

# Committee Model Working Group Agenda



**Date:** Friday, 29 September 2023

**Time:** 11.00 am

**Venue:** The Bordeaux Room, 1st Floor, City Hall, BS1  
5TR

## **Distribution:**

**Councillors:** Helen Holland, Jenny Bartle (Chair), Nicola Beech, Marley Bennett, Richard Eddy, Lorraine Francis, Geoff Gollop (Vice-Chair), Gary Hopkins, Tim Kent, Mohamed Makawi, Steve Pearce and Guy Poultney

**Issued by:** Democratic Services  
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**Date:** 21/09/2023



# Agenda

1. **Welcome, Introductions, and Safety Information**
2. **Apologies for absence**
3. **Declarations of interest**
4. **Minutes from the previous meeting and decisions log**  
(Pages 3 - 9)
5. **Public Forum**  
(Pages 10 - 12)
6. **Delegated Officer Decision Making**  
(Pages 13 - 132)
7. **Emergency Decision Making**  
(Pages 133 - 136)
8. **Local Decision Making - Verbal update from the Chair of the Area Committees Working Group**
9. **Work Programme - for noting**  
(Pages 137 - 141)



## Committee Model Working Group – Friday 9<sup>th</sup> September 2023 Minutes

Attendees: Councillor Jenny Bartle (Chair), Councillor Geoff Gollop (Vice-Chair) Councillor Don Alexander (substituting for Councillor Beech), Councillor Lorraine Francis, Councillor John Goulandris (substituting for Councillor Eddy), Councillor Gary Hopkins, Councillor Kent, Councillor Steve Pearce, Councillor Guy Poultney, and Councillor Tim Rippington (substituting for Councillor Holland).

### 1. Welcome, Introductions, and Safety Information

The Chair welcomed those present and introductions were made.

### 2. Apologies for absence

Apologies were received from;

- Councillor Eddy, substituted by Councillor Goulandris
- Councillor Beech, substituted by Councillor D Alexander
- Councillor Holland, substituted by Councillor Rippington
- Councillor Bennett
- Councillor Makawi.

### 3. Declarations of interest

There were no declarations of interest.

### 4. Minutes from the previous meeting and decisions log

The minutes from the meeting on 28<sup>th</sup> July 2023 were approved as a correct record.

Members noted the decision log.

### 5. Public Forum

The following public forum was received for the meeting.

Questions	
Number	Name
PQ01	David Redgewell
PQ02	
PQ03	Dan Ackroyd

Statements	
Number	Name
PS01	Clive Stevens
PS02	Dan Ackroyd
PS03	Suzanne Audrey
PS04	David Redgewell

The following information was provided in response to supplementary questions and comments made in the public forum statements:

- The arrangements relating to responses to Freedom of Information requests were statutory and therefore not expected to change under the Committee system. The role of the Monitoring Officer was clearly defined both in the statutory framework and the Council's Constitution. Without this post, Local Authority decision making would carry far greater risk.
- A comprehensive training programme was provided for new and returning Councillors following each election. This included sessions on the Code of Conduct and Member Officer Protocol, which could be repeated as required.

**RESOLVED:** That the public forum be noted.

## **6. Member Code of Conduct**

The Director of Legal and Democratic Services introduced the report stating that the recommendation was that the Council adopted the LGA's model Code of Conduct, in line with the majority of Local Authorities. He went on to remind Members that the Values and Ethics Subcommittee had responsibility for recommending the proposed changes to the Member Code of Conduct to Full Council. Therefore, the CMWG were being asked to make any comments on the revised document which would be relayed to the Values and Ethics Sub Committee at their meeting on 25<sup>th</sup> September 23.

Members were advised that the key changes between Bristol City Council's existing and model Code of Conduct included:

- The LGA Code of Conduct contained definitions in a number of areas, including bullying and harassment, which could be useful additions to Bristol's guidance.
- The LGA recommended that the Code of Conduct be reviewed annually, rather than every four years.

Members discussed both Codes of Conduct, and the following points were raised;

- The LGA model Code of Conduct was a useful document and should be recommended to the Values and Ethics Sub Committee for adoption by Bristol City Council, subject to consideration of the wording in a number of areas, as set out below.
- The comments made in the public forum statement from Clive Stevens in relation to Councillors not being permitted to bring the Council into disrepute required further discussion by the Values and Ethics Sub Committee. In many instances Councillors must be free to express their views unfettered.
- Subjective wording must be avoided in the Code of Conduct where possible. The standards set out must be clear, fair and realistic.
- The Group would like the Value and Ethics Subcommittee to consider the references to Scrutiny throughout the LGA Model Code of Conduct, given that this would now occur within Committees rather than as a separate function.

**RESOLVED:** That the comments from the Committee Model Working Group in relation to the LGA's model Code of Conduct be relayed to the Values and Ethics Sub Committee.

## 7. Member Officer Protocol

The Director of Legal and Democratic Services introduced the report and reminded Members that the Value and Ethics Subcommittee also has responsibility for signing off the Member Officer Protocol and the purpose of the report was to gather feedback from the CMWG to help inform their discussions. Councillors made the following comments/recommendations:

- **Paragraph 1.3.** The reference to the 'executive' had been included in error and would be amended.
- **Paragraph 4f.** The wording regarding Councillors advocating for their constituents should be changed to state as far as possible.
- **Paragraph 10.** The two sections split out between officers and members had the same indexing at the start which can cause confusion. This should be amended. Where there is mention of confidentiality, Members would like officers to make it clear in correspondence or verbal communication where something is confidential or not yet in the public domain. Additionally, Members were reminded that if they have any concerns regarding the conduct of officers, they should raise this in the first instance with the officer's line manager. If a satisfactory conclusion is not reached, then the Member should escalate to the Head of Human Resources, or the Monitoring Officer.
- **Paragraph 10b.** Members requested this wording be amended to refer to equality and inclusion.
- **Paragraph 10i.** Officers stated that 'Working in a Political Environment' training is delivered regularly to officers and had to date, been provided to over 1000 attendees.
- **Paragraph 21b.** The wording should be changed to 'where you feel an officer is best suited to respond'. This could be due to technical knowledge being required, or a press query etc. It was not intended to prevent Members from responding to constituents where appropriate.
- **Paragraph 21c.** Officers clarified that this paragraph meant that officers would not share information from a Councillor, with other Councillors, without consent and agreed this would be amended in the final report.
- **Paragraph 30.** Vice-Chairs is misspelled and will be corrected.
- **Paragraph 31.** Members recommended changing 'unauthorised' to 'unlawful', so it is clearer. Members also wanted to know why exposure to risk of legal action was only aimed at Members and not officers. The Monitoring Officer agreed to review this.
- **(Former) Paragraph 34.** The Committee were advised that the Scrutiny section had been deleted from the revised Member Officer Protocol because the function would no longer be delivered in the same way, but all relevant points would be included in the new Policy Committee Procedure Rules.

**RESOLVED: That the comments from the Committee Model Working Group in relation to the Members Officer Protocol tracked changes version be relayed to the Values and Ethics Sub Committee.**

## 8. Local Decision Making - Verbal update from the Chair of the Area Committees Working Group

Councillor Kent provided a brief update to advise that the Working Group were meeting with key senior officers over the coming weeks and were preparing a number of options that would be suitable for enhanced local decision making.

Councillor Kent as Chair of the Working Group agreed to provide a written update for future meetings, wherever possible.

**9. Work Programme - for noting**

The Committee noted the work programme.

## Committee Model Working Group

### Decisions Log

Topic	Decision	Date	Note
Leader/Deputy Leader	Leader and Deputy Leader to be in place, appointed by Full Council. Roles and responsibilities to be confirmed at 14 <sup>th</sup> April 23 meeting.	270123	Some concerns about the 'strong' leader model
Key decision threshold	Details TBC. £500k minimum.	270123	Current political oversight of decisions to be maintained or increased.
Forward Plan	Forward plan (s) to be in place – details TBC.	270123	
Emergency Decision Making	Assume APR 15 and 16 will be replicated but to be agreed once more details of how the arrangements operate have been provided.	270123	
Officer Delegated Decisions (OEDs)	Chairs/VCs to be consulted on OEDs in advance. May be a requirement to publish them before the decision and introduce the option for Call In.	270123 240223	
Local Decision Making	To be confirmed after the substantive discussion on 26 <sup>th</sup> May 23.	270123	
Budget and Policy Framework	Deferred to a later meeting.	270123	Decision to be made after details of the policy committee structure is available.
Member Forum/Public Forum	To be retained in the new model and may be expanded e.g., more time.	270123	Some concerns about the right balance between managing the business of the meeting and enabling additional engagement. Chairs' discretion to manage the meeting remains key.
Petition Debates	CMWG to review the threshold and agree pathway for debate and responses.	270123	
Agenda Settings	Leads to be invited to agenda setting meetings – draft reports to be available.	270123	
Briefings	Chairs/VCs to attend current Cabinet Member briefings.  Details for briefings for Policy Committee Members TBC	270123 240223	
Scrutiny	All scrutiny functions to be incorporated into the Policy Committees, including task and finish/inquiry day activities.	240223	
Escalation Panel	To be included in the new model and established by Full Council. Its purpose will be to consider decisions made by Policy Committees based on the grounds set out in Article 14 of the Constitution. All other arrangements to be confirmed	240223	
Policy Development	The process for policy development needs further consideration. Should include use of task and finish groups/inquiry days.	240223	
Audit Committee	Role and remit to be considered at a later date.	240223	

Policy Committees	There will be seven Policy Committees based on the Council's Corporate Themes, all reporting to Full Council. With the exception that the 'Effective Organisational Development' theme would become the 'Strategy & Resources Policy Committee'. Further details to be agreed at the CMWG's meeting on 28th April 23.	310323	
Delegations	Full Council are able to delegate powers to Committees, who in turn can delegate powers to sub-Committees	310323	
Subcommittee Membership	Membership of Subgroups could be any Councillor and did not need to be taken from the parent body	310323	
Frequency of Policy Committees	That the indicative frequency of Policy Committees would be every 6-8 weeks dependent on business.	310323	
Subcommittees	That there would be standing Sub-Committees relating to Health and Budgets, reporting to the Communities and Public Health and Strategy and Resources Committee respectively.	280423	
Policy Committees	That there be 8 Policy Committees as follows: <ol style="list-style-type: none"> <li>1. Adult Social Care</li> <li>2. Children and Young People</li> <li>3. Economy and Skills</li> <li>4. Environment and Sustainability</li> <li>5. Homes and Housing Delivery</li> <li>6. Public Health and Communities</li> <li>7. Strategy and Resources</li> <li>8. Transport and Connectivity</li> </ol>	280423	
Chair/Vice-Chair	That the Chairs and Vice Chairs of all Committees in the Committee system would be appointed by Full Council.	280423	
Policy Committees	The Strategy and Resources Committee will have oversight of the Councils Corporate Finances and will be Chaired by the Leader of Council.	280423	
Policy Committees	The Strategy and Resources Committee does not have to exclusively be made up of Policy Committee Chairs, with appointments to be made by the Whips in due course.	280423	
Policy Committees	Risk and performance will be monitored by individual Policy Committees. The Strategy and Resources Committee will monitor corporate risk and performance.	280423	
Partnerships	That a further discussion on One City take place at the July meeting of the Committee Model Working Group, which would ask Members to confirm the arrangements for the 24/25 Municipal Year.	260523	
Local Decision Making	That the CMWG establish a Working Group to consider how to increase local decision making through the existing Area Committees. The Area Committees Working Group would aim to complete their review in autumn 23, and would provide progress updates at each meeting of the CMWG.	260523	
Partnerships	That further consideration to the approach to the Mayoral Commissions be considered at the July meeting of the Committee Model Working Group.	260523	
Escalation Panel	There must be 10 Member Signatories, from at least 2 Party Groups for a decision to be escalated.	300623	



Escalation Panel	That Escalation Panel Members must not have been involved in making the original decision.	300623	
Petitions	That petition debates could take place at both Policy Committees and Full Council. The respective thresholds would be 1000 and 3,500 signatures.	300623	
WECA	That Policy Chairs and Vice-Chairs will not be allowed to sit on WECA Scrutiny.	280723	
WECA	The Leader of the Council to represent the Council at formal WECA meetings and Joint Committees (subject to a clear threshold for decisions needed to report back to Full Council)	280723	
WECA	That Policy Chairs would attend WECA Advisory Boards on behalf of the Council.	280723	
Code of Conduct	That the comments from the Committee Model Working Group in relation to the LGA's model Code of Conduct be relayed to the Values and Ethics Sub Committee.	080923	
Member Officer Protocol	That the comments from the Committee Model Working Group in relation to the Members Officer Protocol tracked changes version be relayed to the Values and Ethics Sub Committee.	080923	

# Public Information Sheet

## Inspection of Papers - Local Government (Access to Information) Act 1985

You can find papers for all our meetings on our website at [www.bristol.gov.uk](http://www.bristol.gov.uk).

## Public meetings

Public meetings including Cabinet, Full Council, regulatory meetings (where planning and licensing decisions are made) and scrutiny will now be held at City Hall.

Members of the press and public who plan to attend City Hall are advised that you may be asked to watch the meeting on a screen in another room should the numbers attending exceed the maximum occupancy of the meeting venue.

## COVID-19 Prevention Measures at City Hall (June 2022)

When attending a meeting at City Hall, the following COVID-19 prevention guidance is advised:

- promotion of good hand hygiene: washing and disinfecting hands frequently
- while face coverings are no longer mandatory, we will continue to recommend their use in venues and workplaces with limited ventilation or large groups of people.
- although legal restrictions have been removed, we should continue to be mindful of others as we navigate this next phase of the pandemic.

## COVID-19 Safety Measures for Attendance at Council Meetings (June 2022)

We request that no one attends a Council Meeting if they:

- are required to self-isolate from another country
- are suffering from symptoms of COVID-19 or
- have tested positive for COVID-19

## Other formats and languages and assistance for those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.



## Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee Members and will be published on the Council's website before the meeting. Please send it to [committeesystem@bristol.gov.uk](mailto:committeesystem@bristol.gov.uk)

The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **5pm three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, it may be that only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the Committee and published within the minutes. Your statement or question will also be made available to the public via publication on the Council's website and may be provided upon request in response to Freedom of Information Act requests in the future.

We will try to remove personal and identifiable information. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.

### During the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.
- Under our security arrangements, please note that members of the public (and bags) may be searched. This may apply in the interests of helping to ensure a safe meeting environment for all attending.



- As part of the drive to reduce single-use plastics in council-owned buildings, please bring your own water bottle in order to fill up from the water dispenser.

For further information about procedure rules please refer to our Constitution <https://www.bristol.gov.uk/how-council-decisions-are-made/constitution>

### Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items). If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

The privacy notice for Democratic Services can be viewed at [www.bristol.gov.uk/about-our-website/privacy-and-processing-notice-for-resource-services](http://www.bristol.gov.uk/about-our-website/privacy-and-processing-notice-for-resource-services)



# Committee Model Working Group

29 September 2023



**Report of:** Director – Legal and Democratic Services

**Title:** Delegations to Officers

**Ward:** All

**Officer Presenting Report:** Director – Legal and Democratic Services

## **Recommendations:**

That the Committee Model Working Group considers the matters set out in this report.

## **The significant issues in the report are:**

This report provides an overview of the current arrangements for delegations to officers.

## 1. Summary

As part of the preparations for the Committee Model of governance, there are a number of detailed matters that the Working Group needs to consider, which are part of the Work Programme for the Working Group during 2023.

This report provides an overview of the arrangements that the Council has in place for delegations to officers and details of the existing Schemes of Delegation to Officers are set out in the appendices to this report.

The Working Group should consider whether any changes to the delegations to officers will need to be made as part of the implementation of the Committee Model of governance.

## 2. Delegations to Officers

Full Council has approved the structure and functions of committees and the roles and responsibilities of councillors. The functions of committees and the role of councillors is to set the strategic and policy direction for the Council. However, in order to implement those decisions, there needs to be in place delegations to officers to deal with the professional, technical and operational aspects of decisions and policies.

It is also essential for the effective day-to-day operation of the Council that delegations are in place to deal with the full range of operational matters that officers manage on behalf of the Council. Those delegations cover the full range of Council functions such as Council tax, licensing matters, social care and education as well as corporate support services such as legal, finance and procurement.

The Council has in place a range of delegations to officers which are currently found in various parts of the Council's Constitution, covering statutory and proper officer, delegations from the Mayor and Full Council and specific schemes of delegation to officers for each directorate.

It should be noted that the current arrangements for recording officer delegated decisions will be retained under the Committee Model of governance and appropriate procedures will be in place to ensure political oversight of officer delegated decision-making, including the ability for a decision to be referred to the relevant committee for decision, rather than for the decision to be taken by an officer.

The current arrangements for delegations to officers can be summarised as follows and the full detail of the delegations to officers is set out in the Appendices.

### *Statutory and proper officers*

A local authority is required to appoint a number of officers to hold statutory roles, for example, the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer. The detail relating to these statutory appointments is set out in the Articles of the Council's Constitution and in the Summary of Statutory and Proper Officers in Part 3 of the Council's Constitution.

### *Mayor's Scheme of delegation/Delegation of Non-executive functions/Local Choice Functions*

Part 3 of the Council's Constitution includes the Mayor's Scheme of Delegation, the Delegation of Non-executive Functions and Local Choice Functions. These delegations set out the framework for the

discharge of functions and responsibilities by officers. This framework provides for delegations of functions and responsibilities to specific named officers, generally Executive Directors and Directors. Those delegations are essential for the effective day-to-day operation of the Council and can be delegated onwards to the most appropriate level to ensure that the function or responsibility is carried out by the relevant officer with the right level of technical and professional expertise in a specific service area. Each directorate within the Council then prepares its own Scheme of Delegation to Officers based on the framework for delegations to Executive Directors and Directors.

### *Schemes of Delegation to Officers*

Each operational directorate within the Council sets out the detail of the onward delegation of officer delegations as set out in the Mayor’s Scheme of Delegation, the Delegation of Non-executive functions and Local Choice Functions. There are also specific schemes of delegation for HR and Finance matters.

Under the Committee Model of governance, Full Council can delegate functions to committees, sub-committees and to officers. The Working Group should consider whether any changes are necessary to the current arrangements for delegations to officers as part of the implementation of the Committee Model of governance.

### **3. Legal and Constitutional matters**

The Legal and Constitutional matters raised by this report are as follows.

Under the Committee Model of governance, Full Council can delegate functions to a committee, a sub-committee or an officer. The legal basis for this is s.101 of the Local Government Act 1972.

The Council’s Constitution currently delegates functions and responsibilities from the Mayor and Full Council to officers. This includes delegations to the Chief Executive, the Strategic Directors and a few other statutory and proper officers such as the Service Directors for Finance and Legal.

These individuals then delegate many of their functions and responsibilities to other Officers. They do this in the Officer Schemes of Delegations There’s an Officer Scheme of Delegation for each Directorate, and for Finance and HR.

### **4. Matters for the Working Group to consider**

The Working Group should consider whether any changes to the delegations to officers will need to be made as part of the implementation of the Committee Model of governance.

#### **Appendices:**

Appendix A – Article 13

Appendix B – Part 3.2 (C) Delegation of Non-executive functions to officers

Appendix C – Part 3.3 Delegation of Local Choice Functions

Appendix D – Mayor’s Scheme of Delegation

Appendix E – Summary of Statutory and Proper Officers

Appendix F – Directorate Schemes of Delegation, including HR and Finance

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:**

None



# Article 13– Officers

## A13.01

### Management structure

#### (a) General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

#### (b) Statutory Officers

The Full Council will designate the following posts as shown and each will nominate a deputy to act in their service. If no such deputy is identified then the Head of Paid Service will designate a nominated deputy.

<b>Post</b>	<b>Designation</b>
Head of Paid Service	Head of Paid Service Section 4 Local Government & Housing act 1989
Director of Democratic and Legal Services	Monitoring Officer Section 5 Local Government & Housing Act 1989
Director of Finance	Chief Finance Officer Section 114 Local Government Finance Act 1988
Executive Director for People	Director of Children's Services Section 18 Children Act 2004
Director Adult Social Care	Director of Adult Social Services Section 6 Local Authorities Social Services Act 1970 as amended
Head of Democratic Engagement	Scrutiny Officer 9FB Local Government Act 2000
Director of City Wellbeing, Resilience and City Partnerships	Director of Public Health Section 30 Health & Social Care Act 2012

#### (c) Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Full Council will approve these statutory posts.

Such posts will have the functions described in Article 13.02–13.04 below.

**(d) Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the council showing the management structure and deployment of officers. This is set out at part 7 **Management Structure** of this constitution.

**A13.02**

**Functions of the Head of Paid Service**

(a) The Head of Paid Service will have responsibility for:-

- (i) *Overall corporate management* – and operational responsibility (including overall responsibility for all officers and staffing issues)
- (ii) *Professional advice* – the provision of professional advice to all parties in the decision making process
- (iii) *Representing the authority* – on partnership and external bodies as required by law or the Council
- (iv) *Report to Council* – the Head of Paid Service will report to Council annually on the co-ordination of the discharge of the Council's functions, the number and grade of officers required for the discharge of functions and the organisation of officers.

**(b) Restrictions on functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

## **A13.03**

### **Functions of the Monitoring Officer**

#### **(a) Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for Councillors, staff and the public.

#### **(b) Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council or to the Mayor in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

#### **(c) Supporting Standards arrangements**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit Committee and the Audit Value and Ethics sub-committee in delivering its responsibilities for standards.

#### **(e) Conducting investigations**

The Monitoring Officer will conduct investigations or take other action as he sees fit into alleged breaches of the **Members' Code of Conduct**.

#### **(f) Proper officer for access to information**

The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publically available as soon as possible.

#### **(g) Advising whether executive decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

**(h) Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

**(i) Proper Officer for access to information.**

The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

**(j) Restrictions on functions**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

**A13.04**

**Functions of the Chief Finance Officer**

**(a) Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Mayor in relation to an executive function and the council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the council is about to enter an item of account unlawfully.

**(b) Administration of the Council's financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the council.

**(c) Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

**(d) Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

### **A13.05**

#### **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

### **A13.06**

#### **Employment**

The recruitment, selection and dismissal of officers will comply with the **Officer Employment Rules (OER)** set out in part 4 of this constitution.

## **C. DELEGATION OF NON-EXECUTIVE FUNCTIONS TO OFFICERS**

**Any non-executive function may be exercised by the Head of Paid Service notwithstanding its delegation to another Executive Director.**

### **C.1 Human Resources Functions**

The power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal (section 112 of the Local Government Act 1972) is delegated to the Head of Paid Service who, in accordance with “General Principles applying to the exercise of delegated powers by officers” set out in part 3 of the Constitution may arrange for the discharge of these functions through Executive Directors. All officers exercising HR functions must do so in accordance with the Council’s HR policies and any advice provided by the Director Workforce and Change

### **C.2 Licensing Functions**

All those functions set out in the terms of reference of the Licensing Committee which full council has arranged for that committee to discharge are the responsibility of the Executive Director Growth and Regeneration except for the power to institute proceedings (s. 346 Gambling Act 2005) which is the responsibility of the Service Director Legal.

### **C.3 Planning and Development Control Functions**

All the functions set out in the terms of reference of the Development Control Committees are delegated to the Executive Director Growth and Regeneration except for the determination of any application where a member of the council for a ward containing the site of the application requests the matter be determined by a Development Control Committee (such request to be made on the appropriate referral form to one of the Development Management Managers within the published consultation period for the application, specifying the planning grounds on which the request is made).

### **C.4 Public Safety & Protection Functions**

All functions set out in the Public Safety & Protection Committee terms of reference are delegated to the Executive Director Growth and Regeneration.

## **C.5 Public Rights of Way & Greens Functions**

- (a) All the functions set out in List A of the Public Rights of Way & Greens Committee are delegated to the Chief Executive.
- (b) All the functions set out in List B of the Public Rights of Way & Greens Committee are delegated to the Executive Directors of Growth and Regeneration.

## **C.6 Miscellaneous Functions Delegated to the Chief Executive**

### Marriages and Registration

- (a) Power to approve premises for the solemnisation of marriages (S.46A of the Marriage Act 1949 (c.76) & the Marriages (Approved Premises) Regs 1995 (S.I. 1995/510).

### Elections

- (b) Power to assign officers in relation to requisitions of the registration officer (section 52(4) of the Representation of the People Act 1983).
- (c) Duty to provide assistance at the European Parliamentary Elections (Section 6(7) and (8) of the European Parliamentary Elections Act 2002).
- (d) Duty to divide constituency into polling districts (Sections 18A and 18E of Schedule A1 to the Representation of the People Act 1983).
- (e) Power to divide electoral divisions into polling districts at local government elections (Section 31 of the Representation of the People Act).
- (f) Power in respect of holding of elections (Section 39(4) of the Representation of People Act 1983).
- (g) Power to pay expenses properly incurred by electoral registration officers (Section 54 of the Representation of the People Act 1983).
- (h) Power to fill vacancies in the event of insufficient nominations

(Section 21 of the Representation of the People Act 1985).

- (i) Duty to declare vacancy in office in certain cases (Section 86 of the Local Government Act 1972).
- (j) Duty to give public notice of a casual vacancy (Section 87 of the Local Government Act 1972).
- (k) Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of People Act 2000 (Section 10 of the Representation of the People Act 2000).
- (l) Duty to consult on change of scheme for elections (Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act ("the 2007 Act")).
- (m) Duties relating to publicity (Sections 35, 41 and 52 of the 2007 Act).
- (n) Duties relating to notice to Electoral Commission (Sections 36 and 42 of the 2007 Act).
- (o) Power to alter years of ordinary elections of parish councillors (Section 53 of the 2007 Act).
- (p) Functions relating to change of name of electoral area (serving notice) (Section 59 of the 2007 Act).

### Pensions and Finance

- (q) Functions relating to local government pensions etc. (Regulations under section 7, 12 or 24 of the Superannuation Act 1972).
- (r) Functions under the Fireman's Pension Scheme relating to pensions, etc., as respects persons employed by the fire and rescue authorities pursuant to Section 1 of the Fire and Rescue Services Act 2004 (Sections 34 and 36 of the Fire and Rescue Services Act 1972).
- (s) Duty to make arrangements for proper administration of financial affairs etc. (Section 151 of the Local Government Act 1972).



- (t) Repealed
- (v) Repealed
- (x) Repealed

### **C.7 Employment of Children Functions**

The power to license the employment of children is delegated to the Executive Director Adults, Children and Education (Part II Children and Young Persons Act 1933, byelaws made under that Part and Part II Children and Young Persons Act 1963).

### **C.8 Other functions delegated to all Executive Directors**

- (a) Power to enforce byelaws (any provision of any enactment (including a local Act), whenever passed and section 14 of the Interpretation Act 1978).
- (b) Power to make payments or provide other benefits in cases of maladministration (Section 92 Local Government 2000) in respect of functional areas administered within the particular department.

### **C.9 Appointment of proper officers**

Power to appoint officers for particular purposes is delegated to the Head of Paid Service, following consultation with the Service Director Legal unless legislation indicates the appointment is made by full council or an Executive Director (appointment of “proper officers”) (section 270 (3) of the Local Government Act 1972).

## **D. General principles applying to the exercise of delegated powers by officers**

- (a) Delegated officers must refer matters to the relevant committee as they consider appropriate having regard to the following factors:-
- i) whether the matter would have such an effect on communities, businesses or individuals such as the matter ought to be considered/determined by Councillors;
  - ii) whether a Councillor, applicant or other person with a significant interest has requested that the matter be determined by committee;
  - iii) whether there is evidence that the public or Councillors have a significant actual or potential interest in the matter such as would give rise to a desire or expectation that it be determined by Councillors;
  - iv) whether the matter is likely to involve consideration of disputed or uncertain matters of fact or law or whether the decision gives rise to a fine balance between various options such as might reasonably give rise to an expectation that the matter will be considered by Councillors;
  - v) where it is desirable that representations made in relation to the matter by an applicant, objector or other interested party should be heard and considered by Councillors;
  - vi) the need for consistency of approach in the council's decision making process;
  - vii) whether there are any specific national or local policy or (in relation to development control decisions only) development plan implications arising from the matter under consideration which are of such significance that they might reasonably give rise to an expectation that they ought to be considered by Councillors;

- viii) whether the legal consequences of the matter of such significance that it should be considered by Councillors.
- (b) Delegated officers are entitled to arrange for the discharge of functions allocated to them by their subordinate officers, provided that the delegated officer remains responsible for and accountable to the council for the exercise of the delegated powers.
- (c) The Full Council have conferred delegated powers upon all of its officers to undertake, under management supervision, the tasks contained in their job description.
- (d) An officer with the delegated power to make a decision may, where he/she considered it necessary, refer the matter for decision by Full Council or by the relevant committee.
- (e) A non-executive committee may delegate to sub-committees and officers.
- (f) All delegated officers and delegated committees should seek and obtain appropriate professional advice from those employed by the council for that purpose. Any report made by officers to Councillors should record whether or not such advice has been obtained.
- (g) Committees and/or directors exercising the power to levy and/or determine fees or charges must not make a decision unless there has been prior consultation with the relevant executive member and scrutiny chair. Where the decision is being made by delegated officer, he/she must also consult with the chair of any relevant committee. Where the proposal is not in accordance with the corporate charging policy or is the subject of an objection by one or more of those Councillors with whom the officer/committee is required to consult as above, then the matter should be reported to the relevant committee or Full Council.

### 3. LOCAL CHOICE FUNCTIONS

What are local choice functions?

Local choice functions are set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. These functions may be, but need not be, the responsibility of the council's executive. It is up to each council to decide.

Having regard to government guidance full council has decided that local choice functions will be executive or non-executive as set out in the schedule below.

-1	-2	-3	-4
<b>Local Choice Function</b>	<b>Status of function. See footnote 1 i.e.: "Executive" "Non-executive" "Combination" (to the extent specified)</b>	<b>Delegation to officers</b>	<b>Delegation to non-executive committees</b>
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.	Executive	Chief Executive and Executive Directors	N/A
2. The determination of an appeal against any decision made by or on behalf of the authority.	Non-executive	Chief Executive and Executive Directors in relation to decisions taken in their directorates	Appeals Committee except matters referred under the terms of reference of another committee
3. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998	Executive	Chief Executive	N/A

-1	-2	-3	-4
<b>Local Choice Function</b>	<b>Status of function. See footnote 1 i.e.: “Executive” “Non-executive” “Combination” (to the extent specified)</b>	<b>Delegation to officers</b>	<b>Delegation to non-executive committees</b>
4. The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the 1998 Act (appeals against exclusion of pupils). This is now section 51A of the Education Act 2002.	Executive	Executive Director People	N/A
5. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals).	Executive	Executive Director People	N/A
6. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Executive	Executive Director People	N/A
7. Any function relating to contaminated land.	Combination: non exec. only to the extent that the activity is one of enforcement; otherwise, exec.	Executive Director of Growth and Regeneration	Public Safety & Protection
8. The discharge of any function relating to the control of pollution or the management of air quality	Combination: non exec. only to the extent that the activity is one of enforcement; otherwise, exec.	Executive Director of Growth and Regeneration	Public Safety & Protection

-1	-2	-3	-4
<b>Local Choice Function</b>	<b>Status of function. See footnote 1 i.e.: "Executive" "Non-executive" "Combination" (to the extent specified)</b>	<b>Delegation to officers</b>	<b>Delegation to non-executive committees</b>
9. The service of an abatement notice in respect of a statutory nuisance	Non-executive	Executive Director of Growth and Regeneration	Public Safety & Protection
10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Non-executive	Executive Director of Growth and Regeneration	Public Safety & Protection
11. The inspection of the authority's area to detect any statutory nuisance	Non-executive	Executive Director of Growth and Regeneration	Public Safety & Protection
12. The investigation of any complaint as to the existence of a statutory nuisance	Non-executive	Executive Director of Growth and Regeneration	Public Safety & Protection
13. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Combination-to the extent that the information relates to a non-executive function-non exec; to the extent that the information relates to an executive function -exec	Executive Directors of Growth and Regeneration	Relevant dev. control committee
14. The making of agreements for the execution of highways works	Executive	Executive Director of Growth and Regeneration	N/A
15. The obtaining of particulars of persons interested in land under section 16 of the Local	Combination-to the extent that the information relates to a non-exec function -	Chief Executive and Executive Directors	All non-executive committees

-1	-2	-3	-4
<b>Local Choice Function</b>	<b>Status of function. See footnote 1 i.e.: "Executive" "Non-executive" "Combination" (to the extent specified)</b>	<b>Delegation to officers</b>	<b>Delegation to non-executive committees</b>
Government (Misc. Provisions) Act 1976.	non exec to the extent that the information relates to an executive function - exec		
16. The appointment of any individual - (a) to any office other than an office in which he is employed by the authority (b) to any body other than - (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the	Executive and Non-executive	N/A	Mayor where the appointment relates to executive powers  As agreed by the Party Groups where the appointment relates to non-executive functions
17. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Executive	Chief Executive and Executive Directors	N/A
18. Any function of a local authority in their capacity as a harbour authority (to the extent that the function does not fall within paragraph 1 of this schedule.	Executive	Chief Executive	N/A
19. Functions under sections 106, 110, 111 and 113 of the Local Government	Combination: Executive save for: approval of local area	Head of Paid Service	

-1	-2	-3	-4
<b>Local Choice Function</b>	<b>Status of function. See footnote 1 i.e.: “Executive” “Non-executive” “Combination” (to the extent specified)</b>	<b>Delegation to officers</b>	<b>Delegation to non-executive committees</b>
and Public Involvement in Health Act 2007 relating to local area agreements	agreement - non-exec reserved to full council; and the revision of a target relating to a non-executive function - non-executive		



- The expenditure of the local element of CIL monies raised within the area
- Devolved s.106 monies where there is a decision to made in relation to what and where the monies should be spent (as opposed to when the funds have already been earmarked for a specific project as part of the agreement)

**5. Summary of the executive functions to be discharged by the Chief Executive and Executive Directors**

**1.1 Chief Executive**

To the extent permitted by law, any executive function not being a key decision may be exercised by the Chief Executive notwithstanding its delegation to another Executive Director.

## 5.2 **Adults and Communities Directorate Functions**

Any function of the executive falling within the portfolio of the **Adult and Communities Directorate** including functions relating to:

- (a) Adult Social Care;
- (b) Communities and Public Health;

shall be executed by the Executive Director – People notwithstanding its onward delegation in the officer schemes of delegation.

## 5.3 **Children & Education Directorate Functions**

Any function of the executive falling within the portfolio of the **Children & Education Directorate** including functions relating to:

- (a) Children and Families Services;
- (b) Educational Improvement;

## 5.4 **Resources Directorate Functions**

Any function of the executive falling within the portfolio of the **Resources Directorate** including functions relating to:

- (a) Finance management;
- (b) Workforce and Change;
- (c) Legal and Democratic Services;
- (d) Digital Transformation;
- (e) Policy, Strategy and Partnerships;
- (f) Commercialisation;

shall be executed by the Chief Executive notwithstanding its onward delegation in the officer schemes of delegation.

## 5.5 **Growth and Regeneration Directorate Functions**

Any function of the executive falling within the portfolio of the **Growth and Regeneration Directorate** including functions relating to:

- (a) Development of Place;
- (b) Economy of Place;
- (c) Management of Place;
- (d) Housing and Landlord Services;

shall be executed by the Executive Director – Growth and Regeneration notwithstanding its onward delegation in the officer schemes of delegation.

## 6. **Delegation of executive functions to other officers**

Each **delegated officer** shall be entitled to discharge executive functions allocated to the department described in section 5 above for which s/he is the **delegated officer**, subject to the general provisions governing delegations contained in section 7 below:

- (a) The officer occupying the post of Director: Legal and Democratic Services (and members of his/her team under his/her direction) is authorised to do all things necessary to perform legal services in connection with the discharge of **executive functions** delegated under this section of the constitution. For the avoidance of doubt the conferring of the function on the officer occupying the post of Director: Legal and Democratic Services is not to intend or remove the power of any authorised officer engaged in investigation to obtain or seek from a Justice of the Peace, or the court, a warrant of entry, Order under RIPA 2000 or other process ancillary to the investigation he or she is engaged in.
- (b) The officer designated as the Chief Finance Officer (and his/her team under his/her direction) is authorised to do all things necessary in the performance of financial services and insurance arrangements in connection with the discharge of **executive functions** delegated under this section of the constitution.
- (c) In addition to any other delegation to an officer contained in this section of the constitution, each council officer may discharge any **executive function** as necessary for them to perform such of the duties as are set out in their job description as they are required to undertake by the officer or officers responsible for their management and subject to the general provisions governing delegations contained in section 7 below.
- (d) The officers specified in this paragraph may institute criminal proceedings at designated police stations by requesting the custody officer to charge a suspect on the council's behalf, but only:
  - (i) in connection with offences the council has power to enforce; and
  - (ii) following consultation with the Director: Legal and Democratic Services or an appropriate member of his/her team, except when the officer is acting outside of normal council business hours.

The following officers in the trading standards team are so authorised: trading standards manager or acting manager; enforcement officer; accredited financial investigator; trading standards officer.

The following officers in the South West illegal money lending/scambuster team are so authorised: South West regional enforcement manager or acting manager; senior investigator; investigator.

## **7. General provisions governing delegations to neighbourhood committees, officers and executive members**

- 7.1 The conferring of a delegated power is not intended to and does not in fact supersede or replace any statutory requirement or override any provision of

## 6. STATUTORY OFFICERS AND PROPER OFFICERS

FULL COUNCIL HAS MADE OR APPROVED THE APPOINTMENTS SET OUT BELOW

<b>Title / Responsibility (+ statutory derivation)</b>	<b>Officer Appointed</b>
Director of Children's Services (S18 Children Act 2004)	Executive Director People
Director of Adult Social Services (S6 Local Authority Social Services Act 1970)	Director Adult Social Care
Director of Public Health (Health and Social Care Act 2012)	Director of City Wellbeing, Resilience and Strategic Partnerships
Officer Responsible for Financial Administration (S151 Local Government Act 1972)	Director of Finance
Head of Paid Service (S4 Local Government and Housing Act 1989)	Head of Paid Service
Monitoring Officer (S5 Local Government and Housing Act 1989)	Director, Legal and Democratic Services
Electoral Registration Officer (S8, (2A) Representation of the People Act 1983)	Director, Legal and Democratic Services
Returning Officer (S35 (1A) Representation of the People Act 1983)	Director, Legal and Democratic Services
Statutory Scrutiny Officer	Head of Service: Democratic Engagement & Statutory Scrutiny Officer

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Local Government Act 1972	Section 46	Transfer of securities	Director Finance
Local Government Act 1972	Section 83 (1) to (4)	Witnessing and receiving declarations of acceptance of office	Director Legal and Democratic Services
Local Government Act 1972	Section 84(1)	Receiving a councillor's resignation	Director Legal and Democratic Services
Local Government Act 1972	Section 88 (2)	Calling a full council meeting to elect a chair if there is a casual vacancy	Director Legal and Democratic Services
Local Government Act 1972	Section 89 (1)	Giving notice of a casual vacancy	Director Legal and Democratic Services
Local Government Act 1972	Section 100 except 100 (d)	Opening meetings to the public	Director Legal and Democratic Services
Local Government Act 1972	Section 100 (d)	Listing background papers for reports and making copies available for the public to look at	Director Legal and Democratic Services
Local Government Act 1972	Section 115 (2)	Receiving money due from officers	Director Finance
Local Government Act 1972	Section 146 (1)(a) & (b)	Making declarations and certificates about transferring securities	Director Finance
Local Government Act 1972	Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Director Legal and Democratic Services
Local Government Act 1972	Section 225	Depositing documents	Director Legal and Democratic Services
Local Government Act 1972	Section 228 (3)	Making accounts available for councillors to look at	Director Finance
Local Government Act 1972	Section 229 (5)	Certifying photocopies of documents	Director Legal and Democratic Services
Local Government Act 1972	Section 234	Authenticating documents	Director Legal and Democratic Services
Local Government Act 1972	Section 238	Certifying byelaws	Director Legal and Democratic Services

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Local Government Act 1972	Section 248	Keeping a list of freemen of the city	Director Legal and Democratic Services
Local Government Act 1972	Section 228	Accounts to be opened for inspection	Director Finance
Local Government Act 1972	Part V (a)	Access to reports, etc	Director Legal and Democratic Services
Local Government Act 1972	Section 96(1) & (2)	Notice of pecuniary interests	Director Legal and Democratic Services
Local Government Act 1972	Sections 100 B (2) & (7)	Circulation of reports and agendas and supply of papers to the press	Director Legal and Democratic Services
Local Government Act 1972	Section 100 D (1) (a)	Background papers	Director Legal and Democratic Services
Local Government Act 1972	Section 210 (6) & (7)	Exercise of residual charity functions	Director Finance
Local Government Act 1972	Section 100 C	Summaries of minutes	Director Legal and Democratic Services
Local Government Act 1972	Schedule 12, Para 4 (2) (b)	Signing the summons to full council	Director Legal and Democratic Services
Local Government Act 1972	Schedule 12 Para 4(3)	Being told where to send summonses to full council meetings	Director Legal and Democratic Services
Local Government Act 1972	Schedule 14 Para 25	Certifying resolutions passed under this paragraph	Director Legal and Democratic Services
Local Government Act 1974	Section 30 (5)	Giving notice that copies of an ombudsman's report are available	Individual appointed by Chief Executive
Local Government (Miscellaneous Provisions) Act 1976	Section 41 (1)	Certifying copies of resolutions and minutes	Director Legal and Democratic Services
Local Authorities Cemeteries Order 1977	Regulation 10	Signing exclusive burial rights	Individual appointed by Executive Director Growth and Regeneration
Representation of the People Act 1983	Section 67	Receiving declarations of election candidature	Director Legal and Democratic Services

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Representation of the People Act 1983	Section 82 and 89	Receiving election expense declarations and returns and holding them for the public to look at	Director Legal and Democratic Services
Local Elections (Principal Area) Rules 1986	Rule 46	Keeping documents after an election and making them available for the public to look at	Director Legal and Democratic Services
Local Government and Housing Act 1989	Section 2 (4)	Keeping the list of politically restricted posts	Director Legal and Democratic Services
Local Government (Committees and Political Groups) Regulations 1990	Regulation 14	Notification of allocated or vacated seat	Director Legal and Democratic Services
Local Authorities (Standing Orders) (England) Regulations 2001		Giving notice of appointments and dismissals at chief or deputy chief officer level	Head of Paid Service
Local Government Act 2000		Acting as proper officer for all responsibilities in the Local Government Act 2000 and subordinate legislation	Director Legal and Democratic Services
Public Health Act 1936	Section 85 (2)	Serving a notice requiring action to deal with verminous people or things	Director Landlord and Housing Services.
Public Health Act 1961	Section 37	Controlling verminous things	Director Landlord and Housing Services.
Public Health (Control of Disease) Act 1984	Section 11	Being told about cases of notifiable disease or food poisoning	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 18	Getting information about cases of notifiable disease or food poisoning	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 20	Stopping of work to prevent disease spreading	Director Management of Place

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Public Health (Control of Disease) Act 1984	Section 21	Excluding children from school if they are likely to carry a notifiable disease	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 22	Asking for the names and addresses of pupils at a school or department of a school	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 31	Certifying the need to disinfect premises	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 32	Certifying the need to remove someone from an infected house	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 36	Issuing certificates to get an order to examine people believed to be carrying notifiable diseases	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 40	Getting a warrant to examine residents of a common lodging house	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 42	Certifying a common lodging house to be free from infection	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except to be taken to a mortuary or immediately buried or cremated	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 48	Certifying that it would be a health risk to keep a body in a building	Director Management of Place.
Public Health (Control of Disease) Act 1984	Section 59	Authenticating documents about things they are responsible for	Director Management of Place



<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Public Health (Infectious Diseases) Regulations 1988	Regulations 6, 8, 10 & 12	Reporting of infectious diseases; arrangements for vaccination/immunisation; divulging of confidential documents relating to infectious diseases	Director Management of Place
Public Health (Aircraft) Regulations 1979 and Public Health (Ships) Regulations 1979		Functions of the "Medical Officer"	Director Management of Place
National Assistance Act 1948	Section 47	Taking people in need of care and attention to a suitable place	Director Legal and Democratic Services
National Assistance (Amendment) Act 1951	Section 1	Certifying the need for immediate action	Director Legal and Democratic Services
Money Laundering Regulations 2003	Regulation 7	Being told about suspected money laundering	Director Head of Internal Audit
Housing Act 2004	Section 4	Complaint as to condition of residential premises	Individual appointed by Executive Director Growth and Regeneration
Food Safety Act 1990	Section 49(3)(a)	Authentication of documents, etc.	Individual appointed by Executive Director Growth and Regeneration
Building Act 1984	Section 93	Authentication of documents, etc	Individual appointed by Executive Director Growth and Regeneration
Building Act 1984	Section 78	Functions of the "surveyor"	Individual appointed by Executive Director Growth and Regeneration
Marriage Act 1949		Proper Officer for registrations	Director Legal and Democratic Services
Births and Deaths Registration Act 1953		Proper Officer for registrations	Director Legal and Democratic Services

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Regulation of Investigatory Powers Act 2000		Designated person for authorising the acquisition of communications data	Licensing and Trading Standards Manager
Any legislation past or made before or during 1972		Any functions of "the Clerk of the Council" or the "Town Clerk" which is to be construed as a reference to the Proper Officer of the Council.	Director Legal and Democratic Services
Any legislation past or made before or during 1972		Any function of the "Treasurer"	Director Finance
General Data Protection Regulation		Statutory Data Protection Officer	Head of Information Assurance
Traffic Management Act 2004	Section 17(2)	Traffic Manager	Head of Traffic and Highways Maintenance
Regulatory Reform (Fire Safety) Order 2005		The 'responsible person' for ensuring that the council's premises comply with the duties imposed by the Order.	Chief Executive
Building Safety Act 2022		Principal accountable person  Named point of contact for the Building Safety Regulator	Chief Executive  Executive Director – Growth and Regeneration

## Directorate Scheme of Delegations: Children & Education

### Introduction

In the Constitution, the Mayor and Full Council delegate certain powers and functions to Executive Directors.

This is the Children and Education Directorate Scheme of Delegation to officers. It:

- i) Summarises the powers and functions delegated to the Executive Director, Children and Education in Part 1
- ii) Describes how the Executive Director has delegated these powers and functions to officers in their Directorate to exercise on their behalf, in Part 2.

This scheme is subject to the Council's Constitution, including the Council and Mayoral Schemes of Delegation and the Procurement Rules, the Financial Regulations and Standing Orders.

The Executive Director will delegate to the post that's most appropriate for the exercise of the function. Any direct line manager between the Executive Director and the post delegated the function is also entitled to perform that function, unless otherwise stated in the scheme.

In the event of a civil emergency or a business continuity disruption, all authorities relevant to the management of the incident are delegated to named duty officers, officers attending multi-agency coordination group meetings or officers chairing an Incident Management Team, as appropriate.

Although Executive Directors can delegate functions they remain responsible for and accountable to the Council for the exercise of their delegated powers. On occasions they may still decide to take decisions themselves. Officers may decide to refer delegated powers back to the Executive Director, the Mayor or Full Council. The Mayor and Full Council can also decide to reserve a particular decision to themselves.

This Scheme of Delegation will remain in force until it is amended or revoked by the Executive Director, Children and Education or via changes to the Council and Mayoral Schemes of Delegation.

This Scheme of Delegation will need to be read in conjunction with the Finance Scheme of Delegation.

Guidance for managers and staff on how to use Schemes of Delegation is available on the intranet.

## Part 1: Functions delegated from the Constitution to the Executive Director

### Executive functions (part 3.4.B.5 of the Constitution)

'Executive' power rests with the Mayor. They delegate executive power to officers via the Mayoral Scheme of Delegation, which is part of the Constitution. The executive functions delegated to the Executive Director, Children and Education can be found in paragraph 5.2 of the Mayor's Scheme of Delegations.

### Non-executive functions (part 3.2. of the Constitution)

'Non-executive' power rests with Full Council. The delegations to officers can be found at Part 3.2C of the Constitution.

### Local Choice functions (part 3.3 of the Constitution)

In national legislation, 'Local Choice' functions can be either executive or non-executive decisions. Those functions delegated to the Executive Director Children and Education can be found in the table at Part 3.3 of the Constitution.

## Part 2: Delegations to Officers from the Executive Director

Governance	Post holder authorised to carry out function
Individual performance meetings will be set up in each directorate / division. The relevant director: HR Business Partner and a relevant quality assurance officer (where appropriate) will attend to monitor individual performance (absence management included) measures and actions taken; exception reports will be provided to Executive Director Meetings for senior team scrutiny.	Director Children and Families Services  Director Education & Skills
Where an officer has identified a serious issue which could potentially present significant reputational risk to the council, the officer identifying the risk must inform their Director and the Director inform the Executive Director for discussion on next steps, which may include <ul style="list-style-type: none"> <li>- Informing the relevant Lead Member</li> <li>- Informing the Head of Paid Service</li> <li>- Informing the Mayor / head of Mayors office</li> </ul>	All officers

## 2. Children and Families Services

This scheme of delegation is to be used in conjunction with and to support the Placement and Legal Panel processes.

- *For a child who is 'accommodated' under a section 20 voluntary arrangement ('a looked after child'), the local authority does not have parental responsibility for the child – parental responsibility remains with the parents. However, the authority must*

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*comply with the duties set out in the 1989 Act and with the relevant Regulations. Given the legal context we should work in partnership with parents.*

- *Although a Care Order gives the local authority parental responsibility for the child, any person who is a parent or guardian, Special Guardian, or a step parent who has acquired PR through Court Order or agreement also retains their parental responsibility and may continue to exercise it to the extent that their actions are not incompatible with the Care Order (as set out in section 2(8) and section 33(3)(b) of the 1989 Act).*

Function	Post holder authorised to carry out function
<b>Legal Decisions</b>	
Decision to initiate family court proceedings	Legal Panel, following approval to submit by Head of Service
Decisions to issue proceedings in the Court of Protection Signing of applications to court Signing of care plans to court	Legal Panel Service Manager oversight but signed by Team Manager /Practice Lead/Consultant Social Worker and above
Court directed placements	Approved in retrospect via notification to Permanency Panel within one week.
Decision to apply for discharge of care order	Team Manager/Practice Lead/ Consultant Social Worker and above following CIC Review and appropriate consultation with Head of Service and approval at Legal Panel
Planned accommodation under Section 20 Children Act 1989	Head of Service and then ratification at Legal Panel
Unplanned Section 20 accommodation	Head of Service
Application for an Emergency Protection Order	Head of Service
Application for a Child Assessment Order	Legal Panel, following approval to submit by Head of Service
Approval for Secure - Accommodation	Director Children, Families and Safer Communities (must have Secretary of State's agreement if the child is under13 years)
Decision to use secure accommodation without the authorisation of a court (up to 72 hours in aggregate over a 28 day period).	Director Children, Families and Safer Communities (must have Secretary of State's agreement if the child is under13 years).
Decision to end period in Secure Accommodation whilst Court Order is in place.	Director of Children, Families Safer Communities
Decision to place a child on a Care Order or an Interim Care Order at home with parents or person with parental responsibility.	- Head of Service

Application to the Court for authority to refuse contact with a child in care under Section 34(4) Children Act 1989	Area Manager and above
<i>NB Decisions in respect of children who are the subject of Court Proceedings (Civil or Criminal) are not delegated within the department as they remain within the jurisdiction of the Court. Children on a Care Order are those who are on a Care Order</i>	
<b>Functions related to children in need and in need of protection</b>	
Decisions on outcome of referrals and assessments	Consultant Social Worker / Practice Lead / Local Area Designated Officer / Team Manager and above
Responsibility to assess case	Social Worker to assess and-Consultant Social Worker/Team Manager to sign off
Responsibility to call a child's care planning or review meeting	Consultant Social Worker / Practice Lead/ Local Area Designated Officer / Team Manager and above
Chairing of child's care planning (CIN) meeting / Chairing a non CLA review meeting	Consultant Social Worker / Practice Lead / Local Area Designated Officer / Team Manager and above
Decision to close a case or transfer a case to another team	Consultant Social Worker / Practice Lead / Team Manager and above
<p><b>Section 17 Payments</b></p> <p>Cash payments may be made to the families of Children in need under Section 17 of the Children Act 1989, limited to emergency/exceptional situations, which are not covered by national income maintenance arrangements:</p> <p>a) Up to £20 per case per annum  b) Up to £200 per case per annum  c) Up to £2,000 per case per annum  d) To make preventative aid payments up to the appropriate foster rate, inclusive of allowances, for a period of 12 months in any one case</p>	Consultant Social Worker / Practice Lead / Team Manager and above
<b>Functions related to child protection</b>	
Authority to exercise all the duties and functions of the Authority under Parts IV and V of the Children Act 1989, sections 31-52 (including section 47 – local authority's duty to investigate) and all other enabling powers with regard to the care, supervision and protection of children and young people, including determining applications for Residence Orders under Section 8 Children Act 1989. This includes:	
Decision to hold Child Protection strategy meeting.	Consultant Social Worker/Practice Lead/Team Manager and above or Deputy Team Manager within First Assessment Service.
Initiate Section 47 Child Protection enquiries including direct work with the family.	Team Manager and above
Conclude Section 47 enquiries.	Team Manager and above
Decision to convene an Initial Child Protection Conference.	Team Manager and above
Decision to hold Review Child Protection Conference out of timescales	Area Manager Head of Service must be

	informed
Chairing of Child Protection Conferences	Child Protection Conference Chair/Head of Service
Cessation of Child Protection Plans	Child Protection Conference recommends. Area Manager /Head of Service case management decision
Risk decision re: DBS Checks	Area Manager /Head of Service
<b>Consent decisions relating to children in care</b>	
<i>Note: the views of child, anybody with PR, carer and Independent Reviewing Officer must always be considered in making consent decisions.</i>	
Authority to exercise all the duties and functions of the Authority with regard to children and young people under Sections 22 to 24D of the Children Act 1989 and all other enabling powers (maintenance, advice, etc.) including making any decisions reasonably necessary for their health and well-being.	Social Worker and above
Authorisation to place a child outside the area of the responsible authority but within the neighbouring authorities.	Area Manager/Through Care Service Manager and above
Authorisation to place a child outside the area of the responsible authority and where that placement is a distant one.	DCS (in line with statutory requirements)
Authorisation of Placement of Children in Care with Parents etc.	Area Manager in consultation with Head of Service with Court approval if care proceedings are ongoing.
Sign Passport Applications as person with parental responsibility.	Team Manager and above
Consent to holidays or trips abroad in school holidays lasting under a month.	Team Manager and above
Consent for a child who is subject to a Care Order to leave the jurisdiction of the Court for more than a month.	Area Manager with written consent of all persons with PR, or leave of the Court.
Consent to seek agreement for a child who is subject to an interim care order or the subject of court proceedings on no order, to leave the jurisdiction of the Court.	Court decision
Consent to support a young person on a Care Order changing their name.	Area Manager/Through Care Service Manager with written consent of all persons with PR or leave of the Court to change surname.
Consent to join the Armed Forces.	Area Manager/Through Care Service Manager and above
Consent to marriage of 16- or 17-year-old on a Care Order.	Director Children, Families and Safer Communities
Consent for 16- or 17-year-old on a Care Order to live independently.	Team Manager and above
Authorisation to cease being looked after for children (aged 0-15 who have been in care over 20 days) who are being placed for adoption	Agency Decision Maker for Adoption
Authorisation to cease being looked after for children (aged	Area Manager/Through

0-15 who have been in care over 20 days) who are going home or going to live with family or friends.	Care Service Manager and above
Authorisation of the support plan where a child is to cease being looked after for children (aged 0-15 who have been in care over 20 days) who are subject to special guardianship or child arrangement orders.	Area Manager/Through Care Service Manager and above
Authorisation to cease being looked after for young people aged 16 & 17	DCS in line with statutory requirements
Young person continues to be accommodated after their 18th birthday where in residential provision.	Head of Service
Young person remains in an extended foster placement or a formal 'Staying Put' arrangement.	Head of Service via placement panel
Consent to routine planned health assessments or treatment for looked after children where the Local Authority has parental responsibility.	Delegated to foster carer or children's home as part of Placement Plan.
Consent to common (age-related) health remedies including non-prescription drugs such as ibuprofen and paracetamol.	Delegated to foster carer or children's home as part of Placement Plan.
Consent to health assessments, treatment or other interventions including general anaesthetic for a child on a care order where the parent agrees	Delegated to foster carer or children's home as part of Placement Plan.
Consent to health assessments, treatment or other interventions including general anaesthetic for a child on a care order where the parent disagrees	Head of Service Director Children, Families and Safer Communities must be informed
Consent to health assessments, treatment or other interventions including general anaesthetic for a child accommodated by the Local Authority which does not have parental responsibility.	Parent or other person with parental responsibility (reasonable effort to secure their agreement is required, However the interests of the child are paramount (see below where parent opposes). In urgent cases seek legal advice if consent is unreasonably withheld. If the child is competent their consent will be sought by health professionals.
Consent to medical interventions to deal with life threatening situations.	Delegated to foster carer or children's home as part of Placement Plan and medics for emergency scenarios.
Where there is a high risk associated with medical treatment or procedure and this is a planned intervention	Head of Service - If the child is competent to do so their consent will be sought by health professionals.
Consent to medical interventions to deal with life threatening situations or where there is a high risk associated with the treatment or procedure where the parent or other persons with parental responsibility oppose the intervention.	Director Children, Families and Safer Communities
Acting as a parent for children subject to care orders for the purposes of sectioning under the Mental Health Act 1983 & 2007	Area Manager or Through Care Service Manager who will seek the views of the nearest relative.



Engagement in potentially hazardous leisure or sports activity.	Delegated to foster carer or children's home as part of Placement Plan. Consent from parents much be sought, and Head of Service advised.
Decisions about staying with friends overnight.	Delegated to foster carer or children's home as part of Placement Plan.
Decisions about contact arrangements.	Consultant Social Worker / Practice Lead (in consultation with IRO) or delegated to foster carer or children's home as part of Placement Plan.
Decisions about looked after children under 16 subject to a care order having non-intimate body piercing.	Delegated to foster carer or children's home as part of Placement Plan.
Agreement that long term fostering is the plan for the child.	Consultant Social Worker / Practice Lead in consultation with IRO Ratification of s20 at Legal Panel
Agreement that foster placements are permanent placements for looked after children.	Agency Decision Maker Fostering via Permanency Panel
Decision to consent to looked after children's photographs being used in external publications	Consent from the person with PR, Service Manager and the child.
Decisions re DBS disclosures on Family and Friends, Foster Carers and SGO carers	Area Manager or Through Care Service Manager
Consent to use publicity for child missing from care	Agreed via Missing Procedures by Consultant Social Worker / Practice Lead with Police must alert Area Manager, Director to brief Executive Director Children and Education, Members and Media Team
Delay outside stat. time for LAC REVIEWS	Service Manager Director Children, Families and Safer Communities must be informed
Authorise Care Plans and Pathway Plans	Practice Lead / Consultant Social Worker
<b>Fostering and adoption agency decisions</b>	
Fostering Agency Decision Maker	Service Manager – Placement Services Through Care Service Manager – Service Manager DCSS
Approval of new Foster Carers	Fostering Agency Decision Maker
Approval of Foster Carers following first annual review	Fostering Agency Decision Maker
Continued approval of foster carers following subsequent reviews (unless referred to Fostering Panel)	Fostering Agency Decision Maker

Authorise emergency placements out of the foster carers terms of approval	Fostering Team Manager
Permanent change of approval	Fostering Agency Decision Maker
Temporary Approval of Foster carers (Regulation 24)	Fostering Agency Decision Maker
Approving adopters as Foster to Adopt carers	Adoption West – Regional Adoption Agency
Termination of Foster Carers Approval	Fostering Agency Decision Maker
Adoption Agency Decision Maker	Head of Service – Permanency and Specialist Services
Approval of new Adopters	Adoption West – Regional Adoption Agency
Approval of the plan for a child to be adopted	Adoption Agency Decision Maker
Approval of a match between a child and adopters	Adoption Agency Decision Maker
Revocation of the plan for a child to be adopted	Adoption Agency Decision Maker
Decision to pay an adoption allowance or lump sum payment	Adoption Business Manager/Area Manager
Review of adopters' approval (unless review at panel)	Adoption West – Regional Adoption Agency
Revocation of adopters' approval	Adoption Agency Decision Maker
<b>Placement Decisions</b>	
Agreement to search for Independent Children's Home/In-house Children's Home	Head of Service Permanency & Specialist Services
Agreement to place in Independent Children's Home	Director Children, Families and Safer Communities
Agreement to place with Independent Fostering Agency	Head of Service – Permanency & Specialist Services
Parent and child assessment placement.	Head of Service Permanency & Specialist Services
Specialist leaving care accommodation (ESA)	Head of Service Permanency & Specialist Services
B&B/Emergency accommodation	Head of Service Permanency & Specialist Services / Head of Services Safeguarding & Quality Assurance Director Children, Families and Safer Communities must be informed
<b>Authorisation to place a child under 16 in an unregistered children's home</b>	Executive Director Children and Education (DCS)
<b>Disabled Children</b>	
Agreement to provide a short breaks personal budget for disabled child	Service Manager - DCSS (Band 6 or above)

	Case Discussion Forum (up to Band 5) Team Manager Families in Focus/Personal Budgets (up to Band 4)
Agreement to request overnight short-break service for a disabled child	Head of Permanency & Specialist Services Service / Service Manager Disabled Children's Service
Agreement to provide Inclusive Play Provision funding to enable settings to meet needs of a specific child	Team Manager, Families in Focus / Service Manager Disabled Children's Service
<b>Notifications</b>	
Death of a child in care <ul style="list-style-type: none"> <li>- If 'out of hours' EDT will inform the Director or DCS (Executive Director Children and Education) if Director unavailable: each will ensure the other is informed</li> <li>- Inform parents</li> <li>- <b>Director will notify the lead member &amp; Executive Director Children and Education (DCS)</b></li> <li>- Director will notify the relevant Head of Service</li> <li>- Team Manager</li> <li>- Head of Service</li> <li>- Director of Education and Skills (director will inform the child's education setting and Education Psychology service to provide support) will notify Ofsted/QA</li> </ul>	Director Children, Families and Safer Communities  Safeguarding and Quality Assurance Manager
<ul style="list-style-type: none"> <li>- Social Work England Disciplinary / suspension notifications</li> <li>- Concerns regarding safety to practice (ex-staff members)</li> </ul>	Director Children, Families and Safer Communities <b>Executive Director Children and Education must be informed</b>
Ofsted notifications <ul style="list-style-type: none"> <li>- Serious incident(s)</li> <li>- Child Safeguarding Practice Reviews – decision to commission</li> <li>- Child Safeguarding Practice Reviews – publication date</li> </ul>	Director Children, Families and Safer Communities <b>Executive Director Children and Education must be informed</b>  Director Children, Families and Safer Communities following discussion at Keeping Bristol Safe Partnership Board
<b>General administration</b>	
<b>Complaints</b> Complaints are to be managed in accordance with the Department's Complaints Procedure, in consultation with the Complaints Manager  Stage 1: review  Stage 2: an investigation with an independent person overseeing it.  Stage 3: a review panel with an independent chair	<b>See Complaints Procedure</b>  Team Manager/ Senior Practitioner Head of Service  Director Children, Families

Complaints against Children & Young People's Social Care Services: Complaints are to be managed in accordance with Children's Act 1989 Representations Procedure (England) Regulations 2006, in consultation with the Complaints and Representations Officer	and Safer Communities
<b>Education Decisions regarding Children in Care</b> Should be discussed at Personal Education Plan Meetings (PEPs) wherever possible	
Agreement on school placement for those entering the school system. – Social Worker should apply to nearest good or better OFSTED rated school where accessible or discuss with the Virtual School Head	Social Worker in Collaboration with the Head of the Virtual School
Consultation on Early Years Placement (Childminder, Nursery or Children's' Centre Placement) should have good or better OFSTED unless none such is accessible, then to be discussed with the Virtual School Head	Social Worker in collaboration with / Head of the Virtual School/Head of Learning City
Agreement on school placement for those pupils in transition between key stages where the current school is unable to continue to educate the child (e.g. Between Primary and Secondary School)	Social Worker Virtual School Year group lead/ Head of the Virtual School
Agreement to change a child's school, e.g. due to a care placement move, new to care	Team Manager (Social Care) Virtual School lead/ Head of the Virtual School
Any Planned school move for a pupil in KS4 cannot be agreed without specific permission from Virtual School Head and Service Director	Head of the Virtual School/ Director Education & Skills on behalf of DCS
LAC Pupil Premium Spend – At the PEP meeting to be approved/ Quality Assured by the Virtual School Head	Head of the Virtual School
Exceptional Permission for Absence in Term time (half a day or more) - Only if Short, unavoidable, and rare.	Head of the Virtual School and Head of Permanency and Specialist Services for approval
Permission for a reduced/ reintegration/transition timetable (any timetable that is less than the statutory required hours (include) - School to submit paperwork to the VSH	Head of the Virtual School
Repeating a school year or placing child in year group not their chronological age.	Agreement required from Education Psychologist & Head of the Virtual School
Exclusions from School – Risk of Permanent Exclusion from School see flowchart	School Headteacher Head of the Virtual School
<b>Safer City</b>	
Ensure BCC meets duties and responsibilities for Community Safety and Crime and Disorder (Legislative)	Director Children, Families and Safer Communities Head of Service Permanency, Specialist Services and Safer Communities Safer Communities Manager
Ensure Bristol meets duties for preventing extremism through Prevent and Channel programs	Director Children, Families and Safer Communities Head of Service Permanency, Specialist Services and Safer

	Communities Safer Communities Manager
Possession action and injunctions against BCC tenants (Housing Act 1985)	Head of Housing Management and Estates Safer Communities Manager Deputy Manager, Safer Communities ASB Officers
Ex. Parte injunctions against BCC tenants (Housing Act 1985)	Head of Housing Management and Estates Safer Communities Manager Deputy Manager, Safer Communities ASB Officers
ASB Tools and powers (ASB and Policing Act 2014) - Fixed Penalty Notices - Community Protection Notices	Director Children, Families and Safer Communities Head of Service Permanency, Specialist Services and Safer Communities Safer Communities Manager Deputy Manager, Safer Communities ASB Officers
<b>Modern Slavery</b>	
Duty to notify Home Office of suspected case of modern slavery Duty to co-operate with anti-slavery commissioner	Safer Communities Manager Safer Communities Manager

**3. Education and Skills**

<b>Function</b>	<b>Post holder authorised to carry out function</b>
<b>Schools Finance</b>	
<b>Education Provision</b> In consultation with schools and partners, develop and implement an Integrated Education and Capital Strategy, consulting with the Learning City Partnership, at the discretion of the director, distributing capital funding to schemes on the basis of need and in accordance with any regulations regarding the use of funding grants.	Executive Director, Children and Education Director, Education & Skills Major Projects Manager (Place)
<b>Schools Forum</b> In accordance with s47A of the 2002 Education Act, establish and maintain a Schools Forum to advise and agree proposals as prescribed in regulations, on the constitution of the forum and the distribution of money between schools and how much should be sent on certain LA-wide functions.	Director Education & Skills Director Finance
<b>Fair Funding Formula</b>	Director Education & Skills

In consultation with schools and Schools Forum, to determine each school's budget share through the development and implementation of a local Fair Funding Formula, subject to any statutory requirements, including reference to the Schools Regulations 2012.	Finance Business Partner – Children and Education
<b>Schools Budget Setting</b> Set school budgets in accordance with regulations, including those relating to minimum school budgets and 'passporting' targets.	Finance Business Partner – Children and Education
<b>Schools Budget Submission to Secretary of State</b> In accordance with paragraph 66 of schedule 7 to the Local Government Act 2003 submit to the Secretary of State the proposed Schools Budget as required	Director Finance Finance Business Partner – Children and Education
<b>Budget Statements</b> To manage the delegation of budget shares to schools, produce a financial statement before the beginning of each financial year ('the budget statement') and after the end of each financial year ('the outturn statement') in accordance with s.52 of the 1998 Act and other related regulations	Director Finance Finance Business Partner – Children and Education
<b>Audit dates to Secretary of State</b> In accordance with the Consistent Financial Reporting (England) Regulations) 2003 to report to the Secretary of State each schools' audit date by the August following the end of the financial year.	Chief Internal Auditor
<b>Notice of Concern</b>	Director Education & Skills and above
<b>Staffing and Finance</b> In accordance with S.35(7) of the Education Act 2002 the arrangement for staffing of schools without delegated budgets shall be determined by the LA.	Director Education & Skills
<b>Suspension of Delegation of Budget</b>	Executive Director Children and Education Finance Business Partner – Children and Education
<b>School Admissions</b>	
<b>Admissions arrangements for maintained schools</b> Subject to the Education (Determination of Admissions Arrangements) (England) Regulations 1999 as amended by the Education (Determination of Admissions Arrangements) (Amendment) (England) Regulations 2002 relating to maintained schools:  a) Consult annually about admissions arrangements with governing bodies of admissions authorities of schools.  b) Where there are within year variations to (except in a case where their proposed variations fall within any descriptions of variations prescribed – see Education (Variations of Admissions Arrangements) (England) Regulations 2002) refer the proposed variations to the adjudicator and notify the bodies whom it consulted of the proposed variations. Where the LA is the admissions authority for the school, to consult with the governing body before making a reference to the adjudicator.  c) When determining admissions arrangements for schools for which the authority is the admissions authority,	Head of Learning City

<p>include determination of the number of pupils in each relevant age group that it is intended to admit to the school in that year, taking into consideration the current capacity of the school and its indicated admission number.</p> <p>d) Where the authority determines an admission number for a relevant age group which is lower than the school's indicated admission number, the authority must undertake additional publication (reg.9 of the 1999 Regulations) of a statutory notice.</p> <p>e) Adoption of the Annual Admissions Policy</p>	
<p><b>Admissions arrangements for nursery schools and early years settings</b> To determine the admissions policy for Local Authority nursery schools and classes and disseminate to schools</p>	Head of Learning City
<p><b>Direction to admit a child to a named school</b> To exercise on behalf of the Authority the power under section 98 of the 1998 Education Act to give direction to a governing body that a child be admitted to a named school within the Authority's area.</p>	Director Education & Skills
<p><b>Coordinated admissions schemes</b> To comply with any requirements made by the Secretary of State to implement a scheme for co-ordinated arrangements for admissions in accordance with section 202 Education Act, Education (co-ordination of Admissions Arrangements) (Primary Schools) (England) Regulations 2002 as amended by the Education (Co-ordination of Admissions Arrangements) (Primary Schools) (England) (Amendment) Regulations 2003, and the Education (co-ordination of Admissions Arrangements) (Secondary Schools) (England) Regulations 2002.</p>	Head of Learning City
<p><b>Individual pupils and admissions appeals panels</b> To administer arrangements for the admission of individual pupils to primary and secondary schools, including designated areas and other relevant factors and to present the case on behalf of the Authority to admission appeals panels.</p>	School Admissions Lead
<p><b>Functions related to school governance</b></p>	
<p><b>Determination of school term dates</b> In the case of Local Authority, Voluntary Controlled and Special Schools, including residential schools, to determine school term dates after appropriate consultation.</p>	Director Education & Skills
<p><b>Changing the character of a school</b> To authorise commencement of consultation process to change the character of a school prior to formal report to Cabinet. (Education and Inspection Act 2006)</p>	Director Education & Skills
<p><b>Instruments of governance:</b> To approve instruments of governance for schools.</p>	Director Education & Skills
<p><b>Additional governors:</b> To appoint additional governors to schools in special measures</p>	Director Education & Skills
<p>Exercising any human resources, personnel or staffing</p>	Director Education & Skills

functions in relation to schools maintained by the Local Authority that are not exercised by school governing bodies in line with the Education Act 1996 and s.142 of the Education Act 2002.	
<p><b>Maintained settings - Selection of Headteachers and other teaching staff</b></p> <p>To provide advice to schools at all proceedings relating to the selection of a headteacher, and of other teaching staff where required.</p>	Head of Learning City and above
<p><b>Maintained settings - Dismissals and appeals:</b></p> <p>To implement decisions for governing bodies of schools relating to the determination of potential dismissals and any subsequent appeals against such dismissals, which are within the Authority's powers to determine.</p>	Director Education & Skills
<p><b>Voluntary Aided and Foundation schools - Representations regarding appointment of Headteacher or Deputy Headteacher:</b></p> <p>Where the governing bodies of voluntary aided or foundation schools notifies the LEA of the intention to appoint a person to the post of headteacher or deputy headteacher the chief education officer will make written representation within 14 days if the applicant is not suitable for appointment.</p>	Director Education & Skills Head of Learning City
<b>Functions related to school attendance</b>	
<p><b>Education out of school</b></p> <p>To exercise the powers and duties of the Authority as set out in Section 19 of the 1996 Education Act in respect of making arrangements for the provision of suitable education at school or otherwise for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made.</p>	Head of Inclusive City
<p><b>Enforcement action relating to non-attendance</b></p> <p>To authorise any proceedings necessary to enforce any enactment relating to the non-attendance of pupils at school, or education other than at school with reference to the Education Act 1996 and the Anti-social Behaviour Act 2003.</p>	School Improvement Attendance Officers (Educational Welfare)
<b>Functions related to school curriculum</b>	
<p><b>Requirements for the curriculum</b></p> <p>Under s.79 of the Education Act 2002, to ensure that every school it maintains (including nursery schools and nursery education funded through the LEA) meets the general requirements for the curriculum in particular the National Curriculum (which now includes the Foundation Stage) and religious worship.</p>	Director Education & Skills
<p><b>Monitoring delivery of the curriculum</b></p> <p>To monitor the way in which the assessments and foundation stage profiles are being conducted by teachers to ensure consistency and proper implementation of the statutory provisions (The Education (National Curriculum) (Foundation Stage Profile Assessment Arrangements) (England) Order 2003).</p>	Director Education & Skills Early Years – Leads /Managers Head of Learning City
<p><b>Complaints relating to the curriculum</b></p> <p>In accordance with arrangements approved by the Secretary of State under the Education Act 1996 (s.409) to investigate complaints concerning alleged failures of</p>	Director Education & Skills Head of Learning City



schools to comply with the National Curriculum, including requirements for religious education and collective worship and the arrangements for statutory assessment and moderation of the National Curriculum.	
<p><b>Curriculum experiments</b> In accordance with s.90 of the 2002 Education Act, to determine whether applications be made to the Secretary of State to direct than an LA maintained school be authorised to conduct curriculum experiments outside the National Curriculum.</p>	Director Education & Skills
<p><b>Provision of information to the Secretary of State</b> To provide on behalf of the Authority any information which the Secretary of State may by regulation require, including through the Education (School Performance Information) (England) Regulations 2001 and the Education (Pupil Information) (England) Regulations 2000.</p>	Director Education & Skills
<b>Functions related to Home to School Travel</b>	
<p><b>School Transport Policy</b> To approve the home to school transport policy following consultation as appropriate, and to administer home to school transport.</p>	Director, Education & Skills
<p><b>Transport arrangements</b> To ensure that appropriate transport arrangements are made in accordance with the Authority's policies.</p>	Director, Education & Skills – Head of Accessible City
<p><b>Transport for Further Education students</b> To determine applications for assistance towards travelling expenses from further education students over the age of 21 who apply on grounds of hardship within the Council's approved scheme.</p>	Director, Education & Skills Head of Accessible City
<b>Functions related to Special Educational Needs</b>	
<p><b>Statutory assessments</b> To arrange for children to be assessed in accordance with the requirements of the Education Act 1996 and the SEN and Disability Act 2001, to determine the special educational provision which should be made for them and to maintain and review statements of special educational need in accordance with any regulations concerning these.</p>	Head of Accessible City/SEND Service Manager
<p><b>Statutory appeals tribunals</b> To represent the Authority at statutory appeal tribunals in connection with the assessment of special educational needs.</p>	SEND Service Manager
<p><b>Codes of Practice</b> To ensure that the requirements of any statutory Codes of Practice, relevant to SEN, or other regulations are complied with.</p>	SEND Service Manager

# Directorate Scheme of Delegations: Adults and Communities

## Introduction

In the Constitution, the Mayor and Full Council delegate certain powers and functions to Executive Directors.

This is the Adults and Communities Directorate Scheme of Delegation to officers. It:

- i) Summarises the powers and functions delegated to the Executive Director, Adults and Communities in Part 1
- ii) Describes how the Executive Director has delegated these powers and functions to officers in their Directorate to exercise on their behalf, in Part 2.

This scheme is subject to the Council's Constitution, including the Council and Mayoral Schemes of Delegation and the Procurement Rules, the Financial Regulations and Standing Orders.

The Executive Director will delegate to the post that's most appropriate for the exercise of the function. Any direct line manager between the Executive Director and the post delegated the function is also entitled to perform that function, unless otherwise stated in the scheme.

In the event of a civil emergency or a business continuity disruption, all authorities relevant to the management of the incident are delegated to named duty officers, officers attending multi-agency coordination group meetings or officers chairing an Incident Management Team, as appropriate.

Although Executive Directors can delegate functions they remain responsible for and accountable to the Council for the exercise of their delegated powers. On occasions they may still decide to take decisions themselves. Officers may decide to refer delegated powers back to the Executive Director, the Mayor or Full Council. The Mayor and Full Council can also decide to reserve a particular decision to themselves.

This Scheme of Delegation will remain in force until it is amended or revoked by the Executive Director, Adults and Communities or via changes to the Council and Mayoral Schemes of Delegation.

This Scheme of Delegation will need to be read in conjunction with the Finance Scheme of Delegation.

Guidance for managers and staff on how to use Schemes of Delegation is available on the intranet.

## Part 1: Functions delegated from the Constitution to the Executive Director

### Executive functions (part 3.4.B.5 of the Constitution)

'Executive' power rests with the Mayor. They delegate executive power to officers via the Mayoral Scheme of Delegation, which is part of the Constitution. The executive functions delegated to the Executive Director, Adults and Communities can be found in paragraph 5.2 of the Mayor's Scheme of Delegations.

### Non-executive functions (part 3.2. of the Constitution)

'Non-executive' power rests with Full Council. The delegations to officers can be found at Part 3.2C of the Constitution.

### Local Choice functions (part 3.3 of the Constitution)

In national legislation, 'Local Choice' functions can be either executive or non-executive decisions. Those functions delegated to the Executive Director – Adults and Communities can be found in the table at Part 3.3 of the Constitution.

## Part 2: Delegations to Officers from the Executive Director

Governance	Post holder authorised to carry out function
Individual performance meetings will be set up in each directorate / division. The relevant director: HR Business Partner and a relevant quality assurance officer (where appropriate) will attend to monitor individual performance (absence management included) measures and actions taken; exception reports will be provided to Executive Director Meetings for senior team scrutiny.	Director Adult Social Care Director of Public Health
The Head of Quality Assurance and the Principal Social Worker in Adult Social Care will have a direct link to any Executive Director/Head of Paid Service to facilitate a non-confrontational discussion which can enable sharing of key information when it relates to organisational Directors.	Principal Social Worker Adults
Where an officer has identified a serious issue which could potentially present significant reputational risk to the council, the officer identifying the risk must inform their Director and the Director inform the Executive Director for discussion on next steps, which may include <ul style="list-style-type: none"> <li>- Informing the relevant Lead Member</li> <li>- Informing the Head of Paid Service</li> <li>- Informing the Mayor / head of Mayors office</li> </ul>	All officers

**1. Adult Social Care**

Function	Post holder authorised to carry out function
<b>Functions related to Finance</b>	
<p><b>Residential and Non-Residential Finance</b></p> <ul style="list-style-type: none"> <li>- Write off of non-Residential Charges shall be in accordance with <u>Appendix 1 of the Corporate Debt Management Policy</u></li> <li>- Power to register property charges by declaration or agreement in securing the eventual collection of debts owed to the City Council.</li> <li>- Power to enter into legally enforceable agreements for the repayment of loans and other debts due to the City Council, with or without the payment of interest, in accordance with established practice and in consultation with the Chief Accountant, Deputy s151 Officer</li> <li>- Power to administer statutory duty to provide care and protection of personal property.</li> <li>- Financial Assessments:               <ul style="list-style-type: none"> <li>• Power to vary from the prescribed allowance for personal requirements in special circumstances.</li> <li>• Authority to agree negotiated settlements, in liaison with the Executive Director, for disputed assessed charges.</li> </ul> </li> </ul>	<p>Payments and Charging Finance Manager</p> <p>Head of Service</p> <p>Team Manager</p> <p>Head of Service</p> <p>Head of Service</p>
<p><b>Service Users Finances</b> These shall be administered in accordance with Health &amp; Social Care's written criteria. Specific authorisations include:</p> <ul style="list-style-type: none"> <li>a) Authorisation to act as Agent or Appointee for service user.</li> <li>b) Authorisation for an Application and to act as Deputy to the Office of the Public Guardian for the appointment of a Deputy for a service user.</li> <li>c) Authorisations falling outside of the written criteria.</li> </ul>	<p>Client and Carer Services / COFSS Panel</p> <p>Client and Carer Services / COFSS Panel</p> <p>Director Adult Social Care</p>
<p><b>Section 17 Payments</b> Cash payments may be made to the families of Children in need under Section 17 of the Children Act 1989, limited to emergency/exceptional situations, which are not covered by national income maintenance arrangements:</p> <ul style="list-style-type: none"> <li>a) Up to £20 per case per annum</li> <li>b) Up to £200 per case per annum</li> <li>c) Up to £2,000 per case per annum</li> </ul>	<p>Head of Service/Deputy Director Adult Social Care</p> <ul style="list-style-type: none"> <li>a) Senior practitioner and above</li> <li>b) Team manager and above</li> <li>c) Head of Service and above</li> </ul>

d) To make preventative aid payments up to the appropriate foster rate, inclusive of allowances, for a period of 12 months in any one case	d) Team Manager and above
<b>Approval of Care Homes / Home Care Packages:</b>	
Cases presented to Case Discussion Forum may receive 'in-principle' agreement subject to funding authorisation from a manager at the appropriate level.	
Approval for supported placement – Residential, Nursing Home or Supported Living on contract framework via DPS:	
a) Up to £500 per week	a) Senior Practitioner and above
b) Up to £1000 per week and any care home placement	b) Service Manager and above
c) Up to £1500	c) Head of Service and above
d) Over £1500	d) Deputy Director/ Director Adult Social Care
Issue contract to home for supported residential or nursing care	Director Adult Social Care
Approval for placement in Local Authority Homes or Day Centres outside Bristol (at contract price and with contract)	Team Manager and above
Sign off new community care / support packages (including DPs).	
a) Up to £500 per week	a) Senior Practitioner and above
b) Up to £1000 per week	b) Service Manager and above
c) Up to £1500	c) Head of Service and above
d) Over £1500	d) Deputy Director/ Director Adult Social Care
Sign off incremental increases to community care / support packages (including DPs).	
a) Total cost of package £500 or less	a) Senior Practitioner and above
b) Total cost of package £1000 or less	b) Service Manager and above
c) Total cost of package £1500 or less	c) Head of Service & above
d) Total package cost over £1500	d) Deputy Director/ Director Adult Social Care
Implementation of the City Council's Adult Social Care Charging Policy, including:	Deputy Director (Commissioning)
- Accurate payments in line with authorised Care Package Line Items.	
- Financial assessment in line with the Care and Support Statutory Guidance as amended [last amended 24 February 2017], leading to accurate charges being levied.	
Financial protection in line with the Mental Capacity Act in line with direction from the Court of Protection.	
Entering into contracts with Registered Providers for the provision of accommodation for service users where the rent is covered by housing benefit and the cost to the council is limited to the care package (dealt with	Director: Adult Social Care and Deputy Director (Commissioning)

separately in the scheme) and indemnifying the Registered Provider against void costs	
<b>General Administration</b>	
<p><b>Complaints</b> Complaints are to be managed in accordance with the Department's Complaints Procedure, in consultation with the Complaints Manager</p> <p>a) Initial response b) Review c) Final sign off</p>	<p><b>See Complaints Procedure</b></p> <p>Senior Practitioner and above Head of Service and above Head of Service and above</p>
<b>Functions related to adults / older people</b>	
Functions that relate to the Children and Family Act 2014 and Care Act 2014 re young people moving from Children's to adult services	Preparing for Adulthood team manager
Chairing case conferences / strategy meetings and authority to decide on Care Plan etc.	Senior Practitioner and above
Approval for holiday sponsorship (private and voluntary placements)	Head of Service and above
Guardianship - Submission	Team Manager/AMHP /Principal Social Worker
To approve guardianship applications made under the provisions of the Mental Health Act 1983.	Team Manager/AMHP/Principal Social Worker
Authorisation of Approved Mental Health Professional under MH Act: <i>(On completion and passing AMHP training)</i>	AMHP/Principal Social Worker
Approval and re-approval of Approved Mental Health Professional: <i>(The AMHP has to attend approval/re-approval and complete a portfolio)</i>	AMHP/Principal Social Worker/ Director of Adult Social Care
Authorisation of small claims by service user or employee in the course of their duties (see ex-gratia claims)	Team Manager and above
Financial responsibility being sought from another Authority	Senior Practitioner and above
Visual Impairment Registration	Social Worker and above
<p>Equipment can be ordered through Integrated Community Equipment Service (ICES) only by authorised users.</p> <p>a) Authorisation levels for catalogue (stock) items and non-Catalogue items up to £170.01 b) Catalogue items up to £500 c) Catalogue items up to £600 d) Non catalogue up to £600 e) Catalogue items up to £999.99 f) Non catalogue up to £999.99 g) For beds, mattresses, hoists, mobility aids and any other equipment classed as "Health" items. h) Non catalogue items considered by a joint panel £1000 and over</p>	<p>a) Occupational Therapy Assistant b) Occupational Therapist c) Senior Practitioner d) Senior Practitioner e) Team Manager f) Team Manager g) CCG authorization h) Major equipment panel</p>
<p>Death of a vulnerable adult in receipt of care services – change to: unexpected death where there is a concern</p> <ul style="list-style-type: none"> <li>- Notifying the Executive Director Adults and Communities's</li> <li>- Notifying the lead member</li> </ul>	<p>Director Adult Social Care and Executive Director Adults and Communities</p> <p>Deputy Director Adult Social Care</p>

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<ul style="list-style-type: none"> <li>- Notifying the Head of Service</li> <li>- Notifying the Service Manager</li> <li>- Notifying the Team Manager</li> <li>- Notifying the Independent Chair of the Keeping Bristol Safe Partnership Board</li> </ul>	
Sign off - off framework placements and provision	Director Adult Social Care

## 2. Communities and Public Health

Function	Post authorised to carry out function
<b>General administration</b>	
Authority to exercise all functions relating to Public Health in accordance with approved policies and procedures	Director of Public Health Consultants in Public Health
Complaints are to be managed in accordance with the Council's Complaints Procedure, in consultation with the Complaints Manager  Initial response Review Final sign off	Director of Public Health Consultants in Public Health Head of Service Communities, Head of Service, Public Health
<b>Finance &amp; Procurement</b>	
Statutory responsibility and accountability (on behalf of the Council) for the proper deployment of the Public Health Grant.	Director of Public Health
To manage the Communities and Public Health general fund budget, complete monthly forecasting and reports.	Director of Public Health Public Health Business Manager Finance business partner
Produce at the end of each financial year ('the outturn statement') in accordance with the Public Health Grant Allocation.	Finance Business Partner Director of Public Health
Authorise the final end of year return to DLUHC and DHSC	Director of Public Health Section 151 officer
Set team budgets and commissioning plans in accordance with the conditions of the Public Health grant and in line with Public Health Priorities, Health and Wellbeing indicators and the City Plan.	Director of Public Health Consultants in Public Health Head of Service, Public Health Head of Service Communities
Procurement and contract management of Communities and Public Health services, via implementation of the council's Procurement Rules	Consultants in Public Health Public Health Principals and Specialists Head of Service, Public Health Head of Service, Communities Public Health Business Manager Director of Public Health
<b>Health and Wellbeing</b>	
Co-ordination of the work of the Health and Wellbeing Board	Director of Public Health Head of Service, Public Health Consultant in Public Health Democratic services

Co-ordination and delivery of the Joint Health and Wellbeing Strategy as a key function of the Health and Wellbeing Board	Consultant in Public Health Public Health Specialist Director of Public Health Head of Service, Public Health
Co-ordination and development of the Joint Strategic Needs Assessment as a key function of the Health and Wellbeing Board	Consultant in Public Health Public Health Principal – Health Intelligence Director of Public Health
<b>Health Protection</b>	
Ensure effective Health Protection arrangements are in place across the City	Director of Public Health
Provide oversight and mutual aid to the management of health protection issues and incidents as part of the specialist Public Health System in England in collaboration with UKHSA	Director of Public Health Consultants in Public Health Designated Public Health Principals
Provide public health expert support to incidents and emergencies as designated within national and local emergency planning and response arrangements in collaboration with UKHSA	Director of Public Health Consultants in Public Health Designated Public Health Specialists
<b>NHS Core Offer</b>	
Ensure the public health team delivers the Core Offer of support to the Bristol North Somerset & South Gloucestershire Integrated Care System. Ensure the annual action plan for the Core Offer is agreed and implemented.	Consultants in Public Health Designated Public Health Principals and Specialists in Public Health Director of Public Health
<b>Clinical Governance</b>	
Ensure that public health has a Clinical Governance process in place to manage clinical and other incidents arising from commissioned and delivered services. This will include a clear reporting system and governance pathway for resolution / learning from incidents.	Designated Consultant in Public Health Director of Public Health Head of Service, Public Health

### Part 3 Regulatory Functions

This section contains all the regulatory functions within the Public Protection Team - Environmental Health element of the Adults and Communities Directorate and includes both executive and non-executive delegations. It must be read in conjunction with the limitations set out in Appendix 1.

For the avoidance of doubt, where legislation is not specified or identified, authorisation extends to all other legislation of a like kind under which the Council is authorised to exercise any of its functions.

#### A. Function: Animal Welfare Legislation and Relevant Licensing

Authorised Functions contained in this paragraph are those arising under legislation governing animal licensing and animal welfare, including the Animal Welfare Act 2006, the Veterinary Medicines Regulations 2006, the Animal Health Act 1981, the Animal Health and Welfare Act 1984, the Animal Boarding Establishments Act 1963, the Breeding of Dogs Act 1973 and 1991, the Breeding and Sale of Dogs (Welfare) Act 1999, the Performing Animals (Regulation) Act 1925, the Slaughterhouses Act 1974, the Dangerous Wild Animals Act 1976, the Pet Animals Act 1951, the Riding Establishments Act 1964 and 1970; The Dogs Act 1906; The Dangerous Dogs Act 1991; The Zoo Licensing Act 1981; and all other legislation of a like kind.

**Postholders authorised to carry out function subject to limitations in Appendix**



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Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control, Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor, and Agency Environmental Health Officer.

**B. Function: Animal Welfare Legislation and Relevant Licensing**

Appointment in exercise of the power conferred upon the council by S51 of the Animal Welfare Act 2006 to act as an inspector for the purposes of the of the said Act.

**Postholders authorised to carry out function subject to limitations in Appendix**

Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control. Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor, and Agency Environmental Health Officer.

**C. Function: Food Safety Legislation and Relevant Licensing Provisions**

i. Authorised functions contained in this paragraph include those arising under The Food Safety Act 1990, The General Food Regulations 2004, The Food Safety and Hygiene (England) Regulations 2013, The Official Feed and Food Controls (England) Regulations 2009, The Trade in Animals and Related Product Regulations 2011 and other legislation governing food and food hygiene, including all legislation which confers duties or powers upon the Council in its capacity as Food Authority as described under Section 5 of the Food Safety Act 1990 and in its capacity as enforcement authority for such legislation.

ii. This officer is appointed pursuant to Regulation 12 of Transmissible Spongiform Encephalopathies (No2) Regulations 2006 to act as an inspector for the purposes of these regulations.

**Postholders authorised to carry out function subject to limitations in Appendix**

Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control, Environmental Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor, and Agency Environmental Health Officer.

**D. Function: Agriculture Standards and Relevant Registration Provisions**

i. Authorised functions contained in this paragraph are those arising under the Agriculture Act 1970 and legislation governing the importation, manufacture, storage and marketing of animal feed materials, animal feeding stuffs and related materials and fertilizers, and include all legislation which confers duties or powers upon the Council in its capacity as enforcement authority in accordance with Section 67 of the Agriculture Act 1970 or competent body in accordance with Regulation 3 of The Official Feed and Food Controls (England) Regulations 2007 and Regulation 4 of The Feed (Hygiene and Enforcement) (England) Regulations 2005. This officer is appointed as an inspector pursuant to section 67(3)(a) of the Act.

ii. This officer is appointed pursuant to Regulation 12 of Transmissible Spongiform Encephalopathies (No2) Regulations 2006 to act as an inspector for the purposes of these regulations.

**Postholders authorised to carry out function subject to limitations in Appendix**

Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control, Environmental Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor and Agency Environmental Health Officer.

**E. Function: Food and Environmental Protection Act 1985 as amended (Part I)**

Appointed by virtue of an authorisation issued by the Secretary of State to act as an investigation and enforcement officer under provisions specified by the Secretary of State.

**Postholders authorised to carry out function subject to limitations in Appendix**

Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control, Environmental Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor and Agency Environmental Health Officer.

**F. Function: Food and Environmental Protection Act 1985 as amended (Part III)**

Authority to exercise the duties and powers contained in this part of the Act, and any delegated legislation made there under, concerning the control of pesticides etc.

This authority should be extended to all officers under HSWA74, although it may be extended to other officers authorised under a range of Acts.

**Postholders authorised to carry out function subject to limitations in Appendix**

Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control, Environmental Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor and Agency Environmental Health Officer.

**G. Function: Health and Safety at Work**

i. Appointed in exercise of the power conferred upon the council by Section 19(1) of the Health and Safety at Work etc. Act 1974 to act as an inspector for the purposes of the Act.

ii. Para. 8a To sign, on behalf of the authority, authorisations of persons to accompany appointed inspectors in the exercise of their functions under the Act.

iii. Para. 8b To approve, on behalf of the authority, transfer and assignments of premises between Bristol City Council and the Health and Safety Executive in accordance with Regulations 5 and 6 of The Health and Safety (Enforcing Authority) Regulations 1998.

**Postholders authorised to carry out function subject to limitations in Appendix**

Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control, Environmental Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor and Agency Environmental Health Officer. Senior Contaminated Land Officer, Senior Public Protection Officer

**H. Function: Safety at Sports Grounds**

Authorised Functions contained in this paragraph are those arising under the Safety of Sports Grounds Act 1975, the Fire Safety and Safety at Places of Sport Act 1987, the Fire Safety (Regulatory Reform) Order 2005.

**Postholders authorised to carry out function subject to limitations in Appendix**

Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control, Environmental Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor and Agency Environmental Health Officer.

**I. Function: Public Health legislation, Health Protection Regulations and Relevant Licensing or Registration**

i. Public Health (Control of Disease) Act 1984 (as amended including as amended by the Health and Social Care Act 2008) together with the Health Protection (Local Authority Powers) Regulations 2010 and the Health Protection (Part 2A Orders) Regulations 2010, International Health Regulations 2005 and Health Act 2006.

ii.\* Appointment of proper officers of the local authority

The local authority appoints a proper officer for the purpose of receiving and forwarding information about notifications within their area. In the majority of cases, local authorities have decided to appoint a consultant in communicable disease control/health protection based within the local UKHSA office as their proper officers.

iii. Appointment in exercise of the power conferred upon the council by section 7 of the Sunbeds (Regulation) Act 2010 to act as an "authorised officer" for the purposes of the said Act.

**Postholders authorised to carry out function subject to limitations in Appendix**

Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control, Environmental Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor and Agency Environmental Health Officer, Senior Contaminated Land Officer

Director of Public Health; Consultant in Public Health for Health Protection; UKHSA

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Consultants in Communicable Disease Control/Consultants in Health Protection appointed by BCC as proper officers

**J. Function: Petroleum Licensing Authority**

Authorised Functions contained in this paragraph are those arising under legislation governing petroleum licensing, including the Petroleum (Consolidation) Regulations 2014 and other legislation of a like kind.

**Postholders authorised to carry out function subject to limitations in Appendix**

Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control, Environmental Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor and Agency Environmental Health Officer. Senior Contaminated Land Officer, Senior Public Protection Officer

**K. Function: Pest Control**

Authorised Functions contained in this paragraph are those arising under legislation which confers functions upon the Council with respect to pest control, disinfection disinfestations and public health, including but not limited to those contained in the Prevention of Damage by Pest Act 1949, Public Health Acts 1936 & 1961, The Environmental Protection Act 1990 (as amended), The Clean Neighbourhoods and Environment Act 2005.

**Postholders authorised to carry out function subject to limitations in Appendix**

Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control, Environmental Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor and Agency Environmental Health Officer. Senior Contaminated Land Officer, Senior Public Protection Officer Senior Pest Control Officer; Pest Control Officer.

**L. Function: Dog Warden**

i. Authorised Functions contained in this paragraph are those arising under legislation which confers functions upon the Council with respect to dog wardens, stray dogs, dog fouling, dangerous dogs, including but not limited to those contained in the Dogs Act 1871, Dogs Act 1906, Road Traffic Act 1988, Animal Health Act 1981, Environmental Protection Act 1990 (as amended), Dangerous Dogs Act 1991, The Clean Neighbourhoods and Environment Act 2005, The Animal Welfare Act 2006, and other legislation of a like kind.

ii. Paragraph 13a Appointment in exercise of the power conferred upon the council by S51 of the Animal Welfare Act 2006 to act as an inspector for the purposes of the said Act.

**Postholders authorised to carry out function subject to limitations in Appendix**

Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control, Environmental Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor and Agency Environmental Health Officer.

**M. Function: Port Health Authority Functions**

i. Authorised functions contained in this paragraph comprise functions assigned to the Council as Port Health Authority under Paragraph 4 of SI 2010/1214, together with all other functions, rights and liabilities of the Council as Port Health Authority conferred by or under any other legislation.

ii. This officer is appointed, pursuant to Regulation 12(2) of The Trade in Animals and Related Products Regulations 2011 as an official veterinary surgeon.

iii. This officer is appointed, pursuant to Regulation 12(4) of The Trade in Animals and Related Products Regulations 2011 as an official fish inspector.

**Postholders authorised to carry out function subject to limitations in Appendix**

Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control, Environmental Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor and Agency Environmental Health Officer.

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Senior Contaminated Land Officer.

Director of Public Health; Consultant in Public Health for Health Protection  
UKHSA Consultants in Communicable Disease Control/Consultants in Health  
Protection appointed by BCC as proper officers.

**N. Function: Environmental Protection, Nuisance, Clean Neighbourhoods,  
Building safety and Relevant Licensing or Registration**

Authorised functions contained in this paragraph are those arising under legislation which confers functions upon the Council with respect to any of the following: waste disposal, statutory nuisance, pollution (including but not limited to noise, air, land and water pollution), buildings not secured against unauthorised entry, and accumulations which are detrimental to the amenity of an area, Community Protection Notices, including but not limited to those contained in the Control of Pollution Act 1974, Refuse Disposal (Amenity) Act 1978, Highways Act 1980, Building Act 1984, the Town and Country Planning Act 1990, the Environmental Protection Act 1990 (as amended), the Clean Air Act 1993, Criminal Justice & Public Order Act 1994, the Noise Act 1996 (as amended), the Pollution Prevention and Control Act 1999, the Clean Neighbourhoods and Environment Act 2005, the Environmental Permitting (England and Wales) Regulations 2010 (as amended), Anti-social Behaviour, Crime and Policing Act 2014. All other legislation of a like kind under which the Council is authorised to exercise any of its functions.

**Postholders authorised to carry out function subject to limitations in Appendix**

Public Protection Manager, Lead Officer Health & Safety, Lead Officer Port Health, Lead Officer Food and Infectious Disease Control, Lead Officer Food, Lead Officer Pollution Control, Environmental Health Officer, Senior Environmental Health Officer, Senior Enforcement Officer, Contractor and Agency Environmental Health Officer. Senior Contaminated Land Officer, Senior Public Protection Officer

**Appendix 1**

**Schedule of Posts and Limitations of Regulatory Functions**

<b>Post</b>	<b>Limitation</b>
Public Protection Manager	A, D, E, F, G
Lead Officer Food and Infectious disease control, Lead Officer Port Health, Lead Officer Pollution Control, Lead Officer Health and Safety, Lead Officer Food	A, D, E, F, G
Environmental Health Officer	A, B, D, E, F, G
Senior Enforcement Officer	A, B, D, E, F, G
Environmental Health Officer	A, B, D, E, F, G
Senior Environmental Health Officer	A, B, D, E, F, G
Consultants in Communicable Disease	A, B
Veterinarian	A, B, E, F, G
Senior Pest Control Officer	A
Pest Control Officer	A, B
Technician Pest Control Officer	A, B
Senior Contaminated Land Officer,	A, B, D, P, G
Senior Public Protection Officer	A, B, D, P, G
Student Environmental Health Officer	A, B, J, K, P
Contractor- Environmental Health Officer	A, B, E, F, G, J.

**Limitations**

**Institution of Proceedings & Disposal.**

**March 2023**

- (A) This authorisation shall not extend to the institution of proceedings, save in respect of proceedings instituted by inspectors under Health & Safety Work, etc. Act 1974, where the power to institute proceedings shall be subject to prior consultation with the Council's Head of Legal Services or his duly authorised representative.
- (B) This authorisation shall not extend to the giving of Home Office cautions, such as Simple Cautions.

**Environmental Protection, Clean Neighbourhoods etc**

- (C) Save with the prior express permission of the Council's Executive Director: Growth and Regeneration, this authorisation shall not extend to the exercise of any power of the Council in its capacity as the Local Planning Authority other than enforcement action arising under Sections 215 & 330 of the Town and Country Planning Act 1990.

**Food Safety, Agriculture and Port Health.**

- (D) This authorisation shall not extend to the undertaking of any Food Hygiene activities which the Authorised Officer has not satisfied the Council that s/he is suitably qualified, competent and appropriately trained to satisfy the provisions of the Food Law Code of Practice.
- (E) This authorisation shall not extend to the undertaking of any Food Standards activities which the Authorised Officer has not satisfied the Council that s/he is suitably qualified, competent and appropriately trained having regard to the Guidelines contained in the Food Law Code of Practice.
- (F) This authorisation shall not extend to the undertaking of any Feed Law activities which the Authorised Officer has not satisfied the Council that s/he is suitably qualified, experienced, and competent having regard to the Guidelines contained in the Feed Law Code of Practice.

**Health & Safety.**

- (G) This appointment shall not extend to sections 21, 22, 25 and 39 of the Health & Safety at Work etc. Act 1974, unless they are suitably qualified having regard to HSE guidance
- (H) This appointment is limited to the powers specified in section 20 (2) (a) (c) (d) (f) (g) (l) and (k) of the Health and Safety at Work etc Act 1974 for the express purposes of taking environmental, chemical or physical samples, as well as the making of any such scientific examination (including taking measurements, photographs, examining documentation, and the like) as may be required by a fully authorised Health and Safety inspector in the course of their investigations.

**Trainee Officers & Contractors.**

- (I) The exercise of any powers conferred upon the Officer by virtue of this Scheme shall only be exercisable when under the supervision or direction of a fully authorised and competent colleague.
- (J) This authorisation shall not extend to the service of any notices for which a failure to comply may result in an offence or the taking of any other legal action by the council, except under the supervision or direction of a fully authorised and competent colleague.

**Coronavirus Regulations**

**March 2023**

(K) This authorisation shall not extend to the issuing of directions in accordance with The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020.

# Directorate Scheme of Delegations: Growth and Regeneration Directorate

## Introduction

In the Constitution, the Mayor and Full Council delegate certain powers and functions to the Executive Directors.

This is the Growth and Regeneration Directorate Scheme of Delegation to officers. It:

- i) Summarises the powers and functions delegated to the Executive Director of Growth and Regeneration, in Part 1
- ii) Describes how the Executive Director has delegated these powers and functions to officers in their Directorate to exercise on their behalf, in Part 2.

This scheme is subject to the Council's Constitution, including the Council and Mayoral Schemes of Delegation and the Procurement Rules, the Financial Regulations and Standing Orders.

The Executive Director will delegate to the post that's most appropriate for the exercise of the function. Any direct line manager between the Executive Director and the post delegated the function is also entitled to perform that function, unless otherwise stated in the scheme.

In the event of a civil emergency or a business continuity disruption, all authorities relevant to the management of the incident are delegated to named duty officers, officers attending multi-agency coordination group meetings or officers chairing an Incident Management Team, as appropriate.

Although Executive Directors can delegate functions they remain responsible for and accountable to the council for the exercise of their delegated powers. On occasions they may still decide to take decisions themselves. Officers may decide to refer delegated powers back to the Executive Director, the Mayor or Full Council. The Mayor and Full Council can also decide to reserve a particular decision to themselves.

This Scheme of Delegation will remain in force until it is amended or revoked by the Executive Director for Growth and Regeneration or via changes to the Council and Mayoral Schemes of Delegation.

Guidance for managers and staff on how to use Schemes of Delegation is available on the intranet.

## Part 1: Functions delegated under the Constitution to the Executive Director of Growth and Regeneration

### Executive functions (part 3.4.B.5 of the Constitution)

'Executive' power rests with the Mayor. He or she delegates executive power to officers via the Mayoral Scheme of Delegation, which is part of the constitution. The following executive functions are delegated to the Executive Director of Growth and Regeneration:

- Economy of Place
- Management of Place
- Housing & Landlord Services
- Property, Assets and Infrastructure

### Local Choice executive functions (part 3.3 of the Constitution)

In national legislation, 'Local Choice' functions can be either executive or non-executive decisions. The Constitution sets out which they are in Bristol City Council. The following Local Choice functions have been deemed executive functions and have been delegated to the Executive Director of Growth and Regeneration

- Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.
- The determination of an appeal against any decision made by or on behalf of the authority.
- The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.
- The making of agreements for the execution of highways works
- The obtaining of particulars of persons interested in land under section 16 of the Local Government (Misc. Provisions) Act 1976.
- The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.
- Any function relating to contaminated land (unless activity is enforcement)
- The discharge of any function relating to the control of pollution or the management of air quality (unless activity is enforcement)

### Non-executive functions (part 3.2. of the Constitution)

'Non-executive' power rests with Full Council. Full Council can delegate non-executive powers to council committees and to officers through the constitution. The following non-executive powers are delegated to the Executive Director of Growth and Regeneration:

- All the non-executive functions which are the responsibility of the **Development Control Committees** (these are listed in 3.2.B of the Constitution, and the delegations set out in detail in Part 2, below), except for the determination of any application where a member of the council for a ward containing the site of the application requests the matter be determined by a Development Control Committee.
- Some of the non-executive functions which are the responsibility of the **Public Rights of Way and Greens Committee** (specifically, all those set out in list B of the terms of reference, listed in 3.2.B of the constitution). The delegations are set out in Part 2 below.



- All the non-executive functions which are the responsibility of the **Public Safety and Protection (PSP) Committee** (these are listed in 3.2.B of the Constitution, and the delegations set out in detail in Part 2, below),
- All the non-executive functions which are the responsibility of the **Licensing Committee** (these are listed in 3.2.B of the Constitution, and the delegations set out in detail in Part 2, below), except for the power to institute proceedings (s. 346 Gambling Act 2005).

*Local Choice non-executive functions (part 3.3 of the Constitution)*

In national legislation, 'Local Choice' functions can be either executive or non-executive decisions. The Constitution sets out which they are in Bristol City Council. The following Local Choice functions have been deemed non-executive functions and have been delegated to the Executive Director of Growth and Regeneration

- Enforcement activity relating to the discharge of any function relating to the control of pollution or the management of air quality (unless activity is enforcement)
- The service of an abatement notice in respect of a statutory nuisance
- The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area
- The inspection of the authority's area to detect any statutory nuisance
- The investigation of any complaint as to the existence of a statutory nuisance.

## **Part 2: Delegations to Officers from the Executive Director**

### Executive Functions

#### **1. Economy of Place**

**A. Function:** Economic Development including (but not exclusively):

- i. European Funding Management, Delivery, and resource procurement
- ii. Managed workspace provision and management
- iii. Economic development strategy and policy
- iv. Inward investment and business retention
- v. Business Support
- vi. Business Engagement
- vii. Destination management and tourism
- viii. Sector development
- ix. High Streets and Local Centres development
- x. City Centre development

**Post holder authorised to carry out function:** Economic Development Manager

**B. Function:** the delivery of BTQEZ

**Post holder authorised to carry out function:** Director: Economy of Place and EZ Programme Director

**C. Function:** To make all day-to-day management decisions relating to the Council's functions as they relate to Markets and Docks Estate

**Post holder authorised to carry out function:** Director: Economy of Place

- D. Function:** City Transport  
**Post holder authorised to carry out function:** Head of City Transport
- E. Function:** Transport Development Management
- i. To make act on behalf of Highway and Transport Authority on transport matters as a statutory consultee on planning applications
  - ii. To be responsible for making and administering highway agreements related to planning matters
  - iii. To supervise highway works and issue Certificates in respect of the Highways Act 1980.
- Post holder authorised to carry out function:** Head of City Transport
- F. Function:** Gating Orders
- i. To prepare and advertise a Draft Order proposing closure of highway for 28 days consultation.
  - ii. Decision to authorise the making of Gating Order to allow the closure of highway (to be reviewed annually).
- Post holder authorised to carry out function:** Head of City Transport
- G. Function:** Flood Risk Management
- i. Discharging of the duties placed on Bristol City Council as the Lead Local Flood Authority as defined in the Flood and Water Management Act 2010.
- Post holder authorised to carry out function:** Head of City Transport
- H. Function:** Flood Risk Management
- i. Discharging of duties placed on Bristol City Council as defined in the Land Drainage Act 1991.
- Post holder authorised to carry out function:** Flood Risk and Data Manager
- I. Function:** Concessionary Bus Travel
- i. To determine applications for passes which provide entitlement to concessionary bus travel
- Post holder authorised to carry out function:** Information and Engagement Group Manager
- J. Function:** Traffic Regulation and Management Orders
- i. Authority to prepare, consult upon and advertise permanent orders and statutory notices
- Post holder authorised to carry out function:** Head of Traffic and Highways Maintenance and Head of City Transport
- K. Function:** Traffic Regulation and Management Orders
- i. Prepare consult and design any traffic regulation or management scheme which is included in any Traffic Management Work Programme or is intended to facilitate the carrying out of any new development
- Post holder authorised to carry out function:** Head of Traffic and Highways Maintenance and Head of City Transport
- L. Function:** Traffic Regulation and Management Orders
- i. To authorise the variation of the effect of any Experimental Traffic Regulation Order made pursuant to Ri below
- Post holder authorised to carry out function:** Head of City Transport

**M. Function:** Traffic Regulation and Management Orders

- i. To advertise, consult, notify and otherwise carry out all statutory procedures (including the making of any required Experimental Traffic Regulation Order) in respect of any scheme for which the preparatory work has been carried out.

**Post holder authorised to carry out function:** Head of City Transport and Director: Economy of Place

**N. Function:** Traffic Regulation and Management Orders

- i. Where a Permanent Traffic Regulation Order is required in respect of the scheme and the Director does not wish to discuss any objections with the Executive Director or no objections are received to the proposal to make the order, **decision to make and seal the order;** and
- ii. Where an Experimental Traffic Regulation Order has been made and the Director does not wish to discuss any objections with the Executive Director or no objections have been received in response to it, **decision to:**
- iii. Make and seal a further Order modifying the provisions of the Order pursuant to (c) above; and
- iv. Make and seal a Permanent Order continuing indefinitely the provisions of the Experimental Order.

**Post holder authorised to carry out function:** Director: Economy of Place

**O. Function:** Traffic Regulation and Management Orders

- i. Decision to carry out all necessary notification and other statutory procedures in respect of the installation of any pedestrian crossing.

**Post holder authorised to carry out function:** Director: Economy of Place

**P. Function:** Traffic Regulation Orders for Parking Restrictions

- i. Authority to prepare detailed designs in respect of any traffic regulation order that is required as a result of reviewing existing parking restrictions within the Civil Enforcement Area and Special Enforcement Area as required under the Road Traffic Act 1991.
- ii. Where any traffic regulation order or parts of an order advertised is unopposed, and it appears to the Service Director Transport expedient to introduce all or some of those parts immediately and before the introduction of the remainder of the proposal, **decision to authorise the sealing of an Order in respect of those parts.**

**Post holder authorised to carry out function:** Head of City Transport

**Q. Function:** Minor changes to the Controlled Parking Zone

- i. Authority to implement minor changes to the extent and operation of the Controlling Parking Zone.

**Post holder authorised to carry out function:** Head of City Transport and Head of Traffic and Highways Maintenance

**R. Function:** Minor changes to the Controlled Parking Zone

- i. **Where** an order or notice pursuant to the Road Traffic Regulation Act 1984 or otherwise is necessary to implement a minor change, **decision to carry out statutory advertisement, consultation and notification and all other measures required prior to making the order or notice and, where a Traffic Regulation Order is required in respect of the minor**

change and no substantial objections are received to the proposal, to make and seal the order.

**Post holder authorised to carry out function:** Director: Economy of Place

**S. Function:** Stopping Up Orders

- i. To make comments to the relevant Government Office in respect of highway closures under the Town and Country Planning Act 1990.

**Post holder authorised to carry out function:** Head of City Transport

**T. Function:** Speed Limits

- i. To initiate Speed Limit Orders together with the advertisement and sealing of these orders if no substantial objections are received.

**Post holder authorised to carry out function:** Head of City Transport

**U. Function:** Sustainable Transport, including:

- i. Passenger Transport
- ii. Infrastructure
- iii. Engagement and Support Services
- iv. Public Transport

**Post holder authorised to carry out function:** Head of City Transport

**V. Function:** Bus and Coach Stops & Stands, Taxi Ranks

- i. To exercise powers for installation, maintenance, re-siting and removal including poles and flags, shelters, raised platforms, road markings, information displays, CCTV and litter bins.
- ii. Determining service allocations.

**Post holder authorised to carry out function:** Sustainable Transport Projects & Infrastructure Manager

**W. Function:** Traffic Regulation Conditions

- i. To make an application to the Traffic Commissioner for the imposition of conditions on local bus services where required to regulate their routes and/or stopping place / locations / times / duration.

**Post holder authorised to carry out function:** Head of City Transport

**X. Function:** Development Management

**Post holder authorised to carry out function:** Chief Planner / Head of Planning Services; Development Management Team Managers and Principal Development Management Officers

**Y. Function:** Authority for the making of comments on planning applications situated within the boundary of neighbouring local planning authorities

**Post holder authorised to carry out function:** DM Team Managers and Strategic City Planning Manager

**Z. Function:** Building Regulations and Standards, including:

- i. Statutory building control service
- ii. Enforcement of the building regulations
- iii. Control of demolitions
- iv. Appointee of 3<sup>rd</sup> Party Wall surveyor under the Party Wall Act 1996

**Post holder authorised to carry out function:** Chief Planner / Head of Planning Services; Building Control Managers and Building Control Team

## Managers

- AA. **Function:** Control of Dangerous Structures - to exercise powers contained Section 78(1) of the Building Act 1984 (Dangerous Buildings – emergency measures).  
**Post holder authorised to carry out function:** Building Control Manager, Building Control Team Managers, Principal Structural Engineer, Dangerous Structure call out team. (Designated Proper Officers).
- BB. **Function:** To authorise proceedings for contravention of Section 37 of the Public Health Act 1890 ('Safety of Platforms, &c. erected or used on public occasions')  
**Post holder authorised to carry out function:** Building Control Manager, Building Control Team Managers. (Designated Proper Officers).
- CC. **Function:** Authentication of documents, etc. Building Act 1984 – Section 93  
**Post holder authorised to carry out function:** Building Control Manager, Building Control Team Managers, Principal Structural Engineer, Dangerous Structure call out team. (Designated Proper Officers).
- DD. **Function:** To issue requisitions for information pursuant to the provisions of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976  
**Post holder authorised to carry out function:** Building Control Manager and Building Control Team Managers. (Designated Authorised Officers)
- EE. **Function:** Sustainable City and Climate Change  
**Post holder authorised to carry out function:** Sustainable City and Climate Change Manager, Sustainable Team Manager and Climate Change Team Manager
- FF. **Function:** Strategic Planning, including:
- i. Neighbourhood Planning
  - ii. Strategic Planning at sub regional and local level
  - iii. Maintenance of statutory local development plan, excluding matters relating to the adoption of the Site Allocations and Development Management Policies Local Plan and other Development Plan Documents, which require approval by Full Council, in accordance with the Article 4.01 of the Council's Constitution
- Post holder authorised to carry out function:** Strategic City Planning Manager, Local Plan Team Manager
- GG. **Function:** The making of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 as amended  
**Post holder authorised to carry out function:** Director: Economy of Place
- HH. **Function:** Community Infrastructure Levy and Planning Obligations  
**Post holder authorised to carry out function:** Director: Economy of Place; Planning Obligations Manager
- II. **Function:** Designation of the boundary of a Neighbourhood Planning Area (NPA)  
**Post holder authorised to carry out function:** Strategic City Planning

Manager

**JJ. Function:** Designation of the 'Qualifying Body' to act as Neighbourhood (Planning) Forum for a determined NPA

**Post holder authorised to carry out function:** Strategic City Planning Manager

**KK. Function:** Residual planning functions that are the responsibility of the executive such as preparation of supplementary planning guidance, designation of conservation areas, areas of archaeological interest and nature reserves and making compulsory purchase orders.

**Post holder authorised to carry out function:** Director: Economy of Place

## 2. Management of Place

**A. Function:** Traffic and Highways

**Post holder authorised to carry out function:** Head of Traffic and Highways Maintenance and Head of City Transport

**B. Function:** Adoption of private streets after execution of street works.

i. To serve statutory notices in accordance with s.228 of the Highways Act 1980.

**Post holder authorised to carry out function:** Highway Maintenance Group Manager

**C. Function:** Parking, Bus Lane, Moving Traffic and Clean Air Zone Enforcement  
To carry out all necessary work with regard to de-criminalised parking, bus lane, moving traffic and clean air zone enforcement within the Civil Enforcement Area and Special Enforcement Area under the provisions of the Road Traffic Regulation Act 1984 the Traffic Management Act 2004, the Transport Act 2000 and any other enactment to include the following:

i. To deal with all matters relating to the issuing and processing of Penalty Charge Notices, including determining representations made against the Notices, cancellation of Penalty Charge Notices and all subsequent actions regarding non-payment of notices.

ii. To deal with all matters relating to the processing of appeals against the issue of Penalty Charge Notices that have been made to the Traffic Penalty Tribunal, including where necessary, not to contest appeals and cancellation of Penalty Charge notices.

**Post holder authorised to carry out function:** Head of Traffic and Highways Maintenance; Parking Manager; PCN Appeals & Moving Traffic Enforcement Manager and Senior PCN Appeals Team Officer (BG11 only).

**D. Function:** Parking Facilities

i. To determine requests for the use of off-street car parks and on-street parking where restrictions are in place under a traffic regulation order, and to grant or refuse permission to individuals or organisations for their use.

**Post holder authorised to carry out function:** Head of Traffic and Highways Maintenance; Parking Manager; Parking Services Infrastructure Team Manager

- E. Function:** Disabled Persons Parking Badges (Blue Badge Scheme)
- i. To determine applications for and to issue Blue Badges, and to withdraw the facilities offered under the Blue Badge Scheme if there is evidence of on-going misuse, (even if the badge is not issued by the authority).
- Post holder authorised to carry out function:** Head of Traffic and Highways Maintenance; Parking Manager; Parking Services Business and Permit Manager
- F. Function:** Issuing of Parking Permits
- i. To carry out all necessary work relating to the issue of parking permits within designated controlled parking zones (permitted parking areas and residents' parking schemes) within the Civil Enforcement Area and Special Enforcement area.
- Post holder authorised to carry out function:** Head of Traffic and Highways Maintenance; Parking Manager; Parking Services Business and Permit Manager
- G. Function:** Off-Street Parking Orders
- i. To include land within an appropriate parking order and designate land as an off-street parking place.
- Post holder authorised to carry out function:** Head of Traffic and Highways Maintenance; Parking Manager; Parking Services Infrastructure Team Manager
- H. Function:** Advisory Disabled Parking Bays
- i. To administer and process (including approval or refusal of) all applications for disabled persons parking bays and white line advisory markings.
- Post holder authorised to carry out function:** Head of Traffic and Highways Maintenance; Head of City Transport; Parking Manager; Parking Services Infrastructure Team Manager; Group Manager Road Safety and Local Engineering
- I. Function:** Erection of Traffic Signs
- i. To deal with all matters relating to the erection, alteration, maintenance and removal of traffic signs, signals and road markings.
- Post holder authorised to carry out function:** Network Operations Team Manager; Highways Maintenance Manager; Head of City Transport
- J. Function:** Temporary Traffic Orders / Notices
- i. To carry out all preparatory work for the making of Temporary Traffic Regulation Orders and Notices under the Road Traffic Regulation Act 1984 or otherwise and to determine and levy charges.
- Post holder authorised to carry out function:** Director: Management of Place; Networks Operation Team Manager
- K. Function:** Temporary Traffic Orders / Notices
- i. Decision to authorise the making and sealing of Temporary Traffic Regulation Orders and Notices under the Road Traffic Regulation Act 1984 or otherwise.
- Post holder authorised to carry out function:** Director: Management of Place; Networks Operation Team Manager

**L. Function:** Temporary Traffic Orders / Notices

- i. To make and execute Temporary Traffic Notices under the Road Traffic Regulation Act 1984.

**Post holder authorised to carry out function:** Networks Operation Team Manager; Network Management lead officers and Emergency Highways Officers

**M. Function:** Street Fairs – Temporary Road Closure

- i. To approve applications for temporary road closures under Section 21 of the Town Police Clauses Act 1847 if no substantial objections arise from the consultative process.

**Post holder authorised to carry out function:** Network Operations Team Manager

**N. Function:** Stopping Up and Diversion Orders

- i. To confirm any public footpath, bridleway or road used as a public path or byway stopping up or diversion orders where no substantial objections have been received or where the objections made have been withdrawn.

**Post holder authorised to carry out function:** Head of Traffic; Network Operations Team Manager

**O. Function:** Creation / Diversion or Extinguishment

- i. To exercise powers to effect the creation, diversion, extinguishment or stopping-up of adopted highways and footpaths which are directly associated with planning applications determined under delegated authority.

**Post holder authorised to carry out function:** Director: Management of Place

**P. Function:** Adoption of Highways

- i. To be responsible for issuing Certificates under the Highways Act 1980 in respect of the adoption of highways.

**Post holder authorised to carry out function:** Head of City Transport; Transport Development Management Manager

**Q. Function:** Adoption of Highways

- i. Duty to keep register of adopted highways.

**Post holder authorised to carry out function:** Head of Traffic and Highways; Maintenance Assets and Contracts Manager

**R. Function:** Street Naming and Numbering

- i. To serve statutory notices, the naming of streets and numbering of properties under any duty or power contained in the following Acts:
  - a. Public Health Act 1925
  - b. Towns Improvement Clauses Act 1847

**Post holder authorised to carry out function:** Head of Traffic and Highways; Maintenance Assets and Contracts Manager

**S. Function:** Designation of Principal Roads

- i. To review, revise and make applications for Principal Road status for those routes which are considered appropriate.



**Post holder authorised to carry out function:** Head of Traffic and Highways; Maintenance Assets and Contracts Manager

**T. Function:** Goods Vehicles Operators' Licences

- i. To make representations about, negotiate improvements or submit objections to any licence application where considered necessary. Present evidence at any subsequent public inquiry.

**Post holder authorised to carry out function:** Director: Management of Place

**U. Function:** Duty to serve notice of proposed action in relation to obstruction (section 115E of the Act).

**Post holder authorised to carry out function:** Network Operations Manager

**V. Function:** Functions relating to the making good of damage and the removal of obstructions (section 135B of the Act).

**Post holder authorised to carry out function:** Network Operations Manager

**W. Function:** Powers relating to the removal of things so deposited on highways as to be a nuisance (section 149 of the Act).

**Post holder authorised to carry out function:** Network Operations Manager

**X. Function:** Powers to remove structures from the highway (s.143 of the Highways Act)

**Post holder authorised to carry out function:** Highways Maintenance Manager (Designated Proper Officer).

**Y. Function:** Management and Maintenance of Parks and Green Spaces including trees, allotments and small holdings, children's play and associated youth facilities, outdoor sports pitches, buildings and facilities.

**Post holder authorised to carry out function:** Head of Service for Natural and Marine Environment; Parks Services Manager; Area Parks Managers; Parks Development Manager; Parks Assets and Projects Manager; Landscape Works and Play Manager; Trees and Woodlands Manager; Allotments and Smallholdings Manager; and Allotments Officer

**Z. Function:** Management and Maintenance of Cemeteries and Crematoria

**Post holder authorised to carry out function:** Head of Service for Natural and Marine Environment; Parks Commercial Manager; Business Unit Manager - Cemeteries and Crematoria

**AA. Function:** Management and Maintenance of Blaise Nursery

**Post holder authorised to carry out function:** Head of Service for Natural and Marine Environment; Parks Commercial Manager; Business Unit Manager - Nursery

**BB. Function:** Management of catering, cafes and concessions in Parks and Green Spaces

**Post holder authorised to carry out function:** Head of Service for Natural and Marine Environment; Business Development Parks Commercial Manager; Business Unit Manager - Catering

**CC. Function:** Tree management in parks, green spaces and other council land

**Post holder authorised to carry out function:** Head of Service for Natural and Marine Environment; Parks Services Manager; Area Parks Managers; Parks Assets and Projects Manager; Trees and Woodlands Manager; and Tree Officer

**DD. Function:** Harbour

- i. City Docks and Port Authority functions  
Functions include those where legislation confers duties or powers upon the Council in its capacity to act as Port Authority for the Bristol City Docks, including the following acts and all other legislation of a like kind:

- Bristol Docks Acts and Orders 1848 to 1998,
- Harbours Docks and Piers Clauses Act 1847,
- The Bristol City Docks Harbour Revision Order 1998

**Post holder authorised to carry out function:** Head of Service for Natural and Marine Environment; Harbour Master and Markets and Estates Manager (if it relates to Docks Estate) or, Head of Commercial Services

**EE. Function:** Harbour

- i. Management and Maintenance of Harbours Estate, building, facilities, open space, events, and commercial property.

**Post holder authorised to carry out function:** Head of Service for Natural and Marine Environment and Markets and Estates Manager

**FF. Function:** Harbour

- i. To issue licences for "works" within the provisions of the City Docks Harbour Revision Order 1988.

**Post holder authorised to carry out function:** Head of Service for Natural and Marine Environment and Harbour Master.

**GG. Function:** Harbour

- i. To licence Pilots and Hobbler

**Post holder authorised to carry out function:** Head of Service for Natural and Marine Environment and Harbour Master.

**HH. Function:** Harbour

- i. To be the Duty Holder under the provisions of the Port Marine Safety Code.

**Post holder authorised to carry out function:** Head of Service for Natural and Marine Environment and Harbour Master.

**II. Function:** Harbour

- i. Power for the enforcement of Local Harbour Byelaws.

**Post holder authorised to carry out function:** Head of Service for Natural and Marine Environment and Harbour Master.

**JJ. Function:** Harbour

- i. Power to licence pleasure boats, live aboard boats and pleasure vessels Section 94 of the Public Health Acts Amendment Act 1907 (c.53).

**Post holder authorised to carry out function:** Director Management of Place, Head of Service for Natural and Marine Environment and Harbour Master.

**KK. Function:** Civil Contingencies (Emergency Preparedness & Resilience Team)

**Post holder authorised to carry out function:** Head of Service, City Management & Response and Emergency Preparedness, Risk, Resilience & Continuity Manager

**LL. Function:** Bristol Operations Centre (BOC)

**Post holder authorised to carry out function:** Head of Service, City Management & Response and BOC Manager

**MM. Function:** Culture including (but not exclusively):

- a. bidding for small scale funding Bids
- b. Awarding of small scale arts grants
- c. Support of the cultural sector
- d. Operational running of our Cultural Venues
- e. Events in the city
- f. The SLA Service Delivery for Bristol Beacon

**Post holder authorised to carry out function:** Head of Culture and Creative Industries

**NN. Function:** To make all day-to-day management decisions relating to the Council's functions as they relate to Events and Conferences (at Bristol Museum and Art Gallery, M-Shed and the Create Centre).

**Post holder authorised to carry out function:** Head of Transformation – Culture and Creative Industries Service

**OO. Function:** Libraries including (but not exclusively):

- i. Management and maintenance of Libraries
- ii. Maintenance and purchasing of materials for reference and loan
- iii. Statutory responsibility for providing a library service
- iv. Partner of Libraries West 7 authority consortium

**Post holder authorised to carry out function:** Head of Libraries, Libraries Management Team

### **3. Housing and Landlord Services**

#### **Housing Services**

**A. Function:** Estate Services

- i. Incorporating Estate Management (tenancy management), lettings, Estates and Sites management (Caretaking), Rent management, Services to Older People (STOP) and all aspects of right to buy and leaseholder management

**Post holder authorised to carry out function:** Head of Estate Services, Housing Managers (Estate Management, Rent and Financial Inclusion, Services to Older People, Estates and Sites (Caretaking)), Lettings Manager, Estate Management, Rent and Financial Inclusion, Services to Older People, Caretaking, Right to Buy and Leasehold Team Leaders

**B. Function:** Business Innovation

**Post holder authorised to carry out function:** Business Innovation Manager, Senior Project Manager, Policy & Practice Manager, Project

Managers, Service Improvement Team Manager, Housing Systems Team Leader

**C. Function:** Planned Maintenance

**Post holder authorised to carry out function:** Head of Service, Planned Maintenance, Planning and Commissioning Manager, Cyclical and planned maintenance Manager, M&E and heating Manager, Major Projects Manager, Planned programmes supervisors, Asset Review Manager

**D. Function:** Responsive Repairs

**Post holder authorised to carry out function:** Head of Service, Responsive Repairs, Trade Managers, Responsive Repairs Managers, Responsive Repairs supervisors

**E. Function:** Regulatory Reform (Fire Safety) Order 2005

- i. For ensuring that the council's premises comply with the duties imposed by the Order.

**Post holder authorised to carry out function:** Director Homes and Landlord Services

## **Private Housing and Accessible Homes**

This section contains all the Private Housing and Accessible Homes functions within Growth and Regeneration Directorate and includes both Executive and non-Executive delegations. It must be read in conjunction with the Limitations set out in the Private Housing and Accessible Homes Service Authorisations document.

**A. Function:** Private Sector Housing and Accessible Homes

- i. Includes licensing of private rented properties and all private housing related enforcement including public health matters, empty properties, tenancy relations, Consumer protection legislation (including those duties & powers arising in its capacity as the weights & Measures Authority including those under the Consumer rights Act 2015) in so far as they relate to the regulation of the housing market including, but not limited to, Estate Agency, Landlords, Property agents, auctioneers, and any person engaged in the sale, rent, supply of property, housing renewal functions and the management of gypsy and travellers sites.
- ii. Assessments under the Care Act 2014, Housing, Grants Construction and Regeneration Act 1996 for the installation of aids, adaptations and Technology Enabled Care (TEC) to Homes. This includes the following non-executive powers:
  - a. Power to require proper maintenance of land (section 215(1) of the Town and Country Planning Act 1990)
  - b. Service of abatement notice for Statutory Nuisance.
  - c. The inspection of the authority's area to detect any statutory nuisance.
  - d. The investigation of any complaint as to the existence of a statutory nuisance 3
  - e. Power to issue licences authorising the use of land as a caravan site ("site licences") (Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62)).
  - f. The obtaining of information under section 330 of the Town and

Country Planning Act 1990 as to interests in land.

- iii. Detailed information on all powers and delegations is provided in the Private Housing and Accessible Homes Service Authorisations document

**Post holder authorised to carry out function:** Private Housing and Accessible Homes Manager, Private Housing Managers, Accessible Homes and TEC Manager, Private Housing Team Leader, Senior Environmental Health Housing Officers, Environmental Health Housing Officers (Level 1 and 2), Trading Standards Officer, Private Housing Caseworkers, Gypsy and Roma Traveller Coordinator and the Gypsy Sites and Community Liaison Officer, Technical, Occupational Therapy and TEC Supervisors, Occupational Therapists, Occupational Therapy Aids and Project Coordinators \*Or equivalent post

- B. **Function:** Private Housing and Accessible Homes, Empty property work Section 17 Housing Act 1985 Agreement to the making and implementation of CPO's

**Post holder authorised to carry out function:** Properties or land valued at under £250k – Director of Housing and Landlord Services; Properties or land valued at between £250k and £499k – Executive Director Growth and Regeneration; Where a property or land is valued at £500k or above is to be compulsory purchased this is a key Decision and a report will be submitted to Cabinet for authorisation to proceed.

## Housing Options

- A. **Function:** Decisions made under the Housing Act 1996

- i. Homelessness acceptances, (Part 7, Housing Act 1996)
- ii. Interim accommodation, (Part 7, Section 188, Housing Act 1996)
- iii. Suitability of temporary accommodation, (Part 7, Section 202, Housing Act 1996)
- iv. Suitability of a permanent offer of accommodation, (Part 7, Housing Act 1996)

**Post holder authorised to carry out function:** Housing Advisor (BG10)

- B. **Function:** Decisions made under the Housing Act 1996

- i. Storage of possessions, (Part 7, Section 212, Housing Act 1996)
- ii. Extend interim accommodation pending review

**Post holder authorised to carry out function:** Team Leader, Homelessness Prevention Team (BG12)

- C. **Function:** Decisions made under the Housing Act 1996

- i. Review of negative decision, (Part 7, Section 202, Housing Act 1996)

**Post holder authorised to carry out function:** Specialist Advisor (BG11)

- D. **Function:** Decisions made under the Housing Act 1996

- i. End family hostel or satellite temporary accommodation (BCC in-house)

**Post holder authorised to carry out function:** Team Leader (BG12)

- E. **Function:** Decisions made under the Housing Act 1996

- i. Homechoice banding - lower priority housing applications (bands 3 and 4), (Part 6, Housing Act 1996)

**Post holder authorised to carry out function: Homechoice Advisors (BG8)**

F. **Function:** Decisions made under the Housing Act 1996

- i. Homechoice banding – higher priority housing applications (bands 1 and 2), (Part 6, Housing Act 1996)

**Post holder authorised to carry out function: Team Leaders (BG11)**

G. **Function:** Decisions made under the Housing Act 1996

- i. Homechoice banding – applicants with health needs (bands 1 and 3), (Part 6, Housing Act 1996)

**Post holder authorised to carry out function: Health and Housing Assessors (BG10)**

H. **Function:** Decisions made under the Housing Act 1996

- i. Banding reviews, (Part 6, Housing Act 1996)

**Post holder authorised to carry out function: Specialist Advisors (BG11), Specialist and Health Team Leader (BG12)**

I. **Function:** Decisions made under the Housing Act 1996

- i. Banding and allocations that are exceptions to Homechoice policy, (Part 6, Housing Act 1996)

**Post holder authorised to carry out function: Housing Supply Team Manager (BG14)**

J. **Function:** Decisions made under the Housing Act 1996

- i. Homechoice – not eligible, (Part 6, Housing Act 1996)

**Post holder authorised to carry out function: Homechoice Advisors (BG8) and Team Leaders (BG11)**

K. **Function:** Other decisions – policy and resources

- i. Priority levels for homeless households on the Housing Support register

**Post holder authorised to carry out function: Housing Advisors HSR Coordinator (BG9)**

L. **Function:** Other decisions – policy and resources

- i. Priority Move On Scheme applications

**Post holder authorised to carry out function: Team Leader, Accommodation Services (BG12)**

M. **Function:** Other decisions – policy and resources

- i. Payments to private sector landlords – deposit bonds and financial incentives

**Post holder authorised to carry out function: Team Leader, Lettings Negotiation (BG12)**

N. **Function:** Other decisions – policy and resources

- i. Tenancy rescue payments

**Post holder authorised to carry out function: Team Manager, Housing Supply (BG14)**

### **Housing Delivery**

A. **Function:** Housing Delivery

**Post holder authorised to carry out function: Project Lead Project 1000;**

Housing Strategy and Enabling Manager and Construction and Development Manager

#### 4. Property, Assets and Infrastructure

A. **Function:** Major Projects including (but not exclusively):

- i. Bristol Beacon Capital Project
- ii. Avonmouth and Severnside Enterprise Area (ASEA)

**Post holder authorised to carry out function:** Director: Property, Assets and Infrastructure

B. **Function:** Educational Capital

**Post holder authorised to carry out function:** Director: Property, Assets and Infrastructure and Executive Director: People and Director: Educational Improvement Place

#### Energy

Energy Service Managers are delegated by the Director: Property, Assets and Infrastructure to manage the proper use of the operational, budgetary, staffing and other resources of the Energy Service as outlined below

C. **Function:** Energy

- i. Functions relating to signing and management of works, funding, loans, carbon purchases or services contracts for work carried out by the energy service

**Post holder authorised to carry out function:** Works funding, loans, purchases or services of more than £100,000 to £250,000 - Director: Property, Assets and Infrastructure

Works, funding, loans, purchases or services up to £100,000 – Head of Energy Services provided a detailed investment appraisal (where appropriate) have been carried out and agreed with colleagues from Resources Directorate.

D. **Function:** Energy

- i. Functions relating to the delivery of domestic energy efficiency schemes

**Post holder authorised to carry out function:** Individual work packages with installers of energy measures – Programme Manager (Operations)

Final write off of debts as a result of non-payment of customers up to a maximum of £5,000 - Programme Manager Operations

Compensation claims of up to:

- £100 – Installations Project Manager,
- up to £5,000 – Programme Manager Operations

Deposit refunds of

- up to £500 – Customer Care Team Manager
- up to £2,000 - Programme Manager (Operations)
- up to £5,000 – Head of Energy Services

All debt / compensation & deposit payments to be reported at the Service's monthly financial review meeting and monitored cumulatively.

**E. Function: Energy**

- i. Functions relating to the installation of energy infrastructure, energy efficiency or Renewable Energy measures

**Post holder authorised to carry out function:** Individual work packages of works up to £100,000 – the appropriate Programme Manager  
Variations to work packages up to £5,000 – the appropriate Programme Manager

**F. Function: Energy**

- i. Functions relating to the installation of Heat Networks

**Post holder authorised to carry out function:** Individual work packages including building connection agreements up to £100,000 – Programme Manager (Infrastructure)  
Variations to work packages up to £5,000 – Programme Manager (Infrastructure)

**G. Function: Neighbourhood Enforcement and Street Scene**

- i. Clean Streets, Enforcement Concession, Community Toilet Scheme, collecting charges for chargeable domestic waste, bulky waste.

**Post holder authorised to carry out function:** Neighbourhood Enforcement and Street Scene Manager; Street Scene Team Leader; Project Development Officer and Project Support Officer

**H. Function: Neighbourhood Enforcement and Street Scene**

- i. Neighbourhood Enforcement including waste disposal, statutory nuisance, pollution (including but not limited to noise, air, land and water pollution), buildings not secured against unauthorised entry, accumulations which are detrimental to the amenity of an area, highways obstructions & unauthorised works or damage to highways.

**Post holder authorised to carry out function:** See Regulatory enforcements delegations below.

**I. Function: Facilities Management**

- i. Functions relating to Facilities Management

**Post holder authorised to carry out function:** Head of Facilities Management

**J. Function: Facilities Management**

- i. To authorise changes under maintenance contracts

**Post holder authorised to carry out function:** Head of Facilities Management

**K. Function: Facilities Management**

- i. To make all day-to-day management decisions relating to the Council's functions as they relate to Cash in Transit

**Post holder authorised to carry out function:** Head of Facilities Management

**L. Function: Facilities Management**

- i. To make all day-to-day management decisions relating to the Council's functions as they relate to Fleet Services

**Post holder authorised to carry out function:** Head of Facilities Management



**M. Function: Facilities Management**

- i. To make all day-to-day management decisions relating to the Council's functions as they relate to Events and Conferences (including the Create Centre)

**Post holder authorised to carry out function:** Head of Facilities Management

## **Property Scheme of Delegations**

The Director: Property, Assets, and Infrastructure, will undertake the role of 'corporate landlord'.

In this scheme the term 'land' means real estate of whatever nature including land, buildings, or structures, plus any rights over, under or through the land.

### **Property Transactions**

In the course of its day-to-day business, the Council enters into a variety of land agreements and performs a number of transactions, including those listed below:

1. Freehold acquisitions, disposals, including agreements for the exchange of assets; (will be authorised by Service Manager and / or above)
2. Leasehold acquisitions and disposals, including disposals by way of a short tenancy as defined by S123 of the Local Government Act 1972; (will be authorised by Service Manager and /or above)
3. Agreeing terms for the completion of all rent reviews, renewals of leases, the granting and renewals of licences including referrals to court or, for independent determination;
4. Undertaking transactions including agreeing compensation, issuing notices, entering into deeds of variation or rectification and the giving and withholding of consents under the Landlord and Tenant Act 1954 and other relevant Legislation e.g., Section 146 of the Law of Property Act 1925;
5. Agreeing terms for the sale of freehold reversions under the Leasehold Reform Act 1967 and sale of rent charges;
6. Taking action to safeguard Council land and buildings including taking entry into tenant's premises for the purpose of executing emergency works;
7. Entering into planning agreements as landowner;
8. Release of covenants;
9. Taking and granting easements, way leaves and rights of way;
10. Options Agreements; (will be authorised by Service Manager and / or above)
11. Lease surrenders and exit agreements (including dilapidations);
12. Changes under maintenance contracts i.e., only where there is an existing condition of contract (and in accordance with Corporate Procurement Rules);

13. Appointing agents and procuring consultants and contractors in accordance with Corporate Procurement Rules and Finance Regulations
14. To write-off rent arrears in respect of any single lease / tenancy. Not exceeding the greater of 2-years rent or, £10,000 (will be authorised by Service Manager and / or above);
15. Issuing instructions to the Legal Team to take possession proceedings against lessees, tenants or licensees for breach of covenant including taking actual possession;
16. Authorising applications in landowner capacity for consent or change of use under the Town and Country Planning Act 1990;
17. Authorising the transfer of land between consenting executives and the associated appropriation of statutory purpose;
18. Advertising proposals to appropriate and / or dispose of public open space land, subject to any objections being subsequently reported to the appropriate executive.
19. Authorising the transfer of purpose for holding land (and the associated appropriation) to defend against possible T&VG's and to prevent objections to developments being anything other than a compensatable matter (rather than being able to prevent developments taking place) and
20. Compulsory acquisitions and land compensation claims (will be authorised by Service Manager and / or above).

### Conditions

1. All Key decisions will be taken by Cabinet. The Council's constitution defines a Key decision as one that is likely to:
  - a) result in expenditure or savings of £500,000 or more (this excludes the sale of land) or,
  - b) be significant in terms of its effect on communities living or working in an area comprising two or more wards.
2. The reporting of transactions will be in accordance with the requirements of 'Key' and 'Officer Executive' Decisions. This could be quarterly if volume is significant.
3. Officers will brief the relevant Cabinet Member on the following before making delegated decisions:
  - a) decisions that are not Key decisions but are otherwise significant (e.g., because they are controversial, or of particular interest to the public and / or councillors);
  - b) the medium-term corporate property disposal plan (updated quarterly).
4. Whenever any of the Property transactions above (Nos. 1-19) have a direct positive or neutral financial consequence for the Council and are in compliance with S123 of the Local Government Act 1972 (and any subsequent variations)

namely a disposal of land for the 'best consideration that can reasonably be obtained', authorisation will be at the discretion of the Service Manager or Head of Property, at BG14 (and above) with the minimum qualification of MRICS, unless otherwise stated.

5. Whenever any of the Property transactions above (Nos. 1-19) have a direct negative financial consequence for the Council, whereby less than 'best consideration is to be obtained' (thereby creating an undervalue, subsidy, compensation or rent reduction) approval will be required to authorise such property transactions prior to completion, as below.
6. In the case of Property transaction No. 20. All acquisitions of property through compulsory acquisition will require Cabinet authority. Following approval by Cabinet, the level and payment of compensation and other costs within the Cabinet approved budget for compulsory acquisition will require Service Manager or Head of Property approval.

<b>Amount (capitalised)</b>	<b>Approval required</b>
Up to £25,000	Property Service Manager with the minimum qualification of MRICS
In excess of £25,000 but less than £100,000	Head of Property with the minimum qualification of MRICS
£100,000 but less than £250,000	Director: Property, Assets and Infrastructure in consultation with Service Manager or Head of Property with the minimum qualification of MRICS
£250,000 but less than £500k	Director: Property, Assets and Infrastructure in consultation with Service Manager or Head of Property with the minimum qualification of MRICS and with approval of the Section 151 Officer and relevant Cabinet Member(s)
£500,000 and above, but not more than £1m	Cabinet. Post Cabinet approval of the Key decision - the requisition or payments can only be authorised by: Executive Director (following consultation with the Budget Holder)
Over £1m	Cabinet. Post Cabinet approval of the Key decision - the requisition or payments can only be authorised by: Section 151 Officer, in consultation with the Director: Property, Assets and Infrastructure

Amount (capitalised)	Approval required
Over £2m	Cabinet. Post Cabinet approval of the Key decision - the requisition or payments can only be authorised by: Section 151 Officer, in consultation with the Director: Property, Assets and Infrastructure. Once Council authority is obtained the Secretary of State's approval to be obtained before implementation.

In the event for example, that sales at undervalue give rise to a state aid or other issue, all issues will be resolved or resolution actions agreed before delegation is sought. All risks to proceeding to transact will be stated in the valuation and delegated authority request so the prospective signatory will be advised of the risks and be able to consider before signing or, not.

### Notes

1. Best consideration will be as defined by S123 of the Local Government Act 1972 (and any subsequent variations).
2. All transactions will be accompanied by a signed and countersigned valuation in accordance with RICS best practice.
3. In all cases of a request for authority to act under delegated powers, the form will be signed by separate parties therefore; the requester shall not be the decision-maker.

All expenditure will be in accordance with the Financial Regulations.

4. Where property is acquired for the purpose of investment, the role of the Cabinet Member with responsibility for Property shall be discharged in consultation with the Cabinet Member with responsibility for Finance and written delegated authority will be obtained from the Councils Chief Finance Officer.
5. Any moveable assets located within properties proposed for sale, that would be included as part of the sale (e.g. paintings) will be subject to separate consideration and in accordance with paragraph seven of the Finance Scheme of Delegations
6. Under Section 123 of the Local Government Act 1972, local authorities (LA) have powers to dispose of land and buildings (including the sale of freeholds, granting and assigning of leases and the granting of easements) for the best consideration reasonably obtainable. A Discount (Undervalue) of up to £2m may be agreed, under the General Disposal Consent (England) 2003, subject to the LA being satisfied that the disposal will secure the promotion or improvement of the economic, social or environmental well-being.
7. If the undervalue exceeds £2m Government approval will be required.

8. Additionally, certain types of disposal may require Statutory consent e.g., Education sites, playing fields and allotments.
9. Once land and buildings have been declared surplus to requirements, the Head of Property or Director with responsibility for Property will arrange for the disposal of these assets in accordance with the Council's property strategy.
10. The proceeds from the sale of all land and buildings (subject to certain statutory limitations) will not be earmarked for use by a specific service but will be pooled and applied to finance future capital investment or, for any other purpose permitted by Regulation (which may if approved, include investment / re-investing into investment property).

### Non-Executive Functions

#### **Delegated Officers**

The Executive Director, Growth and Regeneration has authorised the delegated officers identified in schedule 2 to exercise non-executive functions set out in the Terms of Reference of the Public Rights of Way and Greens and Development Control Committees including, but not restricted to:

- imposing any condition, limitation or restriction on an approval, consent, licence, permission, or registration.
- determining whether and in what manner to enforce a failure to comply with an approval, consent, licence, permission or registration.
- amending, modifying, varying, or revoking an approval, consent, licence, permission or registration.

#### **1. Economy of Place**

##### **A. Function: Planning**

- i. Power to determine application for planning permission.  
Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)

**Post holder authorised to carry out function:** DM Team Managers, Principal DM officers and Team Coordinator

##### **B. Function: Planning**

- i. Power to determine applications to develop land without compliance with conditions previously attached.  
Section 73(A) of the Town and Country Planning Act 1990

**Post holder authorised to carry out function:** DM Team Managers and Principal DM officers

##### **C. Function: Planning**

- i. Power to grant planning permission for development already carried out.  
Section 73(A) of the Town and Country Planning Act 1990

**Post holder authorised to carry out function:** DM Team Managers, Principal DM officers and Team Coordinator

**D. Function: Planning**

- i. Power to decline to determine application for planning permission  
Section 70A of the Town and Country Planning Act 1990

**Post holder authorised to carry out function:** DM Team Managers and Principal DM officers

**E. Function: Planning**

- i. Duties relating to the making of determinations of planning applications. Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure Order 1995 (S.I. 1995/419 and directions made there under).

**Post holder authorised to carry out function:** DM Team Managers, Principal DM officers and Team Coordinator

**F. Function: Planning**

- i. Power to determine application for planning permission made by a local authority, alone or jointly with another person.  
Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).

**Post holder authorised to carry out function:** DM Team Managers and Principal DM officers

**G. Function: Planning**

- i. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights. Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and country Planning (General Permitted Development) Order 1995

**Post holder authorised to carry out function:** DM Team Managers, Principal DM officers and Team Coordinator. Team Leader, Admin & Business Support

**H. Function: Planning**

- i. Power to enter into agreement regulating development or use of land.  
Section 106 of the Town and Country Planning Act 1990

**Post holder authorised to carry out function:** DM Team Managers and Principal DM officers

**I. Function: Planning**

- i. Power to issue a certificate of existing or proposed lawful use or development.  
Section 191(4) and 192(2) of the Town and Country Planning Act 1990.

**Post holder authorised to carry out function:** DM Team Managers, Principal DM officers and Team Coordinator

**J. Function: Planning**

- i. Power to serve a completion notice  
Section 94(2) of the Town and Country Planning Act 1990.

**Post holder authorised to carry out function:** DM Team Managers and Principal DM officers

**K. Function: Planning**

- i. Power to grant consent for the display of advertisements  
Section 220 the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992

**Post holder authorised to carry out function:** DM Team Managers, Principal DM officers and Team Coordinator

**L. Function: Planning**

- i. Power to authorise entry onto land.  
Section 196A of the Town and Country Planning Act 1990

**Post holder authorised to carry out function:** DM Team Managers and Principal DM officers

**M. Function: Planning**

- i. Power to require the discontinuance of a use of land.  
Section 102 of the Town and Country Planning Act 1990.

**Post holder authorised to carry out function:** DM Team Managers and Principal DM officers

**N. Function: Planning**

- i. Power to serve a planning contravention notice, breach of condition notice or stop notice  
Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.

**Post holder authorised to carry out function:** DM Team Managers and Principal DM officers

**O. Function: Planning**

- i. Power to issue a temporary stop notice  
Section 171 of the Town and Country Planning Act 1990

**Post holder authorised to carry out function:** DM Team Managers and Principal DM officers

**P. Function: Planning**

- i. Power to issue an enforcement notice  
Section 172 of the Town and Country Planning 1990

**Post holder authorised to carry out function:** DM Team Managers and Principal DM officers

**Q. Function: Planning**

- i. Power to apply for an injunction restraining a breach of planning control  
Section 187B of the Town and Country Planning Act 1990.

**Post holder authorised to carry out function:** DM Team Managers and Principal DM officers

**R. Function: Planning**

- i. Power to determine applications for hazardous substances consent, and related powers  
Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10).

**Post holder authorised to carry out function:** DM Team Managers and Principal DM officers

**S. Function: Planning**

- i. Duty to determine conditions of which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject

Paragraph 2(6)(a) of Schedule 2 of the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 of the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act.

**Post holder authorised to carry out function:** Chief Planner / Head of Planning Services; and DM Team Managers

**T. Function: Planning**

- i. Power to require proper maintenance of land.

Section 215(1) of the Town and Country Planning Act 1990.

**Post holder authorised to carry out function:** DM Team Managers and Principal DM officers

**U. Function: Planning**

- i. Power to determine application for listed building consent, and related powers.

Sections 16(1) and (217, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9)

**Post holder authorised to carry out function:** DM Team Managers, Principal DM Officers, Urban Design Team Manager and Principal Historic Environment Officer

**V. Function: Planning**

- i. Power to issue Certificate of Lawful works to listed buildings  
The Planning (Listed Buildings and Conservation Areas) Act 1990: sections 26H and 26I, as inserted by section 61 of the Enterprise and Regulatory Reform Act 2013. The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014

**Post holder authorised to carry out function:** DM Team Managers, Principal DM Officers, Urban Design Team Manager and Principal Historic Environment Officer

**W. Function: Planning**

- i. Duties relating to applications for listed building consent and certificates of lawful works

Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Dept. of the Environment Circular 14/97

**Post holder authorised to carry out function:** DM Team Managers, Principal DM Officers, Urban Design Team Manager and Principal Historic Environment Officer

**X. Function: Planning**

- i. Power to serve a building preservation notice, and related powers  
Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

**Post holder authorised to carry out function:** Head of Development



Management and Urban Design Team Manager

**Y. Function: Planning**

- i. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area  
Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

**Post holder authorised to carry out function: DM Team Managers and Principal DM Officers**

**Z. Function: Planning**

- i. Powers to acquire a listed building in need of repair and to serve a repairs notice  
Section 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

**Post holder authorised to carry out function: Director: Economy of Place**

**AA. Function: Planning**

- i. Power to apply for an injunction in relation to a listed building  
Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990

**Post holder authorised to carry out function: DM Team Managers and Principal DM Officers**

**BB. Function: Planning**

- i. Power to execute urgent works to unoccupied listed buildings  
Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990

**Post holder authorised to carry out function: Chief Planner / Head of Planning Services;**

**CC. Function: Planning**

- i. Power to authorise stopping up or diversion of footpath, bridleway or restricted byway  
Section 257 of the Town and Country Planning Act 1990

**Post holder authorised to carry out function: DM Team Managers and Principal DM Officers**

**DD. Function: Planning**

- i. Powers relating to the protection of important hedgerows  
Hedgerows Regulations 1997 (S.I. 1997/1160)

**Post holder authorised to carry out function: DM Team Managers and Principal DM Officers**

**EE. Function: Planning**

- i. Powers relating to the preservation of trees.  
Sections 197 to 214D of Town & Country Planning Act 1990

**Post holder authorised to carry out function: Chief Planner / Head of Planning Services; t, DM Team Managers,**

**FF. Function: Planning**

- i. Powers relating to complaints about high hedges.  
Part 8 of the Anti-social behaviour Act 2003

**Post holder authorised to carry out function:** DM Team Managers and Principal DM Officers

**GG. Function:** Planning

- i. Power to include modifications in other orders.  
Section 53A of the Wildlife and Countryside Act 1981.

**Post holder authorised to carry out function:** DM Team Managers, Principal DM Officers and Network Operations Team Manager

**HH. Function:** Planning

- i. Power to revoke or modify planning permission  
Section 97 of the Town and Country Planning Act 1990

**Post holder authorised to carry out function:** Director: Economy of Place

**II. Function:** Planning

- i. The making of Local Development Orders under Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

**Post holder authorised to carry out function:** Chief Planner / Head of Planning Services

**JJ. Function:** Planning

- i. Power to exercise functions relating to Nationally Significant Infrastructure Projects and Development Consent Orders as contained in the Planning Act 2008.

**Post holder authorised to carry out function:** DM Team Managers and Principal DM Officers

**KK. Function:** Economy of Place

- ii. Powers relating to the preservation of trees.  
The Town and Country Planning (Tree Preservation) (England) Regulations 2012

**Post holder authorised to carry out function:** Chief Planner / Head of Planning Services;

## **2. Transport**

**A. Function:** Power to grant a street works license (section 50 of the New Roads and Street Works Act 1991 (c.22)).

**Post holder authorised to carry out function:** Network Operations Team Manager

**B. Function:** Power to permit deposit of builder's skip on highway (section 139 of the Highways Act 1980 (c.66) ("the Act")).

**Post holder authorised to carry out function:** Network Operations Team Manager

**C. Function:** Duty to publish notice in respect of proposal to grant permission under section 115E of the Act (section 115E of the Act).

**Post holder authorised to carry out function:** Network Operations Team Manager

- D. **Function:** Power to license planning, retention and maintenance of trees etc. in part of highway (Section 142 of the Act).  
**Post holder authorised to carry out function:** Highways Maintenance Manager
- E. **Function:** Power to authorise erection of stiles etc. on footpaths or bridleways (section 147 of the Act).  
**Post holder authorised to carry out function:** Network Operations Team Manager
- F. **Function:** Power to license works in relation to buildings etc. which obstruct the highway (Section 169 of the Act).  
**Post holder authorised to carry out function:** Highways Maintenance Manager, Structures Team Manager
- G. **Function:** Power to consent to temporary deposits or excavations in streets (section 171 of the Act).  
**Post holder authorised to carry out function:** Network Operations Team Manager, Highways Maintenance Manager
- H. **Function:** Power to dispense with obligation to erect hoarding or fence (section 172 of the Act).  
**Post holder authorised to carry out function:** Network Operations Team Manager
- I. **Function:** Power to restrict the placing of rails, beams etc over highways (section 178 of the Act).  
**Post holder authorised to carry out function:** Highways Maintenance Manager, Structures Team Manager
- J. **Function:** Power to consent to construction of cellars etc. under street (section 179 of the Act).  
**Post holder authorised to carry out function:** Highways Maintenance Manager, Structures Team Manager
- K. **Function:** Power to consent to the making of openings into cellars etc. under streets and pavement lights and ventilators (section 180 of the Act).  
**Post holder authorised to carry out function:** Highways Maintenance Manager, Structures Team Manager
- L. **Function:** Power to create footpath, bridleway or restricted byway by agreement (section 25 of the Act (C.66)).  
**Post holder authorised to carry out function:** Network Operations Team Manager
- M. **Function:** Power to stop up footpaths, bridleways and restricted byways (section 118 of the Act).  
**Post holder authorised to carry out function:** Network Operations Team Manager
- N. **Function:** Power to determine application for public path extinguishment order (sections 118ZA and 118C(2) of the Act).  
**Post holder authorised to carry out function:** Network Operations Team

Manager

- O. **Function:** Power to make a rail crossing extinguishment order (section 118A of the Act).  
**Post holder authorised to carry out function:** Network Operations Team Manager
- P. **Function:** Power to make special extinguishment order (section 118B of the Act).  
**Post holder authorised to carry out function:** Network Operations Team Manager
- Q. **Function:** Power to divert footpaths, bridleways and restricted byways (section 119 of the Act).  
**Post holder authorised to carry out function:** Network Operations Team Manager
- R. **Function:** Power to make a public path diversion order (sections 119ZA and 119C(4) of the Act)  
**Post holder authorised to carry out function:** Network Operations Team Manager
- S. **Function:** Power to make a rail crossing diversion order (section 119A of the Act).  
**Post holder authorised to carry out function:** Network Operations Team Manager
- T. **Function:** Power to make a special diversion order (section 119B of the Act).  
**Post holder authorised to carry out function:** Network Operations Team Manager
- U. **Function:** Power to require applicant for order to enter into agreement (section 119C(3) of the Act).  
**Post holder authorised to carry out function:** Network Operations Team Manager
- V. **Function:** Power to make an SSSI diversion order (section 119D of the Act).  
**Post holder authorised to carry out function:** Network Operations Team Manager
- W. **Function:** Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Act (section 121B of the Act).  
**Post holder authorised to carry out function:** Network Operations Team Manager
- X. **Function:** Power to decline to determine certain applications (section 121C of the Act).  
**Post holder authorised to carry out function:** Network Operations Team Manager
- Y. **Function:** Duty to assert and protect the rights of the public to use and enjoyment of highways (section 130 of the Act).  
**Post holder authorised to carry out function:** Network Operations Team

Manager

Z. **Function:** Duty to serve notice of proposed action in relation to obstruction (section 115E of the Act).

**Post holder authorised to carry out function:** Network Operations Team Manager, Structures Team Manager

AA. **Function:** Power to apply for variation of order under section 130B of the Act (section 130B(7) of the Act).

**Post holder authorised to carry out function:** Network Operations Team Manager

BB. **Function:** Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway (section 135 of the Act).

**Post holder authorised to carry out function:** Network Operations Team Manager

CC. **Function:** Power to temporarily divert footpath, bridleway or restricted byway (section 135A of the Act).

**Post holder authorised to carry out function:** Network Operations Team Manager

DD. **Function:** Functions relating to the making good of damage and the removal of obstructions (section 135B of the Act).

**Post holder authorised to carry out function:** Network Operations Team Manager

EE. **Function:** Powers relating to the removal of things so deposited on highways as to be a nuisance (section 149 of the Act).

**Post holder authorised to carry out function:** Network Operations Team Manager

FF. **Function:** Power to extinguish certain public rights of way (section 32 of the Acquisition of Land Act 1981 (c.67)).

**Post holder authorised to carry out function:** Network Operations Team Manager

GG. **Function:** Power to designate footpath as cycle track (section 3 of the Cycle Tracks Act 1984 (c.38)).

**Post holder authorised to carry out function:** Network Operations Team Manager

HH. **Function:** Power to make limestone pavement order (section 34(2) of the Wildlife and Countryside Act 1981 (c.69)).

**Post holder authorised to carry out function:** Network Operations Team Manager

II. **Function:** Power to make Modification Orders under section 53(2)(b) of the Wildlife and Countryside Act 1981 following a legal event that has already occurred under section 53 (3)(a) of the same Act).

**Post holder authorised to carry out function:** Network Operations Team Manager

**JJ. Function:** Power to discharge and acquire from other authorities, functions relating to Definitive Map Modification Orders and Public Path Orders (section 101 of the Local Government Act 1972).

**Post holder authorised to carry out function:** Network Operations Team Manager

### 3. Regulatory functions

This section contains all the regulatory functions within Growth and Regeneration Directorate and includes both Executive and non-Executive delegations. It must be read in conjunction with the Limitations set out in Appendix 1.

For the avoidance of doubt, where legislation is not specified or identified, authorisation extends to all other legislation of a like kind under which the Council is authorised to exercise any of its functions.

#### A. **Function:** Consumer Protection Legislation

- i. Authorised Functions contained in this paragraph are those arising under Consumer Protection legislation and includes powers arising under the Explosives Acts which can be enforced by local authority officers, together with the Council's powers relating to age restricted sales and all legislation which confers duties and powers upon the Council in its capacity as Weights and Measures Authority as defined under Section 69 of the Weights and Measures Act 1985, including the Consumer Rights Act 2015.

**Post holder authorised to carry out function - subject to limitations in Appendix 1:** Trading Standards & Licensing Manager; Trading Standards Team Leader; Senior Trading Standards Officer; Trading Standards Officer; Animal Health Officer; Trainee Trading Standards Officer; Fair Trading Officer; Trading Standards Investigator/Financial Investigator; Senior Investigator; Investigator; Intelligence Officer- Lettings Lead Enforcement Authority; Investigator- Lettings Lead Enforcement Authority; Senior Manager, Powys under S113 LGA agreement. Operations Manager, Powys under S113 LGA agreement; Investigators, Powys under S113 LGA agreement; Investigation Support Officers, Powys under S113 agreement.

#### B. **Function:** Animal Welfare Legislation and Relevant Licensing

- i. Authorised Functions contained in this paragraph are those arising under legislation governing animal licensing and animal welfare, including the Animal Welfare Act 2006, the Veterinary Medicines Regulations 2006, the Animal Health Act 1981, the Animal Health and Welfare Act 1984, the Animal Boarding Establishments Act 1963, the Breeding of Dogs Act 1973 and 1991, the Breeding and Sale of Dogs (Welfare) Act 1999, the Performing Animals (Regulation) Act 1925, the Slaughterhouses Act 1974, the Dangerous Wild Animals Act 1976, the Pet Animals Act 1951, the Riding Establishments Act 1964 and 1970; The Dogs Act 1906; The Dangerous Dogs Act 1991; The Zoo Licensing Act 1981; and all other legislation of a like kind.

**Post holder authorised to carry out function - subject to limitations in Appendix 1:** Trading Standards & Licensing Manager; Trading Standards Team Leader; Senior Trading Standards Officer; Trading Standards Officer; Animal Health Officer; Trainee Trading Standards Officer; Fair Trading Officer; Trading Standards Investigator/Financial Investigator; Team Leader,

Neighbourhood Enforcement Team; Senior Neighbourhood Enforcement Officer; Neighbourhood Enforcement Officer

**C. Function: Animal Welfare Legislation and Relevant Licensing**

- i. Appointment in exercise of the power conferred upon the council by S51 of the Animal Welfare Act 2006 to act as an inspector for the purposes of the of the said Act.

**Post holder authorised to carry out function - subject to limitations in**

**Appendix 1: Trading Standards & Licensing Manager; Trading Standards Team Leader; Senior Trading Standards Officer; Trading Standards Officer; Animal Health Officer; Trainee Trading Standards Officer; Fair Trading Officer; Trading Standards Investigator/Financial Investigator; Team Leader, Neighbourhood Enforcement Team; Senior Neighbourhood Enforcement Officer; Neighbourhood Enforcement Officer;**

**D. Function: Food Safety Legislation and Relevant Licensing Provisions**

- i. Authorised functions contained in this paragraph include those arising under The Food Safety Act 1990, The General Food Regulations 2004, The Food Safety and Hygiene (England) Regulations 2013, The Official Feed and Food Controls (England) Regulations 2009, The Trade in Animals and Related Product Regulations 2011 and other legislation governing food and food hygiene, including all legislation which confers duties or powers upon the Council in its capacity as Food Authority as described under Section 5 of the Food Safety Act 1990 and in its capacity as enforcement authority for such legislation.
- ii. This officer is appointed pursuant to Regulation 12 of Transmissible Spongiform Encephalopathies (No2) Regulations 2006 to act as an inspector for the purposes of these regulations.

**Post holder authorised to carry out function - subject to limitations in**

**Appendix 1: Trading Standards & Licensing Manager; Trading Standards Team Leader; Senior Trading Standards Officer; Trading Standards Officer; Animal Health Officer; Trainee Trading Standards Officer; Fair Trading Officer; Trading Standards Investigator/Financial Investigator; North Somerset Officers for duration of Bristol International Balloon Fiesta as determined in S113 agreement between Bristol City Council & North Somerset Council.**

**E. Function: Agriculture Standards and Relevant Registration Provisions**

- i. Authorised functions contained in this paragraph are those arising under the Agriculture Act 1970 and legislation governing the importation, manufacture, storage and marketing of animal feed materials, animal feeding stuffs and related materials and fertilizers, and include all legislation which confers duties or powers upon the Council in its capacity as enforcement authority in accordance with Section 67 of the Agriculture Act 1970 or competent body in accordance with Regulation 3 of The Official Feed and Food Controls (England) Regulations 2007 and Regulation 4 of The Feed (Hygiene and Enforcement) (England) Regulations 2005. This officer is appointed as an inspector pursuant to section 67(3)(a) of the Act.
- ii. This officer is appointed pursuant to Regulation 12 of Transmissible Spongiform Encephalopathies (No2) Regulations 2006 to act as an inspector for the purposes of these regulations.

**Post holder authorised to carry out function - subject to limitations in**

**Appendix 1: Trading Standards & Licensing Manager; Trading Standards Team**

Leader; Senior Trading Standards Officer; Trading Standards Officer; Animal Health Officer; Trainee Trading Standards Officer; Fair Trading Officer; Trading Standards Investigator/Financial Investigator; Senior Investigator; Investigator; Trading Standards Manager North Somerset Council subject to S113 LGA agreement.

**F. Function: Health and Safety at Work**

- i. Appointed in exercise of the power conferred upon the council by Section 19(1) of the Health and Safety at Work etc. Act 1974 to act as an inspector for the purposes of the Act.
- ii. Parag. 8a To sign, on behalf of the authority, authorisations of persons to accompany appointed inspectors in the exercise of their functions under the Act.
- iii. Parag. 8b To approve, on behalf of the authority, transfer and assignments of premises between Bristol City Council and the Health and Safety Executive in accordance with Regulations 5 and 6 of The Health and Safety (Enforcing Authority) Regulations 1998.

**Post holder authorised to carry out function - subject to limitations in Appendix 1:**

Senior Trading Standards Officer; Trading Standards Officer; North Somerset Officers for duration of Bristol International Balloon Fiesta and other major events taking place at Ashton Court and surrounding area as specified in S113 agreement between Bristol City Council & North Somerset Council.

**G. Function: Public Health legislation, Health Protection Regulations and Relevant Licensing or Registration**

- i. Public Health (Control of Disease) Act 1984 (as amended including as amended by the Health and Social Care Act 2008) together with the Health Protection (Local Authority Powers) Regulations 2010 and the Health Protection (Part 2A Orders) Regulations 2010, International Health Regulations 2005 and Health Act 2006.
- ii. \* Appointment of proper officers of the local authority
  - i. The local authority appoints a proper officer for the purpose of receiving and forwarding information about notifications within their area. In the majority of cases, local authorities have decided to appoint a consultant in communicable disease control/health protection based within the local Public Health England (PHE) office as their proper officers.
- iii. Appointment in exercise of the power conferred upon the council by section 7 of the Sunbeds (Regulation) Act 2010 to act as an "authorised officer" for the purposes of the said Act.

**Post holder authorised to carry out function - subject to limitations in Appendix 1:** Neighbourhood Enforcement and Street Scene Manager; Team Leader Neighbourhood Enforcement Team; Senior Neighbourhood Enforcement Officer; Neighbourhood Enforcement Officer; Licensing Team Leader; Senior Licensing Officer; Licensing Officer.

**H. Function: Pest Control**

- i. Authorised Functions contained in this paragraph are those arising under legislation which confers functions upon the Council with respect to pest control, disinfection disinfestations and public health, including but not limited to those contained in the Prevention of Damage by Pest Act 1949, Public Health Acts 1936 & 1961, The Environmental



Protection Act 1990 (as amended), The Clean Neighbourhoods and Environment Act 2005.

**Post holder authorised to carry out function - subject to limitations in Appendix 1:** Neighbourhood Enforcement and Street Scene Manager; Team Leader Neighbourhood Enforcement Team; Senior Neighbourhood Enforcement Officer; Neighbourhood Enforcement Officer.

**I. Function: Dog Warden**

- i. Authorised Functions contained in this paragraph are those arising under legislation which confers functions upon the Council with respect to dog wardens, stray dogs, dog fouling, dangerous dogs, including but not limited to those contained in the Dogs Act 1871, Dogs Act 1906, Road Traffic Act 1988, Animal Health Act 1981, Environmental Protection Act 1990 (as amended), Dangerous Dogs Act 1991, The Clean Neighbourhoods and Environment Act 2005, The Animal Welfare Act 2006, and other legislation of a like kind.
- ii. Paragraph 13a Appointment in exercise of the power conferred upon the council by S51 of the Animal Welfare Act 2006 to act as an inspector for the purposes of the said Act.

**Post holder authorised to carry out function - subject to limitations in Appendix 1:** Trading Standards & Licensing Manager; Trading Standards Team Leader; Senior Trading Standards Officer; Trading Standards Officer; Animal Health Officer; Trainee Trading Standards Officer; Fair Trading Officer; Trading Standards Investigator/Financial Investigator; Team Leader; Neighbourhood Enforcement Team; Senior Neighbourhood Enforcement Officer; Neighbourhood Enforcement Officer;

**J. Function: Port Health Authority Functions**

- i. Authorised functions contained in this paragraph comprise functions assigned to the Council as Port Health Authority under Paragraph 4 of SI 2010/1214, together with all other functions, rights and liabilities of the Council as Port Health Authority conferred by or under any other legislation.
- ii. This officer is appointed, pursuant to Regulation 12(2) of The Trade in Animals and Related Products Regulations 2011 as an official veterinary surgeon.
- iii. This officer is appointed, pursuant to Regulation 12(4) of The Trade in Animals and Related Products Regulations 2011 as an official fish inspector.

**Post holder authorised to carry out function - subject to limitations in Appendix 1:**

Trading Standards & Licensing Manager; Trading Standards Team Leader; Senior Trading Standards Officer; Trading Standards Officer; Animal Health Officer; Trainee Trading Standards Officer; Fair Trading Officer; Trading Standards Investigator/Financial Investigator

**K. Function: Scrap Metal**

- i. Authorised function contained in this paragraph are those arising under legislation which confers functions upon the Council with respect to licensing and regulation of persons engaged scrap metal dealing including but not limited to those contained in the Scrap Metal Dealers Act 2013.

**Post holder authorised to carry out function - subject to limitations in**

**Appendix 1:** Trading Standards & Licensing Manager; Trading Standards Team Leader; Senior Trading Standards Officer; Trading Standards Officer; Animal Health Officer; Trainee Trading Standards Officer; Fair Trading Officer; Trading Standards Investigator/Financial Investigator; Senior Investigator; Investigator; Neighbourhood Enforcement and Street Scene Manager; Team Leader Neighbourhood Enforcement Team; Senior Neighbourhood Enforcement Officer; Neighbourhood Enforcement Officer; Licensing Team Leader; Senior Licensing Officer; Licensing Officer

**L. Function:** Licensing Functions incl Taxi Licensing & Regulation

- i. Authorised functions contained in the paragraph are those arising under legislation which confers functions upon the Council with respect to the Licensing and regulation of those engaged with Hackney Carriages, Private Hire Vehicles, Private Hire Operators including but not limited to provisions contained in the Local Government (Miscellaneous Provisions) Act 1976 and Town Police clauses Act 1847.
- ii. All functional responsibilities in respect of Street Trading activities and Sexual Entertainment Venue activities administered under the provisions of the Local Government Miscellaneous Provisions Act 1982), Charity Street Collections under the provisions of the Police Factories Etc (Miscellaneous Provisions) Act 1916, and collections from houses or premises under the House to House Collections Act 1939.

**Post holder authorised to carry out function - subject to limitations in**

**Appendix 1:** Trading Standards & Licensing Manager; Trading Standards Team Leader; Senior Trading Standards Officer; Trading Standards Officer; Animal Health Officer; Trainee Trading Standards Officer; Fair Trading Officer; Trading Standards Investigator/Financial Investigator; Licensing Team Leader; Senior Licensing Officer; Licensing Officer; Neighbourhood Enforcement and Street Scene Manager; Team Leader Neighbourhood Enforcement Team; Senior Neighbourhood Enforcement Officer; Neighbourhood Enforcement Officer; Fleet Manager; Fleet Technical Operations Manager, Operations Manager Fleet Workshops, Workshop Co-ordinator

**M. Function:** Parks Byelaws

- i. Authority to exercise the duties and powers contained in Bristol City Council's Parks Byelaws made under section 164 of the Public Health Act 1875, section 15 of the Open Spaces Act 1906 and sections 12 and 15 of the Open Spaces Act 1906 with respect to pleasure grounds, public walks and open spaces. To include authority to:
  - i. Designate routes for the purpose of byelaws 12 and 13; (ii) designate areas for the purpose of byelaws 9, 22 and 25; (iii) issue consents in respect of byelaws 5, 6, 8, 9, 16, 18, 19, 26, 27, 28 and 29.
- ii. Remove from the ground any person offending against any of the byelaws.

**Post holder authorised to carry out function - subject to limitations in**

**Appendix 1:** Neighbourhood Enforcement and Street Scene Manager; Team Leader Neighbourhood Enforcement Team; Senior Neighbourhood Enforcement Officer; Neighbourhood Enforcement Officer; Area Manager- Parks; Contract Manager- Parks; Operational Co-coordinators- Parks

**N. Function:** Environmental Protection, Nuisance, Clean Neighbourhoods, Building safety, Highways Enforcement and Relevant Licensing or Registration

- i. Authorised functions contained in this paragraph are those arising under legislation which confers functions upon the Council with respect to any of the following: waste disposal, statutory nuisance, pollution (including but not limited to noise, air, land and water pollution), buildings not secured against unauthorised entry, accumulations which are detrimental to the amenity of an area, Community Protection Notices, highways obstructions & unauthorised works or damage to highways including but not limited to those contained in the Control of Pollution Act 1974, Refuse Disposal (Amenity) Act 1978, Highways Act 1980, Building Act 1984, the Town and Country Planning Act 1990, the Environmental Protection Act 1990 (as amended), the Clean Air Act 1993, Criminal Justice & Public Order Act 1994, the Noise Act 1996 (as amended), the Pollution Prevention and Control Act 1999, the Clean Neighbourhoods and Environment Act 2005, the Environmental Permitting (England and Wales) Regulations 2010 (as amended), Anti-social Behaviour, Crime and Policing Act 2014. All other legislation of a like kind under which the Council is authorised to exercise any of its functions.

**Post holder authorised to carry out function - subject to limitations in Appendix 1:**

Neighbourhood Enforcement and Street Scene Manager; Team Leader Neighbourhood Enforcement Team; Senior Neighbourhood Enforcement Officer; Neighbourhood Enforcement Officer; Waste Enforcement Officer

**O. Function: Lead Enforcement Authority- Tenants Fees Act 2019**

- i. All general and enforcement responsibilities duties of the Lead enforcement authority as conferred by the Tenants Fees Act 2019.

**Post holder authorised to carry out function - subject to limitations in Appendix 1:** Trading Standards & Licensing Manager; Intelligence Officer- Lettings Lead Enforcement Authority; Investigator- Lettings Lead Enforcement Authority; Senior Manager, Powys under S113 LGA agreement; Operations Manager, Powys under S113 LGA agreement; Investigators, Powys under S113 LGA agreement; Investigation Support Officers, Powys under S113 agreement.

**P. Function: Psychoactive Substances Act 2016**

- i. Issuing of Prohibition Orders

**Post holder authorised to carry out function subject to limitations in**

**Appendix 1:** Trading Standards & Licensing Manager, Neighbourhood Enforcement and Street Scene Manager

**Appendix 1**

**Schedule of Posts and Limitations of Regulatory Functions**

<b>Post</b>	<b>Limitation</b>
Neighbourhood Enforcement and Street Scene Manager	A, D, L, M, P
Team Leader Neighbourhood Enforcement	A, B, D, L, M, P
Senior Neighbourhood Enforcement Officer	A, B, D, L, M, P
Neighbourhood Enforcement Officer	A, B, D, L, M,

Post	Limitation
Waste Enforcement Officer	A, B, D, L
Trading Standards & Licensing Manager	A, F, G, P
Director Management of Place	A, F, G
Team Leader Trading Standards	A, C, F, G,
Senior Trading Standards Officers	A, B, H, I,
Trading Standards Officer	A, B, F, G, H, I,
Fair Trading Officer	A, B, C
Animal Health Officer	A, B, C, F, G,
Trainee Trading Standards Officer	A, B, C, F, G, J,
Trading Standards Investigator/Financial Investigator	A, B, C, F, G,
Senior Investigator	A, C
Investigator	A, B, C
Investigator- Lettings Lead Enforcement Authority	A, B, C, F, G
Intelligence Officer- Lettings Lead Enforcement Authority	A, B, C, F, G
Senior Manager, Powys	A, C, F, G
Operations Manager, Powys	A, B, C, F, G
Investigators, Powys	A, B, C, F, G
Investigation Support Officers, Powys	A, B, C, F, G
Licensing Team Leader	A,
Senior Licensing Officer	A, B, L
Licensing Officer	A, B, L

### Limitations

#### Institution of Proceedings & Disposal.

- (A) This authorisation shall not extend to the institution of proceedings, save in respect of proceedings instituted by inspectors under Health & Safety Work, etc. Act 1974, where the power to institute proceedings shall be subject to prior consultation with the Council's Head of Legal Services or his duly authorised representative.
- (B) This authorisation shall not extend to the giving of Home Office cautions, such as Simple Cautions.

#### Weights & Measures.

- (C) This authorisation shall not extend to the exercise of any function contained in the Weights and Measures Act 1985.

#### Environmental Protection, Clean Neighbourhoods etc

- (D) Save with the prior express permission of the Council's Executive Director: Growth and Regeneration, this authorisation shall not extend to the exercise of any power of the Council in its capacity as the Local Planning Authority other than enforcement action arising under Sections 215 & 330 of the Town and Country Planning Act 1990.

### **Food Safety, Agriculture and Port Health.**

- (E) This authorisation shall not extend to the undertaking of any Food Hygiene activities which the Authorised Officer has not satisfied the Council that s/he is suitably qualified, competent and appropriately trained to satisfy the provisions of the Food Law Code of Practice.
- (F) This authorisation shall not extend to the undertaking of any Food Standards activities which the Authorised Officer has not satisfied the Council that s/he is suitably qualified, competent and appropriately trained having regard to the Guidelines contained in the Food Law Code of Practice.
- (G) This authorisation shall not extend to the undertaking of any Feed Law activities which the Authorised Officer has not satisfied the Council that s/he is suitably qualified, experienced and competent having regard to the Guidelines contained in the Feed Law Code of Practice.

### **Health & Safety.**

- (H) This appointment shall not extend to sections 21, 22, 25 and 39 of the Health & Safety at Work etc. Act 1974, unless they are suitably qualified having regard to HSE guidance
- (I) This appointment is limited to the powers specified in section 20 (2) (a) (c) (d) (f) (g) (l) and (k) of the Health and Safety at Work etc Act 1974 for the express purposes of taking environmental, chemical or physical samples, as well as the making of any such scientific examination (including taking measurements, photographs, examining documentation, and the like) as may be required by a fully authorised Health and Safety inspector in the course of their investigations.

### **Trainee Officers & Contractors.**

- (J) The exercise of any powers conferred upon the Officer by virtue of this Scheme shall only be exercisable when under the supervision or direction of a fully authorised and competent colleague.
- (K) This authorisation shall not extend to the service of any notices for which a failure to comply may result in an offence or the taking of any other legal action by the council, except under the supervision or direction of a fully authorised and competent colleague.

### **Neighbourhood Enforcement Officers.**

- (L) Authorisation shall not extend beyond provisions relating to the Health Act 2006 and smoking legislation made thereunder.

### **Parks Byelaws**

- (M) This authorisation shall not extend to (i) designating routes for the purpose of byelaws 12 and 13; (ii) designating areas for the purpose of byelaws 9, 22 and 25; (iii) issuing consents in respect of byelaws 5, 6, 8, 9, 16, 18, 19, 26, 27, 28 and 29.

- (N) This authorisation shall not extend to removal from the ground of any person offending against any of the byelaws.
- (O) Authorisations under Paragraph 16 shall not extended provisions relating to the service of notices in relation to S43-58 of the Anti-Social Behaviour, Crime & Policing Act 2014.

**Authorised by:**

John Smith, Interim Executive Director Growth and Regeneration

**Dated:** 10 September 2023

## Directorate Scheme of Delegations: Resources

### Introduction

In the Constitution, the Mayor and Full Council delegate certain powers and functions to the Chief Executive and to the Executive Directors.

This is the Resources Directorate Scheme of Delegation to officers. It:

- i) Summarises the powers and functions delegated to the Chief Executive, in Part 1
- ii) Describes how the Chief Executive has delegated these powers and functions to officers in their Directorate to exercise on their behalf, in Part 2.

This scheme is subject to the Council's Constitution, including the Council and Mayoral Schemes of Delegation and the Procurement Rules, the Financial Regulations and Standing Orders.

The Chief Executive will delegate to the post that's most appropriate for the exercise of the function. Any direct line manager between the Chief Executive and the post delegated the function is also entitled to perform that function, unless otherwise stated in the scheme.

In the event of a civil emergency or a business continuity disruption, all authorities relevant to the management of the incident are delegated to named duty officers, officers attending multi-agency coordination group meetings or officers chairing an Incident Management Team, as appropriate.

Although the Chief Executive can delegate functions they remain responsible for and accountable to the Council for the exercise of their delegated powers, on occasion they may still decide to take decisions themselves. Officers may decide to refer delegated powers back to the Chief Executive, the Mayor or Full Council. The Mayor and Full Council can also decide to reserve a particular decision to themselves.

This Scheme of Delegation will remain in force until it is amended or revoked by the Chief Executive or via changes to the Council and Mayoral Schemes of Delegation.

Guidance for managers and staff on how to use Schemes of Delegation is available on the intranet.

## Part 1: Functions delegated under the Constitution to the Chief Executive

### Executive functions (part 3.4.B.5 of the Constitution)

'Executive' power rests with the Mayor. The Mayor delegates executive power to officers via the Mayoral Scheme of Delegation, which is part of the constitution. The following executive functions are delegated to the Chief Executive.

Any function of the executive falling within the portfolio of the Chief Executive including functions relating to:

- (a) Finance management and Procurement;
- (b) Workforce and Change;
- (c) Legal and Democratic Services;
- (d) Policy, Strategy and Digital ;

Some executive functions are delegated directly to other officers within the Resources Directorate who remain responsible for and accountable to the Council for the exercise of his / her delegated powers:

- (a) Director: Legal and Democratic Services - to do all things necessary to perform legal services and ensuring that all decisions taken by the Council are lawful.
- (b) Director: Finance - to do all things necessary or expedient in the performance of financial services and ensuring that the Council takes sound financial decisions and has adequate risk management and insurance arrangements, having due regard to any relevant Council policy or Government guidance.

The Director: Legal and Democratic Services also performs the role of Senior Information Risk Owner (SIRO), which is part of their job description. This isn't a formal delegation as it is not a statutory post, but has been included for ease of reference.

### Local Choice executive functions (part 3.3 of the Constitution)

In national legislation, 'Local Choice' functions can be either executive or non-executive decisions. The Constitution sets out which they are in Bristol City Council. The following Local Choice functions have been decided to be executive functions and have been delegated to the Chief Executive.

- The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998

### Non-executive functions (part 3.2.C of the Constitution)

'Non-executive' power rests with Full Council. Full Council can delegate non-executive powers to officers via the constitution. The following non-executive powers are delegated to the Chief Executive:

- Some of the non-executive functions which are the responsibility of the **Public Rights of Way and Greens Committee** (specifically, all those set out in list A of the terms of reference, listed in 3.2.B of the constitution). The delegations are set out in Part 2 below.
- A set of miscellaneous functions listed in 3.2.C.6 of the Constitution, in relation to:
  - Marriages and registration
  - Elections
  - Pensions and FinanceThey are listed in detail in Part 2 below.



*Local Choice non-executive functions (part 3.3 of the Constitution)*

In national legislation, 'Local Choice' functions can be either executive or non-executive decisions. The Constitution sets out which they are in Bristol City Council. The following Local Choice functions have been decided to be non-executive functions and have been delegated to the Chief Executive.

## Part 2: Delegations to Officers from the Chief Executive

### Executive Functions

#### 1. Finance

Note that there is a separate council-wide finance scheme of delegations, available on the Bristol City Council website, which details financial delegations to managers of all Directorates within the Council. All references to the Director Finance include the functions of the Chief Finance Officer (S151 Officer).

- A. Function:** Responsibility for ensuring adherence to the Accounts and Audit Regulations in respect of the need to maintain sound systems of internal controls, adequate accounting records, supporting records and systems, and effective internal audit, taking into account public sector internal auditing standards or guidance. Effective and prudent oversight of the Pension Fund and its administration. **Post holder authorised to carry out function:** Director of Finance
- B. Function:** Insurance - Responsible for assessing the level of self-insurance, arranging necessary insurance covers and reviewing the adequacy of covers in ensuring the council's best interest is served. Handling insurance claims for and against the council  
**Post holder authorised to carry out function:** Director of Finance. On a day-to-day basis this is delegated to the Senior Risk and Insurance Officer.
- C. Function:** Procurement and Contract Management - Responsible for the management of all procurement policies and procedures, authorise extensions and variations to a contract awarded under the Public Contracts Regulations 2015, the Concession Contracts Regulations 2016 or the Utilities Contracts Regulations 2016 and authorise such other person or directorate as he or she may direct, to do so.  
**Post holder authorised to carry out function:** Director of Finance. On a day-to-day basis this is delegated to the Head of Procurement and Contract Management

#### 2. Legal and Democratic Services

- A. Function:** Democratic Services and Scrutiny  
**Post holder authorised to carry out function:** Head of Democratic Engagement
- B. Function:** Electoral services, Register office, Coroners, Mortuary

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**Post holder authorised to carry out function:** Statutory Registration Manager

**C. Function:** Legal Services

**Post holder authorised to carry out function:** Head of Legal Services

**D. Function:** Information Assurance, Data Protection, Customer Relations and Modern Records Office

**Post holder authorised to carry out function:** Head of Information Assurance

**E. Function:** Shareholder Liaison Services

**Post holder authorised to carry out function:** Shareholder Liaison Manager

**F. Function:** Executive Office and Mayor's Office

**Post holder authorised to carry out function:** Head of Executive Office

**G. Function:** Business Support Services

**Post holder authorised to carry out function:** Head of Business Support Services

*Note that the following information details functions which the constitution delegates directly to the Director, Legal and Democratic Services*

**H. Function:** To prepare, negotiate and execute documents and otherwise take any action required to give effect to all resolutions and / or decisions of the full council, the executive, a committee or delegated officer.

**Post holder authorised to carry out function:** Head of Service, Legal Services / Team leaders, legal team

**I. Function:** To institute, defend or act in respect of legal proceedings or other determinations involving the council including power to settle and compromise such matters where necessary to give effect to a resolution and / or decision of the council or where necessary to protect the council's interests. This is with the exception of settlement agreements relating to employment claims in which proceedings have been issued, which will remain the responsibility of the Director – Legal and Democratic Services.

**Post holder authorised to carry out function:** Head of Service, Legal Services / Team leaders, legal team / To such named officers outside Legal Services who the Director specifically authorises (list of individuals held by Business Manager, Legal Team).

**J. Function:** To take decisions to institute prosecutions on behalf of the authority

**Post holder authorised to carry out function:** Head of Service, Legal Services / Team leaders, legal team (in relation only to Fixed Penalty Notices, educational non-attendance and microchipping of dogs).

**K. Function:** To make and serve notices and other instruments where necessary to give effect to a resolution and / or decision of the council or where necessary to protect the council's interests.

**Post holder authorised to carry out function:** Head of Service, Legal Services / Team leaders, legal team / To such named officers outside Legal Services who the Director specifically authorises (list of individuals held by Director, Legal and Democratic Services).

**L. Function:** Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by the Director, Legal and Democratic Services, or other person authorised by them, unless any enactment

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otherwise authorises or requires, or the full Council has given requisite authority to some other person.

**Post holder authorised to carry out function:** Head of Service, Legal Services

**M. Function:** Witnessing the Affixing of the City Council's Seal

**Post holder authorised to carry out function:** See list of individuals authorised to witness the affixing of the City Council's Seal, held by the Business Manager, Legal Team.

**N. Function:** To appear on behalf of the City Council, in proceedings before a magistrate's court and to conduct any such proceedings.

**Post holder authorised to carry out function:** See list of individuals authorised, held by the Business Manager, Legal Team.

**O. Function:** To address a Judge in Chambers in any civil proceedings in which BCC is a party and where the officer is acting under the supervision of a Lawyer

**Post holder authorised to carry out function:** See list of individuals authorised, held by the Business Manager, Legal Team.

**P. Function:** To address the county court in an action brought by the Council for either or both of the following—

(a) the recovery of possession of a house / dwelling belonging to the authority;

(b) the recovery of any rent, damages or other sum claimed by the authority in respect of the occupation by any person of such a house / dwelling

**Post holder authorised to carry out function:** See list of authorised individuals, held by the Business Manager, Legal Team.

**O. Function:** To make all day-to-day management decisions relating to the Council's functions as they relate to corporate complaints and FOI.

**Post holder authorised to carry out function:** Head of Information Assurance

**P. Function:** Have responsibility for all aspects of Information Assurance (including Information Governance, Information Management and Information Security) including assurance/governance and service delivery approach.

**Post holder authorised to carry out function:** Head of Information Assurance

**Q. Function:** To approve approach in relation to Information Assurance for all Council operations including Transformation and Change projects and developing new working models/delivery approaches.

**Post holder authorised to carry out function:** Head of Information Assurance

**R. Function:** To own the Council's Information Assurance Risk Framework, to dictate the mitigation activities necessary to meet Information Assurance policy and standards.

**Post holder authorised to carry out function:** Head of Information Assurance

**S. Function:** To approve technical controls proposed and used by Digital Transformation team (IT) in relation to minimising Information Security risks, with escalation to the SIRO where appropriate.

**Post holder authorised to carry out function:** Head of Information Assurance

**T. Function:** To own the relationship with external parties pertaining to Information Assurance to include, but not limited to, the Information Commissioners Office.

**Post holder authorised to carry out function:** Head of Information Assurance

**U. Function:** Functions relating to the development and approval of policies which

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utilise technical controls for Information Management and/or Information Security  
**Post holder authorised to carry out function: Head of Information Assurance**

### **3. Workforce and Change**

Note that there is a separate council-wide HR Scheme of Delegations, available on the Bristol City Council website, which details HR Delegations from the Head of Paid Service to the Director :Workforce and Change and managers of all Directorates across the Council.

**A. Function:** Functions related to HR ;

**Post holder authorised to carry out function:** Head of HR

**B. Function:** Functions relating to portfolio, programmes and projects ; PMO

**Post holder authorised to carry out function:** Head of Portfolio, Programmes and Projects

**C. Function:** Functions relating to Health, Safety and Wellbeing

**Post holder authorised to carry out function:** Head of Health, Safety and Wellbeing

**D. Function:** Functions relating to employee engagement and internal communications

**Post holder authorised to carry out function:** Head of Portfolio, Programmes and Projects

**E. Function:** Functions relating to Learning and Development, Organisational Development

**Post holder authorised to carry out function:** Head of HR

### **5. Policy, Strategy and Digital**

- A. Function:** Functions related to Policy, Strategy and External Communications, including Consultation and Engagement  
**Post holder authorised to carry out function:** Director: Policy, Strategy and Digital or Head of Policy, Strategy and Communications
- B. Function:** The making and approval of corporate policy and strategy documents, save for those constitutionally reserved to Full Council or other Committees, those with otherwise specified Schemes of Delegation (including specific statutory or regulatory decision-making pathways), or those requiring a Key Decision.  
**Post holder Authorized to carry out function:** Director: Policy, Strategy and Digital or Head of Policy, Strategy and Communications
- C. Function:** Functions related to Insight, Performance, and Intelligence  
**Post holder authorised to carry out function:** Director: Policy, Strategy and Digital or Head of Insight, Performance and Intelligence
- D. Function:** Originating and approving public media statements in line with the council's Media Relations Protocol.  
**Post holder authorised to carry out function:** Director: Policy, Strategy and Digital or Head of Policy, Strategy and Communications or Service Manager: Public Relations
- E. Function:** Functions related to international work including Twinning  
**Post holder authorised to carry out function:** Director: Policy, Strategy and Digital or Head of International Affairs
- F. Function:** Functions related to Equalities, Diversity and Inclusion  
**Post holder authorised to carry out function:** Director: Policy, Strategy and Digital, or Head of Equality and Inclusion
- G. Function:** Functions related to the One City Approach and City Office  
**Post holder authorised to carry out function:** Director: Policy, Strategy and Digital, or Head of City Office
- H. Function:** Functions relating to the governance and assurance of all internal and external IT solutions/systems  
**Post holder authorised to carry out function:** Director of Policy, Strategy and Digital, or Head of IT Operations or Head of Digital Strategy and Transformation
- I. Function:** Functions relating to the delivery of Operational IT  
**Post holder authorised to carry out function:** Director of Policy, Strategy and Digital, or Head of IT Operations
- J. Function:** Functions relating to the delivery of Digital and non-Digital services to citizens via the Customer Contact Centre  
**Post holder authorised to carry out function:** Director of Policy, Strategy and Digital or Head of Citizen Services
- K. Function:** Functions relating to the governance/assurance of technical delivery and strategy pertaining to Digital, including digital services, digital innovation and digital strategy

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**Post holder authorised to carry out function:** Director of Policy, Strategy and Digital or Head of Digital Strategy and Transformation

**L. Function:** Functions relating to IT and digital Enterprise Architecture, Solutions Architecture & Design

**Post holder authorised to carry out function:** Director of Policy, Strategy and Digital or Head of Digital Strategy and Transformation

**M. Function:** To make all day-to-day management decisions relating to the Council's functions as they relate to customer services contact centres.

**Post holder authorised to carry out function:** Head of Citizen Services / Contact Centre Manager / Citizen Service Points Manager

**N. Function:** To make all day-to-day management decisions relating to the Council's functions as they relate to face-to-face Citizen Service Points.

**Post holder authorised to carry out function:** Head of Citizen Services / Citizen Service Points Manager / Contact Centre Manager

**O. Function:** To make all day-to-day management decisions relating to the Council's functions as they relate to the Translation and Interpreting Service.

**Post holder authorised to carry out function:** Head of Citizen Services / Performance and Citizen Engagement Manager

## 6. Non-Executive Functions

### 1. Finance

**A. Function:** Functions relating to local government pensions etc. (Regulations under section 7, 12 or 24 of the Superannuation Act 1972). (*Constitution ref: 3.2.C.6(q)*)

**Post holder authorised to carry out function:** Director, Finance

**B. Function:** Functions under the Fireman's Pension Scheme relating to pensions, etc., as respects persons employed by the fire and rescue authorities pursuant to Section 1 of the Fire and Rescue Services Act 2004 (Sections 34 and 36 of the Fire and Rescue Services Act 1972). (*Constitution ref: 3.2.C.6(r)*)

**Post holder authorised to carry out function:** Director, Finance

**C. Function:** Duty to make arrangements for proper administration of financial affairs, ensuring that the Council secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency, effectiveness and equity, and operates within required financial policies and procedures in ensuring appropriate use of public money. (Section 151 of the Local Government Act 1972) and (*Constitution ref: 3.2.C.6(s)*)

**Post holder authorised to carry out function:** Director, Finance

**D. Function:** Internal Audit - Responsible for the organisation's internal audit service, including drawing up the internal audit plan, giving the annual audit opinion, counter-fraud and promoting good corporate governance.

**Post holder authorised to carry out function:** Chief Internal Auditor or deputy

**Date of update: June 2023**

Chief Internal Auditor or other officers to which responsibility is further delegated within the Internal Audit Team.

## **Benefits**

- E. Function:** Administration of Housing Benefits  
**Post holder authorised to carry out function:** Head of Revenues and Benefits
- F. Function:** Administration of Council Tax Reduction  
**Post holder authorised to carry out function:** Head of Revenues and Benefits
- G. Function:** Administration of Discretionary Housing Payments  
**Post holder authorised to carry out function:** Head of Revenues and Benefits
- H. Function:** Administration of Local Crisis and Prevention Fund  
**Post holder authorised to carry out function:** Head of Revenues and Benefits

## **Revenues**

- I. Function:** Administration of :
- Council Tax
  - Business rates
  - BIDS ( Business improvement districts)

In accordance with:

- Local Government Finance Acts and associated legislation.
- Local policies, including but not limited to
- Discretionary Rate relief (not for profit/voluntary organisations)
- S44a Partly occupied relief
- Empty and Second Homes Premiums

**Post holder authorised to carry out function:** Head of Revenues and Benefits/ Revenues Support Manager / Council Tax Group Leader / Council Tax Officer / Business Rates Group Leader / Business Rate Officer / Valuation & Inspection Group leader / Valuation Officer / Visiting Officer / Debt Management Group Leader / Debt Management officer / Systems and Information Group Leader / Information Officer / Information Support Officer / Senior Systems Control Officer / Systems Control Officer

- J. Function:** Administration (Recovery) of Overpaid Housing Benefit  
**Post holder authorised to carry out function:** Head of Revenues and Benefits / Debt Management Group Leader / Debt Management officer / Revenues Support Manager / Revenues Group Leaders

- K. Function:** The adoption and implementation of national policies and relief schemes relating directly to business rates or council tax.  
**Post holder authorised to carry out function:** Head of Revenues and Benefits

**Revenues Service – Recovery and write off**

- L. Function:** The Director Legal and Democratic Services has delegated powers to officers:
- (a) to institute, defend or act in respect of legal proceedings or other determinations involving the council including power to settle and compromise such matters where necessary to give effect to a resolution and / or decision of the council or where necessary to protect the council's interests
  - (b) to make and serve notices and other instruments where necessary to give effect to a resolution and/or decision of the council or where necessary to protect the council's interests
- Post holder authorised to carry out function:** A list of individual officer names is held by the Service Director, Legal and Democratic Services
- M. Function:** The write off/on of council tax, non-domestic rate, BID levies and overpaid housing benefit in accordance with the "Internal Code of Practice for Write Off" which has been signed off by the Director of Finance.
- Post holder authorised to carry out function:** Head of Revenues / Revenues Support Manager / Council Tax Group Leader / Council Tax Officer / Business Rates Group Leader / Business Rate Officer / Debt Management Group Leader / Debt Management Officer / Valuation and Inspection Group Leader
- N. Function:** Implementation of the City Council's Procurement Regulations, including:
- Protection of the City Council's position with regard to the Public Contracts Regulations 2015 (as amended).
  - Compliance with Procurement Regulations, including appropriate financial thresholds.
- Post holder authorised to carry out function:** Head of Procurement and Contract Management

## 2. Legal and Democratic Services

In the Constitution the following functions are delegated to the Chief Executive.

### Marriages and Registration (Constitution ref: 3.2.C.6)

- A. Function:** Power to approve premises for the solemnisation of marriages (S.46A of the Marriage Act 1949 (c.76) & the Marriages (Approved Premises) Regs 1995 (S.I. 1995/510).
- Post holder authorised to carry out function:** Director, Legal and Democratic Services

### Elections (Constitution ref: 3.2.C.6)

- B. Function:** Power to assign officers in relation to requisitions of the registration officer (section 52(4) of the Representation of the People Act 1983)
- Post holder authorised to carry out function:** Director, Legal and Democratic Services
- C. Function:** Duty to divide constituency into polling districts (Sections 18A and 18E of Schedule A1 to the Representation of the People Act 1983)
- Post holder authorised to carry out function:** Director, Legal and Democratic Services



- D. Function:** Power to divide electoral divisions into polling districts at local government elections (Section 31 of the Representation of the People Act)  
**Post holder authorised to carry out function:** Director, Legal and Democratic Services
- E. Function:** Power in respect of holding of elections (Section 39(4) of the Representation of People Act 1983)  
**Post holder authorised to carry out function:** Director, Legal and Democratic Services
- F. Function:** Power to pay expenses properly incurred by electoral registration officers (Section 54 of the Representation of the People Act 1983)  
**Post holder authorised to carry out function:** Director, Legal and Democratic Services
- G. Function:** Power to fill vacancies in the event of insufficient nominations (Section 21 of the Representation of the People Act 1985)  
**Post holder authorised to carry out function:** Director, Legal and Democratic Services
- H. Function:** Duty to declare vacancy in office in certain cases (Section 86 of the Local Government Act 1972)  
**Post holder authorised to carry out function:** Director, Legal and Democratic Services
- I. Function:** Duty to give public notice of a casual vacancy (Section 87 of the Local Government Act 1972)  
**Post holder authorised to carry out function:** Director, Legal and Democratic Services
- J. Function:** Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of People Act 2000 (Section 10 of the Representation of the People Act 2000)  
**Post holder authorised to carry out function:** Director, Legal and Democratic Services
- K. Function:** Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of People Act 2000 (Section 10 of the Representation of the People Act 2000)  
**Post holder authorised to carry out function:** Director, Legal and Democratic Services
- L. Function:** Duties relating to publicity (Sections 35, 41 and 52 of the 2007 Act)  
**Post holder authorised to carry out function:** Director, Legal and Democratic Services
- M. Function:** Duties relating to notice to Electoral Commission (Sections 36 and 42 of the 2007 Act)  
**Post holder authorised to carry out function:** Director, Legal and Democratic Services
- N. Function:** Power to alter years of ordinary elections of parish councillors

Date of update: June 2023

(Section 53 of the 2007 Act)

**Post holder authorised to carry out function:** Director, Legal and Democratic Services

**O. Function:** Functions relating to change of name of electoral area (serving notice) (Section 59 of the 2007 Act)

**Post holder authorised to carry out function:** Director, Legal and Democratic Services

### **Public Rights of Way and Greens**

**(These comprise List A of the Public Rights of Way and Greens Committee terms of reference)**

**P. Function:** Functions relating to the registration of common land and town or village greens (part 1 Commons Act 2006 and the Commons Registration (England) Regulations 2008)

**Post holder authorised to carry out function:** Director, Legal and Democratic Services

**Q. Function:** Power to register variation of rights of common (Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471))

**Post holder authorised to carry out function:** Director, Legal and Democratic Services

**R. Function:** Power to apply for an enforcement order against unlawful works on common land (Section 41 Commons Act 2006);

**Post holder authorised to carry out function:** Director, Legal and Democratic Services

**S. Function:** Power to protect unclaimed common land and unclaimed town and village greens against unlawful interference (Section 45(2)(a) Commons Act 2006);

**Post holder authorised to carry out function:** Director, Legal and Democratic Services

**T. Function:** Power to institute proceedings for offences in respect of unclaimed registered common land or unclaimed town or village greens (Section 45(2)(b) of the Commons Act 2006)

**Post holder authorised to carry out function:** Director, Legal and Democratic Services

## HR Scheme of Delegation

### Introduction

Guidance for managers and staff on how to use Schemes of Delegation is available on the intranet.

In the Constitution, the Mayor and Full Council delegate certain powers and functions to the Head of Paid Service and Executive Directors. HR functions are delegated to the Head of Paid Service.

This HR Scheme of Delegation lays out how these HR functions are then delegated onwards to officers across the council.

### HR FUNCTIONS delegated by the Head of Paid Service:

	Delegated Function	Decision-maker
1	Approval of HR and Health & Safety policies and procedures	Head of Paid Service
2	Application of HR and Health & Safety policies and procedures	Line manager
3	Appointment of employees, secondees and casual workers	
4	Appointment of contingent workers where the total cost is within the budget for the position	
5	Approval of extensions of contingent workers where the total cost is within the budget for the position	
6	Approval of changes to working hours/days	
7	Approval of overtime (up to BG15)	
8	Approval of leave with or without pay	
9	Approval of expenses and travel claims	
10	Approval of time off for trade union duties	
11	Approval of paid compassionate leave in excess of 3 days	
12	Approval of the carry-over of annual leave	
13	Changing the purpose and outcome of jobs and submitting for job re-evaluation	
14	Approval of changes in reporting line of positions	
15	Determination of employee grievances	
16	Suspension of employees	
17	Dismissal of employees on grounds of capability / conduct / Some Other Substantial Reason	

18	Appointment of contingent workers where the total cost is above the budget for the position	Director
19	Approval of extensions of contingent workers where the total cost is within the budget for the position	
20	Approval of settlement agreements	
21	Approval of new positions (posts)	Finance and HR Business Partners
22	Approval of flexible retirements	
23	Approval of early retirements on grounds of efficiency	
24	Approval of advertising a vacancy	HR Business Partner
25	Approval of extensions of secondments beyond 18 months	
26	Approval of extensions of fixed term contracts	
27	Approval of conversion of contracts to permanent	
28	Approval of additional increments	
29	Approval of market pay supplements (including extensions)	
30	Dismissal of employees on grounds of redundancy	
31	Grading of Single Status posts	Job Evaluation Panel or trained job evaluator in accordance with Job Evaluation Scheme
32	Allocation of corporate trade union facility time	Head of HR
33	Grading of posts subject to other national agreements (eg, Agenda for Change, Soulbury, Youth and Community)	
34	Employer discretions under the official pension schemes	

**Note: as set out in the Council's Constitution HR matters for those employed on terms and conditions of the Joint Negotiating Committee for Local Authority Chief Executives and the Joint Negotiating Committee for Chief Officers of Local Authorities are reserved to the Full Council, HR Committee, the Independent Panel, the Investigating and Disciplinary Panel, the Selection Committee as appropriate.**



# Bristol City Council

## Finance Scheme of Delegation

Version	Purpose/Change	Author / Review Date
V0.1	<ul style="list-style-type: none"> <li>Updated in conjunction with changes to the Financial Regulations</li> </ul>	Denise Murray June 2018
V0.2	<ul style="list-style-type: none"> <li>Concomitant with Financial Regulations review</li> </ul>	Denise Murray December 2019
V1.0	<ul style="list-style-type: none"> <li>Scope and purpose of the scheme expanded, and classes of transactions excluded stated.</li> <li>Changes in management structures and changes to job titles.</li> <li>Capital reflect actual practice</li> <li>Changes to write off arrangements to reflect the corporate debt management policy.</li> <li>Hyperlinks to "additional procedures" reinstated.</li> <li>Define "Following consultation with" and evidenced required</li> </ul>	Denise Murray February 2023

Document status:	<input type="checkbox"/> Draft <input checked="" type="checkbox"/> Final
Document owner:	Denise Murray, Director of Finance/S151 Officer

## Introduction

In the Constitution, the Mayor and Full Council delegate certain powers and functions to the Executive Directors. Officer Schemes of Delegation then explain how these powers are delegated onwards to officers across the council

The Policy and Budget Framework Procedure Rules apply to in-year changes or amendments to the budget, the Financial Regulations provide the framework for managing the council's financial affairs and the Finance Scheme of Delegation details the power that officers have to make financial decisions. As a collective, they aim to ensure that the council conducts its financial affairs in a way that complies with specific statutory provisions and best practice and that an effective internal controls framework is maintained.

This Finance Scheme of Delegation outlines officer delegation; details the power that council officers have to make decisions on spending and other finance issues across the council and sets out the approved financial limits within which authorised officers may conduct the council's business. The Scheme includes general limits on spending money for both revenue and capital expenditure, asset disposals, maladministration or compensation, insurance claims, virement, emergency and urgent payments and supplementary estimates.

In the event that the authorised officer is unable to take a decision then the decision can be taken by the relevant line manager up to and including the Executive Director.

Guidance for managers and staff on financial management or how to use Schemes of Delegation is available on the intranet.

The council's subsidiaries and schools are excluded from this policy as each has their own scheme of financial delegation aligned with the associated regulations.

## Finance functions delegated to officers

No	Delegated Function	Limitation	Authorised officer
1	<p><b>General Expenditure</b></p> <p>Power to incur expenditure within the approved budget, provided it is within the relevant area of responsibility, legally incurred, within council policy, and procured in accordance with the council's procurement procedures.</p> <p>This covers all revenue and capital expenditure including the award of contracts for supplies, works and services.</p> <p>These financial delegation levels are built into the workflow approval process in the financial system and inherit through the</p>	<b>up to £500</b>	Self-approved by requesting officer
		<b>In excess of £500, but not more than £25,000</b>	Budget Holder (or officer with authority delegated by the Budget Holder)
		<b>In excess of £25,000, but not more than £100,000</b>	Heads of Service
		<b>In excess of £100,000, but not more than £250,000</b>	Director (following consultation* with the relevant Executive Director)
		<b>In excess of £250,000, but less than £500,000</b>	Executive Director with approval of the Section 151 Officer** and relevant Cabinet Member(s) with delegated financial authority.

No	Delegated Function	Limitation	Authorised officer
	officer's position	<b>£500,000 and above, but not more than £1m</b>	Cabinet approval needed.  Post Cabinet approval of the key decision - the requisition or payments can only be authorised by: Director / Executive Director
		<b>Over £1m</b>	Cabinet approval needed.  Post Cabinet approval of the key decision - the requisition or payments can only be authorised by: Section 151 Officer
2.	<p><b>Re-profiling (including acceleration) of capital payment between financial years</b></p> <p>If the overall project funding and / or prudential borrowing level is not increased, approval must be sought in line with the limits set out.</p> <p>Where the funding is increased see section 3 below</p>	<b>Less than £500,000</b>	Executive Director (following consultation with Section 151 Officer (or officer with authority delegated by the Section 151 Officer to ensure that there are no adverse implications on capital financing resources) and relevant Cabinet Member(s), and subsequently reported in the Finance Monitoring Report to Cabinet; unless the amount being re- profiled is greater than 25% of the project or block approval, in which case the £500,000 and above level of approval is required.
		<b>£500,000 and above</b>	Cabinet (following Executive Director consultation with the Section 151 Officer and Cabinet Member(s) as above.
3	<p><b>Adding schemes to the Capital Programme or increasing the level of capital expenditure on an existing scheme</b></p> <p>Schemes will in the main be added to, or removed from, the</p>	<b>Less than £500,000</b>	Executive Director with approval of the Section 151 Officer** (or officer with authority delegated by the Section 151 Officer) and relevant Cabinet Member(s) with Cabinet approval via Finance Monitoring Report.

No	Delegated Function	Limitation	Authorised officer
	<p>Capital Programme as part of the annual budget setting process.</p> <p>Requests outside of this process to change the Capital Programme by adding or removing schemes, or by allocating additional items to an approved scheme, must be approved by a supplementary process.</p> <p>Where the funding is associated to a new external funding bid see section 4 below.</p> <p>Where the funding includes prudential borrowing in excess of the borrowing level agreed in the budget, regardless of value, this must be approved by a report to council.</p>	<p><b>£500,000 and above</b></p>	<p>Cabinet (following Executive Director consultation with the Section 151 Officer and relevant Cabinet Member(s)).</p>
			<p>Full Council approval is needed to increase affordability indicators</p>
<p>4</p>	<p><b>Submission of plans and bids to government / external bodies</b></p> <p>Plans / bids submitted for external funding must go through the council's governance process and in accordance with the Grant bid and claim protocol, with any associated match funding identified prior to submission</p>	<p><b>Expenditure of the funds must follow the General Expenditure delegations at 1</b></p>	<p>Financial data / analysis must be approved by the Business Partner (Finance) and the Section 151 Officer where specified</p> <p>The Section 151 Officer and Executive Directors must, as appropriate, satisfy audit requirements in respect of external funding claims</p>
	<p><b>Direct allocation (without a submission of a bid) of specific grant funding from government departments for core activity.</b></p> <p>Request to change the council's revenue or capital budget by adding additional funding must be approved by a supplementary process</p>	<p><b>Expenditure of the funds must follow the General Expenditure delegations at 1</b></p>	<p>Director with approval of the Section 151 Officer** and relevant Cabinet Member(s)</p> <p>Cabinet approval via Finance Monitoring Report</p>
<p>5</p>	<p><b>Asset Leasing</b></p>		<p>All proposed leasing arrangements to be appraised and approved by Corporate Finance</p>



No	Delegated Function	Limitation	Authorised officer
6	<p><b>Treasury Management</b></p> <p>The Section 151 Officer is responsible for treasury management and no other employees, unless named in the officer delegation, must borrow or invest council monies, make loans to or acquire interest in companies, joint ventures or other enterprises</p>		The Section 151 Officer or officer with delegated authority
7	<p><b>Disposal of Assets</b></p> <p>Disposal of council assets other than:</p> <ul style="list-style-type: none"> <li>• Land and Property - see Scheme of delegation Growth and Regeneration for further information</li> <li>• Schools – this is covered by the Scheme for financing schools and Financial regulations for schools with delegated budgets</li> </ul> <p>Consult as outlined and proceed in line with delegations and any associated disposal guidance or original grant conditions</p>	<p><b>Up to 5,000</b></p> <p><b>In excess of £5,000 but not more than £100,000</b></p> <p><b>In excess of £100,000, but not more than £250,000</b></p> <p><b>In excess of £250,000, but less than £500,000</b></p> <p><b>£500,000 and above</b></p>	<p>Head of Service</p> <p>Head of Service Property / Culture</p> <p>Director; following consultation with the Head of Service Property / Culture and relevant cabinet member</p> <p>Executive Director; following consultation with the Director, Head of Service, relevant cabinet member and the Section 151 Officer</p> <p>Cabinet (following consultation with Cabinet Member, Executive Director and the Section 151 Officer)</p>
8	<p><b>Power to make payments or provide other benefits in cases of maladministration or compensation</b></p>	<p><b>up to £500</b></p> <p><b>In excess of £500, but less than £5,000</b></p> <p><b>In excess of £5,000, but less than £10,000</b></p>	<p>Heads of Service (following consultation with the Budget Holder)</p> <p>Director (following consultation with the Budget Holder)</p> <p>Executive Director (following consultation with the Budget Holder)</p>
9	<p><b>Fees and Charges</b></p> <p>All new fees and amendments to existing charges will be reviewed annually and subject to formal approval in accordance with the</p>	<p><b>All changes</b></p>	<p>Cabinet (following consultation with the relevant Cabinet Member, Executive Director and Section 151 Officer)</p>

No	Delegated Function	Limitation	Authorised officer
	<p>Budget and Policy Framework.</p> <p>Any request to change fees and charges outside of this process must be subject to a separate Cabinet report.</p> <p>Officers do not have the power to make changes to policies relating to fees and charges or give concessions to fees and charges</p>		
10	<b>Write Off of Income</b>		The Debt Write Off Policy and authorisation levels is outlined within the Corporate Debt Management Policy
11	<p><b>Budget Virements</b></p> <p>Authorisation levels for virements: within or from a directorates revenue and capital budgets; within approved policy headings:</p> <p>No virements are possible:</p> <ul style="list-style-type: none"> <li>- from capital to revenue budgets</li> <li>- from staffing budgets to supplies and services budgets</li> <li>- If the proposed virement, together with the total of previous virements within the same financial year, <b>would result in an aggregate increase or decrease in the original 'net' budget for any directorate of more than 25% or £500,000.</b></li> </ul> <p>A virement that is likely to impact on the level of service activity of another budget holder can only be implemented with the agreement of the relevant budget holder(s).</p> <p>The Section 151 Officer (or officer with delegated authority) may also approve budget adjustments of unlimited value where they are purely technical in nature (eg not impacting upon the service provided or on</p>	<p><b>Up to £25,000</b></p> <p><b>In excess of £25,000 but not more than £100,000</b></p> <p><b>In excess of £100,000 but not more than £500,000</b></p> <p><b>£500,000 and over</b></p>	<p>Heads of Service / (following consultation with the Budget Holder)</p> <p>Director (following consultation with the Budget Holder)</p> <p>Executive Director with approval of the S151 Officer and relevant Cabinet member(s))</p> <p>Cabinet approval</p>

No	Delegated Function	Limitation	Authorised officer
	income generated)		
12	<p><b>Settling insurance claims / related works</b></p> <p>The settling of insurance claims against the council not covered by our insurance and in compliance with all relevant insurance terms and conditions, will be subject to approval as follows</p>	<p><b>Up to £500</b></p> <p><b>In excess of £500, but not more than £25,000</b></p> <p><b>In excess of £25,000 but not more than £100,000</b></p> <p><b>In excess of £100,000, but less than £250,000</b></p> <p><b>In excess of £250,000, but less than £500,000</b></p> <p><b>£500,000 and above</b></p>	<p>Principal Risk and Insurance Officer</p> <p>Risk and Insurance Senior Officer</p> <p>Head of Strategic Finance (in consultation with Risk and Insurance Senior Officer)</p> <p>Section 151 Officer (in consultation with Risk and Insurance Senior Officer)</p> <p>Executive Director with approval of the Section 151 Officer and relevant executive member(s) with delegated authority.</p> <p>Cabinet (following consultation with relevant executive member(s) with delegated authority, Executive Director and Section 151 Officer)</p>
13	<p><b>Emergency / Urgent Payments</b></p> <p>Emergency / urgent payments in this instance are those made in extenuating circumstance, arising</p>	<p><b>Up to £250,000</b></p> <p><b>In excess of £250,000, but not more than £2m</b></p>	<p>Executive Director, following consultation with the relevant cabinet member</p> <p>Head of Paid Service or Section 151 Officer following</p>

No	Delegated Function	Limitation	Authorised officer
	<p>as a consequence of unforeseen circumstances (eg a natural disaster, a civil emergency or a court order, etc) and where budget provision has not been made and the payment cannot be covered within the relevant service's existing budget.</p> <p>A full report (see opposite for further detail) will be produced to the relevant forum (threshold permitting) explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.</p>		<p>consultation with the Mayor or Deputy Mayor with responsibility for City Economy, Finance and Performance (two of the three named roles).</p> <p>The following report formats should be used:</p> <ul style="list-style-type: none"> <li>• Officer Executive Decision (OED) for values below £500k, service resources are available and non-key decisions.</li> <li>• Finance urgent key decision where draw down from corporate or general reserves and/or a key decision is required which must be published within a cabinet report.</li> </ul>
14	<p><b>Supplementary Estimates</b></p> <p>The withdrawal of funds from reserves to provide additional funding to meet service budget requirements is referred to as a supplementary estimate</p>	<p><b>up to £1m</b></p> <hr/> <p><b>In excess of £1m</b></p>	<p>Mayor</p> <hr/> <p>Individual estimates exceeding this limit shall be referred to Council for determination</p>
		<p>Funded from the approved policy level of minimum general reserves</p>	<p>Supplementary revenue estimate which are to be funded wholly or in part from the approved policy level of general reserves, regardless of value, must be approved by Council</p>
<p><b>Changes to the delegated limits / values above may only be made with the approval of the council's S151 Officer</b></p>			

\* Following consultation with (= after discussion and agreement with someone), with agreement evidenced in written form.

\*\* The officer appointed under section 151 of the Local Government Act 1972 (Section 151 Officer / Chief Finance Officer) in the council is the Service Director: Finance

# Committee Model Working Group

29 September 2023



**Report of:** Director – Legal and Democratic Services

**Title:** Urgent and emergency decision-making

**Ward:** All

**Officer Presenting Report:** Director – Legal and Democratic Services

## **Recommendations:**

That the Committee Model Working Group considers and makes recommendations in respect of the matters raised in this report.

## **The significant issues in the report are:**

This report considers the different processes that could be used to enable urgent and emergency decision-making under the Committee Model of governance.



## 1. Summary

As part of the preparations for the Committee Model of governance, there are a number of detailed matters that the Working Group needs to consider, which are part of the Work Programme for the Working Group during 2023.

This report considers how the Council could enable urgent decision making by Policy Committees where items have not been published on the Forward Plan and emergency decision-making by officers. It should be noted that under the current arrangements for urgent decision-making and emergency decision-making by officers, there have been very few instances of these arrangements being used in the last couple of years and it is not anticipated that there will be an increase in decisions being made in this way. Nevertheless, in the interests of the effective management of the Council, good governance and transparency, it is essential that these types of decision-making arrangements are in place.

The Working Group will need to make recommendations about the matters raised in this report. Those recommendations, together with recommendations from other meetings of the Working Group, will be reported to Full Council in due course, where a final decision will be taken regarding the arrangements for the Committee Model of governance.

## 2. Emergency decision-making

Emergency decision-making by councillors and officers is currently carried out through 2 distinct processes under the Council's procedure rules.

### *Access to Information Procedure Rules*

Under the Access to Information Procedure Rules, the Council publishes a Forward Plan of key decisions, and it is intended that the Council will continue to have similar arrangements under the Committee Model of governance (but with a separate Forward Plan for each Policy Committee). Where an item has not been published on the Forward Plan at least 28 days before the decision is due to be taken, there are two processes that can be followed to enable that item to be considered.

### *APR15 procedure*

Under the current APR 15 rule, the Proper Officer can add an item to the Forward Plan where it is impracticable to defer taking the decision to the next Forward Plan, provided that at least 5 days' notice is given to the relevant Scrutiny Commission Chair.

Under the Committee model of governance, the formal notice from the Proper Officer could be made to the Chair and Vice Chair of the relevant Policy Committee. In addition, it is recommended that all members of the relevant Committee are notified too.

### *APR16 procedure*

Under the current APR16 rule, where it is not possible to comply with APR15 and provide at least 5 days' notice to the relevant Scrutiny Commission Chair, the relevant Scrutiny Commission Chair may agree that it is impracticable to defer the decision to the next Forward Plan and that the decision should be taken as a matter of special urgency. Where the relevant Scrutiny Commission Chair is not

available, the Lord Mayor or the Deputy Lord Mayor may agree that the decision should be taken as a matter of special urgency.

Under the Committee model of governance, the decision to consider an item on less than 5 days' notice could be made by the Chair of the relevant Policy Committee, or, if they are not available by the Vice Chair.

### *Emergency Officer decision-making*

From time to time, it is necessary for an officer to make an emergency decision. The current procedure for this is set out in paragraph 7.4 of the Mayor's Scheme of Delegation as follows:

“Where there is a clear and pressing need for a key decision to be taken and it is not reasonably practicable, for any reason, for that decision to be taken by the Mayor or Cabinet Member then each Executive Director shall have authority to take key decisions within their directorate in conjunction with the Chief Executive. Before exercising such exceptional authority, the Executive Director must, so far as is practicable, consult with the Monitoring Officer, the Chief Finance Officer, the Mayor, the relevant Cabinet Member and the relevant Scrutiny Chair. Any decision taken under this exemption will be reported to all members immediately and be subject of a formal report to the Mayor at the next meeting of Cabinet and of the relevant Scrutiny Committee.”

Under the Committee Model of governance, where an emergency decision needs to be taken by an officer, the following arrangements could be put in place.

- There will need to be a clear and pressing need for a key decision to be taken and it is not reasonably practicable for the decision to be taken by the relevant Policy Committee;
- In these circumstances, the relevant Executive Director shall have the authority to take key decisions within their directorate in conjunction with the Chief Executive;
- Before taking the decision, the Executive Director must, so far as is practicable, consult with the Monitoring Officer, the Chief Finance Officer and the Chair of the relevant Policy Committee;
- Any decision taken will be reported to all members immediately and a formal report will be made to the next meeting of the relevant Policy Committee.

### **3. Legal and Constitutional matters**

The Legal and Constitutional matters raised by this report are as follows.

The Access to Information Procedure Rules are set out in Part 4 of the Council's Constitution. The current APR15 and APR16 rules are derived from legislation and must be in place where a Council is operating executive arrangements. It is not a legal requirement to have equivalent provisions under the Committee model of governance. However, in the interests of transparency and good governance, it is strongly recommended that the Council continues to have similar procedures in place for the consideration of urgent items by Policy Committees.

The current arrangements for emergency decision-making by officers are set out in the Mayor's Scheme of Delegation. It is strongly recommended that equivalent provisions are in place under the Committee Model of governance, and these will be set out in Part 3 of the Council's Constitution.

#### **4. Matters for the Working Group to consider**

The Working Group should consider the following matters as part of the preparation for the Committee Model of governance.

- a. Should the Council replicate the provisions in APR15 and APR16 for the Policy Committees?
- b. Under APR15, who should the Proper Officer give notice to when an item is to be added to the Forward Plan at least 5 working days before the decision will be taken, i.e., formal notification to the Chair and Vice Chair of the relevant Policy Committee and all members of the committee to be notified?
- c. Under APR16, who should be responsible for agreeing that a decision should be taken as a matter of urgency, i.e., the Chair or Vice Chair of the relevant Policy Committee?
- d. Under APR15 and APR16, what role should the Leader of the Council have?
- e. Under APR15 and APR16, what role should the Party Spokespersons for each Policy Committee have?
- f. Are the proposed arrangements for emergency decision-making by officers adequate?

#### **Appendices:**

None

#### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

#### **Background Papers:**

None



## CMWG Work Programme 2023

Session Details	Date and time (all meetings are on Fridays)
<b>Agenda setting</b> <ol style="list-style-type: none"> <li>1. Annual Business Report</li> <li>2. Work Programme</li> <li>3. Decision-making under the current Mayor and Cabinet model of governance report</li> <li>4. Community Engagement Feedback report</li> </ol>	13 <sup>th</sup> January 2023 11:00-13:00
<b>Public Meeting</b> <ol style="list-style-type: none"> <li>1. Annual Business Report</li> <li>2. Work Programme</li> <li>3. Decision-making under the current Mayor and Cabinet model of governance</li> <li>4. Community Engagement Feedback</li> </ol>	27 <sup>th</sup> January 2023 11:00-13:00
<b>Agenda setting</b> <ol style="list-style-type: none"> <li>1. Scrutiny report(s)</li> </ol>	10 <sup>th</sup> February 2023 11:00-13:00
<b>Public Meeting</b> <ol style="list-style-type: none"> <li>1. Discuss options for a Scrutiny function</li> </ol>	24 <sup>th</sup> February 2023 11:00-13:00
<b>Agenda setting</b> <ol style="list-style-type: none"> <li>1. Chief Executive attending</li> <li>2. Committee Structure report(s)</li> </ol>	17 <sup>th</sup> March 2023 11:00-13:00

<ul style="list-style-type: none"> <li>3. Initial discussion on the proposals to the Independent Remuneration Panel</li> <li>4. External Communications plans and launch</li> </ul>	
<p><b>Public Meeting</b></p> <ul style="list-style-type: none"> <li>1. Committee Structure; to determine the number of Committees and their general responsibilities.</li> </ul>	<p>31<sup>st</sup> March 2023 11:00-13:00</p>
<p><b>Agenda setting</b></p> <ul style="list-style-type: none"> <li>1. Councillor Roles and Responsibilities report (s)</li> <li>2. Policy Committees – Structure and Responsibilities</li> </ul>	<p>14<sup>th</sup> April 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ul style="list-style-type: none"> <li>1. Councillor Roles and Responsibilities report</li> <li>2. Policy Committees – Structure and Responsibilities report</li> </ul>	<p>28<sup>th</sup> April 2023 11:00-13:00</p>
<p><b>Agenda setting</b></p> <ul style="list-style-type: none"> <li>1. Constitution update</li> <li>2. Local Decision Making report</li> <li>3. One City report</li> </ul>	<p>12<sup>th</sup> May 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ul style="list-style-type: none"> <li>1. Local Decision Making</li> <li>2. One City</li> </ul> <p><b>N.B. May decisions to be reported to July Full Council meeting</b></p>	<p>26<sup>th</sup> May 2023 11:00-13:00</p>

<p><b>Agenda setting</b></p> <ol style="list-style-type: none"> <li>1. Constitution update (links to the corporate policies and processes report)</li> <li>2. Corporate Policies and Processes report(s)</li> <li>3. Inquiry Day preparation</li> </ol>	<p>16<sup>th</sup> June 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ol style="list-style-type: none"> <li>1. Corporate Policies and Processes</li> <li>2. Forward Plan</li> <li>3. PC TOR</li> <li>4. PC Procedure Rules</li> <li>5. Escalation Panel</li> <li>6. Budget and Policy FW</li> <li>7. Member Forum</li> <li>8. Local decision-making update</li> </ol> <p><b>N.B. June decisions to be reported to July Full Council meeting</b></p>	<p>30<sup>th</sup> June 2023 11:00-13:00</p>
<p><b>Agenda Setting</b></p> <ol style="list-style-type: none"> <li>1. Work Programme until May 2024</li> <li>2. External Partnerships report(s)</li> <li>3. Update from the Director of Policy, Strategy and Digital</li> </ol>	<p>14<sup>th</sup> July 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ol style="list-style-type: none"> <li>1. Update of Work Programme until May 2024</li> <li>2. External Partnerships report(s)</li> <li>3. Briefings on specific external partnerships (i.e. WECA)</li> <li>4. Local decision-making update</li> </ol> <p><b>N.B. July decisions to be reported to September Full Council meeting</b></p>	<p>28<sup>th</sup> July 2023 11:00-13:00</p>

<p><b>Agenda Setting</b></p> <ol style="list-style-type: none"> <li>1. Member Code of Conduct</li> <li>2. Member- Officer Protocol</li> <li>3. Constitution Update – Part 3 Roles and Responsibilities</li> </ol>	<p>11 August 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ol style="list-style-type: none"> <li>1. Member Code of Conduct</li> <li>2. Member- Officer Protocol</li> <li>3. Local decision-making (verbal update)</li> </ol> <p><b>N.B. August decisions to be reported to September Full Council meeting</b></p>	<p>25 August 2023 11:00-13:00</p>
<p><b>Agenda Setting</b></p> <p>Page 140</p> <ol style="list-style-type: none"> <li>1. Delegated Officer decision-making</li> <li>2. Emergency decision-making</li> <li>3. Constitution Update – Part 4 Procedure Rules</li> <li>4. Public engagement events update</li> </ol>	<p>15 September 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ol style="list-style-type: none"> <li>1. Delegated Officer decision-making</li> <li>2. Emergency decision-making</li> <li>3. Local decision-making (verbal update)</li> </ol> <p><b>N.B. September decisions to be reported to November Full Council meeting</b></p>	<p>29 September 2023 11:00-13:00</p>

<p><b>Agenda Setting</b></p> <ol style="list-style-type: none"> <li>1. Local decision-making (recommendations)</li> <li>2. Constitution Update – Part 5 Codes and Protocols</li> <li>3. Public engagement events update</li> </ol>	<p>13 October 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ol style="list-style-type: none"> <li>1. Local decision-making (recommendations)</li> </ol> <p><b>N.B. October decisions to be reported to November Full Council meeting</b></p>	<p>27 October 2023 11:00-13:00</p>
<p><b>Agenda Setting</b></p> <ol style="list-style-type: none"> <li>1. Plan for the review of arrangements post 2024</li> <li>2. Any outstanding matters</li> <li>3. Constitution Update – Part 1 Summary and Explanation</li> <li>4. Constitution Update – Part 2 Articles of the Constitution</li> </ol>	<p>10 November 2023 11:00-13:00</p>
<p><b>Public Meeting</b></p> <ol style="list-style-type: none"> <li>1. Plan for the review of arrangements post 2024</li> </ol>	<p>24 November 2023 11:00-13:00</p>