

# Part 3A

## (Article 6 )

### EXECUTIVE - RESPONSIBILITY FOR FUNCTIONS

#### 1. GENERAL

##### 1.1 Powers

This Scheme of Delegation is made pursuant to the Local Government Act 2000 Section 15 and takes effect from 18<sup>th</sup> May 2011 but nothing in this Scheme of Delegation shall prejudice the validity of any actions taken by the Executive or of its members before that date under any previous scheme.

##### 1.2 Delegation by the Executive

The Executive acting as a whole may arrange for the discharge of any of its functions:

- (a) by a committee of the Executive
- (b) by an individual member of the Executive
- (c) by an officer of the Council and with the approval of the Council
- (d) by an area committee
- (e) by another local authority
- (f) by the Executive of another local authority
- (g) jointly with the Executive of another local authority
- (h) jointly by a joint committee of the Executive and another local authority.

##### 1.3 Delegation by the Leader

The Leader may in respect of those functions not specifically allocated under this Scheme arrange for the discharge of any such functions.

- (a) by the Executive
- (b) a committee of the Executive
- (c) by an individual member of the Executive
- (d) by an officer of the Council

##### 1.4 Absence of member of Executive

The Leader may exercise the functions of any member of the Executive allocated or delegated to that member under this scheme in the absence of that member.



## 1.5 Ancillary powers

- (a) Where the Council, the Executive, the Leader, a committee of the Executive or an individual member of the Executive gives authority for the doing of any thing the person or persons designated shall be entitled to take all necessary steps for the doing of such thing including the appointment of an advisory group of persons (including officers and persons who are not members of the Council) to assist him or her or them in his or her or their work.
- (b) Subject to the other provisions of this Scheme of Delegation the allocation of functions to an individual member of the Executive shall include the power to make grants and financial assistance within the scope of his or her portfolio.

## 1.6 Absence of Leader

- (a) If for any reason the Leader is unable to act or the office of Leader is vacant the person designated by the Leader as Deputy Leader and notified by the Leader to the Chief Executive as having responsibility for the area of responsibility is authorised to exercise the functions of the Leader pursuant to the Constitution, Procedural Rules, Financial Regulations and this Scheme of Delegation.
- (b) If for any reason the Leader is unable to act or the office of Leader is vacant and the Deputy Leader is unable to act or the office of Deputy Leader is vacant the Executive must act in the Leader's place or must arrange for a member of the Executive to act in his place.

## 1.7 General Principles

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

- (a) Powers shall be exercised in accordance with the Procedural Rules, Financial Regulations and Contract Standing Orders of the Council
- (b) The person or persons exercising such power shall give effect to any resolution of the Council upon any matter of principle or policy in relation to the functions concerned
- (c) The person or persons dealing with a matter shall arrange any appropriate consultation including that with the Leader, other members of the Executive, officers and others that shall be required.
- (d) In any case where the person or persons exercising the power considers that a new departure in policy is likely to be involved, or if the implications are such that the person considers, after consulting the Chief Executive, that such course is necessary, the matter shall



be referred to the Executive for consideration before reference to the Council.

- (e) Key decisions taken shall in accordance with the rules on access to information in Part 4E 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.
- (f) Any person or persons to whom a matter has been allocated or delegated may decide to seek the authority of the Executive rather than to exercise delegated authority in any matter.
- (g) The exercise of delegated authority shall be subject to there being appropriate and adequate budgetary provision. Where a member of the Executive requests another person to exercise powers delegated to him or her the person instructing shall ensure that appropriate and adequate budgetary provision has been made.
- (h) The exercise of delegated authority shall be documented in the prescribed form (including the use of any electronic database) and copies sent to the Director of Corporate Resources and, in the case of personnel matters, the Head of Corporate Support Services.
- (i) Any decision which could attract to the Council legal liability shall be taken in consultation with the Council's Head of Financial and Legal Services.
- (j) Any decision which has financial implications shall be taken in consultation with the Council's Chief Finance Officer (within the meaning of the Local Government Act 1972 s 151) or his or her deputy.
- (k) 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.
- (l) An Executive member shall be entitled to have access to land in respect of his or her area of responsibility in the same way as the Chief Executive.
- (m) Each Executive Member shall in exercising his or her functions have regard to the Council's duty to secure continuous improvement in the delivery of its services and in particular to improve performance as measured by nationally and locally set performance indicators which affect the functions delegated to him or her.
- (n) The exercise of functions delegated under this Scheme of Delegation shall have regard to all relevant considerations and shall



not take into account irrelevant matters. In particular Executive Members 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 appropriate risks.

## **2. POWERS DELEGATED TO INDIVIDUAL MEMBERS OF THE EXECUTIVE**

The following functions shall be exercisable by the individual members of the Executive.

### **2.1. Powers delegated to the Leader**

- (a) Community leadership.
- (b) Co-ordination of strategy and policy on behalf of the Executive and overall responsibility for performance.
- (c) Overall responsibility for the development and proper functioning of partnerships with the public, private and voluntary sectors including the Horsham District Community Partnership.
- (d) Overall responsibility for the development, implementation and review of the Council's Sustainable Community Strategy under the Local Government Act 2000 Part I.
- (e) Overall responsibility for the Council's Communication, Consultations and Complaints Strategies and, jointly with the Executive member with responsibility for efficiency and resources, their development, implementation and review.
- (f) Overall responsibility for information management including data protection, data security, documents and records retention, environmental information, freedom of information, reuse of public sector information.
- (g) Overall responsibility for the development, implementation and review of the Council's District Plan.
- (h) Overall responsibility for equality and diversity.
- (i) Human resources not being the responsibility of the Council or of the Personnel Committee.
- (j) Overall responsibility for strategic economic development.



- (k) Governance, the Council's structure and procedures including ethical standards not being the responsibility of the Standards Committee.
- (l) Provision of support and training to members of the Council.
- (m) Any other functions of the Executive not specifically delegated under this scheme.

## **2.2. Powers delegated to the Executive member with responsibility for efficiency and resources**

- (a) General supervision and control of the finances of the Council and the auditing of the Council's accounts.
- (b) Overall responsibility for the production of the draft budget and jointly with the Leader its proposal to the Council.
- (c) Overall responsibility for the Council's insurances.
- (d) The determination of requests for virements not exceeding £50,000 (revenue) and £100,000 (capital).
- (e) The writing off of debts in excess of £5,000.
- (f) Overall responsibility for the administration of benefits.
- (g) Overall responsibility for the development, implementation and review of policies for the procurement of services, supplies and works to the Council.
- (h) Overall responsibility for the proper management of the Council's property assets including authorisation of the acquisition, disposal and dealing with any property assets and the development, implementation and review of the Council's Asset Management Plan.
- (i) Overall responsibility for the provision of facilities management to the Council's offices.
- (j) Overall responsibility for risk management throughout the Council.
- (k) The determination of applications for discretionary rate relief.
- (l) Overall responsibility for the development, implementation and review of the Council's Information and Communication Technology Strategy and electronic government policies.
- (m) The development, implementation and review of the Council's Communication, Consultations and Complaints Strategies, jointly with the Leader.



- (n) Overall responsibility for the standards and methods of delivery to the public of the Council's services and their improvement.
- (o) Overall responsibility for organisational development and business transformation.
- (p) Monitoring the implementation of and compliance with the Council's District Plan.

### **2.3. Powers delegated to the Executive member with responsibility for a safer and healthier District**

- (a) Overall responsibility for the provision management and maintenance of the Council's retained housing stock.
- (b) Overall responsibility for the discharge of the Council's functions relating to the homeless.
- (c) Overall responsibility for the improvement of housing stock in the District; the Council's Community Link (Community Alarm) Service and the provision of associated financial assistance.
- (d) Overall responsibility for the development, implementation and review of the Council's Crime and Disorder Reduction Strategy.
- (e) Overall responsibility for and championing the development, implementation and review of policies for social well-being including those relating to younger people, older people, disabled people, local community needs, community transport and community development..
- (f) The determination of applications for financial and other assistance including voluntary sector funding arrangements excluding applications for discretionary rate relief.
- (g) Overall responsibility for securing the improvement of the health of those who live or work in or resort to the District.
- (h) Overall responsibility for the maintenance, protection, improvement and cleanliness of the natural and man-made environment with specific reference to pollution control and building control.
- (i) Overall responsibility for Council's functions relating to alcohol, gambling, public health, food safety and hygiene, health and safety at work, animal welfare, stray dogs, public safety, scrap metal dealings, motor salvage operators, caravan sites, street trading, shops and Sunday trading, water and sewerage, public



conveniences, markets and registration plates not being the function of the Licensing Committee.

- (j) Overall responsibility for working with voluntary sector organisations to promote and deliver the Council's priorities for the District's communities.
- (k) Civil or wartime emergencies and business continuity

#### **2.4. Powers delegated to the Executive member with responsibility for the local economy**

- (a) Overall responsibility for liaising with local businesses for the development of a strong local economy
- (b) Overall responsibility for liaising with outside bodies regarding the development, implementation and review of policies for education and lifelong learning.
- (c) Overall responsibility for the development, implementation and review of the Council's strategy for tourism.
- (d) Overall responsibility for the development, implementation and review of the Council's strategy for on and off-street parking including the provision and management of the Council's car parks.
- (e) Overall responsibility for the development, implementation and review of the Council's strategy for economic well-being.

#### **2.5. Powers delegated to the Executive member with responsibility for the environment**

- (a) Overall responsibility for the development, implementation and review of the Council's policies and procedures for waste management, collection, recycling and disposal and associated education and enforcement.
- (b) Overall responsibility for the development, implementation and review of the Council's environmental and sustainability policies and procedures.
- (c) Overall responsibility for securing the development, implementation and review of the Council's policies and procedures for cleansing throughout the District.



## **2.6. Powers delegated to the Executive member with responsibility for arts, heritage and leisure**

- (a) Overall responsibility for the development, implementation and review of policies for the provision and promotion of leisure and recreational facilities and services.
- (b) Overall responsibility for the development, implementation and review of policies for the provision and promotion of the arts, heritage and culture in the District.
- (c) Overall responsibility for the development, implementation and review of policies for community facilities in the District.
- (d) Overall responsibility for the development, implementation and review of policies for burial grounds and crematoria.
- (e) Overall responsibility for the development, management and maintenance of the Council's open spaces.
- (f) Overall responsibility for the development, implementation and review of the Council's grounds maintenance responsibilities.

## **2.8. Powers delegated to the Executive member with responsibility for living and working communities**

- (a) Overall responsibility for the development and review of policies for and included in the development plan and the preparation, review and alteration of the Local Development Framework and the shaping and implementation of regional planning policy.
- (b) Overall responsibility for the development, implementation and review of the Council's strategic housing policies particularly those relating to affordable housing and housing investment programme and liaison with outside bodies.
- (c) Overall responsibility for the development and review of the Council's policies for transport of all kinds.
- (d) Overall responsibility for managing the relationship with utilities and infrastructure providers.
- (e) Overall responsibility for the planning aspects of major developments not being the responsibility of the Development Control Committees.
- (f) Overall responsibility for development management not being the responsibility of the Development Control Committees.



- (g) Overall responsibility for the development and implementation of a strategy for effective engagement with communities throughout the District.

