

# Delegation to Officers & Deputies

## GENERAL

1. The Chief Executive & Growth Director, Directors, 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 Director (Finance) where a budgetary issue is involved.
4. Where any decision proposed under delegated powers is likely to involve the approved annual estimate being exceeded, or is outside the approved capital programme, the officer with delegated authority must refer the matter to the Executive for a decision/guidance.
5. 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.
6. 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.
7. The Directors 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, Strategic 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.
7. In consultation with the Director (Finance) and the Leader of the Council to allocate resources of up to £1.5 million, funded by an earmarked reserve to support transformation and other projects that will support the Council in delivering £2.75 million in savings (2 years from Council 13 June 2018).
8. To agree any necessary amendments to the management agreement to Exeter City Group Ltd in consultation with the Leader of the Council, the Director ( Finance) and the Executive Member with the Relevant Portfolio) and in addition the Chair or Deputy Chair of Strategic Scrutiny Committee.
9. Exeter City Group Ltd - To act in the role of Shareholder Representative and to undertake the activities and decisions as identified in the Shareholder Representatives Delegated Powers Document (*refer to the report Exeter City Group Ltd Business Case, Council, 24 July 2018*) including the ability to financially commit up to £499,999 funding for use by Exeter City Living Ltd for matters not in the Year 1 Business Case (August 2018 end March 2019).

## **Directors**

1. The 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.

## **Directors and Corporate Managers (including Project Director – Liveable Exeter)**

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 or capital programme.

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 Director (Corporate Services), 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 /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 Director (Corporate Services) 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. The removal of goods will require authority from a Director, Director (Finance), and Chief Executive & Growth Director.
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 – Director (Corporate Services)*

*Legal Services*

*Service Lead, Legal Services*

*Human Resources*

*Service Lead Human Resources*

- b) The taking of any necessary disciplinary action 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)

*All tier three officers (of Grade N or above)*

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

### Director Corporate Services

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

## CITY DEVELOPMENT

### Service Lead City Development

The following functions are delegated to Service Lead - City development subject to consultation or agreement as set out below:

Function	Consultation or Agreement	With Postholders/Group
Applications (including TPO confirmations) that Members of the Planning Committee or Ward Members have requested to be brought to the Delegation Briefing.	Consultation	Delegation Briefing
City Council applications not subject to any objections.	Consultation	Delegation Briefing
Applications that have been subject to representations from a statutory consultee that express views contrary to the officer recommendation.	Consultation	Delegation Briefing
Applications that have been subject to objections from a Neighbourhood Forum, where that Neighbourhood has an adopted Neighbourhood Plan, that Officers are minded to approve under delegated powers	Consultation	Delegation Briefing
Applications that have been	Consultation	Delegation Briefing

subject to objections based on material planning considerations, where the objection relates to impact on adjoining properties by overlooking, overbearing, overshadowing or insufficient on-site parking, that Officers are minded to approve under delegated powers.		
<u>Enforcement</u> Issue of Enforcement Notice, Stop Notice (ink Temporary), Urgent Works and Repairs Notices and commencement of injunction, prosecution or other formal legal proceedings. Hazardous substance contravention notice.	Agreement	Service Lead, Legal Services
<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
Annual Infrastructure Funding Statements (including 'Infrastructure Lists')	Agreement	Leader of the Council and Executive member with relevant portfolio
<u>Local Infrastructure Fund</u> Decisions not considered by the Panel	Agreement	Chair of the Exeter Grants Panel or of any group that replaces it.
<u>Assets of Community Value</u>		

Decisions on listing assets	Agreement	Executive Member with Relevant Portfolio
<u>Affordable Housing</u> Approve the use of Commuted sums, as required, to acquire new affordable housing	Consultation	Executive Member with Relevant Portfolio and Finance and Estates Officers

*Deputies – the relevant officer post holder Assistant Service Leads - City Development and/or Assistant Service Lead (Building Control), Assistant Service lead (Local Plans) and in relation to Annual Infrastructure Funding Statement Principal Project Manager (Strategic Infrastructure Planning)*

1. Entering Land

*The entering of land for the purposes of carrying out any function in relation to any Town and Country Planning legislation, The Building Act and subordinate legislation arising therefrom and in accordance with the Council's scheme of delegation*

*Deputies - all those holding Managerial posts, all Planning Project Officers of whatever level of seniority and all Building Control Officers of whatever level of seniority*

2. Determining applications

*Undertaking all actions in determining applications of whatever nature in relation to any Town and Country Planning legislation, The Building Act and subordinate legislation arising therefrom and in accordance with the Council's scheme of delegation*

*Deputies -all those holding Managerial posts, all Planning Project Officers of whatever level of seniority and all Building Control Officers of whatever level of seniority*

**CUSTOMER ACCESS**

**Service Lead Revenues, Benefits & Customer Access**

1. To operate and administer the scheme of housing benefit on behalf of the Council, and 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 –Benefits & Welfare Lead*

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

*Deputy –Benefits & Welfare Lead*

3. To exercise the Council's powers in respect of the administration, collection and recovery of monies owed to the Council in respect of Business Rates and Council Tax; and the Business Improvement District levy on behalf of the Exeter BID Company.

*Deputy - Payment & Collection Lead*

4. To authorise appropriate officers to appear in the Magistrates Court on behalf of the Council in respect of the recovery of Business Rates and Council Tax; and the Business Improvement District levy on behalf of the Exeter BID Company.

*Deputy - Payment & Collection Lead*

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 –Benefits & Welfare Lead*

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 –Benefits & Welfare Lead*

7. To award, revise or revoke any discretionary relief applications for Business Rates.

*Deputy – Payment & Collection Lead*

8. 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 –Payment & Collection Lead*

9. 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 the Council in respect of rent arrears.

*Deputy –Payment & Collection Lead*

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

*Deputy –Payment & Collection Lead*

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

*Deputy –Payment & Collection Lead*

12. Power to apply to County Court in respect of Housing Benefit Overpayment Recovery.  
*Deputy –Payment & Collection Lead*
13. To appoint enforcement agents for the recovery of any outstanding debts.  
*Deputy –Payment & Collection Lead*
14. In consultation with Service Lead, Legal Services, authority to institute legal proceedings where fraudulent activity is suspected in relation to Council Tax Support, Council Tax and Business Rates.  
*Deputies –Benefits & Welfare Lead and Payment & Collection Lead*
15. 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 –Benefits & Welfare Lead and Payment & Collection Lead*
16. In consultation with the Executive Member with the Relevant Portfolio and Chief Executive & Growth Director, authority to apply for Charging Orders, Bankruptcy or Committal to Prison.  
*Deputy -Payment & Collection Lead*

### **Service Lead Housing Needs & Homelessness**

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 the 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 – Housing Solutions 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 Director (Corporate Services) and the Director (Finance), 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 – Housing Access Team Lead*

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

*Deputy – Housing Solutions Lead*

4. In consultation with the Service Lead, Legal Services, 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 – Temporary Accommodation Lead*

5. In consultation with the Executive Member with Relevant Portfolio to make any necessary amendment to the housing scheme.

*Deputy – Housing Solutions 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 – Housing Solutions Lead*

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

*Deputy – Housing Access Team Lead*

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

*Deputy – Housing Solutions Lead*

## **ENVIRONMENT**

### **Service Lead – Environmental Health and Community Safety**

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

(Amended October 2020)

(this power shall include authority to take remedial action where necessary).

*Deputies - Environmental Health and Community Safety Managers*

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

*Deputy – Environmental Health and Community Safety Managers*

3. Without prejudice to the generality of the above, where appropriate in consultation with the Service Lead, Legal Services, 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:

### **Public Health**

- 3.1 Food Safety Act 1990 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 including:
  - Regulation numbers 178/2002, 852-854/2004, 882/2004 and 2073/2005 which relate to food and feed
  - Food and Environmental Protection Act 1985
  - Food Safety and Hygiene (England) Regulations 2013
  - Food Information Regulations 2014
  - Official Feed and Food Controls (England) Regulations 2009
- 3.2 Health & Safety at Work etc. Act 1974 and any supporting regulations.
- 3.3 Health Act 2006 and associated regulations including:
  - Smoke-free (Premises and Enforcement) Regulations 2007
  - Smoke-free (Exemptions and Vehicles) Regulations 2007
  - Smoke-free (Penalties and Discounted Amounts) Regulations 2007
  - Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
  - Smoke-free (Signs) Regulations 2012
- 3.4 Public Health Acts 1936 and 1961, Public Health (Control of Disease) Act 1984, Health Protection (Local Authority Powers) Regulations 2010 and Health Protection (Part 2A Orders) Regulations 2010
- 3.5 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

3.6 Sunday Trading Act 1994

**Private Sector Housing**

3.7 Law of Property Act 1925 (Enforced sale provisions)

3.8 Caravan Sites and Control of Development Act 1960

3.9 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.

3.10 Protection from Eviction Act 1977, the Housing Defects Act 1984, the Local Government Housing Act 1989 – to investigate and take appropriate action under these enactments.

3.11 Housing Act 2004 – to investigate and take appropriate action under these enactments including: -

- Section 131 Carry out works – interim or final management order
- Section 235 Production of documents
- Section 239 General powers of entry to inspect and survey
- Schedule 7 Paragraph 25 Carry out works – empty dwellings
- Schedule 3 Paragraph 3(4) Carry out works – Improvement notice

3.12 Mobile Homes Act 2013

3.13 Enterprise and Regulatory Reform Act 2013

- Specifically: The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 (made under sections 83 and 84 of the Act)

3.14 Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

3.15 Smoke and Carbon Monoxide Alarm (England) Regulations 2015

3.16 The Housing and Planning Act 2016

3.17 National Assistance Act 1948 and 1951

- 3.18 Tenant Fees Act 2019
- 3.19 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

### **Licensing**

- 3.20 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- 3.21 Animal Welfare Act 2006
- 3.22 Animal Boarding Establishments Act 1963
- 3.23 Breeding of Dogs Act 1973 and 1991
- 3.24 Riding Establishments Act 1964 and 1970
- 3.25 Cinemas Act 1985
- 3.26 Dangerous Dogs Act 1991
- 3.27 Dangerous Wild Animals Act 1976 (as amended)
- 3.28 Guard Dogs Act 1975
- 3.29 Theatres Act 1968
- 3.30 Zoo Licensing Act 1981
- 3.31 Gambling Act 2005
- 3.32 Licensing Act 2003. 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.

(Amended October 2020)

- 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

3.33 Scrap Metal Dealers Act 2013

3.34 Road Traffic Act 1991 (Access to Criminal Records)

3.35 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.

3.36 Local Government (Miscellaneous Provisions) Act 1982 (in accordance with the Council's agreed policies)

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

3.38 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.

### **Environmental Protection**

3.39 Clean Air Act 1993

3.40 Clean Neighbourhoods and Environment Act 2005

3.41 Control of Pollution Act 1974

3.42 Environment Act 1995

3.43 Pollution Prevention and Control Act 1999 and associated regulations

3.44 Refuse Disposal Amenity Act 1978

3.45 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)

3.46 Environmental Protection Act 1990

3.47 Litter Act 1983

- 3.48 Noise Act 1996
- 3.49 Noise and Statutory Nuisance Act 1993
- 3.50 Prevention of Damage by Pests Act 1949
- 3.51 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.
- 3.52 Exeter City Council Act 1987 - the powers, duties and functions of the Council under Part 4 and Sections 21, 22, 23, 24 and 29
- 3.53 Local Government (Miscellaneous Provisions) Act 1976

*Deputies - Environmental Health and Community Safety Managers*

- 4. Enforcement of local bylaws.

*Deputies - Environmental Health and Community Safety Managers*

- 5. 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 Director (Finance) to waive repayment and depart from the Council's agreed policy where such a departure is minor in nature.

*Deputies – Environmental Health and Community Safety Managers*

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

*Deputies – Environmental Health and Community Safety Managers*

- 7. 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 Service Lead, City Development.

*Deputies – Environmental Health and Community Safety Managers*

- 8. 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 Service Lead, Legal Services.

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

- 9. 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.

*Deputies – Environmental Health and Community Safety Managers*

10. 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 – Environmental Health and Community Safety Managers*

11. 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 - Chief Executive and Growth Director or Director*

12. 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 – Chief Executive and Growth Director or Director*

13. To change the statutory service plan in the light of centrally issued guidance and/or to meet operational needs.

*Deputies – Environmental Health and Community Safety Managers*

## **Cleansing and Fleet Manager**

1. Without prejudice to the generality of the above, where appropriate in consultation with the Service Lead, Legal Services, 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 of works and recharges pursuant to Section 45 and authorisation and service of notices pursuant to Section 46;
  - 1.2 Litter Act 1983;
  - 1.3 Refuse (Disposal) Amenity Act 1978;
  - 1.4 Clean Neighborhoods and Environment Act 2005

## **Finance**

### **Director Finance**

1. In consultation with the Relevant Director, the Leader of the Council and Executive Member with the Relevant Portfolio, to award funds against the Commercialisation Capital Budget of £10 million.

*Deputy – NA*

2. In consultation with the Leader of the Council and the Director (Corporate Services) authorise the application of the Councils Local Government Pension Scheme Employer Discretions.

*Deputy – Deputy Chief Finance Officer (Deputy Section 151 Officer)*

### **Deputy Chief Finance Officer (Deputy Section 151 Officer)**

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

*Deputy – Finance Manager - Corporate*

2. In consultation with the Service Lead, Legal Services to initiate court proceedings for the recovery of arrears in respect of mortgages.

*Deputy – Finance Manager - Corporate*

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 – Finance Manager - Corporate*

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

*Deputy – Finance Manager - Corporate*

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

*Deputy – Finance Manager – Corporate*

6. To be responsible for undertaking the role of Money Laundering Reporting Officer.

*Deputy – Finance Manager – Corporate*

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 – Finance Manager – Corporate*

8. 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 – Finance Manager – General Fund Services*

9. 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 – Finance Manager – General Fund Services*

10. 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 – Finance Manager – General Fund Services*

11. In consultation with the Leader to review the Discretionary Relief Scheme and, if necessary, increase the maximum threshold to ensure Government funding is fully directed to businesses in Exeter.

*Deputy – Finance Manager – General Fund Services*

12. 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 Service Lead, Legal Services.

*Deputy – Finance Manager – Corporate*

#### **Service Lead – Commercial & Procurement**

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

*Deputy – Procurement Lead*

2. In conjunction with the Relevant Portfolio Holder, to sign off any amendments to the Procurement and Contract Procedures and supporting notes and to report back to Members.

*Deputy – Procurement Lead*

## **HOUSING**

### **Service Lead Housing Tenancy Services, Service Lead Housing Assets.**

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 Director (Finance), 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 Service Lead, Legal Services, 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 Service Lead, Legal Services, and/or Team Leader, Housing & Litigation to: -
  - (a) 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 Director (Finance), to make minor amendments to the Contract Regulations to reflect changes in legislation.

(Amended October 2020)

7. In consultation with the Executive Member with Relevant Portfolio and Finance and Estates officers, to acquire **and dispose of** 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 Repairs Lead, Response Repairs Lead, Safety, Health, Environment and Quality Lead, Asset Management Lead*

*Service Lead Housing Tenancy Services;*

*Deputies – Tenancy Services Lead, Senior Housing Officers, Senior Lettings and Home Ownership Officer, Project Manager Housing Business Support Lead and Housing Lead Performance, Strategy and Resident Involvement.*

12. 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 – Asset Management Lead*

### **Service Lead Housing Tenancy Services**

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

*Deputy – Tenancy Services Team 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).

*Deputy – Tenancy Services Team Lead*

3. In consultation with the Executive Member with relevant Portfolio in conjunction with the Director (Finance) and the Director (Corporate Services), 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.

*Deputy – Tenancy Services Team 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 Director (Finance) and the Executive Member with Relevant Portfolio.

*Deputy – Tenancy Services Team Lead*

## **ENVIRONMENT AND CITY MANAGEMENT**

### **Service Manager Public and Green Spaces**

1. 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.
2. 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.
3. In consultation with the Director (Finance) and Service Manager, 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*

4. Exercising the obligations place on the Council under the 1980 Environment Act regarding the cleaning of public places.

*Deputy – Public and Greenspaces Operations Manager*

5. 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.
6. To deal with burials in accordance with the National Assistance Acts 1948-1951 and the Public Health (Control of Diseases) Act 1984.

*Deputy – Technical Support Manager*

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

*Deputy – Technical Support Manager*

8. In consultation with the Service Lead, Legal Services, and the Executive Member with the Relevant Portfolio, authority to make amendments to the Allotment Gardens Rules and Conditions.

*Deputy – Technical Support 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 – Technical Support Manager*

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

*Deputy – Technical Support Manager*

### **Engineering, Waterways and Parking Service Manager**

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

*Deputy – Parking and Enforcement Operations Manager*

2. In consultation with the Service Lead, Legal Services, to agree/refuse requests for road closures.

*Deputy – Parking and Enforcement Operations 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 Operations 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 Operations 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 Operations 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 Operations Manager*

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

*Deputy – Harbour Master*

8. 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 – Harbour Master*

9. In consultation with the Service Lead, Legal Services, the regulation and enforcement of Harbour by-laws.

*Deputy – Harbour Master*

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 Director (Finance ).

*Deputy – Engineering and Assets Manager  
(this will be the function of the new Harbour Board)*

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

*Deputy – Engineering and Assets Manager  
(this will be the function of the new Harbour Board)*

### **Devon County Council Officers; Parking Processing Officer, Parking Processing Team Leader, Parking Services Appeal Team Leader**

1. Authority to cancel Penalty Charge Notices

### **Director (Corporate Services) and Monitoring Officer**

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

*Deputies – Service Lead, Legal Services and Corporate Manager, Democratic & Civic Support*

2. 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 complaint's procedure, including the authority to decide whether an allegation merits investigation.

*Deputies – Service Lead, Legal Services and Corporate Manager, Democratic & Civic Support*

3. 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: - Service Lead, Legal Services and Corporate Manager, Democratic & Civic Support*

### **Service Lead, Legal Services**

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: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.*

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 Service Lead, Legal Services 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: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.*

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

*Deputy: Team Leader – Property, Planning & Non-Contentious*

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.

*Deputy: Team Leader – Housing & Litigation*

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

*Deputy: Team Leader – Property, Planning & Non-Contentious*

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 – Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.*

7. To attest the Common Seal of the Council and sign other legal documents.

*Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious. Chief Executive & Growth Director*

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

*Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.*

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 Service Lead, Legal Services considers that such action is necessary to protect the council's interest.

*Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.*

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

*Deputy – Corporate Manager Democratic & Civic Support*

11. Exeter City Group Ltd – In consultation with the City Surveyor to sell at open market value, any Council owned land identified in the Exeter City Group Ltd Year 1 Business Case.

*Deputy – Team Leader – ECL, Contracts, Procurement & Licensing*

### **Service Lead, Human Resources**

1. 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 – HR Business Partner – SF*

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

*Deputy – HR Business Partner – SF*

### **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 – Service Lead, Legal Services*

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.

*Deputies – Democratic Service Officers*

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 Mayor’s Support Officer*

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

*Deputy – Lord Mayor’s 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**

(Amended October 2020)

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, or £250,000 in capital value - 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, or between £250,000 and £500,000 in capital value, City Surveyor or the officer appointed for the purpose in consultation with the Director (Finance)).
  - (c) Where the cost or equivalent value to the Council is between £50,000 and £100,000 per annum, or between £500,000 and £1m in capital value - City Surveyor or the officer appointed for the purpose in consultation with the Executive Member with relevant portfolio and the Director (Finance).

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 Service Lead, Legal Services, 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 Director (Finance ) and Service Lead, Legal Services, 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 Service Lead, Legal Services, authority to institute proceedings for the removal of trespassers on City Council land.

*Deputy – Principal Estates Surveyor*

8. In consultation with the Service Lead, Legal Services, 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 Director (Finance), 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 Director (Finance) and Director (Corporate Services), to pay or accept compensation where appropriate.

*Deputy – Principal Estates Surveyor*

13. In consultation with the Director (Finance), authority to acquire interests in land, provided that such acquisition is catered for within the capital bidding programme.

*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 Director (Finance) 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*

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

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

*Deputies – Corn Exchange – Corn Exchange Manager  
Matford Centre/Markets, Matford Centre Manager  
Tourism Facilities – Visitor Facilities Manager*

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 – Corn Exchange Manager  
Matford Centre/Markets, Matford Centre Manager  
Tourism Facilities – Visitor Facilities Manager*

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

*Deputies – Corn Exchange – Corn Exchange Manager  
Matford Centre/Markets, Matford Centre Manager  
Tourism Facilities – Visitor Facilities Manager*

### **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, 10 and 11 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*

5. In consultation with the relevant Portfolio Holder, be authorised to submit applications for Grant Funding less than £50,000 in value, where there is no additional call for City Council resource beyond that already authorised within museum revenue expenditure.

*Deputy – Content Management Lead Officer*

**Principal Health and Safety Manger**

1. Duty holder for the Harbour Authority with the Service Manager with the responsibility for Waterways, in consultation with the Relevant Portfolio Holder for Waterways.