

## **PART 9**

### **Scheme of Delegation to Officers**

#### **1 General**

- 1.1** When a function is delegated to officers it shall be implicit in the delegation that all such consequential and incidental acts as may be necessary by way of implementation shall also be delegated.
- 1.2** Each delegated power includes authority, after consultation with the Council's senior legal officer, for:
- (a) the prosecution, defence, institution of or appearance in any legal or other proceedings in any Court, inquiry or tribunal or before any similar body; and
  - (b) the conduct of any such proceedings. All legal proceedings shall be undertaken under the name of the Council's senior legal officer.
- 1.3** All powers delegated to an officer shall be exercised by the officer concerned only if the matter concerned is within the overall policy and budget approved by the Council and within any budget allocated to the Cabinet or Committee or Sub-Committee. Any exercise of delegated powers shall be carried out in accordance with any statutory or other legal requirements and in accordance with the Constitution including the Contract Procedure Rules and Financial Procedure Rules.
- 1.4** In the Scheme of Delegation, "Designated Officer" means the Chief Executive, Deputy Chief Executive, Director of Service Delivery, Director of Regeneration and Planning, Director of Tourism and Enterprise, Assistant Director of Legal and Democratic Services, Assistant Director for Corporate Governance, Assistant Director of Human Resources and Organisational Development, Assistant Director of Business Transformation and any other officer properly authorised to act for such a Designated Officer.
- The Designated Officers may authorise other officers to act in their name. The Designated Officers therefore remain accountable for staff acting under their control and direction and in their name. Any such authorisations or appointments shall be in writing and shall be recorded in a register kept by the Council's senior legal officer.
- The Designated Officers may appoint officers to posts which have Proper Officer duties attached to them (see paragraph 2.1 below for an explanation of what is meant by "Proper Officer").
- 1.5** For the avoidance of doubt, any function delegated to a Designated Officer of the Council, shall be deemed also to be delegated to the

Chief Executive who, in the absence of the Designated Officer on leave, through sickness, attendance at conference or for any similar reason, or who is unable to act on account of a conflict of interest, shall authorise a substitute officer to act. The exception to this shall be the Head of Finance who shall act on behalf of the statutory officer appointed under Section 151 of the Local Government Act 1972 in that officer's absence, and such legal officer as is appointed by the Monitoring Officer to act on his/her behalf in the Monitoring Officer's absence.

- 1.6 The appropriate Designated Officer shall be empowered to make proposals under the Town and Country Planning General Regulations 1992 and to seek any required planning or building control permission in pursuance of any resolution or objective of the Council.
- 1.7 The appropriate Designated Officer shall have authority to invite and accept tenders for any work authorised by the Cabinet or any Committee and contained within the Capital and Revenue Budgets, subject to the procedures set out in the Constitution and to appoint consultants when necessary, subject to the cost being within budget.
- 1.8 The Designated Officers shall be able to authorise officers within their area of management to act in their absence, in which case such authorisation shall be in writing.
- 1.9 This Scheme of Delegation should be read in conjunction with the service plans of the Council's departments. These set out the general priorities for the Council's activities and are agreed by the Council on an annual basis. Designated Officers are delegated to carry out the activities described in the service plans with overview by the Council being carried out through its performance management and budget monitoring framework.
- 1.10 Any officer may be given delegated authority to discharge functions by a specific decision of the Council, a Committee, a Sub-Committee or the Cabinet, whether made before or after the adoption of this Scheme and the absence of the delegation from this Scheme shall not be treated as preventing the exercise of that delegation.
- 1.11 Any reference in this Scheme of Delegation to discharging functions under an Act of Parliament includes discharging functions under any Regulations, Statutory Instrument or other subordinate legislation made under or for the purposes of the Act of Parliament (any reference to an Act of Parliament includes any Regulations, Statutory Instrument or other subordinate legislation made under or for the purposes of the Act of Parliament and any legislation re-enacting or amending it).

## **2 Proper Officer/Statutory Appointments**

- 2.1** Some powers exercised by officers arise from Acts of Parliament which require the Council to appoint holders of particular posts or named officers to carry out a particular function or work of the Council. Often the legislation will require the Council to appoint a “Proper Officer” to carry out a specified function.

Examples of such posts are the Head of Paid Service, Monitoring Officer, Section 151 Officer (responsible for proper accounting and financial issues), and officers for various specified purposes (including electoral registration and elections).

These appointments are set out in the Proper Officers’ Table below and the Proper Officer shall be able to authorise officers within their area of management to act in their absence in which case such authorisation shall be in writing. Where a specific post is designated as a Proper Officer post, the Chief Executive and the Designated Officers can appoint particular officers to undertake the Proper Officer functions attached to that post.

- 2.2** The Chief Executive shall be the Proper Officer of the Council and the statutory appointee of the Council for all statutory purposes not otherwise expressly provided for in the table of Proper Officers and statutory appointments set out below.

### **Table of Proper Officer and Statutory Appointments**

#### **Chief Executive**

The Chief Executive is appointed the Proper Officer in relation to:

<b>Local Government Act 1972</b>	
section 13(3)	Parish trustee
section 83	Witness and receipt of declarations of acceptance of office
section 84(a)	Receipt of resignation of office
section 88(2)	Convening of a meeting of the Council to fill a casual vacancy in the office of Chair
section 89(1)(b)	Receipt of notice of casual vacancy from two local government electors
Schedule 12, Part I, para 4	Signing summons to attend Council meeting

Schedule 14, Part II, para 25(7)	Certification of a resolution of the Council
<b>Representation of the People Acts 1983 to 1985</b>	
the whole Acts	To be the Electoral Registration Officer
	To be the Acting Returning Officer for parliamentary, county and european elections
	To be the Returning Officer for district and town/parish elections
<b>Local Government Finance Act 1988</b>	
section 116	Information about meetings to be given to auditor
<b>Local Government Housing Act 1989</b>	
section 4	Designation and reports of Head of Paid Service
Regulations under section 15 to 17	Receipt of Notices re. political balance of groups

### **Deputy Chief Executive**

The Deputy Chief Executive is appointed the Proper Officer in relation to:

<b>Local Government Act 1972:</b>	
section 115(2)	Receipt of money due from officers
section 146(1)	Declaration and certificates with regard to securities
section 151	Responsibility for proper administration of the Council's financial affairs

section 234	Authentication of documents prepared within the Finance department
<b>Local Government Finance Act 1988</b>	
section 114	Reporting on unlawful expenditure of insufficient resources
<b>Local Government and Housing Act 1989</b>	
	All and any references to Chief Financial Officer

### **Director of Service Delivery**

The Director of Service Delivery is appointed the Proper Officer in relation to:

<b>Local Government Act 1972</b>	
section 191	Receipt of applications for marking of boundaries etc (Ordinance Survey)
<b>Miscellaneous</b>	
To be the "Proper Officer" for all legislation relating to matters of public health, public safety, licensing, control of diseases and legislation affecting Newhaven Port.	

### **The Assistant Director of Legal and Democratic Services**

The Assistant Director of Legal and Democratic Services is appointed the Proper Officer in relation to:

<b>Local Government Act 1972</b>	
section 96(1) and (2)	Receiving and recording notice of pecuniary interest under section 94
section 100B(2)	Designation of reports "Not for Publication"
section 100B(7)(c)	Supply of copy documents to the press

section 100C(2)	Summaries of minutes
section 100F(2)	Members' rights to inspect documents
section 224 and 225(1)	Receiving, retaining and making proper arrangements with respect to deposited documents
section 229(5)	Certification of photographic copies of documents for the purpose of legal proceedings
section 234(1) and (2)	Authentication of documents
section 236(9) and (10)	To send copies of byelaws for Parish records and to the County Council
section 238	Certification of byelaws
Schedule 12, Part I, para 4	Signing summons to attend Council meetings (in absence of Chief Executive)
	Receipt of notices regarding address to which summons to meetings is to be sent
Schedule 14, para 25(7)	Certification of resolutions applying para 25(7) Public Health Acts
<b>Representation of the People Act 1983</b>	
section 52	To be a deputy Electoral Registration Officer
<b>Local Government and Housing Act 1989</b>	
section 3	Signing of certificates of opinion (Politically Restricted Post)
section 5	To be the Council's Monitoring Officer

<b>Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000</b>	
	Access to papers relating to key decisions and record keeping of executive decisions

**Building Control Officer**

The Council's senior Building Control Officer is appointed the Proper Officer in relation to:

<b>Party Wall Act 1996</b>	
section 10(8)	To be the "appointing officer" with authority to make any decision required to be made by the "appointing officer"

**Head of Democratic Services**

The Head of Democratic Services is appointed as Proper Officer in relation to:

<b>Representation of the People Act 1983</b>	
section 52	To be a deputy Electoral Registration Officer

**Chief Executive**

**A Policy Functions**

- (a) To act as the Council's principal adviser on matters of policy and to be responsible for the co-ordination of advice on matters affecting such policy (Council in respect of those policies set out in Article 4 of the Constitution; Executive in respect of all other policies);
- (b) to act as the Head of the Council's Paid Service with authority over all other employees so far as this is necessary for ensuring the efficient and effective management and use of the Council's resources (Executive);
- (c) responsibility for ensuring that the information presented to councillors can be readily understood and that technical matters are fully explained;

- (d) responsibility for ensuring that officers provide a full evaluation of the corporate business aspects and financial implications of any action proposed;
- (e) all the powers and duties of the Council relating to the conduct of elections, electoral registration, boundary/electoral reviews and associated matters (Council);
- (f) in cases of urgency, the powers set out in the following paragraphs:
  - (i) in cases where the Council is spending money, power to accept a tender other than the lowest (Executive);
  - (ii) in cases where the Council is receiving money, power to accept a tender other than the highest (Executive);

The powers in (i) and (ii) above shall only be exercised after considering a written report from the appropriate officer or other person;

- (iii) power to accept a tender that exceeds the approved budget provisions after considering a written report from the appropriate officer and the Deputy Chief Executive (Council);
- (g) responsibility for the preparation and implementation of the Council's strategy in the effective provision of information systems using information technology (Executive);
  - (i) through the Deputy Chief Executive, responsibility for the effective management of information technology systems within the Council (Executive);
  - (ii) responsibility for the provision and management of all accommodation, facilities and training for members.

## **B Personnel Functions**

- (a) To be responsible for the management of all matters relating to employees including appointment, training and development, promotion, supervision, suspension, dismissal, remuneration, conditions of service, superannuation and welfare (Employment Committee).

## **C Community Services Functions**

- (a) To manage the Community Safety and Emergency Planning responsibilities of the Cabinet.

## **D Emergencies**

- (a) To deal with any major hazard or emergency affecting the District or disruption to the Council's services and to advise the Chair of the



Council, the Leader of the Council and the Leaders of the Opposition Groups, as soon as possible (Executive);

- (b) in the absence of any of the above members, a substitute member shall act in place of the nominated member.

## **E Information Governance**

- (a) To be responsible for the Council's Publication Scheme (as defined in the Freedom of Information Act 2000) and for responding to requests for information under freedom of information and data protection legislation (Executive)

## **Deputy Chief Executive**

### **A Policy Functions**

- (a) In respect of Treasury Management (Executive):
  - (i) to arrange the borrowing of money authorised by the Council and manage the Council's debt in accordance with any guidelines laid down by the Council, but this authority does not extend to matters other than the strict management of debt and does not include (for the sake of illustration only) other measures, such as interest rate swaps, any financial arrangements which are based on notional amounts of debt, or any speculative proposals of any kind;
  - (ii) to manage the investment of the funds of the Council but not in equities or any investment of a speculative nature;
  - (iii) to implement and monitor a treasury management policy statement setting out the matters detailed in CIPFA's Code of Practice on Treasury Management in Local Authorities;
  - (iv) to have control of all money in the hands of the Council and to manage the Council's banking arrangements;
  - (v) to report, at or before the start of the financial year, to the Cabinet on the strategy for treasury management it is proposed to adopt for the coming financial year;
  - (vi) to take all executive decisions on borrowing, investment or financing and to act in accordance with CIPFA's Code of Practice on Treasury Management in Local Authorities;
  - (vii) to report to the Cabinet not less than twice in each financial year on the activities of the treasury management operation and on the exercise of delegated treasury management powers. One such report shall comprise an annual report on treasury

management for presentation by 30 September of the succeeding financial year;

- (viii) In the event of the Deputy Chief Executive wishing to depart in any material respect from the main principles of the CIPFA's Code, the reasons should be disclosed in a report to the Cabinet;
- (b) to deal with all matters relating to the Council's insurances including the authorisation of the payment of increased premiums as necessary, subject to any general direction of the Cabinet or the Council, and to a report being made to the Cabinet upon the matter of insurance generally from time to time (Executive);
- (c) to administer the functions of the Council under the Local Government and Finance Act 1992 and regulations made thereunder in connection with the collection and enforcement of the Council Tax including, without prejudice to the generality of the foregoing, the Council's functions regarding: determinations as to persons to be disregarded for the purposes of discount under Section 11(5) and Schedule 1 to the Act;
- the administration etc of the Council Tax under regulations made pursuant to Section 14(1) and Schedule 2 to the Act;
  - the imposition of penalties under Section 14(2) and Schedule 3 to the Act;
  - the enforcement of the Council Tax under regulations made pursuant to Section 14(3) and Schedule 4 to the Act;
  - the administration of and making determinations under legislation relating to Council Tax benefits, and
  - the authorisation of Officers to levy distress on behalf of the Council pursuant to Regulation 45 of the Council Tax (Administration and Enforcement) Regulations 1992 (Executive);
- (d) where annual contributions have been made to specific reserves for either repairs and maintenance to land and buildings and facilities or replacement of equipment, vehicles, plant and transport, to incur the expenditure, subject to there being sufficient funds available to meet the expenditure (Executive);
- (e) with the approval of the Chief Executive to roll forward specified amounts within the revenue budget between financial years where it has not been possible to incur the expenditure within the approved financial year and where the appropriate budget is not overspent and the purpose of the expenditure is to remain the same. Any amounts

rolled forward shall be reported to the next meeting of the Cabinet (Executive);

- (f) to administer the Council's functions in relation to the collection of non-domestic rates in accordance with the Local Government Act 1988 (as amended) and all relevant regulations made thereunder (Executive);
- (g) to exercise determinations, discretionary powers and all functions contained under the Social Security and Housing Benefit Act 1982 including any regulations and amendments thereto and any subsequent relevant legislation (Executive);
- (h) to maintain an adequate and effective Internal Audit Service and to be responsible for staff engaged in performance management work (Executive).

## **B Personnel Functions**

- (a) To be responsible for those matters delegated to him/her in the appointment, suspension and termination of employees (Employment Committee).

## **C Designated Officers in the Directorate of Finance and Community Services**

The Head of Finance, Head of Planning and Revenues, Senior Local Taxation Officer, Local Taxation Assistant and Senior Enforcement Officer shall have authority to attend and act on the Council's behalf at Court, Valuation Tribunals and meetings of Creditors, and be empowered to submit proofs of debt in liquidation and bankruptcy proceedings, authorise voluntary arrangements and to initiate action for the compulsory liquidation of companies or the bankruptcy of individuals in connection with the collection of Council Tax, National Non-Domestic Rates, residual Community Charge and other debts (Executive).

## **Director of Service Delivery**

### **A Environmental Health Functions**

- (a) To ensure enforcement of all relevant legislation relating to matters of public health, public safety and nuisance insofar as they apply to premises, land, vehicles, plant, equipment or machinery other than those in the ownership of the District Council including authorising officers to exercise powers of entry, inspection and all other powers envisaged by the legislation. The Director of Service Delivery is authorised to serve any statutory notice in connection with the same and to delegate power to officers to do likewise (Licensing Committee);
- (b) to ensure enforcement of the Health and Safety at Work etc Act 1974 and all relevant statutory provisions made in pursuance of the Act; to

- appoint appropriately qualified inspectors under the Act and to authorise them to carry out any or all of the powers of inspectors set out in the Act (appointments - Council; enforcement - Licensing Committee);
- (c) to ensure enforcement of the Food and Environment Protection Act 1985 and to authorise appropriately qualified officers to exercise any or all of the enforcement powers contained in Section 19 and Schedule 2 of the Act (authorisations - Council; enforcement - Licensing Committee);
  - (d) to ensure enforcement of the Food Safety Act 1990 and any Regulations made thereunder and to authorise appropriately qualified officers to act in any or all matters arising under the Act (and Regulations) (authorisations - Council; enforcement - Licensing Committee);
  - (e) to ensure enforcement of food safety Regulations made under the European Communities Act 1972 and to authorise appropriately qualified officers to act in any or all matters arising under the Act and Regulations;
  - (f) to be responsible for carrying out and enforcing the following licensing functions: Late Night Refreshment Houses; Acupuncture; Tattooing; Ear Piercing and Electrolysis; Pleasure Boats; Public Entertainment; Control of Sex Establishments; Theatres; Cinemas; Street and House to House Collections; Lotteries and Amusements; Gaming; Caravan Site Licences; Game Licences (Licensing Committee);
  - (g) to be responsible for carrying out and enforcing all animal welfare provisions, including animal welfare licensing functions. These include, but are not restricted to, functions relating to the following: Zoo Licensing; Animal Boarding Establishments; Pet Animals Act; Guard Dogs Act; Breeding of Dogs Act; Dangerous Wild Animals; and Riding Establishments (Licensing Committee);
  - (h) to be responsible for carrying out and enforcing the Hackney Carriage and Private Hire vehicle drivers and operators licensing functions (Licensing Committee);
  - (i) to be responsible for the management of all other licensing functions which are now the responsibility of the Council and which have not been delegated to any other officer (Licensing Committee);
  - (j) to ensure enforcement of legislation relating to public health including the issuing and serving of notices and responding to appeals (Licensing Committee);
  - (k) to ensure enforcement of legislation relating to the safety of maritime beaches, amenity areas adjacent to inland waters and water based

sports and recreation on inshore and inland waters (Licensing Committee);

- (l) to ensure the discharge of Council powers and responsibilities as the Newhaven Port Health Authority (Licensing Committee);
- (m) to ensure enforcement of all relevant legislation including byelaws in respect of Stray Dogs, Dog Welfare and Control and Dog Fouling and to designate officers as "authorised officers" for the purpose of issuing Fixed Penalty Notices (Licensing Committee);
- (n) to ensure enforcement of Part III of the Environmental Protection Act 1990 including the issuing and serving of notices and responding to appeals (Licensing Committee);
- (o) to ensure enforcement of the Environmental Protection Act 1990 (other than Part III), the Noise Act 1996, the Anti-Social Behaviour Act 2003 and the Clean Neighbourhoods and Environment Act 2005, including the issuing and serving of Notices and responding to Appeals and to designate officers as 'authorised officers' for the purpose of issuing Fixed Penalty Notices under any of these Acts and/or under any Regulations or Orders made in pursuance of these Acts (Licensing Committee);
- (p) to sign the Memorandum of Undertaking for the Sussex Local Authorities and Health and Safety Executive Flexible Warrant Scheme.
- (q) Provided that the Director shall have the discretion to decide that an application or other licensing matter which he/she considers to be contentious or controversial shall be referred to the Licensing Committee for determination.

## **B Waste and Transport Functions**

- (a) To be responsible for waste management and policy insofar as it relates to Reduction, Recycling, Re-use, including the maintenance of premises, land, machinery, plant and vehicles in the ownership of the Council necessary to undertake the Council's recycling operation (Executive);
- (b) in consultation with the Deputy Chief Executive, to exercise the option to acquire new or second hand vehicles with low mileage of recent registration or ex-demonstration vehicles in accordance with the approved Vehicle Replacement Programme and Contract Procedure Rules as appropriate (Executive);
- (c) to approve capital purchases in relation to new capital equipment and plant required by the waste and recycling operation in accordance with the Council's budget and tendering procedures;

- (d) to be responsible for all aspects of the administration, processing and enforcement of abandoned vehicles (Executive).

### **C Open Spaces, Waste and Recycling**

- (a) To manage and control land and buildings, including open spaces, cemeteries, closed churchyards, allotments, nature reserves, beach chalets, and which are used to provide community services (Executive);
- (b) to take all necessary action relating to the receipt of applications for burial, the grant of burial rights, maintenance of graves, provision of memorials and inscriptions (Executive);
- (c) to arrange the collection of clinical waste from premises as required by the Waste Collection and Disposal Regulations 1988 and as may be requested by industrial or commercial premises for which no duty in respect of collection otherwise exists (Executive);
- (d) to carry out the Street Sweeping/Beach Cleansing Service in accordance with Section 89 of the Environmental Protection Act 1990 (Executive);
- (e) to be responsible for the procurement and management of services relating to grounds maintenance, refuse collection and street cleaning.

### **D Licensing Functions (Under the Licensing Act 2003 and Gambling Act 2005)**

- (a) To deal with all matters/applications relating to the Licensing Act 2003 and Gambling Act 2005 in accordance with and subject to the requirements/ restrictions imposed by the Act and the Regulations and Guidance made under these Acts (Licensing Committee);
- (b) to carry out the functions of the Licensing Committee as set out in paragraphs 2.5 and 3.5 of the Licensing Committee's Remit (Licensing Committee);
- (c) to appoint "authorised persons" (officers) to carry out the inspections and enforcement duties under the Licensing Act 2003 and Gambling Act 2005;
- (d) to carry out the functions of the Authorised Officer as described in the two documents entitled Internal Procedure for Responding to Unauthorised Encampments within Lewes District and The Unauthorised Encampment Protocol between Sussex Police and Local Authorities.

### **E Housing Services Functions**

- (a) To ensure enforcement of all relevant legislation relating to housing in the private sector including giving, making, determining or serving notices and orders under the Building Act 1984, the Housing Act 1985, the Housing Act 1996 and the Housing Grants Construction and Regeneration Act 1996 and regulations made thereunder (Executive);
- (b) to consider applications for Renovation Grants, Common Parts Grants, Houses in Multiple Occupation Grants, Home Repairs Assistance Grants and Disabled Facilities Grants duly made in accordance with the Housing Grants Construction and Regeneration Act 1996 and approve such grants in accordance with the Council's Grants Policy (Executive);
- (c) to carry out the Council's responsibilities under the Home Energy Conservation Act 1996 and regulations made under that Act for all matters relating to Energy Efficiency in the Private Housing Sector (Executive);
- (d) to administer the Council's scheme under the Right to Buy legislation and other approved sales policies (Executive);
- (e) to administer new leases (lease extensions) and the collective right to enfranchise under the Leasehold Reform, Housing and Urban Development Act 1993 as amended (Executive).

**F Housing Management Functions**

- (a) To manage the Council's housing stock and, jointly with the Deputy Chief Executive, to make recommendations to the Cabinet on rent levels to be set for the housing stock (Executive);
- (b) to exercise the powers and duties of the Cabinet in respect of rent collection and debt recovery for the Housing Revenue Account stock (Executive);
- (c) to exercise the power to distrain on the goods of tenants (Executive);
- (d) in consultation with the Council's senior legal officer, to take any necessary action to recover possession of premises in respect of which the relevant notices have been served (Executive);
- (e) to deal with applications for the maintenance or improvement of Council housing (Executive);
- (f) to give or withhold consent where under the Council dwelling tenancy agreement or by legislation the consent of the Council is required (Executive);
- (g) to consult with Council tenants or their representatives, where appropriate, on matters of proposed change to housing management,

improvement programmes etc. including the encouragement of and liaison with tenants' groups (Executive);

- (h) to regularly inspect the Council's stock of housing and periodically report to the Committee upon the general state of repair thereof and of any general or specific need for improvement to contemporary standards (Executive);
- (i) in consultation with the Council's senior legal officer, to authorise the grant of easements, licences and wayleaves over property which is appropriated for housing purposes (Executive);
- (j) to authorise the determination of tenancies and, in particular, the service of any necessary notice to quit on grounds of breach of the terms and conditions of tenancy, and to serve notice of seeking possession on grounds of rent arrears, breaches of tenancy agreement or anti-social behaviour (Executive);
- (k) to deal with welfare problems of tenants in association with the Social Services Department of the East Sussex County Council. In consultation with the Deputy Chief Executive, to write off debts and other losses of any amount not exceeding £2,500 (Executive);
- (l) to undertake the maintenance, repair and improvement of all Council housing and to administer the Council's scheme under the Right to Repair legislation (Executive);
- (m) except where more specifically mentioned, to undertake the management and control, maintenance, repair and improvement of all buildings used for non-residential purposes, and land being on, or forming an integral part of, any housing estate or surround, and to secure their good appearance (Executive);
- (n) to maintain the Standing List of Approved Contractors (Executive).

## **G Housing Strategy Functions**

- (a) To purchase houses for addition to the housing stock (Executive);
- (b) to be responsible for the short-term renting of accommodation and determination of rent from the private sector (Executive);
- (c) to negotiate for the sale or lease of land to Registered Social Landlords, Self-build Groups and the like;
- (d) to deal with all applications for admission to any waiting list for Council housing and all applications for the allocation of such housing (Executive);
- (e) in accordance with a scheme approved by the Cabinet, to allocate Council housing accommodation and make such arrangements as may



be appropriate for the transfer, exchange and succession to tenancies (Executive);

- (f) to approve applications for the letting of any residential property mortgaged or leased to the Council (Executive);
- (g) to consider in the first instance all applications from Registered Social Landlords for financial assistance and, subject to such consideration, refer appropriate applications to the Cabinet for final determination (Executive);
- (h) to house in either bed and breakfast or temporary accommodation or permanent accommodation, depending upon circumstances, families, including single people, to whom the Council has a duty to provide accommodation, in accordance with the provisions of the Housing Acts, Regulations and advice issued from time to time by the Secretaries of State (Executive);
- (i) to alter the rate of interest payable on mortgages or other loans or advances to new and existing borrowers (Executive);
- (j) to approve applications for House Purchase Advances under the provisions of Sections 435 and 437 of the Housing Act 1985; and to allow rent rebates and allowances (Executive);
- (k) to exercise the powers and duties of the Cabinet in respect of mortgages (Executive);
- (l) to work in partnership with Registered Social Landlords to provide additional homes in the District (Executive);
- (m) to carry out and/or arrange for the carrying out of homelessness reviews in accordance with Part VII of the Housing Act 1996 (as amended);

The Director of Service Delivery may carry out such reviews personally or may instruct another council officer to carry out such a review or may instruct a third party individual or body to carry out such a review on his/her behalf. A third party individual or body may be instructed to carry out such a review by the Director of Service Delivery personally or by a council officer acting on his/her behalf.

## **H Social Care Function**

- (a) In consultation with the Council's senior legal officer (and the Police and other agencies where this is required) to enter into Acceptable Behaviour Contracts/Agreements and authorise applications for Anti-social Behaviour Orders (ASBOs), Anti-social Behaviour Injunctions, post-conviction ASBOs and County Court ASBOs where appropriate and to generally take whatever steps are necessary to enforce against anti-social behaviour/nuisance within the District;

- (b) to be the responsible officer for community safety matters generally (Executive);
- (c) to be the responsible officer for the purposes of the Children Act 2004 and for child protection and safeguarding matters generally (Executive).

## **I Personnel Functions**

- (a) To be responsible for those matters delegated to him/her in the appointment, suspension and termination of employees (Employment Committee).

## **Director of Regeneration and Planning**

### **A Environment and Planning Functions**

- (a) To exercise the following powers and duties:
  - (i) in consultation with the Cabinet Member for Planning, to determine neighbourhood area applications, as defined in the Neighbourhood Planning (General) Regulations 2012 (Executive);
  - (ii) adoption of planning guidance, standards and criteria at a detailed or local level within the planning policies of the Council (Executive);
  - (iii) the making of observations to other authorities or bodies on matters of planning policy in accordance with the planning policies of the Council (Executive);
  - (iv) agreeing the Development Plan scheme and any action necessary for the preparation of statutory or informal plans, subject to the concurrence of the Council at the Deposit, Proposed Modifications and Adoption stages (Executive);
  - (v) control and management of properties held by the Council for planning and building control purposes (Executive);
  - (vi) temporary street closures under the provisions of the Town Police Clauses Act 1847 (Executive);
- (b) to deal with Hedgerow Removal Notices and to authorise the service of Hedgerow Retention Notices and Hedgerow Replacement Notices under Section 97 of the Environment Act 1995 (Hedgerow Regulations 1997) (Planning Applications Committee) and to deal with any other applications or notices relating to hedges;
- (c) to ensure enforcement of all relevant legislation relating to the protection of the environment insofar as it applies to premises, land,

vehicles, plant or machinery other than those in the ownership of the District Council (Appeals Committee);

- (d) to ensure enforcement of the Environmental Protection Act 1990 with regard to Integrated Pollution Control and Air Pollution Control and to authorise appropriately qualified officers to exercise any or all of the powers contained in Sections 108 and 109 of the Environment Act 1995 (authorisations - Council; enforcement - Appeals Committee);
- (e) to be responsible for the enforcement and implementing the Council's responsibilities under Part II and Part IV of the Environment Act 1995 and regulations made under that Act in relation to Air quality and Contaminated Land (Appeals Committee);
- (f) to be responsible for implementing the Council's programme for continuous Environmental Improvement (Executive);
- (g) to be responsible for the Council's powers, duties and obligations relating to coast protection (Executive);
- (h) to be responsible for the enforcement of environmental crime legislation (Executive);
- (i) to manage and control land and buildings relating to car parks, public conveniences and public buildings (Executive).

**B Planning Applications Functions (either applications made direct to the Council or applications made to the South Downs National Park Authority and delegated for determination by the Council)**

- (a) To approve, or approve subject to conditions, as necessary, any application for Planning Permission, Listed Building Consent, Conservation Area Consent, Advertisement Consent, Works to trees subject to a Tree Preservation Order or within a Conservation Area, any application for a Certificate of Lawfulness of Existing or Proposed Use or Development or any other application under the Town and Country Planning Acts other than any application by Lewes District Council for Planning Permission and any notification by Government Department, providing that:
  - the application falls within one of the classes of development set out in the Scheme of Delegation;
  - the application is not contrary to policy;
  - no member of the Council has requested the application to be determined by the Committee within fourteen days of the weekly list relating to the application, providing that such request is based on valid planning reasons and that the Chair of the Committee agrees to take the matter at the meeting;

- either (i) no objection has been received from a Town or Parish Council within any notification period relating to the application, or (ii) any such objection received is, in the opinion of the Director of Regeneration and Planning, unreasonable and/or unsustainable and the Director records his/her reason(s) for that opinion;
  - in the event that there are third party objections, the Director of Regeneration and Planning shall have authority to determine an application where objections have been received if he/she is satisfied that such objections could not form the basis of a sustainable reason for refusal;
  - in the case of works to trees, no objection has been received during the statutory consultation period, and provided that any application which the Director of Regeneration and Planning considers to be contentious or controversial and which he/she is minded to approve shall, at the discretion of the Director, be referred to the Planning Applications Committee for determination (Planning Applications Committee);
- (b) to refuse any application for Planning Permission, Listed Building Consent, Conservation Area Consent, Advertisement Consent, any application for a Certificate of Lawfulness of Existing or Proposed Use or Development or any other application under the Town and Country Planning Acts other than any application by Lewes District Council for planning permission and any notification by Government Department, providing that:
- no member of the Council has requested the application to be determined by the Planning Applications Committee within fourteen days of the weekly list relating to the application, providing that such request is based on valid planning reasons and that the Chair of the Committee agrees to take the matter at the meeting, unless that request has subsequently been withdrawn; or
  - either (i) the application is not supported by a Town or Parish Council, or (ii) any comment made in support is, in the opinion of the Director of Regeneration and Planning, unreasonable and/or unsustainable and the Director records his/her reason(s) for that opinion except that the Director shall have the discretion to decide that an application which he/she considers to be contentious or controversial shall be referred to the Planning Applications Committee for determination (Planning Applications Committee);
- (c) to respond to consultations from the East Sussex County Council regarding development by that Council, or mineral/waste applications submitted to that Council, and to respond to consultations by the South

Downs National Park Authority on applications to be determined by them providing that:

- the development is such that delegated authority would exist if an application were made to the District Council;
  - the response is one of no objection, or no objection subject to conditions; or
  - no member of the Council has requested the application to be determined by the Planning Applications Committee, provided that any application which the Director of Regeneration and Planning considers to be contentious or controversial shall be referred to the Planning Applications Committee for a decision (Planning Applications Committee);
- (d) to deal with all Building Regulation applications and to enforce compliance with Building Regulations (Planning Applications Committee);
- (e) to deal with dangerous buildings and structures under the emergency powers in the Building Act 1984 (Planning Applications Committee);
- (f) to authorise Officers to enter land to carry out those powers set out in Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976, 196A, 196B, 214B, 214C, 324 and 325A of the Town and Country Planning Act 1990, Sections 88 and 88A of the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 36, 36A, 36B and 36C of the Planning (Hazardous Substances) Act 1990, Regulation 12 and 13 of the Hedgerows Regulations 1997, S 74 and 77(5) of the Anti-Social Behaviour Act 2003, (Rights of Entry) (Planning Applications Committee) and Sections 80 to 88 (surcharges and late payment interest) of the Community Infrastructure Levy Regulations 2010 (as Amended) (“CIL Regulations”) and Section 109 (powers of entry);
- (g) to authorise the serving of Building Preservation Notices, under Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Planning Applications Committee);
- (h) to make observations on applications for Goods Vehicle Operators’ Licences;
- (i) to exercise discretionary powers relating to reconsultation on amendments to plans; the approval of amendments to approved plans; neighbour consultations, and declining to determine repetitive applications (Planning Applications Committee);
- (j) to authorise the serving of any statutory notice under Part VII of the Town and Country Planning Act 1990, as amended, and Part I Chapter

IV of the Planning (Listed Buildings and Conservation Areas) Act 1990 (powers relating to enforcement) (Planning Applications Committee) and a CIL Stop Notice under Regulation 90 of the CIL Regulations. The withdrawal of CIL Stop Notices under Regulation 91 of the CIL Regulations;

- (k) to authorise, in consultation with the Council's senior legal officer, the serving of Injunctions under Sections 187B and 214A of the Town and Country Planning Act 1990 and Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Planning Applications Committee) and Section 94 of CIL Regulations and to enact the provisions under Regulations 95-111 (recovery of CIL and other enforcement provisions) of the CIL Regulation;
- (l) to authorise the serving of Urgent Works Notices under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Planning Applications Committee);
- (m) to deal with applications for Certificates of Appropriate Alternative Development under Section 17 of the Land Compensation Act 1961 (Planning Applications Committee);
- (n) to deal with applications for Hazardous Substances Consent under the Planning (Hazardous Substances) Act 1990 (Planning Applications Committee);
- (o) to deal with determinations under the Town and Country Planning General Development Order in respect of Agricultural Buildings, Demolition Proposals and the siting and appearance of Radio Masts, Public Call Boxes etc (Planning Applications Committee);
- (p) to exercise the powers and duties relating to street naming and numbering under Sections 17/18 of the Public Health Act 1925, subject to the proviso that cases of dispute be referred to the appropriate Planning Applications Committee for determination (Planning Applications Committee);
- (q) to make observations on applications for Tree Felling Licences (Planning Applications Committee);
- (r) to exercise all those powers and duties set out in Part VIII of the Town and Country Planning Act 1990 as amended (powers relating to trees, land adversely affecting amenity of neighbourhood, and advertisements) save that where any objection has been received to a Tree Preservation Order then confirmation of the Order shall be referred to the Planning Applications Committee for determination and where any objection has been received to any application to carry out works to trees the subject of a Tree Preservation Order, the application shall be referred to the Planning Applications Committee for determination (Planning Applications Committee).

## **C Residential**

- (a) Erection of dwellings, within approved development boundaries of a town or village.
- (b) Change of use or subdivision of existing building to form dwelling(s) within approved development boundaries of a town or village.
- (c) Erection of replacement dwellings outside approved development boundaries of a town or village.
- (d) Sub-division of existing dwellings outside approved development boundaries of a town or village.
- (e) Extensions or alterations to dwellings, including ancillary buildings within the curtilage.

## **D Non-Residential**

- (a) New business and industrial buildings on sites allocated for such purposes.
- (b) Changes of use of business and industrial buildings on allocated sites.
- (c) Changes of use of other buildings not involving more than 500 sqm of gross floorspace.
- (d) Extensions or alterations to existing non-residential buildings by not more than 25% of the gross floorspace of the existing building.
- (e) Advertisements.
- (f) Shopfronts.
- (g) Agricultural buildings (either new or extensions to existing).
- (h) Erection of buildings for recreation, leisure or community use.
- (i) Temporary buildings or structures.
- (j) Changes of use of open land and/or operational development not involving new buildings.

## **E General**

- (a) Applications for renewal of planning permission where there have been no material changes in planning circumstances since the previous permission was granted.
- (b) Approval of "Reserved Matters" applications, pursuant to an earlier grant of outline planning permission.

- (c) Negotiation of terms of new Section 106 planning agreements and amendments to existing Section 106 planning agreements the determination of any applications for discretionary or exceptional circumstances relief from the liability of the Community Infrastructure Levy.
- (d) Determination as to whether any application requires the submission of an Environmental Impact Assessment (EIA).
- (e) Other applications of a scale and nature consistent with the classes of development in this Schedule.
- (f) Implementing the Community Infrastructure Levy in accordance with Part 11 of the Planning Act 2008.

## **F Regeneration and Economic Development Functions**

- (a) To be responsible for initiating and managing regeneration, employment, cultural and tourism activities that impact on the District;
- (b) to promote, implement and manage partnership working with private, public and voluntary sector partners, at all levels, including but not limited to Local Enterprise Partnerships, the South Downs National Park Authority, Universities, relevant government departments, town and parish councils, local businesses and community groups, to deliver the best outcome for the District;
- (c) to work with partners to maximise opportunities for ad hoc funding and volunteering across the District.

## **G Property Functions**

- (a) To be the Council's Corporate Property Officer responsible for the maintenance of the Council's Asset Management Plan and to manage the improvement, refurbishment and maintenance of the Council's non-housing property portfolio where not specifically the responsibility of other officers, this to include all tasks related to new build provision;
- (b) to acquire or dispose of land in connection with the Council's functions and to grant and/or modify leases, easements, licenses and way-leaves of, in, or over buildings or land in connection with the Council's Functions in accordance with the following limits:
  - Where the payment from the other party does not exceed £50,000 (£25,000 for amenity land); or
  - Where the annual rent does not exceed £25,000 per annum (except for a rent review); or
  - Where the lease term of the property does not exceed 10 years; or
  - Where the payment to the other party does not exceed £50,000; or



- If an easement or way-leave, the annual fee does not exceed [£1,000];
- (c) to vary the terms and conditions of, or negotiate the surrender of, leases and licenses;
- (d) to determine as landowner or landlord, applications for licenses, consents and permissions in respect of the Council's buildings or land.
- (e) to exercise the following functions in connection with the management and administration of assets of community value pursuant to Part 5, Chapter 3, of the Localism Act 2011 and associated secondary legislation:
- (i) to determine nominations for land/buildings to be added to the Council's asset of community value ('ACV') list;
  - (ii) to determine claims from ACV owners for compensation as a result of their property being included in the Council's ACV list ;
  - (iii) to make all necessary additions and annotations to, and removals from, the Council's ACV list;
  - (iv) to manage all statutory notifications in connection with sub-paragraphs (i) to (iii) above; and
  - (v) to put in place all necessary procedures and processes to support the functions set out in sub-paragraphs (i) to (iv) above, including the creation, management and administration of an ACV decision panel.

## **H Contract Management Functions**

- (a) To be responsible for the procurement and management of services relating to the cleaning of public conveniences and council offices (Executive).

## **I Personnel Functions**

- (a) To be responsible for those matters delegated to him/her in the appointment, suspension and termination of employees (Employment Committee).

## **Director of Service Delivery, Director of Regeneration and Planning, Deputy Chief Executive**

### **Planning Applications Functions**

The Director of Service Delivery, Director of Regeneration and Planning and the Deputy Chief Executive shall have authority to submit an application for

the grant of planning permission for a proposal of the District Council, provided that the proposal is supported by a resolution of the Cabinet (Executive).

### **Director of Tourism and Enterprise**

#### **A Tourism and Enterprise Functions**

- (a) To promote and develop sustainable tourism in the District both generally and with particular reference to the opportunities offered by the South Downs National Park.

#### **B Community and Contract Management Functions**

- (a) To be responsible for the client management function in relation to Wave Leisure Trust (Executive);
- (b) to be responsible for the client management function in relation to Newhaven Fort (Executive).

#### **C Personnel Functions**

- (a) To be responsible for those matters delegated to him/her in the appointment, suspension and termination of employees (Employment Committee).

### **Assistant Director of Business Transformation**

#### **A Information Technology Functions**

- (a) To ensure that the information systems and all data and information held on those systems are kept safe, efficient and secure (Executive);
- (b) to be responsible for the effective management and maintenance of the Computer Suite and related offices (Executive).

#### **B Emergencies**

- (a) In the absence of the Chief Executive to deal with any major hazard or emergency affecting the District or disruption to the Council's services and to advise the Chair of the Council, the Leader of the Council and the Leaders of the Opposition Groups, as soon as possible (Executive);
- (b) in the absence of any of the above members a substitute member shall act in place of the nominated member.

#### **C Personnel Functions**

- (a) To be responsible for those matters delegated to him/her in the appointment, suspension and termination of employees (Employment Committee).

## **Assistant Director of Human Resources and Organisational Development**

### **A Personnel Functions**

To exercise the following powers on behalf of the Chief Executive:

- (a) to establish and monitor adequate arrangements for employee consultation and ensure compliance with employment law, codes of industrial relations practice and safety requirements, in relation to their application to the Council and its employees (Employment Committee);
- (b) to be responsible for the Council's involvement in Government sponsored training initiatives and special measures to alleviate unemployment (Executive);
- (c) to administer an Employee Welfare Fund (Employment Committee);
- (d) to be responsible for the allocation of car allowances, and the management of the Council's Contract Hire car fleet, and its schemes for Removal and Disturbance, car loans, season ticket loans, employee development loans, suggestions and time off for miscellaneous matters including but not restricted to union duties, maternity, paternity etc. (Employment Committee);
- (e) to be responsible for those matters delegated to him/her in the appointment, suspension and termination of employees (Employment Committee).

## **Assistant Director of Legal and Democratic Services**

### **A Policy Functions**

- (a) On behalf of the Council, to prosecute, defend or appear in any legal proceedings in person, or by duly authorised representative or by Counsel as he/she may feel appropriate, on behalf of the Council where he/she considers the Council should be represented and to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Council's senior legal officer considers that such action is necessary to protect the Council's interests (Executive);
- (b) to institute legal proceedings for any breach of any statute, agreement, contract, byelaw or common law, or for non-compliance with any statutory notice or for the recovery of any debt or penalty due to the Council (Executive, Planning Applications Committee);
- (c) to undertake any necessary step in connection with such legal proceedings, including instruction of Counsel and appearance in any

Court, or at any Inquiry, Tribunal or other forum on behalf of the Council (Executive);

- (d) to apply to the Magistrates' Court for an Order under Section 2 of the Dogs Act 1871 (Executive);
- (e) to maintain the Local Land Charges Register and to deal with any Requisitions for Searches, together with any Additional Enquiries (Executive);
- (f) to give, make or serve any notice, summons or other document in connection with legal proceedings or anticipated legal proceedings or arising out of any enactment, the enforcement of which is within the power of the Council;
- (g) to sign any contract, agreement or document on behalf of the Council;
- (h) to carry out any and all functions of Senior Responsible Officer in connection with Part 2 of the Regulation of Investigatory Powers Act 2000 and any associated code of practice.
- (i) to exercise the following functions in connection with the management and administration of assets of community value pursuant to Part 5, Chapter 3, of the Localism Act 2011 and associated secondary legislation:
  - (1) to conduct reviews of the Council's decisions to include land/buildings in the Council's assets of community value ('ACV') list;
  - (2) to conduct reviews of the Council's decisions in respect of ACV owners' claims for compensation; and
  - (3) to put in place all necessary procedures and processes to support the functions set out in sub-paragraphs (1) and (2) above.

## **B Authentication of Documents**

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Council's senior legal officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

## **C The Common Seal of the Council**

- (a) The Common Seal of the Council will be kept in a safe place in the custody of the Council's senior legal officer. A decision of the Council, or any part of it, will be sufficient authority for sealing any documents

which in the opinion of the Council's senior legal officer should be sealed. The affixing of the Common Seal will be attested by the Council's senior legal officer or some other person authorised by him/her or by the Chief Executive;

- (b) in relation to the payment of travel and subsistence allowances under the Members' Allowances Scheme, to authorise, in consultation with the Leader of the Council, councillors to attend a study course, conference or seminar on the Council's behalf if it relates to the Local Government Association, South Downs National Park Authority, a Local Enterprise Partnership or any public service organisation;
- (c) to make any necessary changes to any part of the Council's Constitution, including this Scheme of Delegation which are required as a consequence of any change in law (including the introduction of new legislative powers or duties) or any change in the structure of the Council and to make minor textual amendments.

**D Personnel Functions**

- (a) To be responsible for those matters delegated to him/her in the appointment, suspension and termination of employees (Employment Committee).