

**CONSTITUTION 2021  
PART 4 – OFFICER SCHEME OF DELEGATION  
SECTION 3 – GROUP HEADS**

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(SECTION 3 – GROUP HEADS)**

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**1.0 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:

**1.1. GROUP HEAD OF CORPORATE SUPPORT**

1.1.1. 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,
- ICT and the Digital agenda

1.1.2. To implement changes to employment legislation concerning termination payments and pensions within Arun District Council’s Pensions Discretions Policy.

**1.1.3. Proper Officer Responsibilities**

a) The Group Head of Corporate Support has the following Proper Officer responsibilities as laid out in the table below:

<b>Local Government Act 1972</b>	<b>Purpose</b>
•S. 151	Financial administration

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

<b>Local Government Act 1972</b>	<b>Purpose</b>
•S. 115(2)	Payment of money due
•S. 146(1)(a)	Securities – statutory declaration
•S. 146(1)(b)	Securities – certificate
•	
•S.s 210(6) and (7)	Charities
•S. 236(9)	Distribution of Byelaws
•S.238	Provide certified copies of Byelaws

1.1.4. **Section 151 Officer** - to carry out all relevant functions and to appoint a Deputy Section 151 Officer.

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- 1.1.5. **Council Tax Base** – approval of the Council Tax Base, in consultation with the Chair of the Policy and Finance Committee.
- 1.1.6. **National Non-Domestic Rates (NNDR)** – approval of the NNDR, in consultation with the Chair of the Policy and Finance Committee.
- 1.1.7. **Virements** – approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of this Constitution.
- 1.1.8. **Settlement Agreements** - to agree terms for the settlement of Settlement Agreements up to a cost to the Council of £25,000, in consultation with the Chief Executive. Settlements of more than £25,000 may be considered by the Chief Executive or the Full Council dependent on their value as confirmed in Part 4 (Officer Scheme of Delegation), Section 2 (Chief Executive and Directors) and Part 3 (Full Council) (of this Constitution).
- 1.1.9. **Sundry Debts** – to write-off irrecoverable amounts up to £2,000 subject to a subsequent report to the Corporate Support Committee of the totals written off.
- 1.1.10. 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.
- 1.1.11. **Senior Information Risk Owner (SIRO)** – to carry out the duties and responsibilities of the SIRO.
- 1.1.12. All lawyers in the employment of the Council have delegated authority to instruct external legal consultants.
- 1.1.13. **Procurement** – to approve the use of the Competitive Dialogue procedure, Innovation Partnership procedure, or Competitive Procedure with Negotiation.
- 1.1.14. **Procurement** – to approve the use of any Framework Agreement or Dynamic Purchasing System not set up by the Council and to sign any required access agreement relating to the same.
- 1.1.15. **Procurement** – to approve the use of price as the only award criteria.

**1.2. GROUP HEAD OF POLICY**

- 1.2.1. 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,

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- Communications//marketing,
- Scrutiny Support,
- Electoral Services
- National Partnerships,
- Local Partner Liaison,
- Design,
- Print,
- Postal Services
- Transformation

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

1.2.3. **Deputy Counting Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.

1.2.4. **Deputy Electoral Registration Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.

1.2.5. 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.

1.2.6. **Procurement** – to approve the use of price as the only award criteria.

**1.3. GROUP HEAD OF LAW & GOVERNANCE**

1.3.1. 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,
- Legal Services

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**1.3.2. Proper Officer Responsibilities**

- a) The Group Head of Law & Governance has the following Proper Officer Responsibility as laid out in the table below:

<b>Local Government &amp; Housing Act 1989</b>	
• S. 5	Monitoring Officer

- b) The Group Head of Law & Governance or their nominated officer has the following further Proper Officer responsibilities as laid out in the table below:

<b>Local Government Act 1972</b>	<b>Purpose</b>
• S.229(5)	Certification of photocopies (other than accounts)
<b>Local Government Act 2000</b>	
• S.s 49 to 81 (insofar as the same are still in force)	Conduct of Members

- 1.3.3. **Monitoring Officer** - to carry out all relevant functions and to appoint a Deputy Monitoring Officer(s).

- 1.3.4. **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).

- 1.3.5. 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.

- 1.3.6. 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.

- 1.3.7. **Data Protection Officer (DPO)** – to carry out the duties and responsibilities of the DPO and to appoint a Deputy Data Protection Officer to carry out functions as directed.

- 1.3.8. **Procurement** – to approve the use of price as the only award criteria.

**2.0 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  
(Place):

**2.1. GROUP HEAD OF PLANNING**

2.1.1. Subject to the exceptions set out at paragraph 2.1.2 and 2.1.3 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

2.1.2. To determine all planning applications except where the matters are reserved to the Planning Committee. Where the following exceptions apply, the application or matter will be determined by the Planning Committee:

- i Any Major or minor application for planning permission which prior to its determination is subject to a written representation from the Parish Council, Town Council or formal Parish Meeting that the application site is within or one that immediately adjoins the application site, 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 Ministry of Housing, Communities & Local Government which would be recommended for approval and would create a new access or egress via the A27, A29, A284, A259 and A280
- iv Any household application recommended for approval where the ward member has submitted a written request to the Chair and/or Vice Chair of the Planning Committee before the end of the statutory consultation period shall be referred to the Planning Committee where it is on sound planning grounds.

2.1.3. Where an application is received from a Member or officer, such application is to be determined in consultation with the Chair of the Planning Committee.

2.1.4. **Procurement** – to approve the use of price as the only award criteria.

**2.2. GROUP HEAD OF TECHNICAL SERVICES**

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:

- Street Naming and Numbering,

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

- 2.2.2. 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 Economy Committee in accordance with Part 3 of this Constitution and in consultation with the S151 Officer.
- 2.2.3. 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 £250,000 in each case subject to prior consultation with the relevant Committee Chair and the S151 Officer.
- 2.2.4. With the Group Head of Residential Services, the authority to agree purchases of former council homes, private homes and new homes, in consultation with the Chair of the Housing and Wellbeing Committee, and the S151 Officer.
- 2.2.5. 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 the S151 Officer.
- 2.2.6. 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 the S151 Officer.
- 2.2.7. In respect of paragraphs 2.2.2 to 2.2.6 above, to negotiate any of the matters therein referred to.
- 2.2.8. 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 the S151 Officer.
- 2.2.9. 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



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leases or licences where the rent of such lease or licence does not exceed £50,000 per annum.

2.2.10. 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.

2.2.11. **Procurement** – to approve the use of price as the only award criteria.

### **2.3. GROUP HEAD OF ECONOMY**

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:

- Economic Policy and Research,
- Town centres management,
- Business Development,
- Economic Partnerships
- Tourism

2.3.2. **Procurement** – to approve the use of price as the only award criteria.

### **3.0 Subject to being:**

- within the overall resources allocated by the Council, and
- in direct support of the Council's objectives, and
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the following functions are delegated to the following officers by the Director (Services):

### **3.1. GROUP HEAD OF COMMUNITY WELLBEING**

3.1.1. 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 (incl. Anti-social behaviour team)

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- Youth Council
- Climate Change & Sustainability

3.1.2. To appoint local Business Wardens that are accredited with the Community Safety Scheme as authorised persons for the purposes of Section 63(1) of the Antisocial Behaviour Crime and Policing Act 2014.

3.1.3. **Procurement** – to approve the use of price as the only award criteria.

**3.2. GROUP HEAD OF RESIDENTIAL 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:

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

3.2.2. **Current tenant arrears** – to consider cases for write-off up to the value of £10,000 where the current tenant arrears have accrued up to the point of bankruptcy being declared or arrears covered by an Administration Order.

3.2.3. **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, rent arrears and other debts:

• Items up to £5,000	Neighbourhood Services Manager
• Items £5,001 to £10,000	Group Head of Residential Services in consultation with the S151 Officer

3.2.4. **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.

3.2.5. With the Group Head of Technical Services, the authority to agree purchases of former council homes, private homes and new homes, in consultation with the Chair of the Housing and Wellbeing Committee, and the S151 Officer.

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- 3.2.6. In consultation with the S151 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.
- 3.2.7. In consultation with the Chair of the Housing and Wellbeing Committee, to approve terms for leasing of privately owned property to let to households accepted as homeless and in priority need.
- 3.2.8. **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 Corporate Support Committee of totals written off.
- 3.2.9. To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.
- 3.2.10. **Procurement** – to approve the use of price as the only award criteria.

**3.3. GROUP HEAD OF NEIGHBOURHOOD SERVICES**

- 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:
- Car Parking
  - Green Spaces (including landscape, architecture, multi-skilled team, tree gang, planning advice and tree preservation orders)
  - Cleansing
  - Cemeteries
  - Emergency Planning
  - Customer Services (including Arun Direct)
- 3.3.2. Authority to approve and amend conditions and recycling credit levels where there is no significant cost to the Council, in consultation with the Chair of the Environment Committee and the Group Head of Corporate Support.
- 3.3.3. To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.
- 3.3.4. **Procurement** – to approve the use of price as the only award criteria.