

**PART 4 - OFFICER SCHEME OF DELEGATION
(SECTION 3 – GROUP HEADS)**

Part 4 is set out in four sections as follows:

Section 1: General Principles

Section 2: Chief Executive and Directors

Section 3: Group Heads

Section 4: Functions

Introductory Note:

All functions that are not specifically reserved by law or under this Constitution to Council, a Committee, the Cabinet, a Cabinet Member, or Officers, are delegated to the Cabinet.

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**PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 3 – GROUP HEADS**

1.0 Proper Officer Responsibility applicable to all Group Heads:

Local Government Act 1972	Purpose
•Schedule14 para 25(7)	Certification of resolutions passed by the Council

2.0 Subject to being:

- within the overall resources allocated by the Council, and
- in direct support of the Council’s objectives, and
- within approved budget

the following functions are delegated to the following officers by the Chief Executive:

2.1 Group Head of Corporate Support

2.1.1 To act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to:

- Finance (including Audit, Procurement and Payroll),
- Human Resources,
- Legal Services,
- ICT and the digital agenda

2.1.2 Proper Officer Responsibilities

The Group Head of Corporate Support or his nominated officer has the following Proper Officer responsibilities as laid out in the table below:

Local Government Act 1972	Purpose
•S. 115(2)	Payment of money due
•S. 146(1)(a)	Securities – statutory declaration
•S. 146(1)(b)	Securities – certificate
•S. 151	Financial administration
•S.s 210(6) and (7)	Charities
•S. 236(9)	Distribution of Byelaws
•S.238	Provide certified copies of Byelaws
Local Government (Miscellaneous Provisions) Act 1976	
•S.41	Evidence of resolutions and minutes of proceedings
Local Government Finance Act 1988	
•S. 114	Proper administration of financial affairs

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- 2.1.3 **Council Tax Base** – approval of the Council Tax Base, in consultation with the Cabinet Member for Corporate Support.
- 2.1.4 **National Non-Domestic Rates (NNDR)** – approval of the NNDR, in consultation with the Cabinet Member for Corporate Support.
- 2.1.5 **Virements** – approve virements of expenditure within budget up to the financial limits listed in Part 6 Section 5 of the Constitution
- 2.1.6 **Compromise Agreements** - to agree terms for the settlement of Compromise Agreements up to a cost to the Council of £10,000 in consultation with the Chief Executive. Settlements of more than £10,000 will be considered by Full Council.
- 2.1.7 **Sundry Debts** – to write-off irrecoverable amounts up to £2,000 subject to a subsequent report to the Cabinet Member for Corporate Support of the totals written off.
- 2.1.8 To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the Council or in respect of which the Council is entitled to possession, in consultation with one of the Council’s Solicitors, unless West Sussex County Council are exercising this power in accordance with the terms of any delegation arrangements with the Council.
- 2.1.9 **Senior Information Risk Owner (SIRO)** – to carry out the duties and responsibilities of the SIRO.
- 2.1.10 All solicitors in the employment of the Council have delegated authority to instruct external legal consultants.

2.2 Group Head of Policy

- 2.2.1 To act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to the delivery of:
- Corporate Policy,
 - Corporate Performance,
 - Communications/web management/marketing,
 - Scrutiny Support,
 - Electoral Services
 - National Partnerships,
 - Local Partner Liaison,
 - Design,
 - Print,
 - Postal Services
 - Transformation

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- 2.2.2 **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.
- 2.2.3 **Deputy Counting Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.
- 2.2.4 **Deputy Electoral Registration Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.
- 2.2.5 In consultation with the Chief Executive, power to fix the fees payable to canvassers and election staff on the basis of the West Sussex Returning Officers Fee and Charges Schedule.

2.3 Group Head of Council Advice & Monitoring Officer

2.3.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Standards,
- Legal Advice to the Council,
- Monitoring Officer,
- Information Management and Support (including data protection, freedom of information, customers of concern and official complaints)
- Committee Services

2.3.2 Proper Officer Responsibilities

The Group Head of Council Advice & Monitoring Officer or her nominated officer has the following Proper Officer responsibilities as laid out in the table below:

Local Government Act 1972	Purpose
• S.229(5)	Certification of photocopies (other than accounts)
Local Government Act 2000	
• S.s 49 to 81 (insofar as the same are still in force)	Conduct of Members
Local Government & Housing Act 1989	
• S. 5	Monitoring Officer

2.3.3 **Corporate Complaints Procedure** – to award compensation up to £5000 where appropriate, in the event that an investigation finds in the complainant's favour (the Chief Executive also has this power).

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- 2.3.4 **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.
- 2.3.5 To make any necessary consequential changes to the Constitution as a result of any legislation referred to in the Constitution that is modified or re-enacted.
- 2.3.6 Where Full Council makes express changes to the Constitution, authority to make those changes and further changes that are consequential to the express changes that Full Council has agreed.
- 2.3.7 To carry out all functions relating to the role of Monitoring Officer and to appoint a Deputy Monitoring Officer to carry out all functions as directed.
- 2.3.8 **Data Protection Officer** – to carry out the duties and responsibilities of the DPO.

3.0 Subject to being:

- within the overall resources allocated by the Council, and
- in direct support of the Council's objectives, and
- within approved budget

the following functions are delegated to the following officers by the Director (Place):

3.1 Group Head of Planning

3.1.1 Subject to the exceptions set out at paragraph 3.1.2 and 3.1.3 below, to act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Development Control
- Local Plan and Policy
- Strategic Development
- Technical Administration Support

3.1.2 Where the following exceptions apply, the application or matter will be determined by the Development Control Committee:

- i Any Major or Minor application for planning permission which prior to its determination is subject to a written representation from a Parish Council, Town Council or formal Parish Meeting, which has been received within the consultation period and which is in conflict with the recommendation of Officers
- ii Any application for Full or Outline planning permission by or on behalf of the Council
- iii Any Major or Minor application as defined by the Department of Communities and Local Government which would create a new access or egress via the A27, A29, A284, A259 and A280

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iv Any household application where the ward member has submitted a written request to the Chairman and/or Vice Chairman of the Development Control Committee before the end of the statutory consultation period shall be referred to the Development Control Committee where it is on sound planning grounds.

3.1.3 Where an application is received from a Member or officer, such application is to be determined in consultation with the Chairman of Development Control Committee.

3.2 Group Head of Technical Services

3.2.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Street Naming and Numbering,
- Land Charges (inc. Assets of Community Value),
- Engineering,
- Property & Estates,
- Facilities Management,
- Environmental Health (inc. Private Sector Housing)
- Building Control.

3.2.2 To agree terms to the sale or purchase of any land, buildings or rights in land which are or will be under the control of the Council, subject to the approval of the Cabinet Member or Cabinet in accordance with Part 3 of this Constitution and in consultation with the S.151 Officer.

3.2.3 To agree terms for the acquisition and disposal of land (including any buildings and structures thereon) or any interest therein up to a value of £100,000 in each case subject to prior consultation with the Cabinet Member with responsibility for the current use or intended use of the property and in consultation with the S.151 Officer.

3.2.4 With the Residential Services Group Head, the authority to agree purchases of former council homes, private homes and new homes, in consultation with the Cabinet Member for Technical Services and the Cabinet Member for Residential Services and in consultation with the S.151 Officer.

3.2.5 To agree terms to let, lease or license land or building or any interest in land or buildings which are or will be under the control of the Council where the rent does not exceed £100,000 per annum (exclusive of rates) and the term of letting, leasing or licensing does not exceed 25 years subject to prior consultation with the Group Head with the responsibility for the current use and intended use of the property and in consultation with the S.151 Officer.

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- 3.2.6 To accept surrenders or variations of leases and tenancies of land or buildings or any rights, including the release of covenants, where such would not be detrimental to the Council's interest and where the capital value or the rent per annum does not exceed £50,000 subject to prior consultation with the Group Head with responsibility for the current use and intended use of the property and in consultation with the S.151 Officer.
- 3.2.7 In respect of paragraphs 3.2.2 to 3.2.6 above, to negotiate any of the matters therein referred to.
- 3.2.8 To agree terms for the grant or benefit of easements and other rights in respect of land including party wall matters affecting the Council as land owner or to agree to a request from a lessee for a licence to assign or sub-let where the value does not exceed £100,000 per annum and subject to prior consultation with the Group Head with responsibility for the current use and intended use of the property and in consultation with the S.151 Officer.
- 3.2.9 To authorise the taking of action, including legal proceedings, for possession and forfeiture in cases of non-payment of rent or other breaches of the terms of leases or licences where the rent of such lease or licence does not exceed £50,000 per annum.
- 3.2.10 In the absence of the Chief Executive and Director of Services, power to issue Closure Notices under the Anti-Social Behaviour, Crime & Policing Act 2014 for up to a maximum of 48 hours.
- 3.2.11 To determine all applications, renewals, transfers, variations and other matters in respect of any licences, permissions, registrations and approvals in accordance with the Scrap Metal Dealers Policy and the Scrap Metal Dealers Act 2013.
- 3.2.12 To appoint a Proper Officer for the following purposes:-
- The Health Protection (Notification) Regulations 2010 regulations 2, 3, 6 and the Public Health (Control of Disease) Act 1984 section 48.

3.3 Group Head of Economy

- 3.3.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:
- Economic Policy and Research,
 - Town centres management,
 - Business Development,
 - Economic Partnerships
 - Tourism

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4.0 Subject to being:

- within the overall resources allocated by the Council, and
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the following functions are delegated to the following officers by the Director (Services):

4.1 Group Head of Community Wellbeing

4.1.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to

- Leisure and Culture,
- Foreshores,
- Wellbeing,
- Safeguarding,
- Activities for the Elderly,
- Think Family,
- Telecare (Lifeline)
- Community Safety (inc. Anti-social behaviour team)
- Youth Council

4.1.2 In the absence of the Chief Executive and the Director of Services, power to issue Closure Notices under the Anti-Social Behaviour, Crime and Policing Act 2014 for up to a maximum of 48 hours.

4.2 Group Head of Residential Services

4.2.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Strategy and Enabling,
- Registered Providers and Social Landlords,
- Homelessness
- Housing and Housing Revenue Account
- Revenues
- Benefits

4.2.2 **Current tenant arrears** – to consider cases for write-off and make recommendations to the Cabinet Member for Residential Services where the current tenant arrears have accrued up to the point of bankruptcy being declared or arrears covered by an Administration Order.

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4.2.3 To carry out the minimum works required to an adjoining house and/or garage in private ownership in order to achieve an effective repair or otherwise for the protection of the health and safety of occupants of a Council property, but subject in respect of each scheme to a maximum expenditure of £1,500 in excess of the Council's responsibility (above which the matter is to be referred to the Cabinet Member for Residential Services for decision) even if the adjoining owner's agreement to meeting the cost of such repairs to his/her property cannot be obtained at the time the works are executed (the Cabinet Member for Residential Services also has this power).

4.2.4 **Write-offs of former tenant arrears, rent arrears and other debts** – the following table shows who has the delegated authority to write-off former tenant arrears:

• Items up to £250	Finance & Home Ownership Manager
• Items £250 to £1000	Group Head of Residential Services
• Items £1000 to £2000	Group Head of Residential Services in consultation with S.151 Officer
• Items over £2000	Cabinet Member for Residential Services

4.2.5 **Review of Decision to seek Absolute Possession of a dwelling house where there has been prescribed Anti-social Behaviour** - In the absence of the Director of Services, to carry out a review of the Council's decision to seek possession under the mandatory ground where there has been prescribed anti-social behaviour.

4.2.6 To make payments in connection with tenants' improvements, restricted to a sum based on the Council's assessment of the value of the improvements at the time of vacation, only in cases where the improvements will result in a higher rent being charged to the future tenants.

4.2.7 In consultation with the Section 151 Officer, to agree purchases of former council homes, private homes and new homes, in consultation with the Cabinet Member for Technical Services and the Cabinet Member for Residential Services.

4.2.8 In consultation with the Section 151 Officer, to make pro-rata contributions towards the capital cost of footway lighting schemes prepared by Parish Councils for Council estates where it can be demonstrated that the scheme would be in the Council's interest as landlord, based on the number of properties owned.

4.2.9 In consultation with the Section 151 Officer, to deal with non-refundable credits to the Housing Revenue Account.

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- 4.2.10 In consultation with the Section 151 Officer, to re-negotiate prices for individual items in the Corporate Reactive Maintenance Repairs Contract.
- 4.2.11 In consultation with the Cabinet Member for Residential Services, to approve terms for leasing of privately owned property to let to households accepted as homeless and in priority need.
- 4.2.12 **Council Tax and National Non-Domestic Rates**– to write-off irrecoverable amounts up to £2,000 subject to a subsequent report to the Cabinet Member for Residential Services of totals written off.

4.3 Group Head of Neighbourhood Services

- 4.3.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:
- Car Parking
 - Parks (inc. landscape, architecture, multi-skilled team, tree gang, planning advice and tree preservation orders)
 - Cleansing
 - Cemeteries
 - Emergency Planning
 - Customer Services (including Arun Direct)
- 4.3.2 Authority to approve and amend conditions and recycling credit levels where there is no significant cost to the Council (in consultation with the Cabinet Member for Neighbourhood Services and the Group Head of Corporate Support).
- 4.3.3 Authority to spend up to £10,000 in each instance to deal with isolated incidents of seaweed problems on beaches where it is considered action is urgently necessary (in consultation with the Cabinet Member for Neighbourhood Services), such amount being subject to annual index linking.
- 4.3.4 Discretion to deal with the clearance of seaweed deposits at the time most suited to wind and weather conditions.
- 4.3.5 Authority to approve and amend conditions and recycling credit levels where there is no significant cost to the Council (in consultation with the Cabinet Member for Neighbourhood Services)