

**PART 4 - OFFICER SCHEME OF DELEGATION
(SECTION 2 – CHIEF EXECUTIVE & DIRECTORS)**

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PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 2 – CHIEF EXECUTIVE & DIRECTORS

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1.0 CHIEF EXECUTIVE, DIRECTORS AND GROUP HEADS

- 1.1 With the exception of Proper Officer powers and those powers delegated to:
- a) the Group Head of Law & Governance when acting as Monitoring Officer; and
 - b) the Group Head of Corporate Support when acting as Section 151 Officer
- the Chief Executive, Directors and Group Heads have the power to take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy, and to comply with and undertake all statutory obligations, duties, functions and powers within their area of responsibility and within approved budget.
- 1.2 Further to the above provisions, and those set out at Section 1 of this Part of the Constitution, the Chief Executive, Directors and Group Heads may allocate or delegate responsibility for exercising particular powers to any officer of the Council as they think fit. All such delegations are to be recorded in writing by the delegating officer and retained for the duration of the delegation (as opposed to authorisation) which shall not exceed a specified period exceeding six months and shall set out the description of the powers to be exercised by the officer of the Council and state the post held by the officer, in accordance with the Local Government Act 2000 (Constitutions) (England) Direction 2000.
- 1.3 For the purposes of the above provisions, the statutory obligations, duties, etc. referred to shall include, but not exhaustively, those contained within the legislation set out in a matrix of statutes held by the delegating officer in respect of their service area, a copy of which shall be provided to the Monitoring Officer together with all amendments.
- 1.4 The Monitoring Officer will maintain a central record of all delegations received from the delegating officers as are established under Paragraph 1.2 of this Part of the Constitution and will make them available for public inspection pursuant to section 100G of the Local Government Act 1972.
- 1.5 For the avoidance of doubt the Chief Executive is not authorised to grant a Councillor permission not to attend meetings of the Council for the purposes of section 85 of the Local Government Act 1972.

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2.0 CHIEF EXECUTIVE

The Chief Executive is responsible for Corporate Support including:

- **Corporate Support Group** consisting of:
 - Finance
 - Audit
 - Payroll
 - Procurement
 - s151 Officer/Accountancy
 - Human Resources
 - ICT and the digital agenda
 - Legal Services
- **Law & Governance Group** consisting of:
 - Information Management
 - Customers of Concern
 - Data Protection
 - Freedom of Information
 - Official Complaints
 - Legal Advice to the Council
 - Monitoring Officer
 - Standards
 - Committee Services
- **Policy Group** consisting of:
 - Communications//marketing
 - Corporate Performance
 - Corporate Policy
 - Design
 - Electoral Services
 - Local Partner Liaison
 - National Partnerships [Devolution, Local Government Association (LGA), District Councils Network (DCN), Coastal West Sussex (CWS), Coast to Capital (CtC)]
 - Postal Services
 - Print
 - Transformation

In addition to those delegated powers in Part 4, Section 2, paragraphs 1.0 and 2.0 of this Constitution, the Chief Executive has the following delegated powers:

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Proper Officer Powers

2.1 The Chief Executive has the following Proper Officer powers as laid out below:

Legislation:	Purpose
Electoral Administration Act 2006	Updated local government election rules
Local Authorities (Referendums) (Petitions) (England) Regulations 2011	Petitions and Referendums
Local Government Act 1972:	
• S. 13(3)	Parish Trustee (In a parish not having a separate parish council)
• S. 83(1)	Declarations of acceptance of office
• S. 84	Resignation of a member from office
• S. 88(2)	Convening of Council meeting for filling Chair casual vacancy
• S. 89(1)(b)	Notice of casual councillor vacancy
• S. 100A – 100K	Access to Information
• S. 225(1)	Deposit of documents
• S.s 234(1) and (2)	Authentication of documents
• Schedule 12 – para 4(2)(b)	Signing of Council summons to attend a meeting
• Schedule 14 – para 25(7)	Certification of resolutions passed by the Council
Local Government and Housing Act 1989 S. 4	Head of Paid Service
Neighbourhood Planning (Referendums) Regulations 2012	Counting Officer
Representation of People Act 1983:	
• S. 8	Registration of Parliamentary and Local Government Electors – Electoral Registration Officer
• S. 28	Conduct of Parliamentary Elections – Discharge of Returning Officer’s functions
• S. 35	Returning Officer
Police Reform and Social Responsibility Act 2011	Police and Crime Commissioner Elections

2.2 Based on arrangements agreed by the Audit & Governance Committee to appoint members to the Independent Remuneration Panel, in consultation and agreement with Group Leaders and the Chair of the Audit & Governance Committee.

2.3 Should the Chief Executive consider that the appointment of any Independent Person on the Standards Committee or of any member on the Independent Remuneration Panel should be changed or terminated, the Chief Executive will consult with the Group Leaders and Chair of the Standards Committee or Audit & Governance Committee (as appropriate) and will make a recommendation to

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the Full Council on whether any such appointment should be changed or terminated.

- 2.4 To keep under review polling districts and polling places under the District (taking into consideration any recommended proposals for Polling Stations by the Corporate Support Committee) and to make such urgent changes to polling stations for use at any local and national election as is necessary to ensure that the election process is not delayed.
- 2.5 **Complaints Procedure** – To award compensation up to £5000 where appropriate, in the event that an investigation finds in the complainant's favour (along with the Group Head of Law & Governance).
- 2.6 **Director/Group Head Annual Appraisal** – Having conducted an Annual Appraisal for a Director or Group Head, to decide whether or not to agree a progression up the existing pay scale for the post. Any appeal by the member of staff is to the Staff Appeals Panel.
- 2.7 **Special responsibility one-off payments to Members** – On the advice of the Group Head of Corporate Support, authorise special-responsibility one-off payments to Members, on an outline basis of £50 per half day for one-off intensive projects
- 2.8 **Appointment of deputy Electoral Registration Officers** – To appoint deputy Electoral Registration Officers.
- 2.9 **Approval of the Local Election Fees and Charges Scheme** – To approve the Local Election Fees and Charges Scheme recommended by the Returning Officer for West Sussex County Council.
- 2.10 Enter into partnerships and related memoranda of understanding in consultation with the relevant Committee Chair, with details being retrospectively reported to relevant Committee at the earliest opportunity.
- 2.11 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).

2.12 **Local Government Act 1972**

The Chief Executive, as Proper Officer, or his nominated deputy shall:

- be authorised to include in all agendas for meetings of the Full Council, its Committees and Sub-Committees, where necessary or appropriate, a motion to exclude the press and public where either confidential and/or exempt information is to be discussed within the terms of the Act or the Regulations.
- be authorised to prepare lists of information as required by the Local Government (Access to Information) Act 1985 and the Regulations.
- be authorised to determine the fees to be charged for the inspection and copying of documents under S. 100(H) of the Local Government Act 1972 and Regulation 22 of the Regulations (the Monitoring Officer or their nominated officer also has this power)

- 2.13 **Regulation of Investigatory Powers Act 2000 (RIPA) – Sections 28 and 29** Designate Council officers to be responsible for the management of investigations and grant authorisations and to act as Senior Responsible Officer in accordance with Codes of Practice issued by the Home Office from time to time.

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2.14 Protection of Freedoms Act 2012 – Section 33

Designate Council officers to act as Senior Responsible Officer and as the Single Point of Contact in accordance with the Surveillance Camera Code of Practice.

2.15 Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council's Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.

2.16 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.

2.17 Take steps to dispose of property abandoned on Council Land under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 12 of the Torts (Interference with Goods) Act 1977.

2.18 Approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.

2.19 Approve supplementary estimates outside of budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.

2.20 Approve the drawing down of funds based on the process and financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.

2.21 Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.

2.22 Where delay in obtaining instructions of the appropriate Committee Chair would in their opinion prejudice the Council's position, the Chief Executive may authorise the institution or defending or settlement or general conduct of proceedings in the Courts or settlement of any dispute not the subject of court action, to safeguard the Council's interest. The Chief Executive will in such circumstances, endeavour to brief the Leader of the Council and other Group Leaders in advance of exercising such delegation but will in all cases inform them and subsequently the Full Council, of the action taken. In the absence of the Chief Executive this authority is delegated to the Directors.

2.23 Urgent Decisions

An urgent decision where expenditure does not exceed £100,000 may only be made where, taking into account the Council's public interests, the Chief Executive considers that it cannot reasonably be deferred until the next scheduled meeting of the relevant Committee or Sub-Committee. Urgent decisions may only be taken after consulting with the Group Leaders and the relevant Committee Chair. Where the Group Leader or Chair is unable to act, the Deputy Group Leader or Vice Chair are authorised to act on their behalf.

Any decisions taken under this authority will be reported to the next meeting of the relevant Committee.

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2.24 Emergency Response

In the case of emergencies, the Chief Executive is authorised to approve all reasonable expenditure and/or undertake all reasonable actions without consulting Members. This includes incurring expenditure for meeting the purposes of the Local Government Act 1972, S.138 in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of the Policy and Finance Committee.

2.25 Urgent Decisions immediately following a regular local election

Where a decision usually made by a Committee would be delayed solely by reason of the decision having to be made during the period from the fourth day after the date of a regular election and the Annual Council Meeting and, in the opinion of the Chief Executive the decision is urgent, the Chief Executive, in consultation with the Group Head of Law & Governance, is authorised to make this decision.

Subject to time allowing, the Chief Executive will firstly consult with the person designated by the majority group as their Leader or if no nomination has been made or no majority group exists, with the persons designated by the political groups as their Leaders.

Any decisions taken under this authority will be reported to the next meeting of the relevant Committee.

2.26 Closure Notices

Pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014 power to issue Closure Notices for up to a maximum period of 48 hours and the power to delegate authority to other officers within the authority for the purpose of issuing Closure Notices for up to a maximum period of 48 hours. In the absence of the Chief Executive this authority is delegated to their nominees, these being members of the Senior Management Team [the Corporate Management Team and Group Heads].

2.27 To make consequential amendments to the Officer Scheme of Delegation, to reflect the re-designation of posts and the re-allocation of functions which affect the terms of the Scheme.

2.28 Settlement Agreements

- i. To agree terms for Settlement Agreements up to a cost to the Council of £50,000 in consultation with the Section 151 Officer;
- ii. To agree terms for Settlement Agreements up to a cost of £95,000 in consultation with the Leader of the Council, Leader of the Opposition, and Section 151 Officer;
- iii. To submit a report to Full Council for consideration on settlements of more than £95,000.

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3.0 DIRECTOR OF SERVICES

The Director of Services is responsible for:

- **Community Wellbeing Group** consisting of:
 - › Activities for the Elderly
 - › Community Safety (including ASB Team)
 - › Foreshores
 - › Leisure & Culture
 - › Safeguarding
 - › Telecare (Lifeline)
 - › Think Family
 - › Wellbeing
 - › Youth Council

- **Neighbourhood Services Group** consisting of:
 - › Car Parking
 - › Cemeteries
 - › Cleansing
 - › Customer Services (including Arun Direct)
 - › Emergency Planning
 - › Green Spaces

- **Residential Services Group** consisting of:
 - › Benefits
 - › Homelessness
 - › Housing and Housing Revenue Account
 - › Strategy & enabling
 - › Registered Providers & Social Landlords
 - › Revenues

- 3.1 **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.
- 3.2 **Council Tax and National Non-Domestic Rates** – to write-off irrecoverable amounts up to £5,000 for Council Tax and £10,000 for Non-Domestic Rates, subject to a subsequent report to the Housing and Wellbeing Committee of totals written off.
- 3.3 Approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 3.4 Approve supplementary estimates outside of budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 3.5 Approve the drawing down of funds based on the process and financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 3.6 Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 3.7 Enter into partnerships and related memoranda of understanding in consultation with the relevant Committee Chair, with details being retrospectively reported to the relevant Committee at the earliest opportunity.
- 3.8 **Emergency Response** - Incur expenditure for meeting the purposes of S138 of the Local Government Act 1972 in connection with peacetime emergencies

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and disasters, subject to reporting to the first subsequent meeting of the Policy and Finance Committee.

- 3.9 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).
- 3.10 Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council's Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.
- 3.11 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.
- 3.12 Take steps to dispose of property abandoned on Council Land under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 12 of the Torts (Interference with Goods) Act 1977.
- 3.13 Where a response from the Disclosure and Barring Service reveals convictions or information relating to a Member, officer or a person that the Council causes to come into contact with children and/or vulnerable adults, to carry out a risk assessment in consultation with the Group Head of Corporate Support.

Review of Decision to seek Absolute Possession of a dwelling house where there has been prescribed Anti-social Behaviour

- 3.14 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. In the absence of the Director of Services, this authority is delegated to the Group Head of Residential Services.
- 3.15 In consultation with the Chair of the Housing and Wellbeing Committee and the S151 Officer, to acquire the housing target set with the Housing Revenue Account Business Plan, with updates on spend to be reported to the Policy and Finance Committee via the Budget Variation Report.
- 3.16 To approve the use of specialist legal advisors in connection with property acquisitions under the HRA Business Plan, in consultation with the S151 Officer.
- 3.17 In consultation with the Chair of the Housing and Wellbeing Committee and the S151 Officer, to authorise the disposal of all HRA assets (land and property), outside of Right to Buy, up to the value to £500,000 and that the sale proceeds be reinvested back into the HRA account on all occasions.
- 3.18 In the absence of the Chief Executive, to act as Acting Chief Executive with delegated responsibility for exercising all the powers set out in Part 4, Section 2, paragraph 2.0 of this Constitution.

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4.0 DIRECTOR OF PLACE

The Director of Place is responsible for:

- **Economy Group** consisting of:
 - › Business Development
 - › Economic Partnerships [e.g. the Local Economic Partnership (LEP), the Regeneration Board, etc]
 - › Economic Policy & Research
 - › Tourism
 - › Town centres management
- **Planning Group** consisting of:
 - › Development Control
 - › Local Plan & Policy
 - › Strategic Development
 - › Technical Administration Support
- **Technical Services Group** consisting of:
 - › Building Control
 - › Engineering
 - › Environmental Health (incl. Private Sector Housing)
 - › Facilities Management
 - › Land Charges
 - Assets of Community Value Register
 - › Property & Estates
 - › Street Name & Numbering

4.1 Proper Officer Responsibilities

The Director of Place or their nominated officer has the following Proper Officer responsibilities as laid out in the table below:

Local Government Act 1972	Purpose
<ul style="list-style-type: none"> • S. 191 	Ordnance Survey applications
<ul style="list-style-type: none"> • 	
Planning (Listed Buildings and Conservation Areas) Act 1990 – S.2	Deposit of lists of buildings of special architectural or historic interest

4.2 Deputy Returning Officer – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.

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- 4.3 Approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 4.4 Approve supplementary estimates outside of budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 4.5 Approve the drawing down of funds based on the process and financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 4.6 Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.
- 4.7 Enter into partnerships and related memoranda of understanding in consultation with the relevant Committee Chair, with details being retrospectively reported to the relevant Committee at the earliest opportunity.
- 4.8 **Emergency Response** - Incur expenditure for meeting the purposes of S138 of the Local Government Act 1972 in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of the Policy and Finance Committee.
- 4.9 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).
- 4.10 Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council's Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.
- 4.11 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.
- 4.12 Take steps to dispose of property abandoned on Council Land under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 12 of the Torts (Interference with Goods) Act 1977.
- 4.13 Authority to approve the acquisition of commercial properties from the Property Investment Fund up to a maximum value of £750,000 per acquisition in consultation with the Chair of the Economy Committee and the Section 151 Officer, subject to a viable business case.
- 4.14 In the absence of the Chief Executive, to act as Acting Chief Executive with delegated responsibility for exercising all the powers set out in Part 4, Section 2, paragraph 2.0 of this Constitution.

ASSETS OF COMMUNITY VALUE

- 4.15 Authority be delegated to the Director of Place and Group Head of Technical Services, or their nominated representative, to validate, consider and determine nominations for property/land to be listed as an asset of community value under the Assets of Community Value Policy.

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- 4.16 Authority be delegated to the Director of Place and Group Head of Technical Services, or their nominated representative, to determine compensation claims made under the Assets of Community Value Policy.
- 4.17 When a request for a Review is received, the Director of Place and Group Head of Technical Services, or their nominated representative, is authorised to appoint an officer of the Council to carry out the Review and to make the Review decision. Such officer to be of appropriate seniority and an officer who did not take part in making the original decision [Localism Act 2011 Section 92(6)(b)]