

3.12 Delegations to Officers: General Provisions

- 3.12.1 Officers shall exercise the following delegations subject to the constraints listed at paragraph 3.1 above. It shall be noted that all delegations to Directors may also be exercised by the Director of Governance and the Chief Executive.

3.13 Delegations to Officers: Corporate Matters

- 3.13.1 The Chief Executive shall, in pursuance of his or her duty to present to the Cabinet and Scrutiny Committees advice on matters of major policy, ensure that regular meetings are called of all Directors, and that matters of major policy are considered at those meetings before reference to members through the Council's formal governance structures.

- 3.13.2 The Chief Executive is authorised:

- (a) to require any matter delegated to a Director, but not requiring an urgent decision, to be referred to Corporate Management Team or the equivalent body and to be subject of a report to the Executive or an appropriate Committee;
- (b) to authorise a Director to act in his/her absence on any matter within his/her authority;
- (c) in the absence of any Director, to take decisions delegated to him/her or a Head of Service in his/her department (excluding the statutory functions of the Monitoring Officer and the Section 151 financial officer);
- (d) to take any action, including the incurring of expenditure, where emergency action is required;
- (e) to exercise the functions of the Head of Paid Service under the provisions of the Local Government and Housing Act 1989;
- (f) to exercise personal responsibility for delegations to officers in relation to executive human resource matters, including the creation and disestablishment of posts, changes to job descriptions and matters related to the recruitment, reward and disciplining of staff;
- (g) to determine changes within the management structure, where these involve substantial change to the responsibilities of first and second tier posts, having regard to the proposals of the relevant Cabinet Members for the services affected and also of the Leader of the Council.
- (h) to loan officers to another authority for the purposes of discharging their functions.

- 3.13.3 The Chief Executive, or an officer authorised by him/her, shall deal with press enquiries on matters of general policy. In addition, the Chief Executive is authorised:-

- (a) to issue news releases about matters which have been the subject of consideration by the Executive or Committees;
- (b) having consulted where appropriate with the relevant Member to issue news releases about other matters and to call press conferences.

- 3.13.4 Directors shall be authorised to deal with press enquiries and issue press releases on matters arising from the work of their Department.

- 3.13.5 The Chief Executive and every Director shall be authorised to exercise the following functions in so far as they fall within his/her remit, subject to the ability of the Leader (or Cabinet Members acting under authority delegated to them by the Leader or a regulatory committee of the Council to exercise the functions):

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- (a) to take any steps necessary for the day to day management and routine administration of his/her Department without reference to the Executive or a Committee, but subject to any necessary reference to the Chief Executive or other Director;
- (b) to act on behalf of and in the name of the Executive or a Committee on those matters shown in this delegations document as matters for decision at Officer level, where necessary in consultation with the Cabinet Member, Chief Executive and/or other appropriate Officers;
- (c) to authorise the exercise, on his/her behalf, of the powers delegated to him/her within this delegations document by such other Officers within his/her Department as he/she deems appropriate for the proper performance of the work. A statement of the officers who exercise such functions on the Director's behalf must be maintained by each Director and made available to the Cabinet and to other Members upon request;
- (d) in pursuit of their service delivery to give notice under Regulation 3 of the Town and Country Planning General Regulations 1992 that it is proposed to seek permission for development, together with authority to submit such applications under Regulation 4 or 5 thereof, or to authorise any officer acting as agent to do so. This delegation shall also include authority to submit Building Regulations applications. This delegation shall also apply to Heads of Service or other designated senior officers;
- (e) in pursuit of their service delivery to serve notices on persons requiring information as to their interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or, where appropriate, Section 330 of the Town and Country Planning Act 1990 as amended, together with authority to instruct the Director of Governance to prosecute for failure to comply with any such notice;
- (f) to take any emergency action necessary for the safety of the public or the preservation of the property of the Council;
- (g) to make ex-gratia payments up to a limit of £1,000, in respect of complaints where quantifiable damage or loss can be identified;
- (h) to approve Members' attendance at conferences and seminars, following consultation with the Leader as to the benefit to be obtained by member attendance and the appropriate level of such attendance, provided any fees and associated costs can be met from within existing budget provision for conferences/seminars;
- (i) to submit the Council's response to Government, Local Government Association and other similar consultation papers following discussion with the relevant Cabinet Member, Scrutiny Chairman and Group Representatives. If agreement is not reached the response will be referred to the Cabinet for approval;
- (j) to authorise the allocation of external funding awarded to the Council where such

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funding does not exceed £500,000, subject to prior consultation with the Director of Governance (or his/her representatives). For funding between £300,000 and £500,000 this delegation is subject to a further consultation with the Leader of the Council, relevant Cabinet Member and the Chief Executive. To determine allocation of external funding over £500,000 a key Cabinet Member decision is required.

- (k) to monitor the performance of organisations receiving grant aid from the Council, whether through a standard rate or a Service Level Agreement.
- 3.13.6 The Chief Executive and Directors are authorised to deal with contractual matters in accordance with Contract Regulations.
- 3.13.7 Directors are authorised to investigate contraventions of legislation applicable to the functions under their control, and also in respect of these functions to exercise the powers and conferred by the Regulation of Investigatory Powers Act 2000, the European Communities Act 1974 (and associated regulations) and the Police and Criminal Evidence Act 1984.
- 3.13.8 The relevant Director, in consultation with the Director of Governance and Corporate Director Resources, is authorised to negotiate and settle claims by or against the Council where this is considered to be in the best interests of the Council.

Human Resource Matters

- 3.13.9 The Chief Executive and every Director has authority to take decisions relating to the employment of staff, including establishment control and matters of staff recruitment, reward and discipline that are necessary for the effective delivery of services and to stay within allocated budgets, in consultation with the relevant Cabinet Member in relation to Executive functions.
- 3.13.10 The relevant Director may vary their Department's establishment subject to compliance with agreed procedures and any such variations being within the Department's cash limited budget; also subject to substantial change in the first or second tier being referred to the Chief Executive, and substantial change between more than one Department requiring the agreement of all relevant Cabinet Members or reference to the Cabinet for determination.
- 3.13.11 Directors may:
- (a) authorise overtime working by employees in their Department/Division, where there is provision in their contract for overtime to be paid;
 - (b) appoint the requisite members of existing staff who have already received the necessary first aid training as first aid personnel.

Finance Matters

- 3.13.12 Each Director has responsibility for, and will be judged accountable for, managing their

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Department's budget within its overall cash limits. In consultation with the relevant Cabinet Member, each Director is authorised to vire between budget heads where the cost centres are within his or her sole control, and where the cost centre is under the control of more than one Director, provided that they manage their budgets within cash limits.

- 3.13.13 All Directors are budget holders are accountable for maintaining expenditure, including staff costs within their allocated cash limit and budget and must not exceed this level of spending without written authority from the Leader of the Council. No virement to or from staffing budgets shall be made without prior approval from the Leader of the Council/relevant Cabinet Member. Although Directors and all budget holders will delegate responsibility for spending and services to their senior managers, they are accountable for the decisions and actions of their staff. Failure on the part of a budget holder to comply with this prime accountability will be viewed by the Executive as gross misconduct and will be reported to the appropriate officer to deal with in accordance with the Council's disciplinary procedures and rules, such officer reporting back to the Executive on the outcome.

3.14 Delegations to Officers: Director of Governance**Legal Matters**

3.14.1 The Director of Governance is authorised:

- (a) to exercise the required discretion whether or not to prosecute or defend legal proceedings on behalf of the Council in accordance with Section 222 of the Local Government Act 1972;
- (b) to take all necessary steps in legal proceedings against any person or body authorised by the Council;
- (c) to take all necessary steps to defend the Council in legal proceedings against the Council brought by any person or body, including in Employment Tribunals;
- (d) to certify resolutions and documents as being correct;
- (e) to obtain Counsel's Opinion or instruct Counsel to appear on behalf of the Council whenever he/she considers such action advisable;
- (f) to insert and cancel entries in the Local Land Charges Register and otherwise to take all steps in respect of searches;
- (g) in consultation with appropriate officers, to grant wayleaves to statutory undertakers;
- (h) to withdraw legal proceedings in his/her discretion;
- (i) to fix charges for legal work carried out by the Council;
- (j) to institute legal proceedings in respect of any contravention of any licences, permits or consents and/or any breach of any condition attached thereto;
- (k) to authorise officers of the City Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972.
- (l) to sign on behalf of the Council any deed or other document, which, in his/her professional judgement, is necessary or desirable to sign;
- (m) to act as Deputy Electoral Registration Officer;

3.14.2 The Director of Governance is authorised to make changes to the Local Land Charge fees, including making changes to existing charges and the introduction of new charges and fee arrangements for new land charge services.

3.14.3 The Director of Governance is authorised to enter into agreements under Section 38 & 278 of the Highways Act 1980, subject to consultation with the Director Growth & Regeneration.

Legal: Children, Families and Adult Social Care

3.14.4 The Director of Governance is authorised to institute legal proceedings in respect of:

- (a) Prosecutions relating to the relevant functions assigned to the Authority under the Local Authority Social Services Act 1970;
- (b) Recovery of any charge made in respect of a service provided by the Social Services Department;
- (c) The care, supervision or protection of any child or young person under the Children Act 1989, the High Court's inherent jurisdiction or any other enactment relating to children or young persons;
- (d) The safeguarding of vulnerable adults under the Care Act 2014 and the Mental Capacity Act 2005.

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- 3.14.5 The Director of Governance is authorised to determine and arrange the novation of, or as the case may be otherwise transfer, all contracts or agreements which relate to the provision or commissioning by the Council of Health related adult social care functions to its partners the Cambridgeshire and Peterborough Mental Health Partnership NHS Trust or, as the case may be the Peterborough Primary Care Trust.
- 3.14.6 The Director of Governance is authorised to apply for letters of administration of the estate of residents who die while living in a Residential Home owned or managed by the Council or its agent, where it is likely that the sole beneficiary of the estate is the Council or funds managed by the Council or its agent for the benefit of residents living in such a home.
- 3.14.7 The Director of Governance is authorised to wind up estates of deceased persons where the Council has arranged the funeral under Section 46 of the Public Health (Control of Diseases) Act 1984.

Legal: Housing Service

- 3.14.8 The Director of Governance is authorised:
- (a) to institute legal proceedings for the recovery of mortgage arrears;
 - (b) to approve the release of land subject to a Housing Act advance from the charge to the Council, subject to the Council's security not being affected;
 - (c) in consultation with the Corporate Director Resources, to grant loans under the Housing (Service Charge Loans) Regulations 1992 on suitable conditions;
 - (d) to approve licences of areas of land to tenants and owner-occupiers on suitable terms and conditions;
 - (e) in consultation with appropriate Officers, to grant wayleaves to statutory undertakers;
 - (f) to determine claims for adverse possession in respect of Council land;
 - (g) to authorise the completion of Deeds of Variation/Release in respect of land formerly owned by the Commission for the New Towns where necessary to allow a Council scheme to proceed, subject to no payment being involved (other than costs).

Legal - Community Safety

- 3.14.9 The Director of Governance is authorised:
- (a) to take appropriate action under Sections 70 and 167 of the Criminal Justice and Public Order Act 1994;
 - (b) to exercise the powers and duties of Section 36 of the Local Government (Miscellaneous Provisions) Act 1982 - Control of Fly Posting, and section 132 Highways Act 1980, where attached to buildings or structures
 - (c) to agree with Cambridgeshire Constabulary the necessary parking and traffic arrangements for the annual Remembrance Sunday Parade
 - (d) in relation to private sector housing, to authorise the application for and institute proceedings orders and notices in pursuance of the Anti-Social Behaviour, Crime and Policing Act 2014 and other relevant interventions to promote Community Safety.

Room Hire

- 3.14.10 The Director of Governance is authorised:

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- (a) to make future updates of the room hire pricing structure, together with the annual room hire price increases up to and including the annual inflation figure applied by the Council during the annual budget setting process;
- (b) to allow subsidised or free use of the Council's meeting rooms contrary to the usual conditions on occasions where this is in the Council's best interests, in accordance with the Council's room hire policy.

Other Matters

3.14.11 The Director of Governance is authorised

- (a) to act as Proper Officer for the Coroner's Service;
- (b) to make appointments to partnerships and other outside organisations following consultation with all political Group Secretaries in accordance with the Council's agreed procedure. Any disputed/unresolved appointments to be referred to the Leader of the Council for determination.

3.15 Delegations to Officers: Corporate Director Resources**Finance**

3.15.1 The Corporate Director Resources is authorised:

- (a) to write off as being irrecoverable, debts of any type up to a value of £10,000;
- (b) to write off stock surpluses and deficiencies and dispose of obsolete stock, in conjunction with the relevant Director, to a level agreed by the Council;
- (c) to open subsidiary banking accounts and, for all bank accounts, to negotiate new and amended facilities, changes in terms and operations as required;
- (d) to act as the Council's Registrar of Stocks, Bonds and Mortgages;
- (e) to raise and repay loans, and pay interest thereon, in accordance with the Council's borrowing strategy for the time being;
- (f) to make investments of the Council's monies with institutions approved by the Council;
- (g) to manage internal arrangements, including insurance provisions and approve payments to be made in relation to claims;
- (h) to obtain insurance cover, appointing insurers, insurance brokers and loss adjusters as necessary and negotiate and agree the settlement of claims with the Council's insurers;
- (i) to approve requests by Directors for additions/amendments to the authorised signatory schedule;
- (j) to certify cheques, girocheques, standing order/BACs payment mandates;
- (k) to receive and process housing benefit and council tax benefit applications not delegated to any other Director including initial reviews of decisions relating thereto and to approve the backdating of housing benefit payments and council tax benefit payments;
- (l) to administer Discretionary Housing Payments;
- (m) to attend, as necessary, valuation and council tax tribunal hearings; and
- (n) to enter into agreements for deferred payment of NNDR, subject to registration of a charge on the Land Register, and in accordance with Council policy;
- (o) to administer operating leases and other financing agreements (following initial approval of such schemes) including the making of relevant payments;
- (p) to implement pay awards to employees;
- (q) to act as Deputy Electoral Registration Officer.

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- 3.15.2 The Corporate Director Resources and the Director of Governance are authorised to recover by action or otherwise debts, rates and council tax owed to the Council.

Housing benefit

- 3.15.3 The Corporate Director Resources is authorised:
- (a) to determine claims for additional rent rebate, and make use of the Housing Benefit Regulations allowing direct deductions from all state benefits in the recovery of overpaid housing benefit;
 - (b) to determine the Council's local average rate under the Housing Act 1985 and to approve changes in mortgage interest rates;
 - (c) to offer administrative penalties under section 15 of the Social Security Administration (Fraud) Act 1997 where the circumstances of an overpayment are appropriate, as an alternative to prosecution, in respect of housing and council tax benefit;
 - (d) to receive and process housing benefit applications not delegated to any other Director including initial reviews of decisions relating thereto and to approve the backdating of the housing benefit payments;
 - (e) to use an external debt collection agency for the recovery of overpaid housing benefits where other recovery procedures are inappropriate.

Information and Communications Technology

- 3.15.4 The Corporate Director Resources is authorised in the event of any emergency preventing normal operations to make alternative arrangements for the continuation of information technology and communication services.

Emergency Planning

- 3.15.5 The Corporate Director Resources is authorised to ensure adequate arrangements are made for Emergency Planning under the Council's Statutory obligations, in consultation with the Chief Executive and the Leader of the Council.

Registration Service, Cemeteries and Crematoria

- 3.15.6 The Corporate Director Resources is authorised to act as Proper Officer for the Registration Services.
- 3.15.7 The Corporate Director Resources is authorised to manage cemeteries and crematoria

Regulatory Services

- 3.15.8 To authorise the Corporate Director Resources:
- (a) to exercise the powers and duties conferred on officers of a Weights and Measures Authority by the Commissioners of Customs and Excise under Section 8(2) of the Customs and Excise Management Act 1979 or any Act, Order or Regulation which extends or amends the Act; or any Order, Instrument, Regulation or Byelaw made under the Act;

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- (b) to exercise the powers and duties conferred on a Weights and Measures Authority by Section 169i of The Licensing Act 1964, or any Act, Order or Regulation which extends or amends the Act; or any Order, Instrument, Regulation or Byelaw made under the Act;
- (c) to exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them:
- (i) Food Safety Act 1990;
 - (ii) Prevention of Damage by Pests Act 1949;
 - (iii) take action under the Sunday Trading Act 1994 and to institute legal proceedings in respect thereof;
 - (iv) Anti-Social Behaviour, Crime and Policing Act 2014;
 - (v) Clean Neighbourhoods and Environment Act 2005;
 - (vi) Environmental Protection Act 1990;
 - (vii) Public Health Acts 1936 & 1961;
 - (viii) Public Health (Control of Diseases) Act 1984;
 - (ix) Refuse Disposal (Amenity) Act 1978 (note that the Executive Director Resources also has delegation under this Act to deal with abandoned vehicles) and Environment Act 1995;
 - (x) Prevention of Damage by Pests Act 1949;
 - (xi) Breeding Dogs Act 1991;
 - (xii) Riding Establishment Act 1970;
 - (xiii) Anti Social Behaviour Act 2003;
 - (xiv) Avian Influenza and Influenza of Avian Origin in Mammals (England) Order 2006;
 - (xv) Clean Air Act 1993;
 - (xvi) Environment Act 1995;
 - (xvii) Water Industry Act 1991;
 - (xviii) National Assistance Act 1948 and 1951;
 - (xix) Noise and Statutory Nuisance Act 1993;
 - (xx) Control of Pollution Act 1974;
 - (xxi) Licensing Act 2003;
 - (xxii) Local Government (Miscellaneous Provisions) Act 1976 and 1982;
 - (xxiii) Pollution Prevention and Control Act 1999;
 - (xxiv) Health Act 2006;
 - (xxv) Regulation of Investigatory Powers Act 2000;
 - (xxvi) European Communities Act 1972; and
 - (xxvii) Noise Act 1996.

Environmental Protection and control functions

Any functions relating to contaminated land	Part IIA of the Environmental Protection Act 1990 (c.43) and subordinate legislation under that Part
Service of an abatement notice in respect of statutory nuisance	Section 80(1) of the Environmental Protection Act 1990
Discharge of any function relating to the control of pollution or the management of air quality	Pollution Prevention & Control Act 1999 (c.24), Part IV of the Environment Act 1995 (c.25), Part I of the Environmental Protection Act

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	1990 (c.43), Clean Air Act 1993 (c.11)
Investigation of any complain as to the existence of a statutory nuisance	Section 79 Environmental Protection Act 1990
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Section 8 Noise and Statutory Nuisance Act 1993 (c.40)
Inspection of the authority's area to detect any statutory nuisance	Section 79 Environmental Protection Act 1990
Consenting to the operation of a loudspeaker	Schedule 2 Noise and Statutory Nuisance Act 1993 (c.40)

- (d) to take action in relation to private water supplies under the Water Industry Act 1991;
- (e) to enter and carry out inspections on any premises and to take samples and make such tests as appear to be necessary for the purpose of the Acts and Regulations listed in the delegation to this officer, or any statutory re-enactments or modification thereof, or any Orders made thereunder, so far as the same or any of them may permit or require;
- (f) to carry out duties in connection with a Consumer Complaint and Advisory Service, to test tyre pressure gauges and to inspect and test weighting and measuring equipment at school canteens, clinics and other Council establishments;
- (g) undertake executive functions set out in the Environmental Protection Act 1990 (for non-executive functions (see para 2.5.4));
- (h) exercise the powers and duties conferred by the Petroleum (Regulation) Acts 1928 and 1936 in relation to construction requirements and criteria for storage conditions on premises where petroleum spirit and/or mixtures are stored and licensing of such premises.

3.15.9 In association with the functions delegated in the table below and elsewhere in the officer scheme, the Director of Resources is authorised:

- (a) to grant, vary or refuse a consent, an approval, a licence or registration in connection with any of the Acts, Orders or Regulations listed in the delegation to this officer;
- (b) to sign documents, notices or certificates arising from the use of any of these delegated powers;
- (c) to fix, waive or vary charges in appropriate circumstances where no statutory fee is prescribed, in consultation with the relevant executive portfolio holder;
- (d) to authorise, subject to no complaints being received, exemption orders under the Sporting Events (Control of Alcohol) Act 1985.

3.15.10 That the Director of Resources is authorised to deliver the following functions and compliance with associated legislation on behalf of Peterborough City Council and

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Cambridgeshire County Council:

- (a) Delegated authority for exercising all functions of the Council relating to Trading Standards;
- (b) Taking all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts in accordance with approved policies and financial procedure rules in relation to Trading Standards.

To authorise officers for the purpose of trading standards functions:

(i) to exercise all the powers and duties conferred by and in the implementation of the Acts, Order or Regulations listed below or any Act, Order or Regulation extending or amending the same or any Order, Regulation or By-law made there under;

(ii) to exercise all the powers and duties conferred by and in the implementation of any other legislation having a broadly similar purpose to those referred to in the Schedule below relating to fair trading, consumer protection or related issues;

(iii) to exercise further powers and duties relating to the Trading Standards function as may be enacted from time to time in Acts, Orders and Regulations and to update the list to reflect these changes (and so far as this relates to Cambridgeshire County Council, following consultation with the Chair of the Highways and Community Infrastructure Committee);

(iv) to prosecute before a Magistrates' Court any information, complaint or proceedings arising under any of the said Acts, Orders or Regulations in accordance with Section 223 of the Local Government Act 1972;

(v) to initiate legal proceedings arising from any of the above legislation or from any related subordinate legislation;

(vi) to appear in the Magistrates' Court and to conduct relevant proceedings;

(vii) to prosecute cases brought under any of the relevant statutory provisions set out in Schemes 1 to the Health and Safety at Work Act 1974 and which are already enforced by the Department, in accordance with Section 39 of the Act;

(viii) to enter and carry out inspections on any premises and to take samples and make such tests as appear to be necessary for the purpose of the above mentioned Acts and Regulations, or any statutory re-enactments or modification thereof, or any Orders made there under, so far as the same or any of them may permit or require;

(ix) to grant, vary or refuse a consent, an approval, a licence or registration in connection with any of the above Acts, Orders or Regulations;

(x) to sign documents, notices or certificates arising from the use of any of these delegated powers.

Schedule of Acts, Regulations and Orders exercised:

- Accommodation Agencies Act 1953
- Administration of Justice Act 1970 as amended
- Agricultural Produce (Grading and Marking) Acts 1928-1931

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- Agriculture Act 1970
- Animal By Products (Enforcement)(England) Regulations 2013
- Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
- Animal Feed (Hygiene, Sampling etc. and Enforcement)(England) Regulations 2015
- Animal Health Acts 1981 & 2002
- Animal Health and Welfare Act 1984
- Animal Welfare Act 2006
- Anti-Social Behaviour Act 2003 S54 & 54A
- Avian Influenza (Preventive Measures) (England) Regulations 2006
- Avian Influenza (Vaccination) (England) Regulations 2008
- Beef and Veal Labelling Regulations 2010
- Biofuel (Labelling) Regulations 2004
- Bluetongue Regulations 2008
- Bovine Products (Restrictions on Placing on the Market) (England) (No2) Regulations 2005
- Building Regulations 2010
- Business Protection from Misleading Marketing Regulations 2008
- Cancer Act 1939
- Care Act 2014
- The Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008 (as amended 2009)
- Cattle Identification Regulations 2007
- Children and Young Persons Act 1933 as amended by the Protection of Children (Tobacco) Act 1986 and the Children and Young Persons (Protection from Tobacco) Act 1991
- Clean Air Act 1993
- Companies Act 1985 & 2006
- Construction Products Regulations 2013
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Consumer Credit Act 1974 & 2006
- Consumer Protection Act 1987
- Consumer Protection from Unfair Trading Regulations 2008
- Consumer Rights Act 2015
- Consumers, Estate Agents and Redress Act 2007
- Contaminants in Food (England) Regulations 2013
- Copyright, Designs and Patents Act 1988
- Cosmetic Products Enforcement Regulations 2013
- Courts and Legal Services Act 1990
- Criminal Justice & Police Act 2001
- Criminal Justice Act 1996 as amended by the Offensive Weapons Act 1997
- Criminal Justice and Public Order Act 1994 – S. 165 – Copyright and Counterfeiting
- Dangerous Substances and Explosives Atmospheres Regulations 2002
- Diseases of Swine Regulations 2014
- Drinking Milk (England) Regulations 2008
- EC Fertilisers (England and Wales) Regulations 2006
- The Ecodesign for Energy-Using Products Regulations 2007
- E-Commerce Regulations 2002
- Education Reform Act 1988
- Eggs and Chicks (England) Regulations 2009
- Electromagnetic Compatibility Regulations 2006
- Energy Act 1976
- Energy Conservation Act 1981
- The Energy Information Regulations 2011
- Energy Performance of Buildings (England & Wales) Regulations 2012
- Enterprise Act 2002

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- Environmental Protection Act 1990
- Estate Agents Act 1979
- European Communities Act 1972
- Explosives Acts 1875 and 1923
- The Explosives Regulations 2014
- Farm and Garden Chemicals Act 1967
- Financial Services Act 2012
- Financial Services and Markets Act 2000
- Fire Safety and Safety of Places of Sport Act 1987
- Fireworks Act 2003
- Food and Environment Protection Act 1985
- Food Information Regulations 2014
- Food Safety Act 1990
- Food Safety and Hygiene (England) Regulations 2013
- Foot and Mouth Disease (Control of Vaccination) (England) Regulations 2011
- Forgery and Counterfeiting Act 1981
- Fraud Act 2006
- General Product (Safety) Regulations 2005
- Hallmarking Act 1973 (As Amended)
- Health and Safety at Work etc., Act 1974 S.19, 20, 38 and 39
- Horse Passports Regulations 2009
- Intellectual Property Act 2014
- Intoxicating Substances (Supply) Act 1985
- Licensing Act 2003
- London Olympic Games and Paralympic Games Act 2006
- Malicious Communications Act 1988
- Materials and Articles in Contact with Food (England) Regulations 2012
- Measuring Instruments (Automatic Catchweighers) Regulations 2006
- The Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006
- Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006
- Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006
- Measuring Instruments (Beltweighers) Regulations 2006
- Measuring Instruments (Capacity Serving Measures) Regulations 2006
- Measuring Instruments (Cold-water Meters) Regulations 2006
- Measuring Instruments (EEC Requirements) Regulations 1988
- Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006
- Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006
- Measuring Instruments (Material Measures of Length) Regulations 2006
- Measuring Instruments (Non-Prescribed Instruments) Regulations 2006
- Medical Devices Regulations 2002
- Medicines Act 1968
- Money Laundering Regulations 2007
- Motor Vehicles (Safety of Equipment for Children) Act 1991
- Motorcycle Noise Act 1987
- Non-Automatic Weighing Instruments Regulations 2000
- Official Controls (Animals, Feed and Food) (England) Regulations 2009
- Olive Oil (Marketing Standards) Regulations 2014
- Olympic Symbol etc (Protection) Act 1995
- Organic Products Regulations 2009
- Package Travel, Package Holidays etc Regulations 1992
- Packaging (Essential Requirements) Regs 2003
- Performing Animals (Regulation) Act 1925
- The Petroleum (Consolidation) Regulations 2014

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- Plant Protection Products (Sustainable Use) Regulations 2012
- Plant Protection Products Regulations 2011
- Pressure Equipment Regulations 1999
- Prices Acts 1974 and 1975
- Proceeds of Crime Act 2002
- Products of Animal Origin (Disease Control) (England) Regulations 2008
- Protection from Harassment Act 1997
- The Psychoactive Substances Act 2016
- Public Health Act 1961
- Quick Frozen Foodstuffs (England) Regulations 2007
- Radio Equipment and Telecommunications Terminal Equipment Regulations 2000
- REACH Enforcement Regulations 2008
- Recreational Craft Regs 2004
- Registered Designs Act 1949
- Registration of Establishments (Laying Hens) (England) Regulations 2003
- Regulatory Reform (Fire Safety) Order 2005
- Road Traffic (Consequential Provisions) Act 1988
- Road Traffic (Foreign Vehicles) Act 1972
- Road Traffic Acts 1988 and 1991
- Road Traffic Offenders Act 1988
- Road Traffic Regulation Act 1984
- Safety of Sports Grounds Act 1975
- The Scotch Whisky Regulations 2009
- Simple Pressure Vessels (Safety) Regulations 1991
- Solicitors Act 1974
- Spirit Drinks Regulations 2008
- Spreadable Fats (Marketing standards) and Milk and Milk Products (Protection of designations) (England) Regulations 2008
- Supply of Machinery (Safety) Regulations 2008
- Swine Vesicular Disease Regulations 2009
- Telecommunications Act 1984 (As Amended)
- Thefts Acts 1968 and 1978 and Theft (Amendment) Act 1996
- Timeshare Act 1992
- Tobacco Advertising & Promotion Act 2002
- Trade Descriptions Act 1968
- Trade in Animals and Related Products Regulations 2011
- Trade Marks Act 1994
- Transmissible Spongiform Encephalopathies (England) Regulations 2010
- Unsolicited Goods and Services Acts 1971 and 1975
- Vehicles (Crime) Act 2001
- Veterinary Medicines Regulations 2013
- Video Recordings Acts 1984, 1993 and 2010
- Weights and Measures (Packaged Goods) Regulations 2006
- Weights and Measures Acts 1976 and 1985
- Welfare of Farmed Animals (England) Regulations 2007
- The Wine Regulations 2011
- Zoonoses (Monitoring) (England) Regulations 2007

to incur expenditure under Section 137 of the Local Government Act 1972 for the purpose of test purchases, testing fees, production of information and other necessary expenses in affording the provision of advice, information and assistance;

To authorise, subject to no complaints or objections being received, exemption orders under the

Sporting Events (Control of Alcohol) Act 1985

School Finance

3.15.11 The Corporate Director Resources is authorised:

- (a) to monitor schools' financial arrangements to ensure accountability and value for money;
- (b) to implement revised arrangements for bank accounts in schools;

Markets

3.15.12 The Corporate Director Resources is authorised:

- (a) to operate the Council's market and determine the licences to hold markets, to manage the Council's market on a weekly basis, to negotiate, grant and terminate licences for stalls including change of use in accordance with the agreed policies and also to supervise markets licensed by the Council;
- (b) to open the market for additional days during the Christmas period.

Highways, Street Furniture and Parking

3.15.13 The Corporate Director Resources is authorised to review parking charges and parking management, to change or adjust fees and parking charges during any financial year where necessary to meet budgetary targets.

3.15.14 The Corporate Director Resources is authorised to be responsible for the issue of concessionary parking badges ('Blue Badges') to motor vehicles used by disabled persons and to deal with the refusal to issue and withdrawal of concessionary parking badges within the terms of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.

3.15.15 The Corporate Director Resources is authorised:

- (a) to determine the charges payable by hirers of electricity in Bridge Street;
- (b) following consultation with the Ward Member(s), to approve suitable sites for the erection of bus shelters, seats etc
- (c) to approve the erection of banners and signs over streets;
- (d) to appoint debt collection agencies to pursue unpaid Excess Charge Notices in accordance approved criteria;

Town Twinning and Tourism

3.15.16 The Corporate Director Resources is authorised:

- (a) to promote the Council's twinning partnership and friendship links and to allocate grants in accordance with approved policy;
- (b) to manage the Tourist Information Centre and exercise the Council's powers under Section 144 of the Local Government Act 1972 (Tourism etc.).

City centre management

3.15.17 The Corporate Director Resources is authorised:

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- (a) to manage Queensgate Bus Station;
- (b) to issue or refuse vehicle parking permits within the city centre pedestrian area.
- (c) to maintain the Council's car parks and on-street parking facilities, including residents parking zones;
- (d) to oversee the provision and management of on and off street car parking, including, setting charges for future financial years, entering into agreements for the use of parking spaces at special negotiated rates; and approving a three year rolling investment programme of works for future financial years.

Hackney Carriage and Private Hire vehicles

3.15.18 The Corporate Director Resources is authorised:

- (a) to consider representations and determine increases in Hackney Carriage fares, to enable requests for fare increases from the Hackney Carriage trade to be dealt with promptly;
- (b) to carry out all necessary consultation and formal advertisement relating to the appointment of stands for Hackney Carriage vehicles under the Local Government (Miscellaneous Provisions) Act 1976 including the consideration of any objections or representations received and the subsequent appointment or revocation of appointment of such stands;
- (c) to ensure appropriate arrangements are in place for the testing of Hackney Carriage and Private Hire vehicles.

Vivacity Culture and Leisure

3.15.19 The Corporate Director Resources is authorised to manage arrangements with Vivacity Culture and Leisure to procure a range of community based opportunities to the broadest possible cross-section of the community, in accordance with approved policy, including:

- (a) opening and closing seasonal facilities;
- (b) administering bookings of facilities;
- (c) varying the fees and charges for community facilities;
- (d) authorising free, one-off or reduced charges for the use of facilities;
- (e) approving requests from non-residents for concessionary swimming passes to be used in association with the GP referral scheme at Bushfield Sports Centre;
- (f) closing part or all of a facility for maintenance, including in cases of emergency, or if insufficient staff are available to meet policy, safety or legislative standards;
- (g) arranging shows and productions, and setting ticket prices, at the Key Theatre to obtain the best possible financial arrangements and a balanced usage;
- (h) arranging and/or enabling musical or other artistic promotions; managing the Museum and Art Gallery including:
 - management of its facilities, possessions and exhibitions;
 - acquiring, by donation and purchase, items, having regard to the collection policy and within available budgets; and
 - disposing of surplus and/or unwanted items according to the agreed disposal policy;
- (i) managing the library service including:
 - changing the number of hours in which each library is open;
 - stock purchase;

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- changing library charges;
- changing mobile library routes and stopping times;
- authorising exhibitions in libraries;
- removing, or requiring removal of, any material in an exhibition or which does not accord with Council policy.

Other Services

3.15.20 The Corporate Director Resources is authorised to manage operational services which includes in its scope the broad service elements of:

- (i) refuse and recycling (and related) collections;
- (ii) street cleansing;
- (iii) parks, trees and open spaces (including some limited ground maintenance functions at cemeteries and the crematorium);
- (iv) property design and maintenance;
- (v) building cleaning;
- (vi) corporate and schools catering;
- (vii) courier service;
- (viii) passenger and home to school

Waste

3.15.21 The Corporate Director Resources is authorised to:

- (a) To carry out the functions of the Council in its capacity as the Waste Collection Authority in line with the Refuse Disposal (Amenity) Act 1978, Environmental Protection Act 1990, Household Waste Recycling Act 2003, Clean Neighbourhoods and Environment Act 2005 and Waste Framework Directive 2008 and Regulations made thereunder and to make arrangements for the following collections:
 - (i) household waste and recycling;
 - (ii) bulky household goods;
 - (iii) clinical waste collections;
 - (iv) commercial waste; and
 - (v) bring banks.
- (b) To carry out the functions of the Council in its capacity as the Waste Disposal Authority in line with the Refuse Disposal (Amenity) Act 1978, Environmental Protection Act 1990, Household Waste Recycling Act 2003, Clean Neighbourhoods and Environment Act 2005 and Waste Framework Directive 2008 and Regulations made thereunder and to arrange for the disposal and/or treatment of waste whether through the Council's facilities or by other means.
- (c) To manage arrangements for operating the Council's facilities as follows:
 - (i) materials recycling facility;
 - (ii) household recycling facility in line with the Refuse Disposal (Amenity) Act 1978; and
 - (iii) WEEE facility in line with the Waste Electrical and Electronic (WEEE) Regulations 2006.

Street Cleansing

3.15.22 The Corporate Director Resources is authorised:

- (a) To ensure that relevant land (eg. highways, streets, city centre, the Council's car parks) are kept clean and clear of litter, refuse and fly tipping and that such waste is disposed of or treated in line with Section 89 of the Environmental Protection Act 1990 and Code of Practice on Litter and Refuse;
- (b) To ensure the emptying, cleaning, replacing and providing additional litter bins in streets and to take enforcement action in conjunction with the Director of Operations;
- (c) To ensure illegally erected signs, fly posting and graffiti on highway or Council owned land are removed and to take enforcement action in conjunction with the Corporate Director Growth & Regeneration;
- (d) To ensure attendance for cleaning services at road traffic incidents, flooding and other such emergencies;
- (e) To remove, retain and return abandoned shopping trolleys in line with Part 4 of the Environmental Protection Act 1999 and Section 99 of the Clean Neighbourhoods and Environment Act 2005;
- (f) To serve notices, take appropriate action and make arrangements for inspecting, removing, retaining and disposing of abandoned vehicles in line with the Refuse Disposal (Amenity) Act 1978 and to act with other statutory organisations to remove untaxed vehicles from highways and public open spaces.

3.15.23 **Parks, Trees and Open Spaces:**

To manage, maintain and develop the strategy for the Council's parks, trees and open spaces and to make arrangements for maintenance and cleaning operations to be carried out in such areas in line with the Environmental Protection Act 1990, Code of Practice on Litter and Refuse and legislation relating to wildlife and protected species, biodiversity and the Council's aspirations to be recognised as the Environment Capital.

3.15.24 **Passenger and Home to School Transport**

3.15.25 To make arrangements for the provision of passenger transport and home to school transport services in conjunction with the Corporate Director People & Communities on behalf of the Council.

3.15.26 The Corporate Director Resources is authorised:

- (a) to exercise discretion in the implementation of the Council's policy for home to school and college transport, ensuring that the LEA's statutory duties and discretionary powers relating to free or assisted home to school transport are met (This discretion to be exercised for pupils eligible for mainstream or special educational needs transport);
- (b) to approve and vary an appropriate charge or parental contribution to the cost of assisted transport where the Council has no statutory duty to provide free transport.

Catering

- 3.15.27 To ensure appropriate provision of corporate catering where necessary in Children's schools.

Building cleaning

- 3.15.28 To ensure that building cleaning and associated services to the Council's premises (including attendance and facilities management of public conveniences).

Courier service

- 3.15.29 To ensure appropriate provision of courier services on behalf of the Council and its customers in conjunction with other Directors as appropriate.

3.16 Delegations to Officers: Corporate Director People & Communities (Education Provision)**Special Educational Needs and Disabilities (SEND)**

- 3.16.1 The Corporate Director People & Communities is authorised:
- (a) to take all steps necessary to identify whether a child has special educational needs, including the making, maintaining and reviewing of Education, Health and Care Plans for such children and to secure appropriate provision to meet those needs;
 - (b) to arrange, monitor and review school placement and support for children with special educational needs and prepare transition plans;
 - (c) secure arrangements to improve the educational attainment of looked-after children;
 - (d) to develop close inter-agency partnerships with health organisations to ensure that children with complex medical, emotional and behavioural needs and their families enjoy a co-ordinated service focused on their needs;
 - (e) to undertake functions of planning and commissioning in relation to the statutory responsibilities for Learning and Skills for 16-19 year olds and for 16-25 year old learners with learning difficulties or disabilities.

School Organisation

- 3.16.2 The Corporate Director People & Communities is authorised:
- (a) to submit representations, as appropriate, on statutory proposals affecting educational provision in the City;
 - (b) to agree specifications and design of new school buildings and extensions, subject to their meeting national and local specifications and following consultation with all relevant partners, the Executive Member with education responsibilities, and also the Chairman and Group Representatives on the relevant Scrutiny Committee.
 - (c) to make appointments (other than Councillor appointments) to the School Organisation Committee in accordance with the Committee's terms of reference.
- 3.16.3 The Corporate Director People & Communities and the Director of Governance are jointly authorised, following resolution by the Cabinet or relevant Executive Member, to publish Statutory Notices of LEA proposals to establish, alter or discontinue a school, including changes in a school's standard number for admissions, under Part II of the School

Standards and Framework Act 1998 and subsequent legislation.

Admissions

- 3.16.4 The Corporate Director People & Communities is authorised:
- (a) to review admissions arrangements for maintained schools and publish information for parents;
 - (b) to select lay members and persons experienced for appointment to the Independent Education Appeals panels in accordance with the School Standards and Framework Act 1998 and any subsequent legislation.
 - (c) to establish policies and practices for ensuring Traveller children are able to access schools.

Education Welfare/Support to Pupils

- 3.16.5 The Corporate Director People & Communities is authorised:
- (a) to promote and enforce regular school attendance and to take all steps which are necessary for this purpose;
 - (b) to exercise discretion in the management of financial assistance to pupils in the light of changes in national regulations issued by the Benefits Agency;
 - (c) to determine, in accordance with LEA policy, applications for discretionary student awards subject to student rights of appeal.

School Standards, Quality and Effectiveness

- 3.16.6 The Corporate Director People & Communities is authorised:
- (a) to monitor the performance of all schools, ensuring they have the necessary information to set and meet demanding targets for all groups of pupils, including those from ethnic and cultural minorities;
 - (b) to facilitate and monitor an action plan for raising the attainment of all groups of vulnerable learners;
 - (c) to identify and monitor improvements in schools causing concern or likely to do so, in liaison with the Office of the Regional Schools Commissioner where such schools are not maintained by the local authority;
 - (d) to provide advice to school governing bodies on the appropriateness of the exclusion of pupils, including an LEA statement to the Discipline Committee, for example, on how other schools in the City have responded to similar incidents;
 - (e) to ensure that suitable education is provided for excluded pupils;
 - (f) to ensure the provision of information and advice to schools on school management, curriculum and the teaching profession;

 - (g) to exercise, on behalf of the Council, the approved arrangements for the consideration of complaints on school curriculum, religious worship and related matters;
 - (h) to make appointments (other than councillor appointments) to the Standing Advisory Committee for Religious Education in accordance with agreed arrangements;
 - (i) to arrange for the establishment and operation of the Schools Forum;
 - (j) to make non-Councillor appointments to the School Organisation Committee.

Education Strategic Management: Co-opted Members and School Governors

3.16.7 The Corporate Director People & Communities is authorised:

- (a) to approve arrangements for the election and appointment of co-opted members (Church of England, Roman Catholic, and parent governor representatives) and (Teacher) Advisers to sit on overview and scrutiny committees dealing with education matters;
- (b) to make by order Instruments of Government for schools in accordance with model forms prescribed by statute;
- (c) to agree with promoters the composition of temporary governing bodies for new schools in accordance with the requirements of the Education Act 1996 and subsequent legislation;
- (d) to provide advice to school governing bodies, only in exceptional circumstances, where the governing body are unable to appoint a Clerk.

Personnel

3.16.8 The Corporate Director People & Communities is authorised:

- (a) to refer to the police, following consultation with the Director of Governance, cases of assaults on staff where a prosecution is considered to be warranted either for assault, or malicious damage, or incidents under the provisions of Section 40 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 547 of the Education Act 1996, if the member of staff involved agrees;
- (b) to decide, in consultation with the Director of Governance and if action is appropriate, to assist a member of staff with legal representation in taking action in such cases of assault, where the police have decided not to bring proceedings;
- (c) to approve voluntary early retirement by school staff in the interests of efficiency, in line with the Authority's agreed policy;
- (d) to issue guidance to governing bodies on the criteria to be used in applying the local discretion available to them under the School Teachers Pay and Conditions documents;
- (e) to exercise discretion under the School Teachers Pay and Conditions documents in relation to the number of incentive allowances, the starting salary of new appointments, additional increments to new appointments employed centrally;
- (f) to secure that appraisal is carried out and headteacher appraisers appointed in accordance with the current Regulations and any subsequent changes, including adjustments to their role following the Green Paper and Technical Document.

Partnership working and relations with Statutory and Voluntary Organisations

3.16.9 The Corporate Director People & Communities is authorised:

- (a) to work with local partners, including social services, health, police, probation services and voluntary organisations to contribute to cross-cutting approaches to tackle deprivation, raise the level of education and training among young people and adults and contribute to the social and economic development of the City. In this context, formal partnerships will include Health and Wellbeing Board and Safer Peterborough Partnership, Adult and Children Safeguarding Board.
- (b) to authorise the participation in Community Safety Schemes and the delegation of

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powers to Council staff and contractors as permitted by Schedule 56 of the Police Reform Act 2002.

- (c) to implement, monitor and review service level agreements with, and small grants to voluntary organisations in relation to education, consistent with the Council's agreed policy, criteria and conditions.

3.17 Delegations to Officers: Corporate Director People & Communities (Children's Services)

Children and families (social care) functions

3.17.1 The Corporate Director People & Communities is authorised to carry out the following functions under the Children Act 1989 and associated legislation with the exception of Section 57 closures of controlled or assisted community homes:

- (a) Provision of welfare reports to the Court
- (b) Consent applications for residence orders in respect of children in care
- (c) Family assistance orders
- (d) Functions under Part III of the Act (Local Authority support for children and families)
- (e) Care and supervision
- (f) Protection of children
- (g) Functions in relation to community homes, voluntary homes and voluntary organisations, private arrangements for fostering children.
- (h) Inspection of children's homes on behalf of the Secretary of State
- (i) Research and information returns
- (j) Functions in relation to children accommodated by Health Authorities and Local Education Authorities or in residential care, nursing or mental nursing homes or in independent schools
- (k) Functions in relation to the Carers and Disabled Children Act 2000
- (l) functions in relation to the Apprenticeships, Skills, Children and Learning Act 2009

3.17.2 The Corporate Director People & Communities is authorised to carry out the necessary functions and actions in relation to the following matters:

- (a) loans to Foster Carers to purchase motor vehicles
- (b) Adoption Allowances
- (c) Residence Order Allowances
- (d) to determine foster care allowances and special and incidental expenses in special cases in connection with holiday grants
- (e) to approve, in consultation with the Corporate Director Resources, all loans to foster parents not exceeding £25,000
- (f) to determine the amount of a loan to foster carers to be repaid where the foster carers ceases to foster because they have adopted the child (or children)
- (g) to waive payment of parental contributions to the cost of children in care in cases of hardship.

3.17.3 The Corporate Director People & Communities is authorised to act as consultee where the Local Education Authority proposes to apply for an Education Supervision Order under Section 36 of the Children Act 1989.

3.17.4 The Corporate Director People & Communities is authorised to make applications for the grant of Letters of Administration for the use and benefit of children in the care of the Council.

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- 3.17.5 The Corporate Director People & Communities is authorised to exercise the powers of the Council in connection with legislation relating to adoption, including determining the size of, and members to be appointed to, the Adoption Panel.
- 3.17.6 The Corporate Director People & Communities is authorised to carry out the necessary functions in relation to:
- (a) Part III of the Children and Young Persons Act 1933 in relation to the protection of the young in relation to criminal and summary proceedings etc;
 - (b) Part I of the Children and Young Persons Act 1963 in relation to young persons in need of care, protection or control and for the protection of the young in relation to criminal proceedings;
 - (c) Part I of the Children and Young Persons Act 1969 and Criminal Justice Act 1991 in relation to the case and other treatment of children and young persons through court proceedings;
 - (d) The Access to Information Act 1987, in relation to access by individuals to personal information kept by the Social Services Department in connection with its social services functions;
 - (e) Section 26 of the Children Act 1989 in relation to the conduct of complaints procedures required to be provided by the Social Services Department.

3.18 Delegations to Officers: Corporate Director People & Communities (Adult Social care functions)

Community Care and Disability

- 3.18.1 The Corporate Director People & Communities is authorised to carry out the necessary functions under:
- (a) Part I of the Care Act 2014 and all related legislation in relation to:
 - (i) assessments of needs and the provision of care and support services to eligible adult persons and services for disabled persons;
 - (ii) assessment of carers needs and the provision support;
 - (ii) the making of payments to persons in respect of securing the provision of care and support services;
 - (b) Public Health (Control of Disease) Act 1984 Section 46(2) and (5) in relation to the burial and cremation of persons dying in accommodation provided under Part I of the Care Act 2014 and recovery of expenses from the deceased person's estate;
 - (c) functions in relation to the Apprenticeships, Skills, Children and Learning Act 2009.
 - (d) to approve, in consultation with the Corporate Director Resources, loans up to £25,000 in respect of Disabled Facilities Grants, to assist clients in exceptional circumstances;
 - (e) to approve the disposal of assets belonging to deceased residents to relatives or other persons entitled to them after payment or proper claims on account of funeral expenses or sums due to the Council.

Mental Health Functions

- 3.18.3 The Cambridgeshire and Peterborough Mental Health Partnership NHS Trust is authorised by Peterborough City Council under section 79 of the Care Act 2014 to:
- (i) provide or commission residential care and welfare services for people who have

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- mental health problems and whose level of need meets the Council's eligibility criteria for the provision of a service;
- (ii) carry out the assessment of needs for community care services for people who have mental health problems;
 - (iii) make provision for the welfare and accommodation of mentally disordered people
- 3.18.4 The Corporate Director People & Communities is authorised to carry out the necessary functions under the Mental Health Act 1983 as follows:
- (a) Parts II, III and IV relating to the welfare of the mentally disordered, guardianship or persons suffering from a mental disorder including such persons removed to England and Wales from Scotland or Northern Ireland; exercise of functions of nearest relative or person so suffering;
 - (b) Sections 66, 67 and 69(1) in relation to the exercise of functions of nearest relative in relation to applications and references to Mental Health Review Tribunals;
 - (c) Sections 116 and 117 in relation to the welfare of certain hospital patients and after care of detained patients.

Health Related Functions

- 3.18.5 The Cambridgeshire and Peterborough CCG is authorised (through its Governance Group) to commission or provide all Health-related functions specified in Schedule 1 to the Local Authorities Social Services Act 1970 so far as they relate to adults for the duration of the Partnership Agreement set up under section 75 NHS Act 2006 except where prevented by statute, namely:
- (a) Provision of residential care, welfare services for people with disabilities, visual and hearing impairment, or who have mental health problems and whose level of need meets the Council's eligibility criteria for the provision of a service.
 - (b) Temporary protection of property belonging to people in hospital or accommodation provided under Part I of the Care Act 2014; paying the expenses of the officer acting as deputy for Property and Finance for a patient; prosecution for failure to maintain a person, giving false statements, and obstructing a person with power of entry and inspect;
 - (c) Assessment of needs for community care services;
 - (d) Direct Payments - Making of assessments and payments for purchasing care and support services to individuals whose level of need meets the Council's eligibility criteria for the provision of a service;
 - (e) Assessment of ability of carers to provide care;
 - (f) The provision of facilities for disabled people, including those with sensory disabilities to be employed or work under special conditions;
 - (g) Identifying the need for, and publishing information about welfare services, provision of certain services, and providing certain information to the Secretary of State;
 - (h) Representation and assessment of disabled persons;
 - (i) The promotion of welfare of old people;
 - (j) Financial and other assistance to voluntary organisations;
 - (k) Co-operation in relation to homeless people and people threatened with homelessness.

Adult social care functions

- 3.18.6 The Corporate Director People & Communities is authorised to exercise functions under Section 26 of the Children Act 1989 and Section 7B of the Local Authority Social Services Act 1970 in relation to the conduct of complaints procedures required to be provided by

the Social Services Department.

Data Protection

- 3.18.7 The Corporate Director People & Communities is authorised to exercise functions under the Data Protection Act 1998, in relation to access by individuals to personal information kept by the Social Services Department in connection with its social services functions;

Registration

- 3.18.8 The Corporate Director People & Communities is authorised to determine applications for registration and, in appropriate circumstances, to vary the registration criteria in respect of:
- (a) All residential care homes across all sectors,
 - (b) Day care within the provisions of Part X of the Children Act 1989,

The Corporate Director People & Communities is authorised to inspect premises as permitted and required under the Registered Homes Act 1984 and the Children Act 1989.

Closer Integration with the CCG

- 3.18.9 The Corporate Director People & Communities, with the joint agreement of the Chief Executive of the CCG and the Chief Executive of the Council, will retain on behalf of the CCG, a range of specific responsibilities that until this agreement were either the sole responsibility of the CCG or a common responsibility as follows:
- (a) Older People's Services including older people's mental health
 - (b) Learning Disability Services
 - (c) People with Long Term Conditions
 - (d) Adult Mental Health and Substance Misuse, Social Care Services
 - (i) Adult Mental Health Services from Mental Health Trust and voluntary and private sector providers
 - (ii) Substance Misuse services from Mental Health Trust and voluntary and private sector providers
 - (iii) Specialist services (as part of a countrywide process)
 - (iv) Specialist out of area services.

3.19 Delegations to Officers: Corporate Director People and Communities (Housing and Community Safety Functions)

Housing Need and Allocations

3.19.1 The Corporate Director People & Communities is authorised:

- (a) to determine nomination agreements with Housing Associations to meet housing need;
- (b) to agree financial assistance to homeless households in accordance with the provisions of the Housing Act 1985 (as amended) within agreed budgetary provision;
- (c) to negotiate and enter into agreements within established budgetary provision, with private owners and developers in respect of properties suitable for the private leasing scheme or other temporary accommodation in conjunction with the Director of Governance, Corporate Director Resources and Corporate Director Growth and Regeneration;
- (d) to research, develop and enter into agreements with private landlords and social housing organisations relating to the Council's enabling role and maximising provision of accommodation resources for housing applicants;
- (e) to prepare for and, in conjunction with Director of Governance, attend as necessary judicial review or appeals against decisions taken in respect of homeless applicants;
- (f) to hear and deal with review and appeals on decisions under Part VI (allocations) of the Housing Act 1996;
- (g) to decide upon the acceptance of submissions by housing associations for acquisition of existing satisfactory properties taking into account the location, number, type and size of dwellings and the relevance of these factors in meeting housing need;
- (h) to give advice and assistance to homeless families on homelessness and prevention of homelessness including helping them to secure accommodation if that is available within the Council's district.

Private Sector Housing

3.19.2 The Corporate Director People & Communities is authorised:

- (a) to waive repayment of grants made under the Housing Act 1985/Local Government and Housing Act 1989, Housing Grants, Construction and Regeneration Act 1996 (as amended) subject to being satisfied that the owner is elderly or infirm and is disposing of the property with the intention of moving into sheltered housing or residential care, or to be cared for by a relative;
- (b) to disallow fees and charges in connection with applications for renovation grants:
 - (i) in relation to the cost of the works being unreasonable;
 - (ii) the professional adviser or agent failing, in the opinion of the Officer, to do a satisfactory job;
- (c) to take appropriate action and issue all licences and notices (including notices of entry) under the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and the Mobile Homes Act 1983 and the Mobile Homes Act 2013.
- (d) to determine all landlord's grant applications;
- (e) to take appropriate action under Sections 77 to 80 of the Criminal Justice and Public Order Act 1994 including all issue of directions;
- (f) in consultation with the Director of Governance to seek and execute orders for

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- removal and/or the prosecution of offences under Sections 77 to 80 of the Criminal Justice and Public Order Act 1994;
- (g) to issue all notices and take appropriate action under Parts VI and X of the Housing Act 1985 (as amended);
 - (h) to issue all notices and take appropriate action under Parts VII, VIII and IX of the Local Government and Housing Act 1989 (as amended);
 - (i) to take appropriate action in relation to health and wellbeing of occupants under the Housing Act 1988 and 1996;
 - (k) to issue all licences, notices and orders and take appropriate actions under Parts I, II, III, IV, VI and VII of the Housing Act 2004;
 - (l) to take appropriate action in relation to health under the Building Act 1984;
 - (m) to deal with vacant property, in compliance with the Council's Empty Home Strategy, and including decision-making in respect of the most appropriate method of disposal of empty homes subjected to Compulsory Purchase Order.
 - (n) to take appropriate action under Sections 33 and 35 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (o) in consultation with the Executive Director Resources to receive and investigate future applications for the approved list of Builders for Renovation Grants as are received and to determine whether or not each application should be included in the list;
 - (p) to take appropriate action under Section 27 and 29 of the Local Government (Miscellaneous Provisions) Act 1982;
 - (q) to serve deferred action notices under the Housing Grants Construction and Regeneration Act 1996;
 - (r) to take all necessary action required in relation to the approval or refusal of grants as described under Part I, Housing Grants, Construction and Regeneration Act 1996 (as amended) and in compliance with the Council's Housing Renewal Policy;;
 - (s) to serve notices on persons requiring information as to their interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and to instruct the Director of Governance to prosecute for failure to comply with any such notices;
 - (t) to use powers contained in the Public Health Act 1936
 - (u) to use powers contained in the Environmental Protection Act 1990 relating to statutory nuisances;
 - (v) to use powers contained in the Prevention of Damage by Pests Act 1949;
 - (w) to use appropriate powers of entry contained in the Public Health Act 1936, Building Act 1984, Housing Act 1985, Local Government and Housing Act 1989 and Environmental Protection Act 1990;
 - (x) to conduct appropriate inspections and produce necessary reports for the immigration service and make appropriate financial charge;
 - (y) to exercise the Council's powers in connection with the investigation of complaints relating to the Protection from Eviction Act 1977, to be passed where appropriate to the Director of Governance for court action if he/she is satisfied with the evidence;
 - (z) to exercise the Council's powers contained in Chapter 24, Part 6, sections 83 – 88 of the Enterprise and Regulatory Reform Act 2013 and regulations made thereunder and any subsequent amending legislation.
 - (z)(i) to exercise the Council's powers contained in Part 3, Chapter 3, of the Consumer Rights Act 2013 and regulations made thereunder and any subsequent amending legislation.
 - (z)(ii) to take appropriate action under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
 - (z)(iii) to use powers contained within the Energy Act 2013.

Environmental Well-Being, and Community Safety and Prevention and Enforcement Service

3.19.3 The Corporate Director People & Communities is authorised:

- (a) to manage Travellers' sites and implement the annual rent increase;
- (b) to deal with unauthorised encampments for Travellers in accordance with Council policy, good practice and statute, where necessary in liaison with the Director of Governance, and to make applications to courts for the removal of unauthorised encampments.

3.19.4 The Corporate Director People & Communities is authorised to:

- (a) manage partnerships and programmes in pursuance of the Community Safety Strategy agreed as part of the Council's responsibilities under the Crime and Disorder Act 1998 and the Police and Justice Act 2000 and the Police Reform Act 2002;
- (b) to meet the Council's duties under the Asylum Support (Interim Provisions) Regulations 1999;
- (c) to ensure that the Council's duties under section 17 of the Crime and Disorder Act are fully exercised, and oversee management of the Youth Offending Team;

3.19.5 The Corporate Director People & Communities is authorised to:

- (a) nominate Officer representation on the Danger Zone Trust, such Officer to be authorised to co-ordinate and manage the Council support and input for Danger Zone;
- (b) institute legal proceedings in respect of prosecutions relating to the duty of care and litter under the Environmental Protection Act 1990.

3.19.6 The Corporate Director People & Communities is authorised:

- (a) to approve sites for graffiti trials on property falling under the control of the Operations department;
- (b) to appoint the Proper Officer, or a substitute designated by the Health Authority under the Public Health (Control of Diseases) Act 1984, National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 and Regulations made under the said Act;
- (c) to take all necessary action under the Dangerous Dogs Act 1991;
- (d) to instigate proceedings in the Magistrates' Court for offences under the Control of Dogs Order 1992;
- (e) to waive payment of the statutory fee for collection of stray dogs from the pound under the Environmental Protection (Stray Dogs) Regulations 1992, in cases of proven hardship;
- (f) to exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them:
 - (i) Anti Social Behaviour, Crime and Policing Act 2014;
 - (ii) Clean Neighbourhoods and Environment Act 2005;
 - (iii) Environmental Protection Act 1990.

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- (g) exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them:
- (i) Abandonment of Animals Act 1960
 - (ii) Animals Act 1971
 - (iii) Anti Social Behaviour Act 2003
 - (iv) Control of Horses Act 2015
 - (v) Dangerous Dogs Act 1989
 - (vi) Dangerous Dogs Act 1991;
 - (vii) Dangerous Dogs (Amendment) Act 1997
 - (viii) Dogs Act 1871
 - (ix) Guard Dogs Act 1975
- (h) make and rescind appointments of Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984 and the National Assistance Act 1948, as amended by the National Assistance Act (Amendment) Act 1951, and Regulations made thereunder or any subsequent amending legislation;
- (i) provide written authority for Officers of Cambridgeshire Constabulary to issue fixed penalty notices in respect of littering offences in pursuance with arrangements made under Section 88(10) of the Environmental Protection Act 1990 and Section 47(1) of the Anti-Social Behaviour Act 2003.

3.20 Delegations to Officers: Service Director Adult Services and Communities

3.21.1 The Service Director Adult Services and Communities is authorised to issue, refuse to issue or withdraw concessionary parking badges ('blue badges') to motor vehicles for disabled persons.

3.21 Delegations to Officers: Corporate Director Growth and Regeneration

3.21.1 The Corporate Director Growth and Regeneration is authorised to approve requests from Ward Councillors for the use of the Community Leadership Fund which meet the criteria for use of money under the fund.

Open spaces and landscape management

3.21.2 The Corporate Director Growth and Regeneration is authorised, in consultation with the Director of Governance:

- (a) to enter into agreements with developers for the construction and maintenance of open spaces on new developments at the developer's expense;
- (b) subject to the Corporate Director Resources being satisfied with the construction thereof, to take a transfer of the land for a nominal consideration under Section 120 of the Local Government Act 1972.

3.21.3 The Corporate Director Growth & Regeneration is authorised:-

- (a) to authorise the use of non-designated areas of open space for firework displays, subject to consultation with the Leader of the Council and approval by all the relevant ward councillors.
- (b) to let allotments, serve notices to cultivate and terminate allotment tenancies where there is a breach of the tenancy conditions;

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- (c) to pursue discussions with entrepreneurs and developers up to outline stage of proposals for leisure-related developments;
- (d) to pursue discussions with voluntary groups, private clubs and other similar interests in pursuance of transferring direct managed services to management by such community groups;

Maps and rights of way

3.21.4 The Corporate Director Growth & Regeneration is authorised:

- (a) to enter into contracts for the supply of Ordnance Survey Maps and data and to act as the Council's Ordnance Survey Liaison Officer;
- (b) to exercise all executive functions relating to public unmetalled footpaths, bridleways and byways open to all traffic.

3.21.5 The Corporate Director Growth & Regeneration is authorised to carry out all necessary consultations and formal advertisement relating to Orders under the Road Traffic Regulation Act 1984, including consideration of objections and the subsequent making, modification or abandonment of the Order.

Buildings Act

3.21.6 The Corporate Director Growth & Regeneration is authorised to determine applications for Building Regulation approval and associated matters and deal with all executive functions relating to:

- (a) building regulations approval and associated matters;
- (b) the issue and acceptance of any notice under the Building Act 1984 and associated legislation;
- (c) the taking of all appropriate action in relation to demolitions, defective premises and dangerous and dilapidated buildings under the Building Act 1984;
- (d) any appropriate action in relation to health under the Building Act 1984.

Highways

3.21.7 The Corporate Director Growth & Regeneration is authorised:

- (a) to exercise the executive powers and duties of the Council, acting on its behalf as the local highway authority, traffic authority, transport authority, parking authority and technical approval authority;
- (b) to initiate representations to or respond to consultations from the various regulatory bodies concerned with the operation of road and rail passenger transport;
- (c) to exercise the powers and duties of the Council in respect of the Highways Act 1980 relating to
 - (i) highways maintainable at public expense (s 37-40),
 - (ii) recovery of expense incurred (s59 and 305),
 - (iii) improving highways (s59),
 - (iv) providing HGV parking (s 115),
 - (v) stopping up/diverting highways (s116-129),
 - (vi) removing marks and repairing damage to highways/footways (s132-133),
 - (vii) controlling builders' skips (s 39-40),
 - (viii) preventing projections and overhangs onto the street (s 152-154, 286),
 - (ix) danger/annoyance to highway users (s161-167),
 - (x) cement mixing (s170),

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- (xi) construction of crossings (s176-184),
- (xii) refuse bins (s185),
- (xiii) transfer of land (238-262), emergency street barriers (s287),
- (xiv) entry onto land (s 289-294),
- (xv) material disposal (s 295) and doing work on others' behalf (s296);
- (d) to make Traffic Regulation Orders (under the Road Traffic Regulation Act 1984) in connection with highway and sewer works, statutory undertakers' works and private events which require the temporary closure/diversion of any highway;
- (e) to act on behalf of the Council in accordance with the powers contained in the Highways Act 1980 (especially section 132) and Town and Country Planning Act 1990 to deal with unauthorised signs and advertisements attached to street furniture or erected within the highway;
- (f) to approve applications under the New Roads and Street Works Act 1991 (in relation to agreeing to carry out works in the highway at private expense);
- (g) to exercise the duties conferred by the Road Traffic Act 1984 in respect of weight limits for particular stretches of highway or bridges
- (h) to oversee the administration of the Concessionary Fares Scheme for rail and bus users;
- (i) undertake all necessary consultations required under part VIIA of the Highways Act 1980 (as amended) in relation to applications made under that part to provide amenities on highways, to consult the Ward Councillors, the Disabled Persons Forum and other relevant parties, and to grant permission subject to conditions where appropriate.

The Corporate Director of Growth & Regeneration is responsible for the Council's Carbon Management Programme and is authorised to carry out the powers and duties conferred by any relevant legislation and regulations, including, but not limited to, the Climate Change Act 2008 and the CRC Energy Efficiency Scheme Order 2010.

Street naming and numbering

- 3.21.8 The Corporate Director Growth & Regeneration is authorised to carry out the functions of the Council in relation to the naming of streets and numbering of houses.

Property Matters

- 3.21.9 The Corporate Director Growth and Regeneration, in consultation with the Director of Governance is authorised:

- (a) to peaceably re-enter and take possession of Council-owned land and buildings;
- (b) to take all necessary steps, including service of Notices to Quit, for obtaining possession of land required for development;
- (c) to serve Notices under Section 25 of the Landlord and Tenant Act 1954 in respect of commercial premises;
- (d) to take all necessary steps to repossess Council property from persons in illegal occupation;
- (e) to take appropriate steps in respect of forfeiture of Council premises;
- (f) to determine claims for adverse possession in respect of Council land.

- 3.21.10 Subject to any conflict of interest through any Joint Vehicle Companies, the Corporate Director Growth and Regeneration is authorised:

- (a) in consultation with appropriate officers, to keep all land and property under review and to take such emergency action as may be necessary for the protection of the

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- public or the Council's property;
- (b) unless otherwise authorised, to negotiate and complete land and property transactions in accordance in accordance with Council policy up to a financial limit of £250,000;
 - (c) to undertake day to day management and maintenance of Council land and buildings;
 - (d) to act as the Council's Corporate Property Officer, as required in Government guidance about asset management, responsible for dealing with strategic property issues at corporate level;
 - (e) to be responsible for all matters concerning the Register of Public Bodies' Land and Vacant and Underused Land;
 - (f) to fix charges for negotiations undertaken on behalf of the Council;
 - (g) in consultation with the Director of Governance, to take surrenders of leases and to agree and implement the termination of tenancies, agreements and licences of Council premises in appropriate circumstances;
 - (h) to undertake and complete rent reviews not requiring any further amendment to the lease (other than user);
 - (i) to grant or refuse consent to underlettings and assignments not requiring any further amendment to the lease (other than user);
 - (j) to negotiate and settle terms for new, and variations to, leases, tenancies, wayleaves and easements of Council property in consultation with the Director of Governance as appropriate, taking into account the sale, complexity and significance of the matter in hand;
 - (k) to grant or refuse consent on behalf of the Council as landlord to a change of use;
 - (l) to negotiate and settle terms for covenants for the acquisition and sale of all property previously authorised by the Council;
 - (m) to grant or refuse consent on behalf of the Council as landlord to internal alterations to Council properties and to minor alterations to the exterior of such properties;
 - (n) to appoint the District Valuer to negotiate and/or provide valuations of land or property as and when necessary or desirable
 - (o) to appoint agents to undertake rent reviews, to negotiate and/or provide valuations of land or property, and to market land and property available to let or for previously authorised sale.
 - (p) in consultation with Officers, to grant consent or approval, and to relax or release covenants contained in conveyances of Council land and former Council land in cases where the Council is unable to charge and in cases where the Council can charge.
 - (q) to grant or refuse consent on behalf of the Council as landlord to amend existing lease clauses;
 - (r) to enter into contracts for goods and services up to £500,000;
 - (s) to demolish buildings which are in a dangerous or life-threatening state;
 - (t) in consultation with appropriate officers approve the assignment of property between services;
 - (u) to approve all licences for works by the Council on non-Council owned property;
 - (v) to negotiate and settle all construction-related claims against the Council;

Where there is a conflict of interest, the Director, Resources will undertake the above delegations.

School Property

- 3.21.11 Subject to any conflict of interest through any Joint Venture Companies, the Corporate Director Growth & Regeneration is authorised:

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- (a) to secure the release of identified surplus education land, following a decision in principle by the Executive;
- (b) to take decisions on the retention and improvements of specific teachers' and caretakers' accommodation.

Where there is a conflict of interest, the Director, Resources will undertake the above delegations.

Economic development

3.21.12 The Corporate Director Growth & Regeneration is authorised:

- (a) to prepare and give effect to an economic development strategy,
- (b) to negotiate and implement partnership frameworks to deliver growth funding programme management in accordance with policy agreed by the Council and its partners;
- (c) to prepare and deliver strategies to maximise European Funding opportunities for the benefit of the Council and its partners;
- (d) to exercise powers granted under the Ancient Monuments and Archaeological Areas Act 1979 relating to the management of archaeological monuments;
- (e) to negotiate and administer partnership project agreements which facilitate archaeological research.

3.22 Delegations to officer – Public Health Functions

3.22.1 The Director Public Health (DPH) shall have the responsibility and delegation to carry out all of the local authorities functions under the NHS Act 2006 and the Health & Social Care Act 2012, and related Regulations, including, but not limited to:

- (a) writing the Annual report on the health of the local population (which the Council then has a duty to publish);
- (b) any actions necessary to improve public health;
- (c) any actions necessary to fulfil the Secretary of State's public health protection or health improvement functions;
- (d) exercising the local authority's functions in planning for, and responding to, emergencies that present a risk to public health;
- (e) co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders;
- (f) such other public health functions as the Secretary of State specifies in regulations;
- (g) responsibility for the local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications;
- (h) ensuring plans are in place to protect the population including through screening and immunisation, and where such programmes are delivered by other organisations, ensuring that the combined plans deliver effective programmes to the local population;
- (i) community infection prevention and control;
- (j) appropriate access to sexual health services (including testing and treatment for sexually transmitted infections, contraception outside of the GP contract and sexual health promotion and disease prevention);
- (k) ensuring NHS Commissioners receive the public health advice they need;
- (l) the National Child Measurement Programme;

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- (m) the NHS Health Check Assessment;
 - (n) if the local authority provides or commissions a maternity or child health clinic, the DPH has responsibility for providing Healthy Start vitamins;
 - (o) any other functions which, in the professional opinion of the DPH, are necessary to fulfil the local authority's public health responsibilities.
- 3.22.2 The Corporate Director People & Communities and the Director Public Health shall be lead officers of the Health & Wellbeing Board, and may delegate attendance at this Board to a member of their management teams in the event of his/her unavailability.