

CONSTITUTION 2021 – Version 2.2 (January 2023)
PART 7 – MANAGEMENT STRUCTURE, DELEGATIONS & AUTHORISATIONS
SECTION 1 – CHIEF EXECUTIVE’S SCHEME OF AUTHORISATIONS

ARUN DISTRICT COUNCIL

CHIEF EXECUTIVE’S SCHEME OF AUTHORISATIONS

JAMES HASSETT
CHIEF EXECUTIVE & HEAD OF PAID SERVICE
(January 2023)

Contact:
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AS REQUIRED BY PART 4 OF THE CONSTITUTION
– OFFICER SCHEME OF DELEGATIONS

NB: The Council’s Management Structure can be found on our website at [Our management teams | Arun District Council](#)

1.0 AUTHORISATION OF DIRECTORS AND CHIEF OFFICERS BY CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

- 1.1 This document sets out the functions of the council both as vested in me by statute and those delegated to me by the council’s constitution which I have authorised the Directors of the council to exercise and is subject to matters which I have reserved to myself. This document should be read in conjunction with the ‘Officer Scheme of Management – Group Heads’ at Part 7 Section 2 of the Constitution.
- 1.2 The authorisations include the responsibility for ensuring effective management of the Council’s operational resources within their directorate, even where the resources associated with the functions are provided elsewhere in the organisation. This includes human resource management, budget management, effective and efficient use of land and property, health and safety, use of ICT, effective commissioning/procurement, contractual management, and effective programme and project management. All this must be undertaken in accordance with the policies and procedures relevant to those operational resources.
- 1.3 The authorisations include the appropriate power under section 111 of the Local Government Act 1972 to do things which facilitate or which are incidental or conducive to the exercise of any function and the exercise of the general power of competence under section 1 of the Localism Act 2011 so far as the exercise of those powers relates to the service area of the Director.
- 1.4 The authorisations include the appropriate functions of the council as a “Principal Authority”, a “Best Value Authority” and “Local Authority” appropriate to authorisations.
- 1.5 These authorisations include a responsibility to ensure sound governance within the directorates. This means ensuring that all officers understand the rules and procedures used in the governance of the organisation and comply with them. It also means ensuring probity in the exercise of all delegated functions.
- 1.6 The authorisations include (subject to further authorisation by the Group Head of Law & Governance) the power to sign contracts and to authorise sealing of contracts that have been awarded in accordance with Tenders and Contracts Regulations.

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- 1.7 This scheme operates within the council’s constitution (which includes Financial Regulations and Tenders and Contract Regulations). No provision in this scheme allows Directors to act outside these regulations or the council’s human resources, finance, strategic or administrative policies and procedures.
- 1.8 Save for significant variations in organisational structure the authorisations include the power to determine and vary staffing structures and staffing complement within allocated budgets and within procedures.
- 1.9 The council has a co-ordinated approach to or will have a coordinated approach to:
- Strategy Development
 - Financial Management
 - Performance Management
 - Health and Safety Management
 - Human Resource Management
 - Risk Management
 - Commissioning, including Procurement and Contract Management
 - Property Asset Management
 - Programme and Project Management
 - Information and Records Management
 - Ethics and Propriety
 - Regulatory and Investigatory Powers Act
 - Environmental Management
- 1.10 All functions will be exercised by the Directors in accordance with these co-ordinated approaches, complying with corporate procedures as applicable and having due regard to the Public Sector Equality duty.
- 1.11 Each Director is to put in place (and deposit with the Group Head of Law and Governance & Monitoring Officer) an appropriate scheme of management approved by the Chief Executive within their directorate.
- 1.12 It should be noted that, subject to any legal restrictions, the Chief Executive and Head of Paid Service reserves the right to withdraw the authorisations at any time and has the concurrent right to make decisions on all these issues including the right to override any decision already made.
- 1.13 At the end of each year, Directors will (when required) provide confirmation to the Group Head of Finance and Section 151 Officer of their compliance with this Scheme of Authorisation as part of the input to the preparation of the Council’s Annual Governance Statement.
- 1.14 This scheme of authorisation does not relate to matters for which the Section 151 Chief Finance Officer and the Section 5 Monitoring Officer or any other Statutory Officer have direct statutory personal responsibilities.

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2.0 Chief Executive Authorisations to Director of Environment and Communities

2.1 WHEREAS by a decision of full council of 18 January 2023

I am empowered as Chief Executive 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 and within approved budget.

2.2 FURTHER WHEREAS by the same decision of full council on 18 January 2023

I am empowered as Chief Executive to allocate, authorise or delegate responsibility for exercising particular powers to any officer of the council as the Chief Executive thinks fit. All such delegations (as opposed to authorisations) are to be recorded in writing 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.

2.3 I HEREBY

Authorise, allocate responsibility and in as far as that is necessary delegate authority to the **DIRECTOR OF ENVIRONMENT AND COMMUNITIES** for:

- **Wellbeing and Communities Group** consisting of:
 - › Wellbeing (including Leisure)
 - › Community Safety
 - › Lifeline
 - › Safeguarding
 - › Community Liaison (including Youth Council)
 - › Parish & Town Council Liaison
 - › Events

- **Environment and Climate Change Group** consisting of:
 - › Carbon Reduction
 - › Climate Adaptation
 - › Habitat Creation
 - › Coastal Engineers
 - › Flood Prevention

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- › Foreshores
- › Parks & Cemeteries
- › Trees
- › Landscapes and project delivery
- › Emergency Planning
- › Combined Cleansing Contract

- **Housing Group** consisting of:
 - › Housing Options
 - › Homelessness
 - › Neighbourhood Services
 - › Business Improvement
 - › Repairs and Maintenance
 - › Housing Revenue Account
 - › Registered Providers & Social Landlords
 - › Assets & Development

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

2.5 Approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at part 6 of the constitution.

2.6 Approve supplementary estimates outside of budget up to the financial limits listed in the Financial Procedure Rules at part 6 of the constitution.

2.7 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.

2.8 Approve the award of grants to organisations up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.

2.9 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.

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- 2.10 **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.
- 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 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.
- 2.13 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.
- 2.14 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.
- 2.15 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 Organisational Excellence.
- 2.16 Review of Decision to seek Absolute Possession of a dwelling house where there has been prescribed Anti-social Behaviour.
- 2.17 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 Environment and Communities , this authority is delegated to the Group Head of Housing .
- 2.18 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.
- 2.19 To approve the use of specialist legal advisors in connection with property acquisitions under the HRA Business Plan, in consultation with the Group Head of Law & Governance.
- 2.20 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),

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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.

2.21 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 1 of this constitution.

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

JAMES HASSETT
Chief Executive and Head of Paid Service
Date: January 2023

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Part 7 – Management Structure

3.0 Chief Executive Authorisations to Director of Growth

3.1 WHEREAS by a decision of full council of 18 January 2023

I am empowered as Chief Executive 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 and within approved budget.

3.2 FURTHER WHEREAS by the same decision of full council on 18 January 2023, I am empowered as Chief Executive to allocate, authorise or delegate responsibility for exercising particular powers to any officer of the council as the Chief Executive thinks fit. All such delegations (as opposed to authorisations) are to be recorded in writing 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.

3.3 I HEREBY

Authorise, allocate responsibility and in as far as that is necessary delegate authority to the **DIRECTOR OF GROWTH** for:

- **Business & Economy Group** consisting of:
 - › Business Development (including business relations and business intelligence)
 - › Overall business support
 - › Economic Partnerships
 - › Tourism Sector Support
 - › High Streets

- **Planning Group** consisting of:
 - › Development Control
 - › Local Plan & Policy
 - › Strategic Development
 - › Technical Administration Support
 - › Community Infrastructure Levy
 - › Planning Enforcement
 - › Conservation
 - › Historic Buildings

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- **Technical Services Group** consisting of:
 - › Building Control
 - › Environmental Health (incl. Private Sector Housing)
 - › Facilities Management
 - › Land Charges (including Assets of Community Value)
 - › Property & Estates
 - › Street Name & Numbering
 - › Parking Services

3.4 Proper Officer Responsibilities

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

| Local Government Act 1972 | Purpose |
|--|---|
| • S. 191 | Ordnance Survey applications |
| Planning Buildings and Conservation Act 1990 – S.2 (Listed and Areas) | Deposit of lists of buildings of special architectural or historic interest |

- 3.5 Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.
- 3.6 Approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at part 6 of the constitution.
- 3.7 Approve supplementary estimates outside of budget up to the financial limits listed in the Financial Procedure Rules at part 6 of the constitution.
- 3.8 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.
- 3.9 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.
- 3.10 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.

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- 3.11 **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.
- 3.12 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).
- 3.13 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.
- 3.14 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.
- 3.15 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.
- 3.16 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 & Growth Committee and the Section 151 Officer, subject to a viable business case.
- 3.17 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 1 of this constitution.

ASSETS OF COMMUNITY VALUE

- 3.18 Authority be delegated to the Director of Growth 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.
- 3.19 Authority to determine compensation claims made under the Assets of Community Value Policy.
- 3.20 When a request for a review is received, the Director of Growth 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)]

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