); and Notice of Proceedings for Possession of an Introductory Tenancy (introductory tenancies).

*Deputy – Service Improvement Lead (Payments)*

8. Initiation and conduct of legal proceedings for possession in respect of cases where rent arrears are outstanding. This shall include the power to authorise officers to appear in the County Court to represent Exeter City Council in respect of rent arrears.

*Deputy – Service Improvement Lead (Payments)*

9. To accept payment of arrears of rent by instalments.

*Deputy – Service Improvement Lead (Payments)*

10. Authority to apply for a warrant for Possession of Property in relation to rent arrears.

*Deputy – Service Improvement Lead (Payments)*

11. Power to apply to County Court in respect of Housing Benefit Overpayment Recovery.

*Deputy – Service Improvement Lead (Payments)*

12. To appoint enforcement agents for the recovery of any outstanding debts.

*Deputy – Service Improvement Lead (Payments)*

13. In consultation with City Solicitor & Head of HR , authority to institute legal proceedings where fraudulent activity is suspected in relation to Council Tax Support, Council Tax and Business Rates.

*Deputies – Service Improvement Lead (Benefits) and Service Improvement Lead (Local Taxation)*

14. Power to impose penalties under LGFA 1992 for the failure to supply requested information in relation to Council Tax liability, discount and exemption and Council Tax Support

*Deputies – Service Improvement Lead (Local Taxation) and Service Improvement Lead (Benefits)*

15. In consultation with the Executive Member with relevant portfolio and Chief Executive & Growth Director, authority to apply for Charging Orders, Bankruptcy or Committal to Prison.

*Deputy - Service Improvement Lead (Payments)*

### **System Lead - Housing**

1. In accordance with the Council's approved conditions, policies and allocation scheme to:-
  - (a) Accept/refuse applications for housing. This authority shall include the power, in consultation with Executive Member with relevant portfolio, to review any decision affecting an applicant's right or eligibility for housing assistance and entry onto the Council's Statutory Housing Register.

- (b) Where appropriate and in consultation with Executive Member with relevant portfolio to accept applications outside those conditions and policies.

*Deputy – Assessment and Accommodation Lead*

- 2. (a) To undertake all the statutory duties imposed by the Housing Act 1996 utilising temporary accommodation, bed and breakfast accommodation, private sector accommodation and making nominations to registered providers as required.
- (b) In consultation with the City Solicitor & Head of HR and the Chief Finance Officer, to enter into or determine leasing agreements with private landlords to provide accommodation to homeless households as required to meet the Council's statutory requirements.

*Deputy – Assessment and Accommodation Lead*

- 3. To arrange for and re-charge as necessary for the removal and storage of personal possessions.

*Deputy – Assessment and Accommodation Lead*

- 4. In consultation with the City Solicitor & Head of HR, to take legal action to obtain possession of any dwelling occupied by a person accommodated in accordance with the Housing Act 1996 who has refused a reasonable offer of suitable permanent accommodation or who has been declared intentionally homeless.

*Deputy – Assessment and Accommodation Lead*

- 5. In consultation with the Executive Member with relevant portfolio to make any necessary amendment to the housing scheme.

*Deputy – Assessment and Accommodation Lead*

- 6. In consultation with Human Resources, the allocation of accommodation in respect of service tenancies which shall include the power to refuse allocation of accommodation to personnel whose employment has been terminated.

*Deputy – Assessment and Accommodation Lead*

- 7. To arrange rent deposit guarantees in accordance with the Council's policy in consultation with the Chief Finance Officer.

*Deputy – Assessment and Accommodation Lead*

- 8. To deal with and determine homelessness reviews in accordance with the Housing Act 1996.



## **ENVIRONMENT**

### **Environmental Health and Licensing Manager**

1. To carry out functions, duties and responsibilities of the Council in respect of the following matters:
  - drainage
  - pest control
  - air and noise pollution
  - properties that are overcrowded, unfit for human habitation or in disrepair
  - abandoned vehicles/waste/refuse
  - control of dogs
  - skin piercing(this power shall include authority to take remedial action where necessary).

*Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB)*

2. The licensing of:
  - Dog tracks and Guard dogs
  - Dog breeding establishments
  - Dangerous wild animals
  - Pet shops
  - Riding establishments
  - Animal boarding establishments
  - Performing animals
  - Scrap metal dealers
  - Hackney carriages and private hire vehicles
  - Street trading
  - Licensable activities (as permitted under the Licensing Act 2003 and the Gambling Act 2005)

*Deputy – Principal Licensing Officer*

3. To appoint Inspectors and authorise officers to carry out any function, power or duty within his remit.

*Deputy – N/A*

4. Without prejudice to the generality of the above, where appropriate in consultation with the City Solicitor and Head of HR, the Environmental Health and Licensing Manager is authorised to deal with the provisions of and enforce compliance with the following Acts and associated legislation. This shall include the initiation, defence and settlement of legal proceedings, issuing of formal cautions and fixed penalty fines, service of Notices and

Orders, the issue, refusal and revocation of licences, certificates and registrations, carrying out of works in default and payment and recovery of costs:

- 4.1 Caravan Sites and Control of Development Act 1960
- 4.2 Caravan Sites Act 1968
- 4.3 Clean Air Act 1993
- 4.4 Environmental Protection Act 1990 including authorisation and service of notices pursuant to Section 46.
- 4.5 Food Safety Act 1990 which shall include service of “minded to notices” introduced by the Deregulation and Contracting Out Act 1994 and any Orders or Regulations or other instruments: (i) made thereunder, or (ii) relating thereto, or (iii) having effect by virtue of the European Communities Act 1972 and relating to food safety.
- 4.6 Prevention of Damage by Pests Act 1949
- 4.7 Public Health Acts 1936 and 1961 and the Public Health (Control of Disease) Act 1984.
- 4.8 Local Government (Miscellaneous Provisions) Act 1976 requisition for Information in accordance under Section 16
- 4.9 Local Government (Miscellaneous Provisions) Act 1976, Transport Acts 1980 and 1985 and the Town Police Clauses Act 1847 – to grant hackney carriage and Private Hire operator, vehicle and driver licences in accordance with the Council’s agreed policy.
- 4.10 Road Traffic Act 1991 (Access to Criminal Records)
- 4.11 Zoo Licensing Act 1981
- 4.12 Litter Act 1983
- 4.13 Control of Pollution Act 1974
- 4.14 Animal Boarding Establishments Act 1963
- 4.15 National Assistance Acts 1945 and 1951
- 4.16 Breeding of Dogs Act 1973 and 1991
- 4.17 Riding Establishments Act 1964 and 1970
- 4.18 Game Act 1831
- 4.19 Game Licences Act 1860

- 4.20 Dangerous Dogs Act 1991
- 4.21 Guard Dogs Act 1975
- 4.22 Dogs Fouling of Land Act 1996, which shall include enforcing the provisions of the Act including the power to authorise officers of the Council to issue fixed penalty notices in respect of failure to remove faeces from designated land.
- 4.23 The Environmental Protection (Stray Dogs) Regulations 1992 which shall include, in cases of exceptional hardship, the power to waive payment of the recoverable fees and expenses levied in respect of dogs seized and detained as strays.
- 4.24 Water Industry Act 1991 and relevant regulations in relation to:
  - (a) functions with regard to the wholesomeness and sufficiency of public and private drinking water supplies
  - (b) entry into premises for the purpose of analysis of samples of water within Exeter City Council's district
  - (c) receiving and determining applications for authorisation for relaxation of Part III of the private water supplies regulations and the revocation or modification of such authorisations
- 4.25 Health & Safety at Work etc. Act 1974 and any supporting regulations.
- 4.26 Building Act 1984 – all matters, powers, duties and functions of the Council under the provisions of the following sections:
  - Sections 59, 60, 64-66(drainage)
  - Sections 70 (food storage), 72 (means of escape from fire), 76 (defective premises), 84 (drainage of yards)
- 4.27 Exeter City Council Act 1987 - the powers, duties and functions of the Council under Part 4 and Sections 21, 22, 23, 24 and 29
- 4.28 Protection from Eviction Act 1977, the Housing Defects Act 1984, the Housing Act 1985, the Housing Act 1988, the Local Government Housing Act 1989 and the Housing Act 2004 – to investigate and take appropriate action under these enactments.
- 4.29 Housing Acts 1985, 1988, 1989, 1996, the Home Energy Conservation Act 1996 and the Housing Grants, Construction and Regeneration Act 1996 – to deal with all matters, powers, functions and duties set out therein.
- 4.30 Noise Act 1996
- 4.31 Noise and Statutory Nuisance Act 1993
- 4.32 Local Government (Miscellaneous Provisions ) Act 1976
- 4.33 Local Government (Miscellaneous Provisions) Act 1982 (in accordance with the Council's agreed policies)

4.34 Licensing Act 2003 (to the extent permitted by Section 10). In particular to determine:

- applications for Personal Licences, where no police objection is made;
- applications for Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
- applications for provisional statements, where no relevant representations have been made;
- applications to vary Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
- applications to vary designated Premises Supervisor, where no police objection has been made;
- requests to be removed as designated Premises Supervisor;
- applications for transfer of Premises Licences where no police objection has been made;
- applications for interim authorities where no police objection has been made;
- decisions on whether a complaint is irrelevant, frivolous, vexatious etc.
- to determine applications under the Licensing Act 2003 Minor Variations to Premises Licence Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009.
- the giving of a counter notice for Late Temporary Event Notices
- whether to make representations as a Responsible Authority
- the issue of a notice of suspension of licence for non payment of the Annual Fee

4.35 Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3) - to determine applications for the renewal of a sex shop licence

4.36 Refuse (Disposal) Amenity Act 1978

4.37 Pollution Prevention and Control Act 1999

4.38 Clean Neighbourhoods and Environment Act 2005

4.39 Health Act 2006 and the Smoke-Free Enforcement Policy - To authorise appropriate Officers under the provisions of Chapter 1 therein

4.40 Vehicle Crimes Act 2001 and the Motor Salvage Operators Regulations 2002

*Deputies –Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB) and/or – Principal Licensing Officer*

(Amended April 2017)

- 5 Enforcement of local bylaws.

*Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB) and/or Principal Licensing Officer*

- 6 Granting financial assistance in accordance with the Council's policy for the repair/improvement of properties. This shall include the power in consultation with the Executive Member with relevant portfolio and Chief Finance Officer to waive repayment and depart from the Council's agreed policy where such a departure is minor in nature.

*Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB)*

7. To deal with the provisions of and enforce compliance with Sections 40 - 42 of the Anti-Social Behaviour Act 2003.

*Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB)*

8. To deal with and enforce compliance with the provisions of Sections 43 to 45 and 47 of the Anti-Social Behaviour Act 2003, with the exception of sub-section 44(f), which deals with offences contrary to the Town and Country Planning Act 1990 which will be dealt with by the City Development Manager.

*Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB)*

9. To deal with the provisions of and enforce compliance with sections 55 and 56 of the Anti-Social Behaviour Act 2003, where appropriate in consultation with the City Solicitor & Head of HR.

*Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB)*

10. To deal with all matters, powers, duties and functions, which shall include the issuing of Licences and permits in respect of lotteries, house to house and street collections in accordance with the House to House Collections Act 1939, the Police Factories (Miscellaneous Provisions) Act 1916 (Street Collections) and Schedule 17 of the Gambling Act 2005.

*Deputy – Principal Licensing Officer*

11. Be authorised under Section 53 of the Anti Social Behaviour Crime and Policing Act 2014 (the Act) for issuing Community Protection Notices (CPN) and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a CPN.

*Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB) and/or Principal Licensing Officer*

12. To implement Public Spaces Protection Orders (PSPO) under Part 4 Chapter 2 of the Anti Social Behaviour Crime and Policing Act 2014 following agreement in each case at the multi-agency Anti Social Behaviour Action Team and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a PSPO.

*Deputy - None*

13. To issue a Closure Notice of no longer than 24 hours following appropriate consultation under Part 2, Chapter 3 of the Anti Social Behaviour Crime and Policing Act 2014.

*Deputy – Refer to Chief Executive & Growth Director or Director*

### **Cleansing and Fleet Manager**

1. Without prejudice to the generality of the above, where appropriate in consultation with the City Solicitor & Head of HR, the Cleansing and Fleet Manager is authorised to deal with the provisions of and enforce compliance with the following Acts and associated legislation. This shall include the initiation, defence and settlement of legal proceedings, issuing of formal cautions and fixed penalty fines, service of Notices, carrying out of works in default and payment and recovery of costs:

1.1 Environmental Protection Act 1990 including authorisation and service of notices pursuant to Section 46.

1.1 Litter Act 1983

1.2 Refuse (Disposal) Amenity Act 1978

1.3 Clean Neighbourhoods and Environment Act 2005

*Deputy – None*

### **Private Sector Housing Lead**

1. To carry out functions, duties and responsibilities of the Council in respect of the following matters:
  - drainage
  - properties that are overcrowded, unfit for human habitation or in disrepair
  - (this power shall include authority to take remedial action where necessary).

*Deputy - Environmental Health and Licensing Manager*

2. To appoint Inspectors and authorise officers to carry out any function, power or duty within his remit.

*Deputy – N/A*

3. Without prejudice to the generality of the above, where appropriate in consultation with the City Solicitor and Head of HR, the Private Sector Housing Lead is authorised to deal with the provisions of and enforce compliance with the following Acts and associated legislation. This shall include the initiation, defence and settlement of legal proceedings, issuing of formal cautions and fixed penalty fines, service of Notices and Orders, the issue, refusal and revocation of licences, certificates and registrations, carrying out of works in default and payment and recovery of costs:
  - 3.1 Caravan Sites and Control of Development Act 1960
  - 3.2 Caravan Sites Act 1968
  - 3.3 Environmental Protection Act 1990 including authorisation and service of notices pursuant to Section 46.
  - 3.4 Prevention of Damage by Pests Act 1949
  - 3.5 Public Health Acts 1936 and 1961 and the Public Health (Control of Disease) Act 1984.
  - 3.6 Local Government (Miscellaneous Provisions) Act 1976 requisition for Information in accordance under Section 16
  - 3.7 Health & Safety at Work etc. Act 1974 and any supporting regulations.
  - 3.8 Building Act 1984 – all matters, powers, duties and functions of the Council under the provisions of the following sections:
    - Sections 59, 60, 64-66(drainage)
    - Sections 70 (food storage), 72 (means of escape from fire), 76 (defective premises), 84 (drainage of yards)
  - 3.9 Exeter City Council Act 1987 - the powers, duties and functions of the Council under Part 4 and Sections 21, 22, 23, 24 and 29
  - 3.10 Protection from Eviction Act 1977, the Housing Defects Act 1984, the Housing Act 1985, the Housing Act 1988, the Local Government Housing Act 1989 and the Housing Act 2004 – to investigate and take appropriate action under these enactments.
  - 3.11 Housing Acts 1985, 1988, 1989, 1996, the Home Energy Conservation Act 1996 and the Housing Grants, Construction and Regeneration Act 1996 – to deal with all matters, powers, functions and duties set out therein.
  - 3.12 Local Government (Miscellaneous Provisions) Act 1976
  - 3.13 Local Government (Miscellaneous Provisions) Act 1982 (in accordance with the Council's agreed policies)

*Deputy - Environmental Health and Licensing Manager*

4. Granting financial assistance in accordance with the Council's policy for the repair/improvement of properties. This shall include the power in consultation with the Executive Member with relevant portfolio and Chief Finance Officer to waive repayment and depart from the Council's agreed policy where such a departure is minor in nature.

*Deputy - Environmental Health and Licensing Manager*

### **Chief Finance Officer**

1. To determine interest rates and their applicable dates in respect of new and existing mortgages.

*Deputy – Technical Accounting Manager (Deputy Section 151 Officer)*

2. In consultation with the City Solicitor & Head of HR to initiate court proceedings for the recovery of arrears in respect of mortgages.

*Deputy – Technical Accounting Manager (Deputy Section 151 Officer)*

3. To be responsible:

- a. For all day to day decisions on short term borrowing, investment and financing in accordance with the CIPFA Code of Practice "Treasury Management in the Public Services".
- b. In consultation with the Executive Member with relevant portfolio for decisions on long term borrowing in accordance with the Prudential Code for Capital Finance in Local Authorities and the CIPFA Code of Practice "Treasury Management in the Public Services".

*Deputy – Technical Accounting Manager (Deputy Section 151 Officer)*

4. To deal with all insurance claims against the Council. This power shall include where necessary authority to settle all such claims.

*Deputy – Technical Accounting Manager (Deputy Section 151 Officer)*

5. To approve all housing advances for purchase or improvement.

*Deputy – Technical Accounting Manager (Deputy Section 151 Officer)*

6. To be responsible for undertaking the role of Money Laundering Reporting Officer in accordance with the Money Laundering Regulations 2003.

*Deputy – Technical Accounting Manager (Deputy Section 151 Officer)*

7. The execution and administration of treasury management decisions, in accordance with the Council's policy statement and treasury management practises and, if a CIPFA member, with CIPFA's Standard of Professional Practice on Treasury Management.



*Deputy – Technical Accounting Manager (Deputy Section 151 Officer)*

8. In consultation with the Leader of the Council and the City Solicitor & Head of HR authorise the application of the Councils Local Government Pension Scheme Employer Discretions.

*Deputy – Technical Accounting Manager (Deputy Section 151 Officer)*

9. To approve the creation or modification of approved contractor standing lists.

*Deputy – Technical Accounting Manager (Deputy Section 151 Officer)*

10. In consultation with the Executive Member with relevant Portfolio Authority to approve financial assistance in the form of relief from Business Rates in respect of Charities/Good Causes and cases of hardship.

*Deputy – Technical Accounting Manager (Deputy Section 151 Officer)*

11. In consultation with the Executive Member with relevant portfolio, to deal with applications for discretionary rate relief to sports clubs not in receipt of mandatory relief, as registered charities.

*Deputy – Technical Accounting Manager (Deputy Section 151 Officer)*

12. In consultation with the Executive Member with relevant portfolio, to determine in accordance with the Council's agreed policy, applications for discretionary rate relief under Sections 47 and 49 of the Local Government and Finance Act 1988.

*Deputy – Technical Accounting Manager (Deputy Section 151 Officer)*

13. In accordance with the Housing Act 1980 and the Council's agreed policy to accept/refuse applications for mortgages, including further advances to administer and monitor payments of mortgage instalments and where necessary issue possession proceedings for mortgage arrears in consultation with the City Solicitor & Head of HR.

*Deputy – Technical Accounting Manager (Deputy Section 151 Officer)*

## **HOUSING**

### **Service Lead - Housing Assets, Service Lead - Housing Customers, Housing Development Manager**

1. Adaptation of Council Properties for disabled persons.
2. In agreement with the Leader of the Council and the Executive Member with Relevant Portfolio (or their substitutes nominated by the Leader) and the City Surveyor following receipt of professional property management advice, the

identification for disposal at market value or less than best value of small areas of land no longer required for the housing unit's purposes, in accordance with the agreed scheme.

3.
  - (a) To administer the scheme for Housing Capital Grant.
  - (b) In consultation with the Chief Finance Officer, to authorise payment of the Housing Capital Grant in accordance with 3 (a) above.
  - (c) To negotiate and enter into Nomination Agreements in accordance with 3 (a) and (b) above.
  - (d) Where this does not prejudice the Authority's capital receipt, to seek maximum nomination rights on disposal of land to registered social landlords.
4. In consultation with the City Solicitor & Head of HR to enter into releases of covenants affecting former Council rented or shared ownership dwellings.
5. To deal with and approve applications for grant in accordance with Section 24 and 25 of the Local Government Act 1988.
6. In consultation with the City Solicitor & Head of HR and Housing Solicitor to:-
  - (i) institute injunction proceedings in respect of anti-social behaviour pursuant to current relevant legislation;
  - (ii) institute proceedings in the County Court to obtain Demotion Orders pursuant to current relevant legislation;
  - (iii) institute proceedings in the County Court to obtain possession orders pursuant to current relevant legislation; and
  - (iv) In consultation with the Executive Member with relevant Portfolio and the Chief Finance Officer, to make minor amendments to the Contract Regulations to reflect changes in legislation.
7. In consultation with the Executive Member with relevant Portfolio and Finance and Estates officers, to acquire suitable premises under the Housing Asset Management Plan framework using receipts generated by the disposal of assets.
8. In consultation with the Executive Member with Relevant Portfolio, to undertake an Enforced Sale, an Empty Dwelling Management Order or a Compulsory Purchase Order to bring an empty property back to use.
9. To arrange for and re-charge as necessary for the removal and storage of personal possessions.

10. The Service of Notice of Intention to Seek Possession.
11. Initiation and conduct of legal proceedings for possession in respect of cases where rent arrears are outstanding. This shall include the power to authorise officers to appear in the County Court to represent Exeter City Council in respect of rent arrears.

*Service Lead Housing Assets*

*Deputies – Planned Works Lead, Reactive Repairs Lead, Compliance Lead*

*Service Lead Housing Customers*

*Deputies – Customer Relations Lead, Lettings & Leasehold Lead*

*Housing Development Manager*

*Deputy – Senior Housing Development Officer*

### **Service Lead - Housing Customers**

1. Grant, administer and, where necessary, terminate any flexible tenancy.

*Deputies – Customer Relations Lead and/or Lettings & Leasehold Lead*

2. To terminate any tenancy or licence where necessary, by relying on the absolute grounds for possession introduced by the Anti Social Behaviour Crime and Policing Act 2014 (the ASBCP Act 2014).

*Deputies – Customer Relations Lead and/or Lettings & Leasehold Lead*

3. In consultation with the Executive Member with relevant Portfolio in conjunction with the Chief Finance Officer and the City Solicitor & Head of HR, approve a repayment plan with a landlord where a property is handed back early from a private rental agreement with an individual landlord where outstanding funds are owed to the Council. This will be subject to a legal charge being created and registered in the Council's favour against the property.

*Deputies – Customer Relations Lead and/or Lettings & Leasehold Lead*

4. Authority to opt to surrender Right to Buy (RTB) to Department of Communities & Local Government or pass receipts over to a housing association, subject to prior consultation with the Chief Finance Officer and the Executive Member with relevant Portfolio.

*Deputies – Customer Relations Lead and/or Lettings & Leasehold Lead*

### **Housing Development Manager**

1. Approve the use of commuted sums, as required, to acquire new affordable housing in consultation with the Executive Member with Relevant Portfolio and Finance and Estates Officers.

*Deputy – Senior Housing Development Officer*

2. In consultation with the Executive Member with relevant Portfolio approve the use of consultants to assist the Housing Development Team in undertaking viability appraisals and the appraisal of new forms of affordable housing delivery within approved budgets.

*Deputy – Senior Housing Development Officer*

## **PUBLIC REALM**

### **Service Manager Business and Commercial Operations**

1. All matters relating to the day-to-day management of the River Exe and Canal.

*Deputy – Waterways Manager*

2. The day-to-day management, lettings and allocation of harbour mooring and to issue consents to use landings, slipways, pontoons and berthing subject to such charges and policies approved by the Council.

*Deputy – Waterways Manager*

3. In consultation with the City Solicitor & Head of HR, the regulation and enforcement of Harbour by-laws.

*Deputy – Waterways Manager*

4. To agree requests for the adoption of land and facilities provided by a developer for the Parks and Open Spaces service pursuant to a planning obligation.

*Deputy - Commercial Operations Manager*

5. In consultation with other Officers as appropriate, the letting of parks and open spaces for special events where this does not have a negative financial impact on the Council.

*Deputy - Commercial Operations Manager*

6. To deal with burials in accordance with the National Assistance Acts 1948-1951 and the Public Health (Control of Diseases) Act 1984.

*Deputy - Commercial Operations Manager*

7. Where appropriate, to serve Notices to Quit terminating allotment tenancies.

*Deputy - Commercial Operations Manager*

8. In consultation with the City Solicitor & Head of HR and the Portfolio Holder Environment, authority to make amendments to the Allotment Gardens Rules and Conditions.

*Deputy - Commercial Operations Manager*

9. Authority to enter into management agreements with duly elected Allotment Associations, as prescribed (Council 15 October 2014) in consultation with Executive Member with relevant Portfolio.

*Deputy - Commercial Operations Manager*

10. To reassign any residue from any future capital funding for the waterway in order to effect immediate and or significant repairs elsewhere in the Canal or Quay, in consultation with the Executive Member with relevant Portfolio and the Chief Finance Officer.

*Deputy - Commercial Operations Manager*

11. To exercise the powers and functions of the Council under Section 26 of Exeter City Act 1987.

*Deputy - Commercial Operations Manager*

12. In consultation with the Chief Finance Officer, the power to vary the fees and charges in respect of the Council's recreational and sports facilities (this shall exclude any facilities which may have been outsourced by the Council).

*Deputy - Commercial Operations Manager*

13. In consultation with the Executive Member with relevant Portfolio to decide on bids for the use of the Bowling Green Marshes Fund, in accordance with the agreed criteria and having sought the views of ward members.

*Deputy - Commercial Operations Manager*

14. Responsibility to interpret the Allotment Garden Rules and Conditions (agreed Council 15 October 2014) in the case of a dispute.

*Deputy – Customer Service Team Manager*

15. In compliance with the Port Marine Safety Code be designated as the “Duty Holder” for the Port of Exeter.

*Deputy - None*

### **Service Manager Community Safety and Enforcement**

1. To exercise the Council's powers under Section 6-8, 25 and 30 of the Exeter City Act 1987.

*Deputy – Parking and Enforcement Team Manager*

2. In consultation with the City Solicitor & Head of HR, to agree/refuse requests for road closures.

*Deputy – Parking and Enforcement Team Manager*

3. To discharge the powers conferred on the City Council by the following sections of the Exeter City Council Act:-

Section 19 – Restriction of vehicles in certain residential streets; and  
Section 30 – Prohibiting of parking of vehicles on footways, verges and central reservations.

*Deputy – Parking and Enforcement Team Manager*

4. In consultation with the Leader of the Council and Executive Member with relevant Portfolio to consider objections to Exeter City Council Parking Places Orders and amendments thereto.

*Deputy – Parking and Enforcement Team Manager*

5. Be authorised under Section 53 of the Anti Social Behaviour Crime and Policing Act 2014 (the Act) for issuing Community Protection Notices (CPN) and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a CPN.

*Deputy – Parking and Enforcement Team Manager*

6. To implement Public Spaces Protection Orders (PSPO) under Part 4 Chapter 2 of the Anti Social Behaviour Crime and Policing Act 2014 following agreement in each case at the multi-agency Anti Social Behaviour Action Team and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a PSPO.

*Deputy – Parking and Enforcement Team Manager*

### **Customer Services Co-Ordinators**

1. **Authority to cancel Penalty Charge Notices**

### **City Solicitor & Head of HR and Monitoring Officer**

1. To act as the Council's Chief Legal Advisor responsible for the initiation, defence, settlement and conduct of any legal proceedings which may affect the interests of the Council or the inhabitants of the City.

*Deputies – Chief Legal Executive and/or Litigation Solicitor*

- 2 (a) The service of any notice required to terminate any contract, agreement or lease entered into by the Council including notices to vary any terms of such contract, agreement or lease.
- (b) Where power to institute proceedings in the Magistrates Court is given by statute to the Council, the City Solicitor & Head of HR/Monitoring Officer shall institute and progress those proceedings (including progressing them in the higher courts if appropriate).
- (c) In consultation with a Director concerned, authority to issue formal cautions where he/she considers this appropriate.

*Deputies – Chief Legal Executive and/or Litigation Solicitor*

3. To authorise officers under Section 7 of the Exeter City Act 1987 in respect of the maintenance of the city walls.

*Deputies – Chief Legal Executive and/or Litigation Solicitor*

- 4 In consultation with the Chief Finance Officer and City Surveyor following receipt of professional property management advice, authority to agree the release of any covenants imposed on former council houses where such release is in the interests of the Council.

*Deputies – Chief Legal Executive and/or Litigation Solicitor*

5. To apply to the Justices to authorise entry into land or premises by persons named by the City Development Manager under the Town & County Planning Act 1990 (as amended).

*Deputies – Chief Legal Executive and/or Litigation Solicitor*

6. In conjunction with the relevant Director, to approve orders under Section 21 of the Town Police Clauses Act 1847, for the temporary closure of streets, subject to consultation with Police and the County Council.

*Deputies – Chief Legal Executive and/or Litigation Solicitor*

7. To attest the Common Seal of the Council and sign other legal documents. In his/her absence, this may also be undertaken by the Chief Legal Executive or in their absence by the Chief Executive & Growth Director.

*Deputies – Litigation Solicitor*

8. To provide and sign statements of truth in accordance with the Civil Procedure Rules.

*Deputies – Chief Legal Executive and/or Litigation Solicitor*

9. To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any

case where the City Solicitor & Head of HR considers that such action is necessary to protect the council's interest.

*Deputies – Chief Legal Executive and/or Litigation Solicitor*

10. To discharge the functions of the Monitoring Officer as set out in Articles 11 and 14 of Part 2 of the Constitution.

*Deputies – Chief Legal Executive and/or Litigation Solicitor*

11. To approve minor administrative/typographical corrections to the Constitution in consultation with the Leader of the Council.

*Deputy – Corporate Manager Democratic & Civic Support*

12. In consultation with the Council's appointed independent person, to deal with any complaint received, alleging a breach of the Members Code of Conduct in accordance with the complaints procedure, including the authority to decide whether an allegation merits investigation.

*Deputies – Chief Legal Executive and/or Litigation Solicitor*

13. To determine requests from Members for dispensations to take part in the debate and/or vote in a meeting where he/she has an interest to declare, and where there is conflict, for another Member of the Audit and Governance Committee to be consulted.

*Deputies – Chief Legal Executive and/or Litigation Solicitor*

14. The authority to amend HR policies and procedures where a statutory change or an organisational change (i.e. change in job title/role) has occurred making the amendments necessary.

*Deputy – Human Resources Transactional Services Manager*

15. In consultation with the Portfolio Holder with responsibility for equality and diversity to make amendments to the equality and diversity policy.

*Deputy – Human Resources Transactional Services Manager*

### **Corporate Manager Democratic & Civic Support**

1. (a) Designated as the "proper officer" for the purpose of the following sections of the Local Government Act 1972:-
  - (i) Section 100B(2) - determination of the agenda items and reports which are likely to be dealt with in part 2
  - (ii) Section 100B(7)(C) - supply of papers to the press
  - (iii) Section 100C(2) - summaries of the proceedings held in part 2



(iv) Section 100F(2) - determination of documents not available for inspection by members

(b) Designated as the “proper officer” in respect of The Executive Arrangements (Decisions, Documents and Meetings) (England) Regulations 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

*Deputy – Democratic Services Manager*

2. In consultation with the leaders of the Political Groups, to implement minor variations of numbers and appointments of Members of Committees/Sub-Committees, in order to comply with the proportionality requirements of the Local Government and Housing Act 1989.

*Deputy – Democratic Services Manager*

3. To exercise the powers set out in Section 31 of the Exeter City Act 1987 in respect of the restriction on the use of armorial bearings.

*Deputy – Lord Mayors Support Officer*

4. To authorise the use of the Guildhall for private functions.

*Deputy – Lord Mayors Support Officer*

5. To carry out the duties of the Electoral Registration Officer and/or arrange for the discharge of the Returning Officer’s duties.

*Deputy - Electoral Services Manager*

### **Corporate Manager Executive Support Unit**

1. To conduct listing reviews and compensation reviews in respect of assets of community value.

*Deputy - None*

### **City Surveyor**

In respect of every single decision/transaction in relation to property matters, the City Surveyor or the officer appointed for the purpose shall exercise the authority delegated to him/her in accordance with the following:

1) In undertaking property matters decisions/transactions the following authority and decision processes will apply:

(a) Where the cost or equivalent value to the Council does not exceed £25,000 per annum - The City Surveyor or the officer appointed for the purpose.

- (b) Where the cost or equivalent value to the Council is between £25,000 and £50,000 per annum City Surveyor or the officer appointed for the purpose in consultation with the Deputy Chief Executive.
- (c) Where the cost or equivalent value to the Council is between £50,000 and £100,000 per annum - City Surveyor or the officer appointed for the purpose in consultation with the Executive Member with relevant portfolio and the Deputy Chief Executive.

Provided always that any decision/transaction which may involve expenditure over £100,000 in value shall be reported to the Executive for a decision.

For the avoidance of doubt no delegated authority shall be exercised unless in accordance with 1 (a) to (c) above

*Deputy – Principal Estates Surveyor*

- 2. Authority to enter into and grant leases, licenses, tenancies at will and wayleave agreements.

*Deputy – Principal Estates Surveyor*

- 3. To consent to the assignment, sub-letting or surrender of existing leases and to approve amendments to the terms of existing leases, licence or agreement

*Deputy – Principal Estates Surveyor*

- 4. Where appropriate in consultation with the City Solicitor & Head of HR, to authorise and take necessary legal proceedings for the termination and renewal of leases, agreements and licences.

*Deputy – Principal Estates Surveyor*

- 5. In consultation with the Chief Finance Officer and City Solicitor & Head of HR, to take legal/court action to enforce payment of rent and other charges due to the Council.

*Deputy – Principal Estates Surveyor*

- 6. To approve the revision of rent and licence fees either in accordance with the formula set out in the lease or in accordance with the open market value. This shall include authority to agree not to increase the rent where appropriate.

*Deputy – Principal Estates Surveyor*

- 7. In consultation with the City Solicitor & Head of HR, authority to institute proceedings for the removal of trespassers on City Council land.

*Deputy – Principal Estates Surveyor*

8. In consultation with the City Solicitor & Head of HR, authority to exercise the powers contained under Sections 77 and 78 of the Criminal Justice Public Order Act 1994.

*Deputy – Principal Estates Surveyor*

9. Authority to submit planning applications for the development or redevelopment of Council owned sites.

*Deputy – Principal Estates Surveyor*

10. In accordance with any procedures required by the Asset Management Plan and in consultation the Chief Finance Officer, where this is deemed to be in the overall best interests of Exeter City Council, and where such disposal is of no strategic importance to the Authority, the disposal by freehold sale of land and/or buildings at open market value.

*Deputy – Principal Estates Surveyor*

11. Authority to vary or release freehold covenants where such release is not likely to prejudice the Council's existing land holding or any future development proposals.

*Deputy – Principal Estates Surveyor*

12. In consultation with the Chief Finance Officer and City Solicitor & Head of HR, to pay or accept compensation where appropriate.

*Deputy – Principal Estates Surveyor*

13. In consultation with the Chief Finance Officer, authority to acquire interests in land, provided that such acquisition is catered for within the capital bidding programme and the AIM process.

*Deputy – Principal Estates Surveyor*

14. To act as appointing officer and take all necessary action to comply with Party Walls, etc. Act 1996.

*Deputy – Principal Estates Surveyor*

15. In consultation with the Chief Finance Officer and in agreement with the other relevant Officers, to agree requests for the adoption of land and facilities provided by a developer pursuant to a planning obligation.

*Deputy – Principal Estates Surveyor*

16. To approve the creation or modification of approved contractor standing lists.

*Deputy – Corporate Property Asset Manager*

## **Events, Facilities & Markets Manager**

1. The alteration of market days required as a result of statutory holidays.

*Deputies – Corn Exchange – Events, Facilities & Marketing Officer  
Matford Centre/Markets, Facilities & Admin Officer  
Leisure Facilities - Leisure Facilities Manager  
Tourism Facilities – Visitor Facilities Officer*

2. To establish/vary tolls, fees and charges in respect of the Matford Centre, Corn Exchange and the various markets authorised by Exeter City Council.

*Deputies – Corn Exchange – Events, Facilities & Marketing Officer  
Matford Centre/Markets, Facilities & Admin Officer  
Leisure Facilities - Leisure Facilities Manager  
Tourism Facilities – Visitor Facilities Officer*

3. The day-to-day management, including where appropriate, opening hours and bookings for the Council's recreational facilities.

*Deputies – Corn Exchange – Events, Facilities & Marketing Officer  
Matford Centre/Markets, Facilities & Admin Officer  
Leisure Facilities - Leisure Facilities Manager  
Tourism Facilities – Visitor Facilities Officer*

## **Museum Manager**

1. The effective day to day running of the City Museums and to determine the casual use of the Museum buildings in connection with events promoted by or supported by the City Council.

*Deputy – Content Management Lead Officer*

2. To exercise the powers and functions of the Council under Sections 9 and 10 of Exeter City Act 1987.

*Deputy – Content Management Lead Officer*

3. To agree requests for the adoption of land and facilities provided by a developer for the Museums service pursuant to a planning obligation.

*Deputy – Content Management Lead Officer*

4. In consultation with the Executive Member with relevant Portfolio to approve items for de-accession from the museum collection, unless the item is of a significant nature or monetary value.

*Deputy – Content Management Lead Officer*

### **Economy & Enterprise Manager**

1. In consultation with the Executive Member with relevant portfolio Chief Finance Officer and the Cultural Lead Officer to make advances/loans to Social, Cultural and Sporting organisations in accordance with the Council's agreed policy, provided that such advances/loans are within the Council's agreed budgetary allocations.

*Deputies - Sport – Tourism Manager; Arts & Festivals – Arts & Events Manager*