

PART 7 – SECTION 2
OFFICER SCHEME OF MANAGEMENT
(GROUP HEADS)

CONSTITUTION 2021 – Version 2.2 (January 2023)
PART 7 - MANAGEMENT STRUCTURE, DELEGATIONS & AUTHORISATIONS
SECTION 2 – OFFICER SCHEME OF MANAGEMENT – GROUP HEADS

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1 ORGANISATIONAL EXCELLENCE DIRECTORATE - SCHEME OF MANAGEMENT

This document sets out the functions of the council both as vested in me by statute and those allocated to me by full council, which I have authorised the Group Heads of this Directorate to exercise on my behalf. The Group Heads of this Directorate are as follows:

THE GROUP HEAD OF FINANCE

THE GROUP HEAD OF ORGANISATIONAL EXCELLENCE

THE GROUP HEAD OF LAW & GOVERNANCE

This scheme of management does not relate to matters for which the section 151 Chief Finance Officer and the Monitoring Officer or any other Statutory Officer have direct statutory personal responsibilities. Further, this scheme does not relate to matters for which specified officers ('proper officers' and 'authorised officers') have direct delegation from the council or any committee or subcommittee of the council.

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 Chief Executive and Head of Paid Service has made arrangements for the discharge of functions within the Organisational Excellence Directorate as follows:

1.1 THE GROUP HEAD OF FINANCE:-

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:

- The Chief Finance Officer
- Finance (including Audit, Procurement and Payroll)
- Revenues
- Benefits
- Customer Services (including Arun Direct)

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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) For the avoidance of doubt, the Group Head of Finance has the following statutory Proper Officer responsibilities as laid out in the table below:

Local Government Act 1972	Purpose
• S. 151	Financial administration

b) For the avoidance of doubt, the Group Head of Finance or their nominated officer has the following statutory further 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.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.

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 and the Scheme of Virement.

1.1.8. **Settlement Agreements** - to agree terms for the settlement of Settlement Agreements up to a cost to the council of £95,000, in consultation with the Chief Executive.

1.1.9. **Sundry Debts** – to write-off irrecoverable amounts up to £10,000 subject to a subsequent report to the Corporate Support Committee of the totals written off or in accordance with the most current Debt Management Policy.

1.1.10. **Council Tax and National Non-Domestic Rates**– to write-off irrecoverable amounts up to £10,000 for Council Tax and £25,000 for Non-Domestic Rates

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subject to a subsequent report to the Corporate Support Committee of totals written off.

- 1.1.11. **Procurement** – to approve the use of the Competitive Dialogue procedure, Innovation Partnership procedure, or Competitive Procedure with Negotiation.
- 1.1.12. **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.
- 1.1.13. **Procurement** – To be the Responsible Officer with overall responsibility.

1.2. THE GROUP HEAD OF ORGANISATIONAL EXCELLENCE:-

- 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 Management
 - Organisational Development
 - Organisational Intelligence
 - Communications and Marketing
 - Human Resources
 - Customer Insight
 - Technology and Digital
 - Scrutiny Support
 - Design
 - Print
 - Postal Services

- 1.2.2. **Procurement** – To be the Responsible Officer in their area.

1.3. THE 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
 - The Monitoring Officer
 - Legal Advice to the council
 - Nominated Data Protection Officer
 - Information Management and Support (including data protection, freedom of information, customers of concern and corporate complaints)
 - Committee Services
 - Legal Services
 - Electoral 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:

Local Government & Housing Act 1989	
• 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:

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

- 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. **Senior Information Risk Owner (SIRO)** – to carry out the duties and responsibilities of the SIRO.
- 1.3.9. **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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- 1.3.10. **Deputy Counting Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.
- 1.3.11. **Deputy Electoral Registration Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.
- 1.3.12. 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
- 1.3.13. **Procurement** – To be the Responsible Officer in their area.
- 1.3.14. 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.

Other Legal Matters and Proceedings

- 1.3.15. To oversee the delivery of legal services including the procurement and management of all external Legal Service Suppliers and management of authorisations by Directors and Group Heads to instruct external Legal Service Suppliers or authorise other council officers.
- 1.3.16. To authorise and institute and/or defend any legal proceedings on behalf of the council (Sections 222 and 223 Local Government Act 1972) and to arrange for such proceedings to be conducted by any Solicitor, Barrister, Legal Executive or other person engaged or employed by the council
- 1.3.17. To authorise legal proceedings for arrears of Council Tax, etc and appeals against assessments in the Valuation Tribunals or authorise other council officers.
- 1.3.18. To act in Valuation Tribunals in registration matters, penalty appeals and local taxation matters or authorise other council officers.
- 1.3.19. Authority to take appropriate action when a tree on private land is considered to be a danger to the public, and serve a notice under Section 23 of the Local Government (Miscellaneous Provision) Act, 1976 and to recover any costs incurred or authorise other council officers.
- 1.3.20. Authority to appear on behalf of the council before any Court of Summary Jurisdiction in any proceedings instituted in respect of the recovery of local taxation, general income debts, excess parking ticket charges, failure to give

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statutory information concerning on and off-street parking, and Housing Advances or authorise other council officers.

- 1.3.21. To issue proceedings for the recovery of council dwellings and land held for residential purposes or authorise other council officers.

This authorisation applies to all matters whether before or after the date herein.

Signed:
James Hassett
Chief Executive and Head of Paid Service
Date: January 2023

2 DIRECTOR OF GROWTH - SCHEME OF MANAGEMENT

The Director of Growth has made arrangements for the discharge of functions within the Growth Directorate. The Group Heads of this Directorate are as follows:

THE GROUP HEAD OF PLANNING

THE GROUP HEAD OF TECHNICAL SERVICES

THE GROUP HEAD OF BUSINESS & ECONOMY

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

2.1. THE 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
- Planning Enforcement
- Community Infrastructure Levy
- Historic Buildings
- Conservation
- 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

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- 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 employed by the council on the grade of Business Manager or above or any officer who would otherwise have been involved in processing or determining the application, such application is to be reported to and determined by the Planning Committee and not dealt with by officers under delegated powers.

2.1.4. **Procurement** – To be the Responsible Officer in their area.

2.2. THE 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:

- Parking Services
- Street Naming and Numbering,
- Land Charges (including Assets of Community Value),
- 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 or in accordance with the council's adopted Acquisitions and Disposal Policy.

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 or in accordance with the council's adopted Acquisitions and Disposal Policy.

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- 2.2.4. With the Group Head of Housing, 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 or in accordance with the council's adopted Acquisitions and Disposal Policy.
- 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 or in accordance with the council's adopted Acquisitions and Disposal Policy.
- 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 landowner 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 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 be the Responsible Officer in their area.

2.3. THE GROUP HEAD OF BUSINESS AND 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:
- Overall Business Support

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- Business Development (including business relations and business intelligence),
- Economic Partnerships
- National Partnerships
- Local Partner Liaison
- Tourism Sector Support
- High Streets

2.3.2. **Procurement** – To be the Responsible Officer in their area.

This authorisation applies to all matters whether before or after the date herein.

Signed:
Karl Roberts
Director of Growth
Date: January 2023

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3 DIRECTOR OF ENVIRONMENT AND COMMUNITIES - SCHEME OF MANAGEMENT

The Director of Environment and Communities has made arrangements for the discharge of functions within the Environment and Communities Directorate as follows:

THE GROUP HEAD OF WELLBEING AND COMMUNITIES

THE GROUP HEAD OF HOUSING

THE GROUP HEAD OF ENVIRONMENT AND CLIMATE CHANGE

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

3.1. THE GROUP HEAD OF WELLBEING AND COMMUNITIES:-

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:

- Wellbeing (including Leisure)
- Community Safety
- Lifeline
- Safeguarding
- Community Liaison (including Youth Council)
- Parish & Town Council Liaison
- Events

3.1.2. To appoint local Community 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. To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.

3.1.4. **Procurement** – To be the Responsible Officer in their area.

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3.2. THE GROUP HEAD OF HOUSING:-

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:

- Housing Options
- Housing Revenue Account
- Registered Providers and Social Landlords
- Homelessness duties
- Neighbourhood Services
- Compliance responsibilities
- Business Improvement
- Repairs and Maintenance
- Assets and Development

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 Housing 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** - 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, where the Group Head of Housing was not involved in the original decision to seek possession.

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.

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.

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3.2.8. To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.

3.2.9. **Procurement** – To be the Responsible Officer in their area.

3.3. THE GROUP HEAD OF ENVIRONMENT AND CLIMATE CHANGE:-

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:

- Carbon Reduction
- Climate Adaptation
- Habitat Creation
- Coastal Engineers
- Flood Prevention
- Foreshores
- Parks and Cemeteries
- Trees
- Landscapes and project delivery
- Emergency Planning
- Combined Cleansing Contract

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 Finance .

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 be the Responsible Officer in their area.

This authorisation applies to all matters whether before or after the date herein.

Signed:
Philippa Dart
Director Of Environment and Communities
Date: January 2023