

# Part 3F

## (Article 13 )

### SCHEME OF DELEGATION TO OFFICERS

#### 1. GENERAL

##### 1.1 Powers

This Scheme of Delegation is made pursuant to the Local Government Act 1972 section 101 and by reference to section 100G and the Local Government Act 2000 section 15 and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and all other enabling powers and the Proper Officer appointments are made under the relevant provisions mentioned in Paragraph 14.

##### 1.2 Preliminary

- (a) There shall be delegated to the officers named in Paragraphs 2 to 16 inclusive:

in respect of Paragraphs 2 to 13 the functions mentioned in the first column subject to consultation mentioned in the second column and the provisions of this Paragraph 1,

in respect of the appointments as Proper Officer in Paragraph 14 the functions mentioned in the first column subject to the provisions of this Paragraph 1 and

in respect of Paragraphs 15 and 16 the authorities to appear in court and to enter land or premises.

- (b) Where the Council, a Committee, Sub-Committee or the Executive or Cabinet Member or this Scheme of Delegation to Officers gives authority for the doing of any thing the officer designated shall be entitled to take all necessary steps for the doing of such thing.
- (c) Where authority is given but without naming an officer such authority shall be deemed as authorising the Chief Executive or the appropriate Head of Service to take such steps.

- (d) The Chief Executive may exercise the powers delegated to any Head of Service and to any Proper Officer except in relation to those functions allocated to the Director of Corporate Resources as chief finance officer (within the meaning of s 151 of the Local Government Act 1972 and S 112-114A of the Local Government Finance Act 1988 (unless he or she is qualified under s 113)) and to the Monitoring Officer (within the meaning of sis 5, 5A of the Local Government and Housing Act 1989).
- (e) The Chief Executive is the head of paid service.
- (f) The Director of Corporate Resources is the chief finance officer.
- (g) The Monitoring Officer and Principal Solicitor (Monitoring and Standards) is the Monitoring Officer.
- (h) The Heads of Service for the purpose of this Scheme of Delegation:

Director of Community Services  
 Director of Corporate Resources  
 Director of Development and Environment

Head of Corporate Support Services  
 Head of Planning & Environmental Services  
 Head of Operational Services  
 Head of Financial & Legal Services  
 Head of Housing & Community Development  
 Head of Leisure & Economic Development  
 Head of Strategic Planning and Performance

- (i) In the event that a Head of Service's post ceases to exist or his or her responsibilities are transferred to another Head of Service (as the case may be), temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- (j) The following abbreviations are used in this scheme of delegation:

Planning (Listed Buildings and Conservation Areas) Act 1990 ('P(LB&CA)A')  
 Town and Country Planning Act 1990 ('T&CPA')  
 Town and Country Planning (Control of Advertisement) Regulations 1992 ('T&CP(CA) Regs.')

Town and Country Planning (General Permitted Development) Order 1995 ('GPDO')

Town and Country Planning and references to sections in Paragraph 8 are to sections of the T&CPA.



- (k) Any reference to an Act of Parliament includes reference to any subordinate legislation made under it and to any modification and/or replacement of it or of such subordinate legislation.
- (l) This Scheme of Delegation shall come into effect on 15<sup>th</sup> April 2010.
- (m) Nothing in this Scheme of Delegation shall prejudice the validity of any actions taken by the officers before 15th April 2010 under any previous scheme.

### **1.3 Absence of Chief Executive**

The Chief Executive may appoint one or more deputies to exercise his or her functions owing to absence or illness and such deputy is or such deputies are authorised to exercise the functions of the Chief Executive pursuant to the Constitution, Financial Regulations and this Scheme of Delegation except in relation to those functions allocated to the Director of Corporate Resources as chief finance officer (within the meaning of s 151 of the Local Government Act 1972 and ss 112-114A of the Local Government Finance Act 1988 (unless he or she is qualified under s 113)) and to the Monitoring Officer (within the meaning of ss 5, 5A of the Local Government and Housing Act 1989).

### **1.4 General Principles**

Where decisions are taken by officers under delegated powers the following principles and conditions shall apply:

- (a) Powers shall be exercised in accordance with the Constitution, Contract Standing Orders and Financial Regulations of the Council.
- (b) The officer exercising such power shall give effect to any resolution of the Council, Committee or the Executive upon any matter of principle or policy in relation to the functions concerned.
- (c) Where an officer is authorised to take decisions, action to implement such decisions shall be taken in the name of (but not necessarily personally by) that officer but where the officer is the Chief Executive or a Head of Service he or she may authorise any other officer or an officer of another body referred to and by virtue of an agreement under the Local Government Act 1972 Section 113 specifically or generally to take such action either in the name of the Chief Executive or the Head of Service (as the case may be) or the sub-delegate's own name. Such sub-delegation must be evidenced in writing and a copy of the written authority must be sent to the Chief Executive, the Democratic Services Officer, and the Director of Corporate Resources.

- (d) The officer dealing with a matter shall arrange any inter-department or member-level consultation that shall be required. If inter-department agreement is not reached at Head of Service level, the matter shall be referred to the Chief Executive for consideration.
- (e) In any case where the officer exercising the power considers that a new departure in policy is likely to be involved, or if the implications are such that the officer considers, that such course is necessary, the matter shall be referred to the Chief Executive for consideration before reference to the appropriate body.
- (f) Key decisions within the meaning of The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000/3272 (as amended) taken by officers shall, where indicated, be reported to the Chief Executive, who shall record the action taken in a register which shall be available for inspection by Members and the public.
- (g) Any officer may decide to seek Council or Leader's or Cabinet Member's authority rather than to exercise delegated authority in any matter.
- (h) The exercise of delegated authority shall be subject to there being appropriate and adequate budgetary provision both in the year of exercise and future years. Where an officer ('the instructing officer') requests another officer to exercise powers delegated to the other officer the instructing officer shall ensure that appropriate and adequate budgetary provision has been made.
- (i) The exercise of delegated authority shall be documented in the prescribed form (including the use of any electronic database) and copies sent to the Democratic Services Officer, Director of Corporate Resources and, in the case of personnel matters, the Principal Personnel Officer.
- (j) Any decision which could attract to the Council legal liability shall be taken in consultation with the Council Solicitor.
- (k) Any decision which has financial implications shall be taken in consultation with the Director of Corporate Resources or Head of Financial & Legal Services.
- (l) Any decision which could involve the exercise by the Council's Monitoring Officer of any of his or her powers shall be taken in consultation with him or her or in his or her absence the Deputy Monitoring Officer.



- (m) The exercise of functions delegated under the Scheme of Delegation shall have regard to all relevant considerations and shall not take into account irrelevant matters. In particular officers exercising delegated authority must take proper account of the Council's duties to promote compliance with the Convention rights scheduled in the Human Rights Act 1998, to reduce crime and disorder, to promote harmonious race relations and to assess and manage relevant risks.

## 2. POWERS DELEGATED TO THE CHIEF EXECUTIVE AND ALL HEADS OF SERVICE

Function	Consultation	Also delegated to
<p><b>2.1 Appointment of Staff</b></p> <p>(a) The selection, interview and appointment of candidates for appointment to all posts on the establishment not specifically the responsibility of the Council.</p> <p>(b) The temporary appointment of relief staff where essential during periods of absence through maternity, sickness or holidays or as a result of resignation.</p>	Principal Personnel Officer	
<p><b>2.2 Discipline and Dismissal of Staff</b></p> <p>The discipline of all employees and, with the agreement of the Chief Executive, the dismissal of any employee in accordance with the Council's disciplinary procedures.</p>	Principal Personnel Officer	
<p><b>2.3 Overtime, Leave etc.</b></p> <p>(a) The authorisation of overtime working by personnel where unavoidable.</p> <p>(b) The approval of the carrying over of up to five days' leave provided that such leave is taken by the expiry of one month following the end of the leave year.</p>	Director of Corporate Resources	



- (c) The granting of concessionary leave on compassionate grounds up to seven days a year.
- (d) The granting of unpaid leave in accordance with the Council's local conditions of service.
- (e) The authorisation of timesheets, mileage and subsistence claims and other expenses.

**2.4 Adjustment to staffing**

The authorisation of minor regradings, accelerated increment progression within grade and the payment of market supplements.

Director of Corporate Resources and Principal Personnel Officer.

**2.5 Visits etc.**

The authorisation of attendance by staff at such meetings, discussion groups, exhibitions, and conferences as may appear to be desirable in the interests of the Council and for the efficient working of the Department and to the grant of any reasonable and proper expenses.

**2.6 Entertainment**

The incurring of expenditure on the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the United Kingdom in the sum not exceeding an annual total of £500

## 2.7 Contracts

- (a) In relation to his or her area of responsibility, the acceptance of tenders where required and the entering into of contracts for supplies or services or the carrying out of works.
- (b) The compilation of select lists of tenderers in the circumstances set out in CSO6.2
- (c) The selection of suitable persons for contracts not exceeding £250,000.
- (d) The exercise of the power given by Paragraph 2.7 shall be subject to the requirements of Contract Standing Orders and all other requirements relating to the Council's contracts.

## 2.8 Licences, Notices etc.

- (a) Subject to this Scheme of Delegation the determination of any application for  
  
permissions, consents or licences or for registration within his or her area of responsibility.



- (b) The issue and service of any notice, fixed penalty notice or requisition for information concerned with matters within his or her area of responsibility.
- (c) The carrying out of works in default following non-compliance with any notice concerned with matters within his or her area of responsibility.
- (d) The responding to formal consultations from external organisations.
- (e) Subject to Paragraph 5.1 (legal proceedings), the management of any appeal, challenge or objection process against or in support of any of the Council's decisions.

Council Solicitor

Relevant Cabinet Member or Committee chairman

**2.9 Contract Standing Orders etc**

The taking of any action authorised by Contract Standing Orders and Financial Regulations.

### 3. POWERS DELEGATED TO CHIEF EXECUTIVE

#### Function

#### 3.1 Urgency

The taking on the Council's behalf of any action requiring urgency.

#### Consultation

Leader or relevant Cabinet Member in each case where possible together with relevant chairman of scrutiny and overview committee where required by the rules on making of key decisions and where possible.

#### Also delegated to

#### 3.2 Staff

(a) The determination of the need to fill vacant posts and the advertising of any vacancy in the Council's establishment.

Corporate Management Team

(b) The determination of any matter concerning the Council's recruitment and retention arrangements.

(c) The determination of applications by members of staff for car purchase loans.

Principal Personnel Officer

Director of Corporate Resources

(d) The implementation of all the conditions of service on which the Council's staff are employed.

Director of Corporate Resources where there are financial implications

Head of Corporate Support Services

(e) The application of all legislation and regulations relating to industrial relations, employment and health and safety.

Head of Corporate Support Services



<p>(f) The application of the Pensions Regulations including admissions to the scheme and authorisation of early retirement on grounds of ill-health.</p>		
<p><b>3.3 Planning Applications etc.</b> The seeking of planning permission by the Council under the Town and Country Planning General Regulations 1992, Regulation 3</p>		<p>Director of Development and Environment And Head of Planning and Environmental Services</p>
<p><b>3.4 Elections</b> The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, general or European elections or referenda.</p>	<p>Democratic Services Officer</p>	<p>Director of Corporate Resources</p>
<p><b>3.6 Local Government Act 2000 section 92</b> Authorisation of payments or providing of other benefits</p>	<p>Monitoring Officer and Director of Corporate Resources</p>	
<p><b>3.7 Emergencies, disasters and emergency planning</b> The exercise of the Council's powers in respect of emergencies, disasters and emergency planning.</p>		
<p><b>3.8 Regulation of Investigatory Powers Act 2000</b> Grant, review, renewal and cancellation of authorisations.</p>	<p>Council Solicitor</p>	

#### 4. POWERS DELEGATED TO DIRECTOR OF COMMUNITY SERVICES

Function	Consultation	Also delegated to
<p><b>4.1 Community Safety</b> The implementation of the Council's policies regarding community safety and the reduction of crime and disorder.</p>		Head of Housing and Community Development
<p><b>4.2 Leisure Functions</b> The exercise of the Council's functions relating to the provision and management of recreational facilities and activities.</p>		Head of Leisure and Economic Development
<p><b>4.3 Leisure Management and Maintenance etc.</b> The management and maintenance of the parks, pleasure grounds, gardens, open spaces, commons, recreational facilities, burial grounds museums, country parks, nature reserves and allotments within the Council's ownership or control.</p>		Head of Leisure and Economic Development
<p><b>4.4 Social well-being</b> The exercise of the Council's functions concerning social well-being.</p>		Head of Housing and Community Development
<p><b>4.5 Anti-social behaviour</b> The taking of any action to combat anti-social behaviour including the issue of fixed penalty notices.</p>	Council Solicitor	Head of Housing and Community Development In consultation with Council Solicitor
<p><b>4.6 Community Development</b></p>		



<p>The implementation of the Council's policies regarding community development.</p>		<p>Head of Housing and Community Development</p>
<p><b>4.7 Safeguarding</b> To exercise the Council's functions to meet its safeguarding responsibilities (under Children's Act Section 11).</p>		
<p><b>4.8 Housing Management and Maintenance</b> The management and maintenance of the Council's housing accommodation including the letting, transfer, exchange and repossession of dwellings, garages, open spaces and parking spaces.</p>		<p>Head of Housing and Community Development</p>
<p><b>4.9. Homeless Persons</b> The exercise of the Council's functions relating to homeless persons.</p>		<p>Head of Housing and Community Development</p>
<p><b>4.10 Housing Grants</b> The determination of applications for housing grants (not social housing grant) and the taking of all steps concerned with the certification and payment of the same.</p>	<p>Head of Strategic Planning and Performance (Community Strategy)</p>	<p>Director of Community Services</p>

#### 4.11 Economic Development

The exercise of the Council's functions relating to economic development

#### 4.12 Regulation of Investigatory Powers Act 2000

The grant, review, renewal and cancellation of authorisations.

Council Solicitor



## 5. POWERS DELEGATED TO THE DIRECTOR OF CORPORATE RESOURCES

Function	Consultation	Also delegated to
<b>5.1 Legal proceedings</b>		
(a) The institution, prosecution or termination of any proceedings which the Council is empowered to undertake in or before any court, tribunal, inquiry or by way of fixed penalty notice.	Relevant Head of Service and Council Solicitor	Head of Financial and Legal Services in consultation with Council Solicitor and relevant Head of Service
(b) The defence or settlement of any proceedings brought against the Council.	Relevant Head of Service and Council Solicitor	Head of Financial and Legal Services in consultation with Council Solicitor
(c) The taking of any action incidental or conducive to or which would facilitate any action under this Paragraph (5.1)		Head of Financial and Legal Services in consultation with Council Solicitor
<b>5.2 Borrowing</b>		
(a) The taking of any action relating to borrowing in accordance with the Council's borrowing Strategy.		Head of Financial and Legal Services
(b) The borrowing by way of bank overdraft from the Council's current bankers to the extent of £1m, subject to annual review by the bank and the Director of Corporate Resources		
<b>5.3 Insurance</b>		
The making of payments into the insurance fund and the settlement of any claims where the Council's insurers may be involved.	Council Solicitor (other than in overtime matters)	Head of Financial and Legal Services In consultation with Council Solicitor (other than in overtime matters)

- 5.4 Investments**  
The investment of available funds on appropriate terms.
- 5.5 Payments**  
The making of any payments due.
- 5.6 Writing off Debts**  
The writing off of debts not exceeding £5,000.
- 5.7 Car Leasing Scheme**  
The determination of applications by members of staff for admission to the Council's car leasing scheme.
- 5.8 Housing and Other Benefits**  
The determination of any applications for housing, Council tax or similar benefits.
- 5.9 Local Taxes**  
The taking of all necessary action relating to the demand, collection and recovery of Council tax rates and any other locally levied or collected taxes.
- 5.10 Rate Relief**  
The determination of entitlement to mandatory rate relief.

	Head of Financial and Legal Services
	Head of Financial and Legal Services
Council Solicitor	Council Solicitor Head of Financial and Legal Services
	Head of Financial and Legal Services
	CenSus Joint Committee
Council Solicitor (other than in routine matters)	





## 6. POWERS DELEGATED TO DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

Function	Consultation	Also delegated to
<p><b>6.1 Planning Agreements</b> The entering into of planning or other agreements regulating or controlling the use or development of land (except where the determining body for any associated planning application is a committee)</p>	Head of Strategic Planning and Performance (strategic proposals only)	
<p><b>6.2 Applications for Planning Permission</b> Subject to Paragraph 6.5, the determination of applications for planning permission pursuant to the Planning Acts including</p> <p>(a) development specified in the GPDO where express planning permission is required by reason of limitations or conditions imposed by that Order;</p> <p>(b) determinations in connection with the prior notification procedure under GPDO.</p>	Head of Strategic Planning and Performance (strategic proposals)	Head of Planning and Environmental Services
<p><b>6.3 Applications for Consent-Planning</b> Subject to Paragraph 6.5 the determination of applications for consent pursuant to the Planning Acts.</p>	Head of Strategic Planning and Performance (strategic proposals)	Head of Planning and Environmental Services



**6.4 Planning Consultations and opinions**

Subject to Paragraph 6.5 the determination of the Council's stance in respect of consultations and opinions concerning matters referred to in Paragraph 6.2 and 6.3.

Head of Strategic Planning and Performance (strategic proposals)

Head of Strategic Planning and Performance (strategic proposals)

**6.5 Non-Delegated Planning Matters**

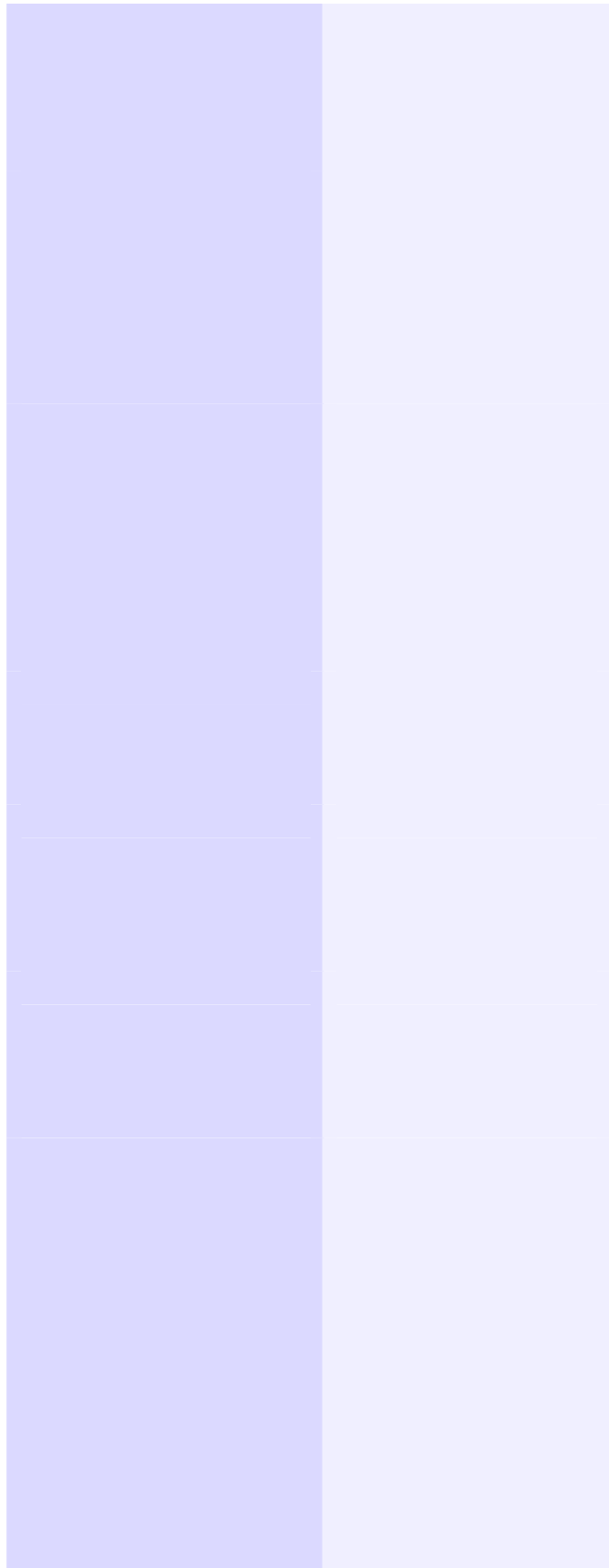
The determination of the following applications mentioned in Paragraph 6.2 to 6.4 above shall not be delegated:

Head of Strategic Planning and Performance (strategic proposals)

Head of Financial and Legal Services

- (a) departure applications within the meaning of the Town and Country (Development Plans and Consultations) (Departures) Directions 1999;
- (b) applications requiring reference to the Secretary of State (but not applications for listed building consent);
- (c) applications for development requiring an environmental impact assessment (but not the requirement for an environmental impact assessment or matters in connection with an environmental impact assessment);
- (d) applications comprising major development within the meaning of GDPO;

- (e) applications for development which does not accord with the development plan;
- (f) applications materially affecting ancient monuments, sites of nature conservation or special scientific interest;
- (g) applications made by, on behalf of, jointly with or promoted by the Council, a parish council, West Sussex County Council or any other local authority;
- (h) where the application has been made by a Member or an officer;
- (i) where the appropriate Development Control Committee directs otherwise;
- (j) where a member of the relevant Development Control Committee requests otherwise;
- (k) where a person makes a representation, which discloses a material planning consideration and is inconsistent with the Head of Service's recommendation, and wishes to address the Committee.



**6.6 Planning - Lawful Development Certificates**

The determination of applications for lawful development certificates (TCPA ss 191, 192).

Council Solicitor

Council Solicitor in consultation with Head of Planning and Environmental Services

**6.7 Planning - Miscellaneous Planning Applications**

The determination of applications under the Local Government (Miscellaneous Provisions) Act 1972 s 37 (temporary markets).

Head of Leisure and Economic Development in consultation with Council Solicitor

**6.8 Planning - Orders etc. under the Planning Acts**

The giving, making and confirmation of any order or direction under the Planning Acts.

Head of Strategic Planning and Performance (strategic proposals only)

Head of Planning and Environmental Services in consultation with Council Solicitor

**6.9 Enforcement Action and Notices under the Planning Acts Etc.**

Without prejudice to Paragraph 2.8(b) above the issue, service, modification and withdrawal of any notice under the Planning Acts and the carrying out of works in default including notices concerning ruinous and dilapidated buildings and neglected sites (Building Act 1984, s 79).

Head of Planning and Environmental Services;  
Council Solicitor

**6.10 Regulatory Matters**

The exercise of the Council's regulatory functions relating to footpaths and temporary road closures including the making, confirmation and variation of orders.

Council Solicitor

Head of Planning and Environmental Services in consultation with Council Solicitor

**6.11 Goods Vehicle Operators' Licences**

The determination of the Council's stance relating to Goods Vehicle Operators' licences.

**6.12 High hedges**

The determination of application and the taking of any action under the Anti-Social Behaviour Act 2003 Part 8.

**6.13 Collection, Removal, Recycling and Disposal of Waste etc.**

The collection, removal, recycling and disposal of:  
**(a) abandoned or unauthorised vehicles**  
**(b) Waste**  
**(c) Litter**

**6.14 Building Control Applications**

The determination of the following:

- (a) applications for building regulations approval including the passing or rejection of plans
- (b) application for the relaxation of building regulations.

**6.15 Building Control Enforcement**

Without prejudice to Paragraphs 2.8(b) above, the issue and service of notices pursuant to the Building Act 1984, and Building Regulations and the carrying out of works in default.

		Head of Planning and Environmental Services in consultation with Council Solicitor
		Head of Operational Services
Building Control Manager		Head of Planning and Environmental Services
		Building Control Manager



**6.16 Regulation of Investigatory Powers Act 2000**  
 The grant, review, renewal and cancellation of authorisation

Council Solicitor	
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**7. POWERS DELEGATED TO THE HEAD OF FINANCIAL & LEGAL SERVICES**

**Function**

<b>Consultation</b>	<b>Also delegated to</b>
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**7.1 Legal proceedings**

(a) The institution, prosecution or termination of any proceedings which the Council is empowered to undertake in or before any court, tribunal, inquiry or by way of fixed penalty notice.

Relevant Head of Service

Director of Corporate Resources  
 Council Solicitor

(b) The defence or settlement of any proceedings brought against the Council.

Relevant Head of Service

Council Solicitor

(c) The taking of any action incidental or conducive to or which would facilitate any action under this Paragraph (7.1)

Council Solicitor

**7.2 Regulatory Matters**

The exercise of the Council's regulatory functions relating to footpaths and temporary road closures including the making, confirmation and variation of orders.

Council Solicitor

Director of Corporate Resources

### 7.3 Borrowing

- (a) The taking of any action relating to borrowing in accordance with the Council's borrowing strategy;
- (b) The borrowing by way of bank overdraft from National Westminster Bank plc (or the Council's current bankers) to the extent of £1m, subject to annual review by the bank and the Director of Finance.

Director of Corporate Resources

Director of Corporate Resources

### 7.4 Insurance

The making of payments into the insurance fund and the settlement of any claims where the Council's insurers may be involved.

Council Solicitor (other than in routine matters)

Council Solicitor  
Director of Corporate Resources

### 7.5 Investments

The investment of available funds on appropriate terms.

Director of Corporate Resources

### 7.6 Payments

The making of any payments due.

Director of Corporate Resources

### 7.7 Writing off Debts

The writing off of debts not exceeding £5,000.

Council Solicitor

Director of Corporate Resources in consultation with Council Solicitor

### 7.8 Car Leasing Scheme

The determination of applications by members of staff for admission to the Council's car leasing scheme.

Director of Corporate Resources

### 7.9 Regulation of Investigatory Powers Act 2000

The grant, review, renewal and cancellation of authorisations.

Council Solicitor



## 8. POWERS DELEGATED TO HEAD OF HOUSING & COMMUNITY DEVELOPMENT

Function	Consultation	Also delegated to
<p><b>8.1 Housing Management and Maintenance</b></p> <p>The management and maintenance of the Council's housing accommodation including the letting, transfer, exchange and repossession of dwellings, garages, open spaces and parking spaces.</p>		Director of Community Services
<p><b>8.2 Homeless Persons</b></p> <p>The exercise of the Council's functions relating to homeless persons.</p>		Director of Community Services
<p><b>8.3 Social well-being</b></p> <p>The exercise of the Council's functions concerning social well-being.</p>	Head of Strategic Planning and Performance (Community Strategy)	Director of Community Services
<p><b>8.4 Housing Grants</b></p> <p>The determination of applications for housing grants (not social housing grant) and the taking of all steps concerned with the certification and payment of the same.</p>	Head of Planning and Environmental Services	Director of Community Services
<p><b>8.5 Community Development</b></p> <p>The implementation of the Council's policies regarding community development.</p>		Head of Housing and Community Development
<p><b>8.6 Regulation of Investigatory Powers Act 2000</b></p> <p>The grant, review, renewal and cancellation of authorisations.</p>	Council Solicitor	

## 9. POWERS DELEGATED TO HEAD OF LEISURE & ECONOMIC DEVELOPMENT

Function	Consultation	Also delegated to
<p><b>9.1 Leisure Functions</b> The exercise of the Council's functions relating to the provision and management of recreational facilities and activities.</p>		Director of Community Services
<p><b>9.2 Leisure Management and Maintenance etc.</b> The management and maintenance of the parks, pleasure grounds, gardens, open spaces, commons, recreational facilities, burial grounds museums, country parks, nature reserves and allotments within the Council's ownership or control.</p>		Director of Community Services
<p><b>9.3 Economic Development</b> The exercise of the Council's functions relating to economic development</p>		Director of Community Services
<p><b>9.4. Regulation of Investigatory Powers Act 2000</b> The grant, review, renewal and cancellation of authorisations</p>	Council Solicitor	



## 10. POWERS DELEGATED TO HEAD OF CORPORATE SUPPORT SERVICES

### Function 10.1 Staff

	Consultation	Also delegated to
(a) The confirmation or otherwise of appointments on completion of probationary period;	Appropriate Head of Service	Chief Executive
(b) The implementation of the Council's approved training policy including the assessment of training needs, the approval of attendance at courses as necessary and the determination of appropriate conditions;	Appropriate Head of Service	Chief Executive
(c) The determination of the need to fill vacant posts and the advertising of any vacancy in the Council's establishment;	Corporate Management Team	Chief Executive
(d) The determination of applications by members of staff for car purchase loans;	Principal Personnel Officer	Director of Corporate Resources
(e) The implementation of all the conditions of service on which the Council's staff are employed;	Director of Corporate Resources where there are financial implications	Chief Executive
(f) The application of all legislation and regulations relating to industrial relations, employment and health and safety.		Chief Executive

## Function

### 10.2 Asset Management

- (a) The management and maintenance of the Council's property portfolio not specifically the responsibility of other officers;
- (b) The acquisition of land in connection with the Council's functions and the taking and modification of leases, easements, licences and way-leaves of, in, on, or over buildings or land in connection with the Council's functions;
- (c) The disposal of land in connection with the Council's functions and the granting and modification of leases, easements, licences and way-leaves of, in, on or over the Council's buildings or land subject in all cases to best consideration reasonably obtainable;
- (d) The determination as landowner or landlord of applications for licences, consents and permissions in respect of the Council's buildings or land.

## Consultation

Estates Management and Valuation Surveyor

Estates Management and Valuation Surveyor

Estates Management and Valuation Surveyor

Estates Management and Valuation Surveyor

## Also delegated to

Director of Corporate Resources

Director of Corporate Resources

Director of Corporate Resources

Director of Corporate Resources



**10.3 Highways**

The exercise of the Council's powers affecting the design or maintenance of highways.

Head of Strategic Planning and Performance (strategic proposals only)

Director of Corporate Resources

**10.4 Sewerage and Drainage**

The exercise of the Council's powers in respect of water supply, sewerage and drainage.

Director of Corporate Resources

**10.5 Regulation of Investigatory Powers Act 2000**

The grant, review, renewal and cancellation of authorisations.

Council Solicitor

## 11. POWERS DELEGATED TO HEAD OF PLANNING & ENVIRONMENTAL SERVICES

### Function

### Consultation

### Also delegated to

#### 11.1 Regulatory Functions

The exercise of the Council's regulatory functions relating to:

- (a) amenities on the highway;
- (b) animal welfare;
- (c) caravan sites;
- (d) environmental protection;
- (e) fitness and standards of housing;
- (f) food safety and hygiene;
- (g) gambling;
- (h) gaming permits;
- (i) hackney carriages and drivers;
- (j) health and safety at work;
- (k) houses in multiple occupation;
- (l) house to house collections;
- (m) highways management;
- (n) licensable activities under the Licensing Act 2003;
- (o) lotteries;
- (p) markets;
- (q) motor salvage operators;
- (r) pest control;
- (s) pleasure boats;
- (t) private hire vehicles, drivers and operators;
- (u) public health;
- (v) public safety;
- (w) registration plates;
- (x) residential accommodation;
- (y) scrap metal dealers;
- (z) shops and Sunday trading;

(f) Environmental Health and Licensing Manager; Principal Environmental Health Officers, Area Environmental Health Officers, Health, Safety and Licensing Officer; Environmental Protection Officer



- (aa) street collections;
- (bb) street trading;
- (cc) water and sewerage;
- (dd) smoke-free regulations

**11.2 Housing Fitness**

The determination of any matter affecting the fitness or standards of housing.

**11.3 Building Control Applications**

The determination of the following :

- (a) applications for building regulations approval including the passing or rejection of plans
- (b) application for the relaxation of building regulations

**11.4. Building Control Enforcement**

Without prejudice to Paragraphs 2.8(b) above, the issue and service of notices pursuant to the Building Act 1984, and Building Regulations and the carrying out of works in default.

**11.5 Planning Agreements**

The entering into of planning or other agreements regulating or controlling the use or development of land (except where the determining body for any associated planning application is a committee

	Building Control Manager	Director of Development and Environment
	Head of Strategic Planning and Performance (strategic proposals only)	Director of Development and Environment

**11.6 Applications for Planning Permission**

Subject to Paragraph 6.5, the determination of applications for planning permission pursuant to the Planning Acts including

- (a) development specified in the GPDO where express planning permission is required by reason of limitations or conditions imposed by that Order;
- (b) determinations in connection with the prior notification procedure under GPDO.

Head of Strategic Planning and Performance (strategic proposals)

Director of Development and Environment

**11.7 Applications for Consent-Planning**

Subject to Paragraph 6.5 the determination of applications for consent pursuant to the Planning Acts.

Head of Strategic Planning and Performance (strategic proposals)

Director of Development and Environment

**11.8 Planning Consultations and opinions**

Subject to Paragraph 6.5 the determination of the Council's stance in respect of consultations and opinions concerning matters referred to in Paragraph 6.2 and 6.3.

Head of Strategic Planning and Performance (strategic proposals)

Director of Development and Environment



**11.9 Non-Delegated Planning Matters**

The determination of the following applications mentioned in Paragraph 6.2 to 6.4 above shall not be delegated:

- (a) departure applications within the meaning of the Town and Country (Development Plans and Consultations) (Departures) Directions 1999;
- (b) applications requiring reference to the Secretary of State (but not applications for listed building consent);
- (c) applications for development requiring an environmental impact assessment (but not the requirement for an environmental impact assessment or matters in connection with an environmental impact assessment);
- (d) applications comprising major development within the meaning of GDPO;
- (e) applications for development which does not accord with the development plan;

Head of Strategic Planning and Performance (strategic proposals)

Director of Development and Environment



**11.11 Planning - Miscellaneous Planning Applications**

The determination of applications under the Local Government (Miscellaneous Provisions) Act 1972 s 37 (temporary markets).

**11.12 Planning - Orders etc. under the Planning Acts**

The giving, making and confirmation of any order or direction under the Planning Acts.

**11.13 Enforcement Action and Notices under the Planning Acts Etc.**

Without prejudice to Paragraph 2.8(b) above the issue, service, modification and withdrawal of any notice under the Planning Acts and the carrying out of works in default including notices concerning ruinous and dilapidated buildings and neglected sites (Building Act 1984, s 79).

**11.14 Regulatory Matters**

The exercise of the Council's regulatory functions relating to footpaths and temporary road closures including the making, confirmation and variation of orders.

**11.15 High Hedges**

The determination of application and the taking of any action under the Anti-Social Behaviour Act 2003 Part 8.

**11.16 Regulation of Investigatory Powers Act 2000**

The grant, review, renewal and cancellation of authorisations.

		Head of Leisure and Economic Development
Head of Strategic Planning and Performance (strategic proposals only)		Director of Development and Environment in consultation with Council Solicitor
		Director of Development and Environment Council Solicitor
Council Solicitor		Director of Development and Environment
		Director of Development and Environment
Council Solicitor		

## 12. POWERS DELEGATED TO HEAD OF STRATEGIC PLANNING & PERFORMANCE

### Function

#### 12.1 Planning Consultations and opinions

Subject to Paragraph 7.4 the determination of the Council's stance in respect of consultations and opinions concerning matters referred to in Paragraph 7.1 and 7.2.

### Consultation

Head of Planning and Environmental Services

### Also delegated to

Head of Planning and Environmental Services



### 13. POWERS DELEGATED TO HEAD OF OPERATIONAL SERVICES

#### 13.1 Collection, Removal, Recycling and Disposal of Waste etc.

The collection, removal, recycling and disposal of:  
(a) abandoned or unauthorised vehicles;  
(b) waste;  
(c) litter.

Director of Development and Environment

#### 13.2 Parking

The exercise of the Council's functions regarding on- and off-street parking.

Head of Strategic Planning and Community Strategy (strategic matters only)

Director of Development and Environment

#### 13.3 Regulation of Investigatory Powers Act 2000

The grant, review, renewal and cancellation of authorisations.

Council Solicitor

## PROPER OFFICER APPOINTMENTS

### 14.1 Local Government Act 1972

	<b>Proper Officer</b>	<b>Deputy</b>
S83(1) (members' acceptance of office)	Chief Executive	Director of Corporate Resources
S84 (resignation of members)	Chief Executive	Director of Corporate Resources
S88(2) (filling of casual vacancy)	Chief Executive	Director of Corporate Resources
S89(1)(b) (filling of casual vacancy)	Chief Executive	Director of Corporate Resources
Part VA (access to information)	Chief Executive	Director of Corporate Resources
S115(2) (account for money)	Director of Corporate Resources	Head of Financial & Legal Services
S146(1)(a) & (b) (transfer of securities)	Director of Corporate Resources	Head of Financial & Legal Services
S151 (financial administration)	Director of Corporate Resources	Head of Financial & Legal Services
S191 (liaison with Ordnance Survey)	Chief Executive	Head of Strategic Planning & Performance
S225(1) (deposit of documents)	Chief Executive	Council Solicitor
S229(5) (public inspection of documents)	Chief Executive	Council Solicitor
S234(1) & (2) (authentication of documents)	Chief Executive	Council Solicitor
S236(9) (byelaws)	Council Solicitor	Chief Executive
S236(10) (byelaws)	Council Solicitor	Chief Executive
S238 (byelaws)	Chief Executive	Council Solicitor
Schedule 12 (Council minutes)	Chief Executive	Council Solicitor
Schedule 14 Para. 25(7) (public health resolutions)	Chief Executive	Head of Planning and Environmental Services



#### 14.2 Local Government Act 1974

	<b>Proper Officer</b>	<b>Deputy</b>
Part 3 (Local Government Ombudsman)	Monitoring Officer	Deputy Monitoring Officer

#### 14.3 Local Government (Miscellaneous Provisions) Act 1976

	<b>Proper Officer</b>	<b>Deputy</b>
S41 (evidence of minutes etc.)	Chief Executive	Director of Corporate Resources

#### 14.4 Local Government and Housing Act 1989

	<b>Proper Officer</b>	<b>Deputy</b>
S2 (politically restricted posts)	Chief Executive	Director of Corporate Resources
S4 (head of paid service)	Chief Executive	
SS5, 5A (Monitoring Officer)	Monitoring Officer and Principal Solicitor (Monitoring and Standards)	Council Solicitor

#### 14.5 Local Government (Committees and Political Groups) Regulations 1990

	<b>Proper Officer</b>	<b>Deputy</b>
(political groups)	Chief Executive	Director of Corporate Resources

#### 14.6 Local Authorities (Members' Allowances) (England) Regulations 2003

	<b>Proper Officer</b>	<b>Deputy</b>
(members' allowances)	Chief Executive	Director of Corporate Resources

## 14.8 Public Health Act 1936

	<b>Proper Officer</b>	<b>Deputy in cases of emergency only</b>
S79 (removal of noxious matter)	Head of Planning and Environmental Services	Environmental Health and Licensing Manager Principal Environmental Health Officers
S84 (verminous articles)	Head of Planning and Environmental Services	Environmental Health and Licensing Manager Principal Environmental Health Officers
S85 (verminous people)	Head of Planning and Environmental Services	Environmental Health and Licensing Manager Principal Environmental Health Officers

## 14.9 National Assistance Act 1948

	<b>Proper Officer</b>	<b>Deputy</b>
S47 (removal of people in need)	Head of Planning and Environmental Services	Officers of health authorities etc. authorised under s 113(1A) of the Local Government Act 1972

## 14.10 Public Health Act 1961

	<b>Proper Officer</b>	<b>Deputy in cases of emergency only</b>
S37 (verminous articles)	Head of Planning and Environmental Services	Environmental Health and licensing Manager Principal Environmental Health Officers



#### 14.11 Public Health (Control of Disease) Act 1984

(infectious diseases and dead bodies)	<b>Proper Officer</b> Head of Planning and Environmental Services	<b>Deputy</b> Environmental Health and Licensing Manager Principal Environmental Health Officers Officers of health authorities etc. authorised under s 113(1A) of the Local Government Act 1972
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#### 14.12 Public health (Infectious Diseases) Regulations 1988

(infectious diseases)	<b>Proper Officer</b> Head of Planning and Environmental Services	<b>Deputy</b> Officers of health authorities etc. authorised under s 113(1A) of the Local Government Act 1972
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#### 14.13 Food Safety Act 1990

(food safety)	<b>Proper Officer</b> Head of Planning and Environmental Services	<b>Deputy in cases of emergency only</b> Environmental Health and Licensing Manager Principal Environmental Health Officers
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#### 14.14 Any other provision for which arrangements are not specifically made under this Scheme of Delegation

<b>Proper Officer</b> Chief Executive	<b>Deputy</b> Council Solicitor
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## 15. OFFICERS AUTHORISED TO REPRESENT THE COUNCIL IN COURT ETC.

**15.1** Every Solicitor, legal executive or trainee solicitor employed or engaged by the Council shall be authorised to appear on its behalf before any court tribunal or other hearing and to exercise the powers given by the relevant professional bodies and the following post holders are authorised to appear on behalf of the Council and to conduct proceedings in court and are additional to the powers delegated by the Scheme of Delegation to Officers and the rights to appear in court given to solicitors, barristers and legal executives.

- (a) Pursuant to the Local Government Act 1972 Section 223 and the County Courts Act 1984 Section 60 (in respect of possession matters) and for any purpose for which the Council is empowered to authorise officers to appear on its behalf

Solicitors

Legal Executives

Trainee Solicitors

Mid-Sussex District Council Officers duly authorised by that Council (for Council Tax, Business Rates and Housing Benefits)

- (b) Pursuant to the Local Government Act 1972 Section 223 in respect of rating or Council tax matters:

Director of Corporate Resources

- (c) Pursuant to Health and Safety at Work Etc. Act 1974 Section 20

All Environmental Health Officers

Health & Safety Licensing Officer

- (d) Pursuant to the Insolvency Rules 1986 Part 9:

Director of Corporate Resources

Officers of other authorities placed at the disposal of the Council pursuant to the Local Government Act 1972 Section 113(1)



## **16. AUTHORISATION TO ENTER LAND OR PREMISES**

### **16.1 GENERAL**

- (a) This authorisation authorises those Officers named in Paragraphs 16.2 - 16.6 to enter land or premises for or in connection with their duties and pursuant to the functions mentioned.
- (b) The authority to enter land or premises shall be exercisable subject to any statutory constraints and Paragraph 1.
- (c) A reference to any Act shall include reference to any amendment or re-enactment and any subordinate legislation.
- (d) 'Head of Service' shall have the same meaning as in Paragraph 1.
- (e) In the event that a post ceases to exist or the name of the post is changed or the responsibilities of that post are transferred to another post, temporarily or permanently, then the authority given by this authorisation shall be exercisable by the officer in whose area of responsibility the right to enter falls to be exercised.
- (f) The right to enter given by Paragraph 16 shall extend to the exercise of the power to make inspections, to provide samples and to examine and seize goods.
- (g) A person authorised to enter land may take with him or her such other persons and equipment as may be necessary.
- (h) This authorisation entitles a person authorised to enter land to seek a warrant to enter.
- (i) The authorisation of an officer to enter land shall be taken as the appointment of that officer among other things for that purpose.

### **16.2 ALL PURPOSES**

The following are authorised to enter land or premises for any purposes for which the Council is empowered to authorise entry:

- Chief Executive
- Council Solicitor
- Directors
- Heads of Service
- Environmental Health Officers
- All Planning Officers and Planning Assistants
- Health & Safety & Licensing Officer
- Environmental Protection Officer

