

# Part 3C

## (Article 8 )

### SCHEME OF DELEGATION TO COMMITTEES

#### 1. GENERAL

##### 1.1 Powers

This Scheme of Delegations is made pursuant to the Local Government Act 1972 Section 101 and all other enabling powers and takes effect from 8<sup>th</sup> September 2011 but nothing in this Scheme of Delegation shall prejudice the validity of any actions taken by a Committee before that date under any previous scheme.

##### 1.2 Delegation by a Committee

A Committee may arrange for the discharge of any of its functions:

- (a) by a sub-committee of the Committee
- (b) by an officer of the Council
- (c) by an officer of a body mentioned in the Local Government Act 1972 Section 113

to the extent permitted by law, any direction of the Council and to any specific provision made under the Council's Constitution.

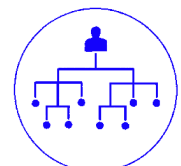
##### 1.3 Ancillary powers

Where a Committee 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.

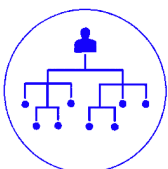
##### 1.4 General Principles

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 Committee 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) Any Committee to whom a matter has been delegated may decide to seek the authority of the Council rather than to exercise delegated authority in any matter except where statute requires otherwise.
- (d) The exercise of delegated authority shall be subject to there being appropriate and adequate budgetary provision.
- (e) Any decision which could attract to the Council legal liability shall be taken in consultation with the Head of Financial and Legal Services.
- (f) 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 section 151) or his or her deputy.
- (g) 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.
- (h) A Committee shall in exercising its 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 it.
- (i) 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 a Committee 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.



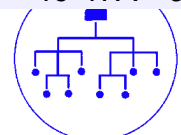
## 2. TERMS OF REFERENCE OF AND FUNCTIONS DELEGATED TO COMMITTEES

### 2.1 Accounts, Audit and Governance Committee

<b>Membership:</b>	Seven members of the Council.
<b>Chairing the Committee:</b>	The Committee and any sub-committee will be chaired by a minority group member who is neither chairman or vice-chairman of the Scrutiny and Overview Committee.
<b>Matters delegated to the Committee:</b>	<p>(a) To oversee the implementation of the Accounts and Audit Regulations 2003/533 (as amended or replaced)</p> <p>(b) To review the effectiveness of the Council's system of internal control, to consider the findings of such review and to approve the statement on internal control</p> <p>(c) To review the effectiveness of the Council's system of internal audit and to consider the findings of such review</p> <p>(d) To consider the Council's statement of accounts and to approve the same</p> <p>(e) To consider the auditor's or Audit Commission's annual letter</p> <p>(f) To monitor the effectiveness of the Council's financial regulations</p> <p>(g) To monitor the effectiveness of the Council's risk management arrangements</p> <p>(h) To consider such other matters referred to the Committee by the Chief Finance Officer or the Monitoring Officer.</p>

### 2.2 Development Control (North) Committee

<b>Membership:</b>	All ward members for the area of the Committee, namely: Horsham (unparished area) Parishes of: Broadbridge Heath, Colgate, Itchingfield, Lower Beeding, North Horsham, Nuthurst, Rudgwick, Rusper, Slinfold, Southwater, Warnham together with the Executive Member for Living & Working Communities and the Chairman of the Development Control (South) Committee.
<b>Matters delegated to the Committee:</b>	Those matters falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs 46-47A and



Schedule 2 paragraphs 16-18 and as may be amended.

### 2.3. Development Control (South) Committee

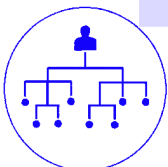
<b>Membership:</b>	All ward members for the area of the Committee, namely the parishes of Amberley, Ashington, Ashurst, Billingshurst, Bramber, Coldwaltham, Cowfold, Henfield, , Parham, Pulborough, Shermanbury, Shipley, Steyning, Storrington and Sullington, Thakeham, Upper Beeding, Washington, West Chiltington, West Grinstead, Wiston and Woodmancote together with the Executive Member for Living & Working Communities and the Chairman of the Development Control (North) Committee.
<b>Matters delegated to the Committee:</b>	(a) Those matters falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended. (b) Those matters referred to in an agreement between South Downs National Park and Horsham District Council, having effect from 1 <sup>st</sup> April 2011 until 31 <sup>st</sup> March 2014.

### 2.4. Licensing Committee

<b>Membership:</b>	15 members of the Council
<b>Matters delegated to the Committee:</b>	(a) Those matters falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part B (so far as they are functions of the Council) and Schedule 2 paragraph 17 and as may be amended. (b) The licensing functions within the meaning of the Licensing Act 2003 and the Gambling Act 2005

### 2.5. Personnel Committee

<b>Membership:</b>	15 members of the Council including the member of the Executive having responsibility for staffing matters.
<b>Matters delegated to the Committee:</b>	(a) To make recommendations to the Council on the Council's staffing establishment and structure. (b) To determine changes to the Council's staffing establishment and structure where there are no increased budgetary implications or where such changes can be accommodated within budgetary



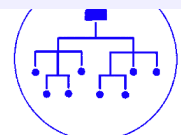
- provision already agreed by the Council.
- (c) To determine any matters relating to the terms and conditions of the Council's staff including health and safety, pensions, training and the implementation of any pay award.

## 2.6. Standards Committee

<b>Membership:</b>	Six members of the Council (broadly reflecting the political balance of the Council including the Chairman of the Council or the Vice Chairman or immediate past Chairman, at least one member of the Executive, at least two non-executive members of the Council), at least three persons independent of the Council and four parish councillors.
<b>Matters delegated to the Committee:</b>	To perform the functions set out in the Local Government Act 2000 Part III and any regulations made under the Act and in particular those set out in Sections 54 to 55, 57A to 58 and 64 to 67.

## 2.7. Employment Committee

<b>Membership:</b>	<p>(a) The Chairman of Personnel Committee, the Leader of the Council and the Leader of the Minority Group (or, in each case if the substantive Member is not available, a substitute drawn from a named pool of five additional Members).</p> <p>(b) The Chief Executive (or, in the case of appointment, disciplinary, grievance or appeal matters involving the Chief Executive, the Monitoring Officer), in consultation with the Leader of the Council, the leader of the Minority Group and the chairman of the Personnel Committee, will authorise the substitution of members of the Employment Committee when necessary.</p> <p>(c) In the case of senior appointments, the Committee may co-opt one additional non-voting Councillor to assist.</p> <p>(d) The quorum for the Employment Committee shall be three.</p>
<b>Matters delegated to the Committee:</b>	<p>(a) To make recommendations to the Council on the appointment of the Chief Executive, Directors, the Head of the Paid Service, the Monitoring Officer and the Chief Finance Officer.</p> <p>(b) To appoint Heads of Service.</p>



**Substitute  
Members:**

- (c) To determine any matters relating to the discipline and grievances of Chief Officers (defined as those officers employed on Joint Negotiating Committee Terms and Conditions) having regard to the Council's discipline and grievance procedures any statutory procedures and the views of the Standards Committee.
- (a) Substitute members can only sit on the Employment Committee when a substantive member is going to be absent for the duration of the meeting in question.
- (b) A member who acts as a substitute member will have the same rights as the permanent member in terms of receiving papers and speaking and voting at the meeting.
- (c) When a substantive member knows they are going to be absent they must inform the Democratic Services Officer by no later than five clear days before the meeting to enable sufficient time for a substitute to be appointed.

