



Council Meeting

WEDNESDAY 13TH APRIL 2011 AT 6.00 p.m.

COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM

To: All Members of the Council

You are summoned to attend the above meeting of the Council for the transaction of the following business (Prayers will be taken immediately before the meeting commences).

Tom Crowley
Chief Executive

AGENDA

	Page No.
1. Apologies for absence.	
2. To approve as correct the record of the meeting of the Council held on 16 th February 2011.	1
3. To receive any declarations of interest from Members.	
4. To receive any announcements from the Chairman of the Council, the Leader, Members of the Cabinet or the Chief Executive.	
5. To receive questions from the public.	
6. To receive any petitions, of which due notice has been given in accordance with Part 4J of the Council's Constitution.	
7. To receive questions from Members under Rule 10.2 (Questions by Members on notice)	
8. To receive the minutes of the following Committees and, if approved, to adopt any recommendations contained therein:	

	<u>Committee</u>	<u>Date</u> <u>2011</u>	
(a)	Licensing Committee	10 th February	14 To follow To follow To follow
(b)	Standards Committee	16 th March	
(c)	CenSus Joint Committee	25 th March	
(d)	Accounts, Audit & Governance Committee	30 th March	

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| 9. | To receive the minutes of the meeting of the Scrutiny & Overview Committee held on 7 th March 2011 and, if approved, to adopt any recommendations contained therein. | 16 |
| 10. | To receive the report of the Cabinet Member for Finance & Assets on Land at Shipley Road, Southwater – Property Disposal Options | 25 |
| 11. | To receive the report of the Cabinet Member for Finance & Assets on Oakhurst Business Park, Southwater, Phase 3 Development | 34 |
| 12. | To receive the report of the Director of Corporate Resources on updates to the Council's Constitution | 43 |
| 13. | To consider matters certified by the Chairman as urgent. | |

EXTRACT FROM THE COUNCIL'S CONSTITUTION REGARDING QUESTIONS BY MEMBERS

10. QUESTIONS AND STATEMENTS BY MEMBERS

10.1 On reports of the Executive or committees

A member of the Council may

- (a) ask the Leader, member of the Executive or the chairman of a committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or under consideration by the Council;
- (b) make a statement on such an item as is referred to in Rule 10.1(a).

10.2 Questions on notice at full Council

Subject to Rule 10.3, a member of the Council may ask:

- the Chairman;
- the Leader;
- a member of the Executive;
- the chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the District.

10.3 Notice of questions

A member may only ask a question under Rule 10.2 if either:

- (a) he or she has given notice in writing of the question **no later than 12.00 on the last but one working day** before the meeting to the Chief Executive; or
- (b) the question relates to urgent matters, he or she has the consent of the Chairman to whom the question is to be put and the content of the question is given to Chief Executive by 12.00 on the day of the meeting.

10.4 Response to questions

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

10.5 Supplementary question

A member asking a question under Rule 10.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

10.6 Length of questioning

Unless the Chairman specifies otherwise, the time available to the questioner shall be limited to two minutes initially and one minute for supplementary questions. The time available to the respondent shall be limited to five minutes initially and to two minutes for supplementary questions.

10.7 Statement in response by questioner

A member asking a question or questions may make one statement in response to the answer or answers received and, unless the Chairman specifies otherwise, the time available to the questioner shall be limited to five minutes.

10.8 Statements under Rule 10.1b

Unless the Chairman specifies otherwise, the time available to a member making a statement under Rule 10.1(b) shall be limited to five minutes.

HORSHAM DISTRICT COUNCIL
16TH FEBRUARY 2011

Present: Councillors: Brian Donnelly (Chairman), Claire Vickers (Vice-Chairman), John Bailey, Andrew Baldwin, Clive Burgess, Jonathan Chowen, Philip Circus, George Cockman, Roy Cornell, Christine Costin, Leonard Crosbie, Peggy Davies, Ross Dye, Duncan England, Alan Fisher, Frank Grantham, Sarah Gray, David Holmes, Sally Horner, David Jenkins, Liz Kitchen, Gordon Lindsay, Chris Mason, Sheila Matthews, Christian Mitchell, Robert Nye, Roger Paterson, Linda Pettitt, Peter Rowlinson, Pat Rutherford, Jim Sanson, David Sheldon, Ian Shepherd, David Skipp, Sheila Van Den Bergh, Belinda Walters, Kyle Wickens, Keith Wilkins

Apologies: Councillors: Roger Arthur, Gordon Brown, Sheila Dale, Ray Dawe, Ian Howard, Leonard Warner

Also present: Eric Blackburn, Chairman of Standards Committee

CO/64 **MINUTES**

The minutes of the meeting of the Council held on 15th December 2010 were approved as a correct record and signed by the Chairman.

CO/65 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

CO/66 **ANNOUNCEMENTS**

The Cabinet Member for Housing & Community Development reminded Members of a seminar on housing that was to be held on 2nd March 2011.

CO/67 **QUESTIONS FROM THE PUBLIC**

There were no questions from members of the public.

CO/68 **PETITIONS**

There were no petitions to be received.

CO/69 **RECOMMENDATIONS FROM CABINET**
Our District Plan Priorities 2011

The Leader reported that the Council's existing Corporate Plan 2008-11 would expire on 31st March 2011. A new draft Plan – called the District

CO/69 Recommendations from Cabinet - Our District Plan Priorities 2011 (cont.)

Plan – had been prepared for the four year period 2011-15 and was now submitted for approval. The draft District Plan had been subject to consultation with the general public, staff and partner organisations and Councillors.

A report to Cabinet in March 2010 had set out the proposed approach towards producing the new District Plan 2011-15, which involved having a clear political vision for the Council, extending consultation with the local community, including minority groups wherever possible, and using data profiles to underpin the Plan with an evidence base.

Members, Parish & Neighbourhood Councils, Community Partnerships and Council staff had been involved at an early stage in shaping priorities and the Scrutiny & Overview Committee had also reviewed the draft Plan at a meeting in November 2010.

The format of the District Plan had been determined following the review of other, high-achieving Councils to identify good practice and it had been developed around six main themes:

- Economic Development
- Efficiency and Taxation
- Arts, Heritage and Leisure
- Living, Working Communities
- Environment
- Safer and Healthier

High level priorities had been identified under each theme and more detailed proposals, with SMART targets, would be contained within Service Plans which were currently being developed.

The District Plan had been developed alongside the draft budget, as the importance of having affordable ambitions expressed within the Plan had been recognised. It was proposed that the close link between policy prioritisation and finance would be maintained through a review of the Plan alongside the preparation of the budget each year.

The Leader thanked everyone who had been involved with the development of the new District Plan and, in particular, Councillor Ray Dawe and Jill Scarfield, Head of Strategic Planning & Performance.

RESOLVED

That the District Plan be adopted.

CO/69 Recommendations from Cabinet - Our District Plan Priorities 2011 (cont.)

REASON

To provide a business plan for the Council for the next four years to succeed the existing Corporate Plan.

CO/70 Replacement Data Centre

The Leader reported that the existing Data Centre had been located in Park North for around twenty years. Changes in technology and ways of working now placed a significant burden on the existing infrastructure, which had reached the end of its working life.

Cabinet had agreed that, of the options considered, the proposed relocation of the Data Centre to County Hall North in partnership with Capita and West Sussex County Council would be the most advantageous option for both the Council and the CenSus Partnership.

In order to progress this project, Council approval was required in respect of the capital budget consequences.

RESOLVED

That the current capital budget of £450,000 be reduced to £220,000.

REASON

To allow the replacement Data Centre project to proceed and to incorporate Disaster Recovery into the CenSus/HDC ICT provision.

CO/71 BUDGET FOR 2011/12 AND COUNCIL TAX

(a) Budget for 2011/12 and Medium Term Financial Strategy

In accordance with Rule 13.5 of Part 4A of the Constitution, the Chairman of the Council gave his consent to the Cabinet Member for Finance & Assets and the Leader of the Liberal Democrat Group each speaking for longer than five minutes on this item, if they wished to do so.

Further to the detailed consideration of the Budget for 2011/12 by the Cabinet, the Leader of the Council introduced this item.

The Cabinet Member for Finance & Assets then presented the recommendations of the Cabinet in respect of the 2011/12 budget and

CO/71 Budget for 2011/12 and Council Tax (cont.)

(a) Budget for 2011/12 and Medium Term Financial Strategy (cont.)

moved that they be approved. Councillor John Bailey seconded the proposal.

Councillor David Holmes, Leader of the Liberal Democrat Group also addressed the Council.

Councillor Leonard Crosbie, Chairman of the Scrutiny & Overview Committee's Budget Review Working Group, presented the recommendations of the Working Group in respect of the Budget for 2011/12.

The debate was then opened to all Members. Items of particular discussion included:

- the need for strong financial management and monitoring;
- the task of balancing the needs of residents and the delivery of quality services whilst protecting the interests of tax payers ; and
- income generation and investment/development opportunities.

The Cabinet Member for Finance & Assets expressed his general support for the recommendations of the Budget Review Working Group on the 2011/12/ budget.

There was also a lengthy debate on an additional recommendation regarding the approval of a revenue budget to cover the costs of redundancies agreed by Council at earlier meetings and those proposed as part of the 2011/12 budget.

RESOLVED

- (i) That the level of Council tax for 2011/12 remains at that for 2010/11 equating to £135.54 at Band D.
- (ii) That Special Expenses of £263,980 (equating to a Band D equivalent of £23.72) be agreed in respect of the unparished area for 2011/12 .
- (iii) That the net revenue budget for 2011/12 of £12,801,000 be approved, as submitted.
- (iv) That the revised budget for 2010/11 of £15,782,000 be approved.
- (v) That the repair and renewals programme be approved, as submitted.
- (vi) That the capital programme be approved, as submitted.

CO/71 Budget for 2011/12 and Council Tax (cont.)

(a) Budget for 2011/12 and Medium Term Financial Strategy (cont.)

- (vii) That the Medium Term Financial Strategy be confirmed as agreed last year and the need to make every effort to secure further efficiency savings so the Council is best placed to respond to the current financial outlook be endorsed.
- (viii) That the schedule of charges for 2011/12 be noted.
- (ix) That a revenue budget of £400,000 be approved to cover the costs associated with a total of 21 redundancies ensuing from the implementation of the Acorn Plus scheme; the management restructure in Operational Services; and the impact of the 2011/12 budget proposals.

REASON

To meet the Council's statutory requirement to approve a budget.

(b) **Council Tax 2011/12**

RESOLVED

- (1) It be noted that the following amounts for the year 2011/12 have been calculated in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992:
 - a) 58,012.90 being the amount calculated in accordance with the Regulation 3 of the Regulations as its Council tax base for the year.
 - b) In respect of the parts of the Council's area listed in the following table being the amounts calculated by the Council, in accordance with Regulation 6 of the Regulations, as the amounts of its Council tax base for the year for dwellings in those parts of its area to which one or more special items relate:

CO/71 Budget for 2011/12 and Council Tax (cont.)
(b) Council Tax 2011/12 (cont.)

Parish/Area	Council Tax Base
Amberley	338.3
Ashington	1,113.3
Ashurst	144.7
Billingshurst	3,513.2
Bramber	411.8
Broadbridge Heath	1,160.5
Coldwaltham	477.6
Colgate	507.0
Cowfold	837.0
Henfield	2,464.4
Itchingfield	680.1
Lower Beeding	498.4
North Horsham	8,894.8
Nuthurst	1,022.8
Parham	121.5
Pulborough	2,454.8
Rudgwick	1,342.2
Rusper	776.0
Shermanbury	282.5
Shipley	593.5
Slinfold	930.9
Southwater	4,088.5
Steyning	2,712.9
Storrington & Sullington	3,318.0
Thakeham	828.4
Upper Beeding	1,499.5
Warnham	1,011.0
Washington	988.8
West Chiltington	2,164.9
West Grinstead	1,325.9
Wiston	106.5
Woodmancote	272.2
Horsham Town	11,131.0
Total	58,012.90

CO/71 Budget for 2011/12 and Council Tax (cont.)

(b) Council Tax 2011/12 (cont.)

2) The following amounts be now calculated by the Council for the year 2011/12 in accordance with sections 32 to 36 of the Local Government Finance Act 1992 :-

(a) £67,199,154 being the aggregate of the amounts which council estimates for the items set out in Section 32(2)(a) to (e) of the Act.

(b) £52,206,636 being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (3)(a) to (c) of the Act.

(c) £14,992,518 being the amount which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.

(d) £4,621,970 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates and revenue support grant.

(e) £178.76 being the amount of (c) above, less the amount at (d) above, all divided by the amount at (1)(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council tax for the year.

(f) £2,507,480 being the aggregate amount of all special items referred to in section 34(1) of the Act.

(g) £135.54 being the amount at (e) above less the result given by dividing the amount at (f) above by the amount at (1)(a) above, calculated by the Council in accordance with Section 34(2) of the Act.

CO/71 Budget for 2011/12 and Council Tax (cont.)
(b) Council Tax 2011/12 (cont.)

(h)

Parish/Area	Special Items £	Basic Amount of District Council Tax £	Special Items Plus Basic Amount £
Amberley	39.91	135.54	175.45
Ashington	82.83	135.54	218.37
Ashurst	39.39	135.54	174.93
Billingshurst	68.94	135.54	204.48
Bramber	35.99	135.54	171.53
Broadbridge Heath	41.60	135.54	177.14
Coldwaltham	27.23	135.54	162.77
Colgate	19.72	135.54	155.26
Cowfold	39.46	135.54	175.00
Henfield	56.96	135.54	192.50
Itchingfield	60.29	135.54	195.83
Lower Beeding	21.74	135.54	157.28
North Horsham	32.10	135.54	167.64
Nuthurst	23.95	135.54	159.49
Parham	32.26	135.54	167.80
Pulborough	64.64	135.54	200.18
Rudgwick	42.31	135.54	177.85
Rusper	29.25	135.54	164.79
Shermanbury	24.07	135.54	159.61
Shipley	21.03	135.54	156.57
Slinfold	55.09	135.54	190.63
Southwater	68.79	135.54	204.33
Steyning	58.20	135.54	193.74
Storrington & Sullington	51.24	135.54	186.78
Thakeham	37.12	135.54	172.66
Upper Beeding	78.36	135.54	213.90
Warnham	39.07	135.54	174.61
Washington	36.38	135.54	171.92
West Chiltington	24.64	135.54	160.18
West Grinstead	46.51	135.54	182.05
Wiston	23.47	135.54	159.01
Woodmancote	20.21	135.54	155.75
Horsham Town - Unparished	23.72	135.54	159.26

being the amounts given by adding to the amount at (g) above the amounts of the special items relating to dwellings in those parts of the Council's area mentioned above, calculated by the Council, in accordance with section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

CO/71 Budget for 2011/12 and Council Tax (cont.)
(b) Council Tax 2011/12 (cont.)

- 3) That it be noted that for the year 2011/12, West Sussex County Council and the Sussex Police Authority have stated the following amounts in precepts issued to the Council, in accordance with section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below :-

BAND Authority	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
West Sussex County Council	774.66	903.77	1,032.88	1,161.99	1,420.21	1,678.43	1,936.65	2,323.98

BAND Authority	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Sussex Police Authority	92.28	107.66	123.04	138.42	169.18	199.94	230.70	276.84

CO/71 Budget for 2011/12 and Council Tax (cont.)
(b) Council Tax 2011/12 (cont.)

4) That, having calculated the aggregate in each case of the amounts at (2) above and (3) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts of the Council tax for the year 2011/12 for each of the categories of dwellings shown in the following table :-

BAND	A £	B £	C £	D £	E £	F £	G £	H £
Amberley	983.91	1,147.89	1,311.88	1,475.86	1,803.83	2,131.80	2,459.77	2,951.7 2
Ashington	1,012.52	1,181.27	1,350.03	1,518.78	1,856.29	2,193.79	2,531.30	3,037.5 6
Ashurst	983.56	1,147.49	1,311.41	1,475.34	1,803.19	2,131.05	2,458.90	2,950.6 8
Billingshurst	1,003.26	1,170.47	1,337.68	1,504.89	1,839.31	2,173.73	2,508.15	3,009.7 8
Bramber	981.29	1,144.84	1,308.39	1,471.94	1,799.04	2,126.14	2,453.23	2,943.8 8
Broadbridge Heath	985.03	1,149.21	1,313.38	1,477.55	1,805.89	2,134.24	2,462.58	2,955.1 0
Coldwaltham	975.45	1,138.03	1,300.60	1,463.18	1,788.33	2,113.48	2,438.63	2,926.3 6
Colgate	970.45	1,132.19	1,293.93	1,455.67	1,779.15	2,102.63	2,426.12	2,911.3 4
Cowfold	983.61	1,147.54	1,311.48	1,475.41	1,803.28	2,131.15	2,459.02	2,950.8 2
Henfield	995.27	1,161.15	1,327.03	1,492.91	1,824.67	2,156.43	2,488.18	2,985.8 2
Itchingfield	997.49	1,163.74	1,329.99	1,496.24	1,828.74	2,161.24	2,493.73	2,992.4 8
Lower Beeding	971.79	1,133.76	1,295.72	1,457.69	1,781.62	2,105.55	2,429.48	2,915.3 8
North Horsham	978.70	1,141.82	1,304.93	1,468.05	1,794.28	2,120.52	2,446.75	2,936.1 0
Nuthurst	973.27	1,135.48	1,297.69	1,459.90	1,784.32	2,108.74	2,433.17	2,919.8 0
Parham	978.81	1,141.94	1,305.08	1,468.21	1,794.48	2,120.75	2,447.02	2,936.4 2
Pulborough	1,000.39	1,167.13	1,333.86	1,500.59	1,834.05	2,167.52	2,500.98	3,001.1 8
Rudgwick	985.51	1,149.76	1,314.01	1,478.26	1,806.76	2,135.26	2,463.77	2,956.5 2
Rusper	976.80	1,139.60	1,302.40	1,465.20	1,790.80	2,116.40	2,442.00	2,930.4 0
Shermanbury	973.35	1,135.57	1,297.80	1,460.02	1,784.47	2,108.92	2,433.37	2,920.0 4
Shipley	971.32	1,133.21	1,295.09	1,456.98	1,780.75	2,104.53	2,428.30	2,913.9 6
Slinfold	994.03	1,159.70	1,325.37	1,491.04	1,822.38	2,153.72	2,485.07	2,982.0 8
Southwater	1,003.16	1,170.35	1,337.55	1,504.74	1,839.13	2,173.51	2,507.90	3,009.4 8
Steyning	996.10	1,162.12	1,328.13	1,494.15	1,826.18	2,158.22	2,490.25	2,988.3 0

Storrington & Sullington	991.46	1,156.70	1,321.95	1,487.19	1,817.68	2,148.16	2,478.65	2,974.38
Thakeham	982.05	1,145.72	1,309.40	1,473.07	1,800.42	2,127.77	2,455.12	2,946.14
Upper Beeding	1,009.54	1,177.80	1,346.05	1,514.31	1,850.82	2,187.34	2,523.85	3,028.62
Warnham	983.35	1,147.24	1,311.13	1,475.02	1,802.80	2,130.58	2,458.37	2,950.04
Washington	981.55	1,145.15	1,308.74	1,472.33	1,799.51	2,126.70	2,453.88	2,944.66
West Chiltington	973.73	1,136.01	1,298.30	1,460.59	1,785.17	2,109.74	2,434.32	2,921.18
West Grinstead	988.31	1,153.02	1,317.74	1,482.46	1,811.90	2,141.33	2,470.77	2,964.92
Wiston	972.95	1,135.10	1,297.26	1,459.42	1,783.74	2,108.05	2,432.37	2,918.84
Woodmancote	970.77	1,132.57	1,294.36	1,456.16	1,779.75	2,103.34	2,426.93	2,912.32
Horsham Town - Special charge	973.11	1,135.30	1,297.48	1,459.67	1,784.04	2,108.41	2,432.78	2,919.34

CO/71 Budget for 2011/12 and Council Tax (cont.)

(c) Council Tax Discounts 2010/11

RESOLVED

That, in accordance with the Local Government Act 1992, s11A (as amended) and the Council Tax (Prescribed Classes of Dwelling)(England) Regulations 2003, the following determinations be applied from 1st April 2011:

(a) Second homes s 11A(3)

That the Council Tax discount for second homes (furnished dwellings not the sole or main residence of any individual) shall be 10%.

(b) Empty dwellings s 11A(4)

That the Council Tax discount for empty dwellings (being unoccupied and substantially unfurnished) shall be as follows:

Details	% Reduction
Property either requires, is undergoing, or has undergone within the last six months, major repair work to render it habitable, or is undergoing, or has undergone within the last six months, structural alteration, shall be exempt. Such dwellings are exempt up to 12 months.	100%
Property first becomes unoccupied following vacation of previous occupier. Such properties are exempt for up to six months.	100%
In all other cases not covered by statutory exemptions, no reduction will apply	

CO/72 QUESTIONS FROM MEMBERS UNDER RULE 10.2

No questions had been received.

CO/73 **MINUTES OF COMMITTEES**

The following minutes were received:

CenSus Joint Committee – 10th December 2010

Accounts, Audit & Governance Committee – 16th December 2010

RESOLVED

- (i) That the prudential indicators and limits for 2011/12 to 2013/14 be approved.
- (ii) That the Minimum Revenue Provision Statement be adopted as submitted.
- (iii) That the treasury management strategy 2011/12, incorporating specific treasury prudential indicators and the detailed criteria be approved as submitted.

REASONS

- (i) The Council is required by statute to approve prudential code indicators and treasury management strategy before the start of new financial year.
- (ii) The Committee has been delegated the responsibility for implementation and monitoring of its treasury management policy.

CO/74 **MINUTES OF THE MEETING OF SCRUTINY & OVERVIEW COMMITTEE OF 17TH JANUARY 2011**

The minutes of the meetings of the Scrutiny & Overview Committee held on 17th January 2011 were received.

CO/75 **CALENDAR OF MEETINGS 2011/12**

The Chief Executive submitted a proposed programme of Council, Cabinet and Committee meetings, including standing Scrutiny & Overview Working Groups, for 2011/12.

The proposed programme took into account, where possible, the dates of bank holidays, school holidays and conferences.

CO/75 Calendar Of Meetings 2011/12 (cont.)

As in the current year, the calendar for 2011/12 was based on a two-monthly cycle. It was also proposed that the Licensing Committee should meet only as required, although there would need to be an initial meeting in June to appoint the Committee Chairman and Vice-Chairman, and Licensing Sub-Committees would continue to be called as and when necessary.

It was requested that, when the Cabinet had been appointed in 2011/12 and Cabinet Members' Advisory Groups had been agreed, a schedule of dates for the Advisory Group meetings should be published.

RESOLVED

That the calendar of meetings for 2011/12 be approved as submitted.

REASON

To fix a programme of Council meetings, in accordance with the Council's Constitution, and to approve a calendar for Cabinet and Committee meetings, which enables the Council to transact its business in a timely and efficient manner.

CO/76 URGENT MATTERS

There were no urgent matters to be considered.

The meeting closed at 9.01pm having commenced at 6.00pm.

CHAIRMAN

LICENSING COMMITTEE
10th February 2011

Present: Councillors: Christian Mitchell (Chairman), Leonard Warner (Vice-Chairman), George Cockman, Christine Costin, Leonard Crosbie, Brian Donnelly, Duncan England, Jim Sanson

Apologies: Councillors: Sheila Dale, Peggy Davies, Alan Fisher, Sally Horner, Ian Shepherd, Mrs Sheila Van Den Bergh, Keith Wilkins

LI/15 **MINUTES**

The minutes of the meeting held on 11th November 2010 were approved as a correct record and signed by the Chairman.

LI/16 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LI/17 **ANNOUNCEMENTS**

There were no announcements.

LI/18 **PUBLIC HEALTH AND LICENSING – LICENCE FEES FOR 2011/2012**

The Head of Planning & Environmental Services reported on the proposed fees for various licences issued by the Public Health & Licensing Department. The fees, if approved by the Committee, would take effect on 1st April 2010.

The individual licence fees were calculated to recover the cost of issuing the licence and enforcing the requirements of the legislation. There were other licenses issued by the Public Health & Licensing Department, the fees for which were set by statute and could not be changed.

The fees were calculated taking into account officer time, transport and any external costs that the Council incurred. The Council had determined that where possible fees and charges should go up in line with inflation (Consumer Price Index 3.1%).

The work involved in dealing with a license for animal boarding establishments, pet animals and the renewal of dog breeding license were the same and therefore the fees had now been set at the same level.

The Committee had considered the fee for Sex Establishments at its meeting of 11th November 2010 and approved the new fee levels, which reflected the cost of administrating these licenses.

Agenda Item 8(a)

Licensing Committee

10th February 2011

LI/18

Public Health And Licensing – Licence Fees For 2011/2012 (cont.)

RESOLVED

That the fees for licences issued during 2011/12 be agreed, as submitted, to take effect from 1st April 2011.

The meeting ended at 6.30pm having started at 5.30pm

CHAIRMAN

STANDARDS COMMITTEE
16th March 2011

Present: Councillors: Duncan England, Sheila Matthews, Pat Rutherford,
Claire Vickers

Parish Council Representatives: David Coldwell, Alan Grant,
David Herson

Independent Representatives: Eric Blackburn (Chairman), David
Tilsley

Apologies: Councillors: Andrew Baldwin, Keith Wilkins

Independent Representatives: Mary Jagger (Vice-Chairman),
Paul Byford

SC/32 **MINUTES**

The minutes of the meeting of the Committee held on 8th December 2010 were approved as a correct record and signed by the Chairman.

SC/33 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/34 **ANNOUNCEMENTS**

The Chairman wished the District and Parish Members of the Committee every success for the upcoming elections. In the event of their not being re-elected, he thanked them for their services to the Committee.

The Monitoring Officer announced that the election of the Chairman and Vice-Chairman of the Committee for the next municipal year would take place on 8th June 2011.

SC/35 **MINUTES OF THE LOCAL ASSESSMENT SUB-COMMITTEE ON 22ND DECEMBER 2010**

The minutes of the meeting of the Local Assessment Sub-Committee held on 22nd December 2010 were received.

SC/36 **MINUTES OF THE LOCAL REVIEW SUB-COMMITTEE ON 12TH JANUARY 2011**

The minutes of the meeting of the Local Review Sub-Committee held on 12th January 2011 were received.

SC/37 **STANDARDS COMMITTEE REPORTS AND DOCUMENTS AVAILABLE FOR INSPECTION**

The list was noted.

SC/38 **REPORT BY PARISH COUNCIL REPRESENTATIVES**

Alan Grant reported that at the most recent meeting of HALC Ian Davison had given a presentation on behalf of SALC regarding the impact of the Localism Bill on parishes. This had included information on the abolition of the Code of Conduct and the standards regime, the new statutory duty to observe and maintain high standards of conduct, the new criminal offence for failing to register interests correctly and the possibility of public bodies retaining standards committees.

Concern had been expressed about the possible legal consequences for parishes and the lack of clarity surrounding the changes. The potential lack of help from the Monitoring Officer to the parishes in the future was another concern and it had been recognised that SALC would likely be more important to parishes in the future. The possibility of NALC producing a model Code of Conduct had also been discussed and advice was awaited.

The view of the parish councils over the changes to standards regime was very varied. Some parishes, mainly those who not had many standards cases to deal with, welcomed the removal of bureaucracy. Parishes which had experienced more cases were concerned about the fact that there would be less help to combat difficult situations of conflict. The current regime provided them with the comfort of being able to refer cases to a third party, the Standards Committee. Any changes would direct time away from other important business. It was also noted that the timing was very bad since parish council elections were to take place in May 2011, following which new councillors would have to be trained on the current regime only for it to be abolished within the following six months.

The next meeting of HALC would be on 24th May 2011. Nominations for parish representatives for the Standards Committee would be made at this meeting.

SC/39 **REPORT BY MEMBERS OF THE ASSOCIATION OF INDEPENDENT MEMBERS OF STANDARDS COMMITTEES IN ENGLAND (AIMSCE)**

David Tilsley reported that AIMSCE had officially been wound up. Reports from members of AIMSCE would be removed as an item on the Committee agenda for future meetings.

SC/40 **ETHICAL FRAMEWORK UPDATE**

The Monitoring Officer reported on developments in the ethical framework that affected the role and activities of Councillors and the Council's business, including:

- **Public Bodies Bill:** The Bill had been introduced into the House of Lords on 28th October 2010 to set a statutory framework for the government's proposals to review a large number of non-departmental public bodies, some non-ministerial departments and some public corporations. The Bill was at committee stage and due to come into force two months after it received Royal Assent. Standards for England was included in the seventh schedule. Reference was also made within Schedule 24 of the Localism Bill to the repeal of the provisions in the Local Government Act 2000 regarding the creation and powers of Standards for England.
- **The Department for Communities and Local Government (DCLG) Business Plan:** This identified the progress which had been made in delivering the government's agenda, of which the Localism Bill formed a major part.
- **The Localism Bill:** On 13th December 2010 the Localism Bill had been introduced in the House of Commons. On 1st February the Bill had entered the committee stage which had been concluded by 10th March 2011. It was anticipated that the Bill would reach Royal Assent sometime in the autumn. Some provisions would become effective on Royal Assent, others within two months of Royal Assent and some in the spring 2012.

The Bill contained 171 pages together with 406 pages of schedules. The scope of the Bill covered five broad areas:

- Decentralisation and the strengthening of local democracy (Part 1) – this part included a general power of competence, changes to governance arrangements, provision of directly elected mayors, pre-determination and abolition of the standards regime, pay accountability and abolition of bin taxes.
- Community Empowerment (Part 4) – this part included a right to veto excessive council tax rises by referendum, a community right to challenge, a community right to buy and power to instigate local referendums on local issues.
- Reform of the planning system (Part 5) – this part included the abolition of Regional Strategies, changes to the Community Infrastructure Levy, Local Plan reform, introduction of Neighbourhood Plans, a community right to build, duty to co-operate between public bodies, pre-application consultation by developers, enforcement and replacement of Infrastructure Planning Commission;
- Social Housing Reform (Part 6) – this part included social housing allocation reform, reform of homeless legislation, social housing tenure reform, reform to council housing finance, the introduction of a national home swap scheme, reform of social housing

SC/40 Ethical Framework Update (cont.)

- regulation, facilitating moves out of the social rented sector and the abolition of home information packs; and
- London (Part 7) –This part included a range of powers designed to strengthen London’s governance arrangements.

The provisions relevant to the proposed revised standards regime were principally contained in clauses 14-20 and schedule 4 to the Bill.

The DCLG had produced an impact assessment: Impact Assessment “Localism Bill: The abolition of the Standards Board regime, clarification of the law on predetermination and the requirement to register and declare interests”, which provided an insight into the government’s policy and the evidence base for their proposals. It was considered that the assessment implied that local authorities would retain at least some aspects of the current standards regime. It included a risk assessment which recognised that the abolition of the code of conduct could result in standards of conduct falling. This implied that a code of some sort would be necessary but no model code was proposed.

A separate paper outlining the key implications for standards and the ethical framework contained in the Bill had been presented to Members. Members discussed the implications and the challenges they would present to both the District Council and the parish councils:

The Bill proposed a number of key changes:

1. the repeal of large sections of the Local Government Act 2000 and Local Government and Housing Act 1989 resulting in authorities being allowed to make their own decisions as to how to regulate the conduct of their members; and
 2. the introduction of a duty to promote and maintain high standards of conduct; and
 3. the adoption of a Code of Conduct would become voluntary; and
 4. the introduction of a criminal offence for failing to register and disclose interests appropriately.
- It was proposed that the first port of call in relation to complaints concerning a failure to register and declare interests correctly (whilst subject to a criminal sanction) would be the Monitoring Officer “or equivalent” of the authority concerned. This could result in a conflicting role for the Monitoring Officer if expected to be both the investigator and a potential witness. It appeared that “the equivalent” in relation to parish councils would be the parish clerk.
 - The Code of Conduct adopted by each authority would cease to have effect. However, it was considered that it would not really be possible to promote and maintain high standards of conduct without adopting some form of a voluntary code. Some professional associations such as the Association of Council Secretaries and Solicitors were looking at creating a model code of conduct whilst others, such as the Local Government Association, considered that there should not be a model code. It was considered that the lack of a code may weaken the personal discipline of members. The Code

SC/40 Ethical Framework Update (cont.)

provided a structure and councillors knew whether they were operating inside or outside the rules.

- There would be a host of problems in administering any voluntary code for parish councils. The existence of a code would necessitate a complaints mechanism to deal with alleged breaches. Since Horsham District Council would no longer be required to deal with such complaints on the behalf of the parish councils they would potentially need to extend their complaints procedures or set up a separate panel of members. This would be particularly problematic for smaller parishes with a restricted number of members and it would difficult to provide an appeal mechanism. It was suggested that the parishes should raise their particular concerns with their local MP.
- The relationship between the new provisions on registering interests and any voluntary code of conduct was unclear. The government seemed to intend to split the two completely but as drafted the Code could still contain elements relating to interests.
- Undertakings to comply with the Code would also cease to have effect when the relevant codes ceased to have effect. This would result in newly elected councillors following local elections in May 2011 being expected to sign undertakings which would then cease to have effect.
- If a local authority wanted to adopt a voluntary standards committee, it would appear it could only be comprised of elected councillors. Although independent and parish members could technically still sit on such a committee they would not have any voting powers- the legislation which gave such members voting rights was to be repealed.
- It was noted that any voluntary standards committee would not have the power to suspend councillors for behaving below the standard expected. It was considered that the sanctions which would be available would not be a sufficient deterrent for poor behaviour.
- It was considered that the proposals with regard to criminal sanctions for interests would put people off standing to be councillors.
- Any decisions on the future of standards at the Council would not be made until after the local elections in May 2011. However, it was considered that:
 1. a code of conduct should be retained to satisfy the duty to promote and maintain high standards of conduct; and
 2. a standards committee may need to be retained to receive, investigate and make decisions on written complaints on a local code, promote the code through training, act as first port of call for complaints relating to failures to disclose or register interests, assist members to avoid criminal sanctions about interests and comply with regulations on interests.

SC/40 Ethical Framework Update (cont.)

- **Government proposals to reform law on bias and predetermination:** Clause 13 of the Localism Bill sought to 'clarify' the law on bias in relation to local councillors. The proposals were actually changes to the rules on evidence. Acts or anything said by councillors would no longer be admissible in court as evidence of predetermination.
- **Guide to Maintaining High Ethical Standards in Local Government:** The Local Government Association, in association with the Association of Council Secretaries and Solicitors, has issued a guide for authorities: "Maintaining High Ethical Standards in Local Government". The guide summarised the Localism Bill's standards proposals and outlined other conduct controls which existed in addition to it which justified the abolition of the Code of Conduct, including fiduciary duties, interests and libel. It provided a summary of the corporate governance controls existing in addition to the statutory regime.
- **Code of Recommended Practice on Local Authority Publicity:** The Code of Recommended Practice on Local Authority Publicity was originally introduced in 1988 and amended by the last government in 2001. The government had been consulting on a new Code, intended to replace the existing Code for all local authorities in England. Local Authorities were required to have regard to the Publicity Code in coming to any decisions on publicity. The Members' Code of Conduct provided in paragraph 6(c) that a member must have regard to any applicable local authority code of publicity made under the Local Government Act 1986.

There was no proposal to change the statutory provisions so the revised Code would be based entirely on current legislation and would be issued under powers conferred on the Secretary of State under section 4(1) of the Local Government Act 1986.

The Department for Communities and Local Government Select Committee had undertaken an inquiry into the revised Publicity Code and published a report which questioned some of the provisions in the Government's Draft Code of Recommended Practice on Local Authority Publicity which they considered ran counter to "localist" principles and had potentially negative implications for local democracy.

The revised code provided specific rules which prevented municipal newspapers being published more often than four times a year (monthly in the case of a parish council) and to prevent the hiring of lobbyists. The revised code included seven central principles which make sure that council publicity is lawful, cost effective, objective, even handed and appropriate and that it has regard to equality and diversity and is issued with care during periods of heightened sensitivity.
- **Forthcoming District/Parish referendum/election:** The Monitoring Officer had provided guidance around the elections "purdah period" now more appropriately referred to as the "pre-election period". Copies had been sent to District Councillors and also some parish council clerks. The pre-election period would commence on 25th March 2011 and conclude on Thursday 5th May 2011 (Polling Day).

SC/40 Ethical Framework Update (cont.)

- **Parish Clerks' Meeting:** The Monitoring Officer had attended the Society of Local Council Clerk's meeting on 15th February 2011 and provided an update arising from the Committee's last meeting in December 2010. A general update had also been provided on the Coalition Government's proposals in the Localism Bill in relation to the standards regime and in particular the government's desired abolition of Standards for England. The Clerks had been concerned about the potential loss of support to parish councils in relation to member conduct cases from Horsham District Council.
- **Local Assessment, Review, Other Action, Investigations and Determinations:** Since the last meeting in December one new complaint had been received for assessment. No other action had been directed by the Local Assessment Sub-Committee. Five requests for a review of the decision of the Local Assessment Sub-Committee had been received. It had been necessary to co-opt Councillor Graham Tyler, a Member from Arun District Council's Standards Committee. The Chief Executive had exercised delegated authority in consultation with the Chairman of the Council and the Chairman of this Committee. The Local Review Sub-Committee had upheld the original decision in all five cases.
- **Freedom of Information Requests:** The government had consulted on the Code of Recommended Practice for local authorities on data transparency. Consultation had closed on 14th March 2011. All items of expenditure over £500 were now published on the Council's website on a monthly basis, in line with the Local Government Group guidance. This had generated lots of requests. It was noted that the requirement applied equally to parish councils. Lots of parish councils did not have websites on which to publish such data. However, as long as such information was collected and was made available on request this would suffice. Publishing the expenditure on a notice board or somewhere similar would also suffice.
The Ministry of Justice had announced the intention of the Government to extend the scope of the Freedom of Information Act 2000 so that it applied to more public bodies. This was contained in the Protection of Freedoms Bill Part 6.
- **Performance Management:** The Complaints and Information Officer had attended the Performance Management Working Group meeting on 2nd February 2011 to report on details of all complaints, compliments and suggestions to the Council from 1st October to 31st December 2010. During that period the Council had received 54 complaints, 0 suggestions and 37 compliments. During the previous monitoring period of 1st July to 30th September 2010 the Council had received 64 complaints, no suggestions and 75 compliments.
- **Data Protection:** One complaint had been received since the last meeting of the Committee. This alleged that the Council had breached the Data Protection Act by not providing a requestor with a recording of telephone calls they had made to the Council offices and also by

SC/40 Ethical Framework Update (cont.)

discussing details of their benefit claims with the complainant's partner without their consent. The Data Protection Officer was looking at data protection issues across both the Council and CenSus and training was to be provided.

The Information Commissioner's Office had written to all councillors to urge them to check if they are fulfilling their obligations. Advice about Elected Members' obligations under the Data Protection Act had been published in the Members' Bulletin in January 2011.

- **Regulation of Investigatory Powers Act 2000 (RIPA):** The Office of Surveillance Commissioners (OSC) had released a new Procedures and Guidance document which formed the basis upon which inspections would be conducted and performance assessed by the OSC. The OSC had stated that the document must be "properly promoted by and made accessible to all members of each public authority...and Authorising Officers are expected to retain a personal copy". This document had been published on the intranet and hard copies were to be sent to each Authorising Officer. The Scrutiny and Overview Committee, which had a role in RIPA oversight, would be made aware of the new document. The OSC would be conducting an inspection of the Council's policies and procedures on 16th June 2011.
- **A Local Government Ombudsman's case update for January to March 2011** was presented.
- **A Standards for England case review for January to March 2011** was presented.
- **Membership of the Committee:** The terms of two Independent Members, Paul Byford and David Tilsley, would expire in June 2011. The Standards Committee (England) Regulations 2008/1085 and Standards for England guidance provided that independent members could serve no more than two terms of four years, could not be automatically reappointed, and must go through a recruitment process. In view of the changes proposed to the standards regime Standards for England had issued revised advice stating that as long as the original appointment of independent members had been carried out in accordance with all the correct legal requirements at the time an authority could extend that term for a further period. This could only be done during the term of office of an existing independent member and by approval from full Council. The Committee considered that the terms of both Paul Byford and David Tilsley should be extended until June 2012 or until such time as the Standards Committee was disbanded or reconstituted, whichever was the sooner. The Committee resolved to recommend this to Council for approval.
- **Committee on Standards in Public Life:** The Independent Committee on Standards in Public Life had published its response to the consultation paper prepared by the Independent Parliamentary Standards Authority for their first review of the MP's expenses and allowances scheme. Some of the principles the Committee explained would be relevant to the council's member expenses arrangements.

SC/40 Ethical Framework Update (cont.)

- **Constitution update:** Following the management team restructure the Scheme of Delegation to Officers had been revised. Council had approved changes promoted by the Director of Corporate Resources to the Scheme of Delegation to Officers in April 2010. Consequential amendments to the remainder of the Constitution arising from the restructure had also been approved and were being prepared by the Director of Corporate Resources. A Constitution Advisory Group had also been formed to keep abreast of further changes to the Constitution which were either required as a result of legislation or considered desirable by members. A further constitution update report would be presented to Council in April 2011 by the Director of Corporate Resources.
- **Members' Bulletin.**
- **Duty to Promote Standards:** A press release had been published in February 2011 highlighting the fact that the current standards regime would continue to operate until the relevant provisions in the Localism Bill came into force. Until such a time complaints regarding the conduct of elected members would still be considered by the Standards Committee.
- **Standards Annual Report:** In 2008 and 2009 the Standards Annual Report had been presented to Council in the form of an oral report by the Chairman. This year, in addition to the usual oral report, the Standards Annual Report would be a written document. A preliminary draft had been prepared. The final version would be presented to Council on 13th April 2011.
- **Register of Interests annual update:** Since the last meeting the majority of the outstanding forms had now been received.

RESOLVED

- (i) That the matters set out in the report be noted.
- (ii) That the exercise of the Chief Executive's delegated authority be noted.

REASON

To ensure that the Committee, the Members of the Council and others to whom the report is circulated are kept up to date with developments in the ethical framework.

SC/40 Ethical Framework Update (cont.)

RECOMMENDED TO COUNCIL

That the terms of Paul Byford and David Tilsey as independent members of the Standards Committee be extended until June 2012 or until such time as the Standards Committee is disbanded or reconstituted under the Localism Bill, whichever is the sooner.

REASON

To enable the Standards Committee to effectively deal with its statutory responsibilities under the Standards Committee (England) Regulations 2008.

SC/41 THE OMBUDSMAN UPDATE – MARCH 2011

The Monitoring Officer reported on the developments, volume and nature of complaints about the Council to the Local Government Ombudsman, including figures for the 2010/11 reporting year.

Fourteen complaints had been received about the Council in the previous 11 months from 1st April 2010 to 28th February 2011; this compared to fourteen which had been received in the 12 months preceding this. The meeting of the Committee was earlier this year than it had been in 2010, which led to the comparison of an 11 month period with a 12 month period.

Six of the complaints had been deemed premature since they had not yet been through the Council's corporate complaints mechanism. Five had been determined as having no or insufficient evidence of maladministration. Two had been determined as Ombudsman's discretion. One was ongoing.

The Annual Review Letter from the Ombudsman was due to be received by the Council at the end of March 2011.

SC/42 URGENT ITEMS

There were no urgent matters to be considered.

The meeting finished at 11.35am having commenced at 10.03am.

CHAIRMAN

CenSus Joint Committee – 25 March 2011



CenSus (Central Sussex Partnership)

Minutes of the CenSus Joint Committee 9:30am - Friday 25th March 2011

Present:

Adur District Council:

Councillor Julie Searle (JS) – Adur District Council
Ian Lowrie – Chief Executive (Adur District Council and Worthing Borough Council)
Kevin Masters (KM) - Executive Head of Customer Services and Waste Management
John Mitchell – Executive Head of Corporate Strategy
Peter Latham (PL) – Strategic Director

Horsham District Council:

Councillor Gordon Lindsay (GL) – Horsham District Council
Councillor Ray Dawe (RD)
Tom Crowley (TC) – Chief Executive
Peter Dawes (PD) – Head of Corporate Support Services
Graham Crossingham (GC) – ICT Operations Manager – CenSus

Mid Sussex District Council:

Councillor Jonathan Ash-Edwards (JAE)
Councillor Gary Marsh (GM)
Kathryn Hall (KH) – Chief Executive
Tim Delany (TD) - Head of Revenues and Benefits – CenSus
Peter Stuart (PS) – Head of Finance
Tom Clark (TC) – Solicitor to the Council

CenSus:

Jeremy Beales (JB) – CenSus Programme Manager

Apologies:

Councillor Angus Dunn – Adur District Council

CenSus Joint Committee – 25 March 2011

1. Declarations of Interest

None.

2. Minutes

The minutes of the CenSus Joint Committee held 10th December 2010 were agreed as an accurate record of the meeting.

3. 2011-12 Budget Update and Monitoring Report

The Head of Finance (PS) presented the 2011/12 Budget Update and Monitoring of Current Year to the Joint Committee.

This was a combined report with the draft revenue and capital budgets for both the Revenues and Benefits Service and the expanded ICT service for 2011/12.

The report also set out the in-year position for 2010/11 for both services.

The Committee noted that both services were performing well, with an underspend in both revenues and benefits and ICT services.

Members requested that at the next meeting of the Committee in June 2011, PS present a response to the recommendations which were made in the audit report which was the Committee received at its last meeting.

RESOLVED

- (i) That the revenue and capital budgets for both Revenue and Benefits Service and ICT service be approved.
- (ii) That the 2009/1/ budget monitoring position be noted.

4. Revenues and Benefits Service Report

Head of Revenues and Benefits – CenSus (TD) presented the Report on Performance and Activity of CenSus Revenues and Benefits.

The Committee noted that Benefits performance was on target, Council Tax collection was inline with the previous year, whereas business rate collection was below target.

The Committee noted that work had been undertaken to clarify the requirements for a dedicated CenSus Revenues and Benefits website to serve all the partner authorities.

TD also explained that there would be a meeting with an IT and telephony consultant to discuss and explore the options for a new telephone system to meet the needs of the CenSus Revenues and Benefits organisation.

CenSus Joint Committee – 25 March 2011

Members of the Committee congratulated the officers for continuing to deliver savings under these services.

RESOLVED

That the Committee note the performance and activities of CenSus Revenues and Benefits.

5. ICT Service Report

ICT Operations Manager – CenSus (GC) presented the CenSus ICT Operational Service and Project 2010/11 Progress Report to the Committee.

The Committee noted CenSus ICT operational service level targets during 2010/11 continued to be met and user feedback on the service was excellent.

Members noted the collaborative work between CenSus and the Adur and Worthing partnerships.

The report also detailed other CenSus ICT service work and projects.

RESOLVED

- (i) That the update on the status of the ICT operational service, the current ICT projects and the other ICT activities for the fourth quarter be noted
- (ii) That the proposed ICT project budgets for 2011/12 be noted

6. Re-Location of ICT Data Centre

The Head of Corporate Support Services (PD) presented the report on Replacement Data Centre and Disaster Recovery to the Committee.

The Committee noted the proposals for the replacement of the Data Centre to County Hall North and the Disaster Recovery solution.

RESOLVED

- (i) That the proposal to replace the Data Centre be noted
- (ii) That the Disaster Recovery solution for the agreed replacement Data Centre be incorporated into the CenSus ICT Strategic Plan.

7. Committee Dates for 2011 - 12

The CenSus Programme Manager (JB) presented the Committee with the Joint Committee meeting dates for 2011/12 to be held at Mid Sussex District Council.

Members noted the later start time of 10.00am.

CenSus Joint Committee – 25 March 2011

RESOLVED

That the date for the quarterly Joint Committee meetings be approved.

8. Review of 2010 Joint Committee Work Programme

The CenSus Programme Manager (JB) presented the CenSus Joint Committee Work Programme.

The new work programme for 2011 would be approved at the meeting in June 2011.

The Members noted that there would not be an audit of the CenSus accounts for 2010/11; however the accounts would still be presented to the Committee in September 2011.

RESOLVED

That the CenSus Joint Committee work programme be noted. .

9. Communications Messages

The following items would be noted and passed to the Communications Manager as key messages for internal circulation:

- (i) The positives arising from the update in the CenSus Revenues and Benefits Service Report
- (ii) The positives arising from the update in the ICT Service Report
- (iii) The relocation of the Data Centre
- (iv) The visioning event

In addition, the Committee requested that a press release be issued to highlight the benefits of joint working in the CenSus partnership and the savings which it had generated.

A press release would be drafted by Horsham District Council and circulated to the other partner authorities to customise for release in the districts and boroughs involved.

RESOLVED

- (i) That the communications message be noted
- (ii) That a press release be drafted by Horsham District Council within 2 weeks and circulated to the other CenSus partner authorities

10. Next Meeting

The next CenSus Joint Committee would be held at 10.00am on Friday 24th June 2011 at Mid Sussex District Council.

CenSus Joint Committee – 25 March 2011

RESOLVED

That the date, time and venue of the next CenSus Joint Committee be noted.

The meeting closed at 10.21am.

**ACCOUNTS, AUDIT & GOVERNANCE COMMITTEE
30TH MARCH 2011**

Present: Councillors: Roger Arthur (Chairman), Leonard Warner (Vice-Chairman), Leonard Crosbie, Alan Fisher, Gordon Lindsay
Apologies: Councillors: Jonathan Chowen, David Holmes

AAG/32 **MINUTES**

The minutes of the meeting held on 16th December 2010 were approved as a correct record and signed by the Chairman.

AAG/33 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

AAG/34 **ANNOUNCEMENTS**

The Director of Corporate Resources advised the Committee that, as part of a report he would be making to the next meeting of the Council on amendments to the Constitution, he would be recommending an amendment to the Committee's terms of reference. In line with CIPFA guidance, he would be recommending that the Chairman of the Committee should not be a Cabinet Member. This would not preclude Cabinet Members from being members of the Committee.

AAG/35 **DRAFT ANNUAL GOVERNANCE STATEMENT 2010/11**

The Director of Corporate Resources submitted the Annual Governance Statement in draft form for Members' comments and questions. The Statement was designed to demonstrate how the Council delivered good governance and to meet the requirements of the Accounts and Audit Regulations 2003.

Members commented on the draft Statement with particular reference to:

- suggested amendments to the heading of Core Principle (2) and to the body of the text regarding responsibility for legal compliance
- suggested amendments to the wording of actions 3 and 4 in the Action Plan for 2011/12

The Annual Governance Statement would be submitted for final approval by the Committee in June.

RESOLVED

That the draft Annual Governance Statement for 2010/11 be noted and the comments on the draft Statement be incorporated as appropriate.

AAG/35 Draft Annual Governance Statement 2010/11 (cont.)

REASON

To fulfil the Council's statutory duty in respect of internal control.

AAG/36 AUDIT FEES 2011/12

The Director of Corporate Resources reported that the District Auditor had notified the Council of the proposed fees for the 2011/12/ audit.

Helen Thompson, District Auditor, presented details of the proposed audit fee and advised Members of the rebate that had been paid in respect of the 2010/11 fee and the proposed rebate on the 2011/12 fee.

The District Auditor also advised the Committee that Communities & Local Government (CLG) had today published its proposals on the future of local authority audit, with a consultation period expiring at the end of June. It was therefore likely that there would not be enough time for local authorities to tender for alternative providers for the 2012/13 audit and District Audit would continue for that purpose, with a further reduced scale fee for that year.

The Director of Corporate Resources would circulate a proposed response to the CLG consultation paper to Members of the Committee in due course.

RESOLVED

That the level of the audit fee for 2011/12 be noted.

REASON

The audit of the accounts and grant claims is statutory.

AAG/37 CERTIFICATION OF CLAIMS AND RETURNS – ANNUAL REPORT

The Director of Corporate Resources reported on the District Auditor's findings from the certification of 2009/10 claims and returns. The claims involved were for Housing and Council Tax Subsidy Benefit grant (£32.586m), Disabled Facilities Grant (£0.375m) and the payment into the national pool for National Non Domestic Rates (£37.948m).

It was noted that the Auditor had found that the Council had good arrangements for the preparation and administration of grant claims; the claims were submitted on time; there were no qualification issues or material weaknesses identified during the audits; and no recommendations were required.

AAG/37 Certification of Claims and Returns – Annual Report (cont.)

RESOLVED

That the report be noted.

REASON

The audit is statutory.

AAG/38 **INTERNAL AUDIT – QUARTERLY UPDATE REPORT**

The Chief Internal Auditor submitted a report summarising the work of the Internal Audit Section from December 2010 and seeking approval of the Internal Audit Charter, Internal Audit Strategy and Annual Audit Plan for 2011 to 2012.

The CIPFA Code of Practice in Local Government required that the terms of reference for Internal Audit were reviewed annually and formally approved. The terms of reference were contained within the submitted Audit Charter, which set out the remit, responsibilities and scope of Internal Audit. Members suggested that the Charter should include an overview of the content.

The CIPFA Code also required the Head of Internal Audit to produce an audit strategy, a high-level statement of how the Internal Audit Service would be delivered in accordance with the terms of reference and how it linked to the organisational objectives and priorities. The Internal Audit Strategy was therefore submitted for approval.

The Internal Audit Plan for 2011/12 was also submitted for approval and included an element of flexibility to enable the audit team to respond to current issues.

A summary of audit findings in respect of housing benefits and treasury management was submitted. It was noted that a number of other audits were nearing completion, the results of which would be reported to the next meeting of the Committee. It was also noted that a review of management information held relating to lost and damaged bins following the roll out of the new side loader vehicles had been carried out. A number of actions had been agreed and were being or had been implemented. Project support work was also being undertaken in respect of the implementation of information security for the authorities within the CenSus partnership.

RESOLVED

- (i) That the Internal Audit Charter be approved, subject to the addition of an overview.

AAG/38 Internal Audit – Quarterly Update Report (cont.)

- (ii) That the Internal Audit Strategy be approved.
- (iii) That the Internal Audit Plan for 2011/12 be approved.
- (iv) That the summary of audit work undertaken since December 2010 be noted.

REASON

- (i) To comply with the requirements set out in the CIPFA Code of Practice for Internal Audit.
- (ii) To review the effectiveness of the Council's system of internal control.

AAG/39 RISK MANAGEMENT – QUARTERLY UPDATE REPORT

The Director of Corporate Resources reminded the Committee that it was charged with responsibility for monitoring the effectiveness of the Council's risk management arrangements.

It was noted that the corporate risk register had been fully reviewed by the Corporate Management Team and that one additional risk had been identified: CRR26 – increased financial burden and further damage to Council's reputation due to failure to contain the Operational Services overspend (including Acorn Plus) within 2010/11.

It was recommended that CRR14 – lone workers should be removed from the live register on the basis that all control actions had now been implemented.

RESOLVED

- (i) That the updated Corporate Risk Register be approved.
- (ii) That risk CRR14 be removed from the Corporate Risk Register.
- (ii) That the progress made in respect of the departmental risk registers be noted.

REASON

To ensure that the Council has adequate risk management arrangements in place.

AAG/40 **URGENT MATTERS**

There were no urgent matters to be considered.

The meeting finished at 7.03pm having commenced at 5.30pm.

CHAIRMAN

SCRUTINY & OVERVIEW COMMITTEE
7TH MARCH 2011

Present: Councillors: David Sheldon (Chairman), Ian Howard (Vice-Chairman) Philip Circus, George Cockman, Leonard Crosbie, Duncan England, David Holmes, Chris Mason, Jim Sanson, David Skipp.

Apologies: Councillors: Gordon Brown, Jonathan Chowen, Brian Donnelly, Claire Vickers, Keith Wilkins

Also present: Councillors: John Bailey, Roy Cornell

SO/75 **MINUTES**

The Minutes of the meetings of the Committee held 17th January 2011 were approved and signed as a correct record.

SO/76 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SO/77 **ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COMMITTEE OR THE CHIEF EXECUTIVE**

There were no announcements.

SO/78 **MATTERS CALLED IN ACCORDANCE WITH RULE 14**

There were no matters called in accordance with Rule 14.

SO/79 **REPORT FROM THE CHAIRMAN OF THE COMMITTEE ON THE USE BY THE EXECUTIVE OR AN OFFICER OF RULE 15 (URGENT POWERS) OR RULE 16 (SPECIAL URGENCY POWERS) OF THE ACCESS TO INFORMATION PROCEDURE RULES**

There were no matters called in accordance with Rule 15 or 16.

SO/80 **MATTERS IN ACCORDANCE WITH CRIME AND DISORDER UNDER THE POLICE & JUSTICE ACT 2006**

There were no matters in accordance with the crime and disorder under the Police & Justice Act 2006.

SO/81 **ITEMS UNDER COUNCILLOR CALL FOR ACTION**

There were no items under Councillor Call for Action.

SO/82 **BUDGET REVIEW WORKING GROUP – CHAIRMAN’S UPDATE AND NOTES OF THE MEETING HELD 31ST JANUARY 2011**

The Chairman of the Working Group presented the notes of the meetings held 31st January 2011.

The Budget Review Working Group had made a number of recommendations to Council in its final report in respect of the Budget 2011/12.

The Cabinet Member for Finance & Assets supported the recommendations of the Working Group and assured Members that these would be addressed.

The Committee noted some dissatisfaction with the Budget debate at the Council meeting, in respect of the consideration and response given to the recommendations made by the Working Group. Therefore it was agreed that the Committee would request a written response from the Cabinet Member for Finance & Assets on the outstanding recommendations presented to the Council.

At the next meeting of the Working Group the Members would ask for feedback on the recommendations in order to monitor their progress.

RESOLVED

- (i) That the notes of the Budget Review Working Group meeting held 31st January 2011 be received
- (ii) That the Cabinet Member for Finance & Assets be requested to provide a written response to the outstanding recommendations, made by the Working Group, on the Budget 2011/12

REASON

All notes of Working Group meetings are to be received by the Committee.

SO/83 **BUSINESS IMPROVEMENT WORKING GROUP - CHAIRMAN’S UPDATE AND NOTES OF THE MEETING HELD 25TH JANUARY 2011**

• **REPORT ON THE USE OF CONSULTANTS**

The Chairman of the Working Group presented the notes of the meeting held 25th January 2011.

The Members had questioned the future of the Working Group and whether its role as a standing group continued to be necessary.

However, at the start of the upcoming new Council year all Scrutiny working groups, their terms of reference and their membership would be reviewed.

Agenda Item 9

Scrutiny and Overview Committee

7th March 2011

SO/83 Business Improvement Working Group - Chairman's update and notes of the meeting held 25th January 2011

- Report on the Use of Consultants (cont.)

The Chairman explained that at the meeting the Group had indicated that it would be prepared to look at the problems in relation to the overspend, including the action plan which was being produced by the Chief Executive and Corporate Management Team, to address the systemic management failures.

The Committee noted that it was the responsibility of the Cabinet Member to monitor performance against the action plan, and it was the responsibility of the Scrutiny & Overview Committee to hold the Cabinet Member to account, it was agreed that this would be carried out through the Business Improvement Working Group.

In respect of the Group's discussion on consultants the Committee noted that, in addition to the consultants reported in the notes of the meeting, the Members of the Working Group had since received an additional report on Abacus Insight.

The Chairman of the Working Group presented the Group's report on the Use of Consultants; the Committee noted that the Business Improvement Working Group had concluded that the use of consultants at the Council was not well managed, however no evidence was found for the inappropriate use of consultants.

The Committee noted the list of concerns raised by the Working Group in its report. Members agreed that there was a need for a review of the Council's procedures for the recruitment of consultants.

The Members of the Committee approved the recommendations, and it was suggested that in addition, a recommendation be included that consideration be given to what the Council was doing to dovetail with the work of other local authorities to share knowledge and experience.

Members agreed that once a framework for the recruitment of consultants had been formulated it should be presented to the Committee for approval. The Working Group would then revisit this in the future to review how procedures had changed following adoption of the framework.

The Director of Corporate Resources explained that if a framework was adopted, although it would form useful guidance it may not be applicable for the recruitment of all the Council's consultants.

Agenda Item 9

Scrutiny and Overview Committee

7th March 2011

SO/83 Business Improvement Working Group - Chairman's update and notes of the meeting held 25th January 2011

- Report on the Use of Consultants (cont.)

RECOMMENDED TO CABINET

- (i) That Cabinet note the concerns and findings of the report by the Business Improvement Working Group and put in place procedures to improve how the use of consultants was managed
- (ii) That the list of recommendations from the Working Group be addressed (page 3 and 4 of the report) with the addition of a recommendation to consider whether the required information or advice could be gained through other local authorities or the Local Government Association
- (iii) That once a framework for the recruitment of consultants had been drafted that this be it be presented to the Scrutiny & Overview Committee for consideration

SO/84 **SOCIAL INCLUSION WORKING GROUP – CHAIRMAN'S UPDATE**

There had been no further meetings of the Social Inclusion Working Group since the last meeting of the Committee.

The Committee noted that the Council continued to await a formal response from the Chief Executive at NHS West Sussex regarding the Horsham Hospital Minor Injuries Unit and the decision not to extend the opening hours, and a response to the outstanding recommendations arising from the North East Review.

RECOMMENDED TO CABINET

That the Cabinet Member for Housing & Community Development write to the Chief Executive of Surrey and Sussex Healthcare NHS Trust expressing the Council's support for investigation into opportunities to increase the Minor Injuries Unit opening hours at Horsham Hospital.

SO/85 **PERFORMANCE MANAGEMENT WORKING GROUP - CHAIRMAN'S UPDATE AND NOTES OF THE MEETING HELD 2ND FEBRUARY 2011**

The Chairman of the Working Group presented the notes of the meeting held 2nd February 2011.

As part of the discussions on Corporate Plan Priorities Members discussed the Horsham District News magazine and its cost. The Committee noted that

Agenda Item 9

Scrutiny and Overview Committee

7th March 2011

SO/85 Performance Management Working Group - Chairman's update and notes of the meeting held 2nd February 2011 (cont.)

the cost of the magazine was only 50 pence per household and it was considered both cost effective and the most effective method of communication with the District.

The Group had discussed Performance Indicators, the Committee wished to highlight its concern regarding the number of households living in temporary accommodation. The Committee would monitor this through the Working Group.

RESOLVED

That the notes of the Performance Management Working Group meeting held 2nd February 2011 be received

REASON

All notes of Working Group meetings are to be received by the Committee

SO/86 **ENFORCEMENT WORKING GROUP – TO RECEIVE THE FINAL REPORT OF THE WORKING GROUP**

The Chairman of the Working Group presented the Group's final report.

The review touched on all aspects of enforcement within the Council. The Chairman talked the Committee through the report.

The main aspect of the review was the proposal to combine certain enforcement functions within the Council.

The Community Safety Manager had presented the Group with a report proposing the combination of certain services, the potential options for a more joined up service which would also demonstrate long term financial savings.

The Working Group supported the implementation of the proposals to combine certain enforcement services.

In respect of the second recommendation from the Working Group, the Director of Corporate Resources explained that although there was not a charge to the West Sussex County Council and the police for collection of Council Tax on their behalf, the County Council and police did allow the District Council to hold the money for a number of days allowing the Council to accumulate the interest. However, with interest rates at a low, it was questionable whether the amount of money with the Council received was negotiable. Therefore it was suggested that the wording of the recommendation be amended to reflect this.

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Scrutiny and Overview Committee

7th March 2011

SO/86 Enforcement Working Group – To receive the final report of the Working Group (cont.)

The Director of Corporate Resources also advised that the collection of National Non-Domestic Rates on behalf of central government would be non-negotiable.

The following amended wording of recommendation two of the Group's report was agreed:

“That consideration be given to increasing the financial benefit for the Horsham District Council for the collection of Council Tax on behalf of West Sussex County Council.”

The Committee complimented the report by the Enforcement Working Group and the engagement of the Members with the officers to gather the necessary evidence.

Under the Localism Bill it was indicated that Local Authorities would not be restricted by central government if they were trying to improve services such as enforcement.

RECOMMENDED TO CABINET

- (i) That the Cabinet Member for Housing & Community Development support the implementation of the proposal to combine Street Scene Officers, Parking Services staff, the mobile security function and other services areas which have a compliance function
- (ii) That the Cabinet Member for Finance & Assets contact West Sussex County Council in respect of the amended recommendation two, that consideration be given to increasing the financial benefit for the Horsham District Council for the collection of Council Tax on behalf of West Sussex County Council

SO/87 BILLINGSHURST RAIL SERVICE WORKING GROUP – CHAIRMAN'S UPDATE AND NOTES OF THE MEETING HELD 24TH JANUARY 2011

The Chairman of the Working Group presented the notes of the meeting held 24th January 2011.

The Committee noted that at the meeting the Group had heard from representatives from Tesco and Southern Rail, in respect to the problems at the level crossing in Billingshurst.

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Scrutiny and Overview Committee

7th March 2011

SO/87 Billingshurst Rail Service Working Group – Chairman’s update and notes of the meeting held 24th January 2011 (cont.)

The Group was awaiting responses from the witnesses to a number of questions and solutions raised at the meeting, for inclusion in the Group’s final report.

The Group anticipated that the final report would be ready for presentation to the Committee at its next meeting on 23rd May 2011; however a draft report may be circulated before this date.

RESOLVED

That the notes of the Billingshurst Rail Service Working Group meeting held 24th January 2011 be received

REASON

All notes of Working Group meetings are to be received by the Committee

SO/88 PROGRESS ON CLIMATE CHANGE WORKING GROUP – CHAIRMAN’S UPDATE AND NOTES OF THE MEETING HELD 7TH FEBRUARY 2011

The Chairman of the Working Group presented the notes of the meeting held 7th February 2011.

At the first meeting of the Working Group Members agreed the direction of the review and amended the Terms of Reference for the Group.

The Committee noted that the Council’s Climate Change Strategy was now on the homepage of the Council’s website.

The Committee was asked to approve the amended Terms of Reference for the review.

RESOLVED

- (i) That the notes of the Progress on Climate Change Working Group meeting held 7th February 2011 be received
- (ii) That the Terms of Reference for the review be approved by the Committee

REASON

All terms of reference for new working groups are to be approved by the Committee

SO/89 **ROLES AND PERFORMANCE OF CABINET MEMBERS IN RESPECT OF ACORN PLUS WORKING GROUP – CHAIRMAN’S UPDATE AND NOTES OF THE MEETING HELD 16TH FEBRUARY 2011**

The Chairman of the Working Group presented the notes of the meeting held 16th February 2011.

There would be no further meetings of the Working Group until outstanding matters had been resolved.

The first meeting had taken place for the formalities to be addressed in order for the Group to commence the review as soon as practicable.

The Group had amended its Terms of Reference at its first meeting.

The Committee noted that as part of the Group’s Terms of Reference, the review would extend to cover the role of Cabinet Members in general, as well as the role of Cabinet Members in respect of the Acorn Plus project.

The Committee noted that this item had been volunteered by the Chairman for review by the Scrutiny & Overview Committee, as it was not within the Council’s power to instruct the Committee.

RESOLVED

- (i) That the notes of the Roles and Performance of Cabinet Members in Respect of Acorn Plus Working Group meeting held 16th February 2011 be received
- (ii) That the Terms of Reference for the Review be approved by the Committee

REASON

All terms of reference for new working groups are to be approved by the Committee

SO/90 **TO RECEIVE ANY SUGGESTIONS FOR THE SCRUTINY AND OVERVIEW WORK PROGRAMME**

The Committee noted the work programme for 2011.

SO/91 **REPLIES FROM CABINET/COUNCIL REGARDING SCRUTINY AND OVERVIEW RECOMMENDATIONS**

The Committee noted the responses from the Cabinet meeting of 27th January 2011 to a number of recommendations made by the Committee in November 2010.

The meeting finished at 7.06pm having commenced at 5.30pm.

CHAIRMAN

Report to Council

13 April 2011

By the Cabinet Member for Finance and Assets

DECISION REQUIRED

Not exempt



**Horsham
District
Council**

Land at Shipley Road, Southwater – Property Disposal Options

Executive Summary

The Council owns a three acre plot of land on the southern edge of Southwater. Changes in planning policy in 2009 have enabled the Council to promote the site for housing development.

Reports to Council and Cabinet in April and May 2010 supported the proposal to seek planning permission for a housing scheme on the site with a target of 40 per cent affordable housing.

A planning application for 30 houses was submitted in September 2010 and considered at the Development Control (North Committee) at its meeting of 7th December 2010.

The Committee resolved to support the proposal subject to specific design and layout changes being agreed. The final decision regarding this detail has been delegated to a group of Members to consider.

This project is important to the Council on that it delivers much-needed market and affordable housing and will realise a significant capital receipt.

This report details several disposal and development options and seeks approval for funding to market the site.

Recommendations

It is recommended that:

- i) The land be marketed on the basis of seeking bids for two development options:
 - (a) A sale conditional upon a purchaser constructing the development in accordance with the Council's planning permission;
 - (b) A sale based on a Joint Venture with a development partner whereby the Council contributes its land, the developer contributes the development funding and expertise, with both parties receiving an agreed share of the eventual receipt from the sale of the completed housing.
- ii) That the outcome of the marketing exercise be reported back to Council.

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- iii) The sum of £25,000 be approved to cover the fees to market and sell the property.

Reasons for Recommendations

- i) To dispose of a surplus property asset and achieve a capital receipt.
- ii) To provide affordable and market housing to meet the recognised need in the district.
- iii) To promote a housing development delivering high levels of sustainable design and build; and high levels of accessibility and adaptability through the adoption of the Lifetime Homes Standard.
- iv) To effectively market the site and achieve the best financial return.

Background Papers

Report to Council 14th April 2010
Report to Cabinet 13th May 2010
Facilitating Appropriate Development SPD 2009

Consultation

Local Members
Southwater Parish Council
Head of Finance and Legal Services
Spatial Planning Manager
Housing Strategy and Development Manager
Environmental Co-Ordination Officer

Wards affected

Southwater

Contact

Chris Carey, Ext 5150

Background Information

1 Introduction

The purpose of this report

- 1.1 The purpose of this report is to outline the disposal and development options for the Council's 3 acre landholding at Shipley Road, Southwater, recommend a suitable way forward and approve funding to market and sell the site.

Background/Actions taken to date

- 1.2 The Council has owned the land at Shipley Road since the 1970s. Part of the site was sold for affordable housing use some 20 years ago.
- 1.3 The retained 3 acre plot borders the settlement boundary in Southwater. The land forms a single field and although unused at present, has been let for grazing in the past.
- 1.4 Following the adoption of the Facilitating Appropriate Development (FAD) Supplementary Planning Document in 2009, officers reviewed the Council's property holdings to ascertain whether any land could be promoted for development under this policy. Shipley Road was identified as having such potential and feasibility work was commissioned to determine the land's suitability for development and compliance with the criteria set out in the FAD. This work outlined the potential to develop up to 30 units on the site. The net developable part of the site measures 2.1 acres.
- 1.5 Due to the expected limited life of the FAD it was decided to seek full planning permission to develop houses on the site.

This proposal was agreed by Council following the report submitted on 14th April 2010. A budget of £75,000 was established to cover the cost of fees and surveys. The proposal to design the houses to meet the Lifetime Homes Standard and Level 4 of the Code for Sustainable Homes was supported.

A report to Cabinet on 13th May 2010 also resolved that the Council proceeded to prepare and submit the planning application promoting an affordable housing content of 40 per cent, 12 of the 30 units.

- 1.6 The application was duly prepared, submitted and considered by Development Control (North) Committee at the meeting held on 7th December 2010. The Committee resolved to support the proposal to develop houses on the site but requested that certain aspects of the design and layout be reviewed. The final decision regarding the form of development will be delegated to a group of Members to determine.

2 Statutory and Policy Background

Statutory background

- 2.1 Local Government Act 1972 requires local authorities to achieve the best return from the sale of assets.

Local Government Act 2000 – Section 2 “Well-being Powers”.

Relevant Government policy

- 2.2 Housing Policy
- Sustainable Homes for All (2005).
 - Delivering Affordable Housing (2006)
 - Creating Strong and Safe Communities (2008)

Sustainability Policy

- Climate Change Act 2008
- Renewable Energy Strategy 2009
- The Code for Sustainable Homes

Asset Management Policy

- Lyons Review 2004
- RICS Public Sector Asset Management Guidelines 2008

Relevant Council policy

- 2.3 District Plan 2011-2015.
Asset Management Plan 2008.
Local Development Framework – FAD SPD 2009.
Climate Change Strategy 2009.
Sustainability Policy.

3 Details

3.1 Disposal and Development Options

- 3.1.1 Ordinarily, the Council would dispose of surplus assets through a marketing exercise seeking competitive bids. The subject land is not a straightforward proposition and the Council may be able to achieve a higher capital receipt and other benefits should it consider other options.

- 3.1.2 Four potential options were initially identified and may be outlined as follows:

- Option A - Unconditional sale of site. This will allow a purchaser to either develop the Council’s scheme or promote an alternative layout.
- Option B – Sale of site conditional upon Council scheme. The purchaser will be required to construct the scheme in accordance with the planning permission obtained by the Council.
- Option C – Joint Venture with Developer. The Council would enter into a contract

Agenda Item 10

with a developer whereby the Council contributes its land and the developer funding and expertise to construct the houses. The receipt from the eventual sale of the completed houses is split between the Council and developer on an agreed basis.

- Option D – Council acts as developer. The Council will manage and fund the design and construction of the houses. The Council will also market and sell the completed houses.

3.2 Risk and Return

The detailed options will vary in terms of the level of risk, financial return and timescale. These may be summarised in the tables attached in Appendix 2.

3.3 Consultation and discussions undertaken to date indicate that the preferred options are:

Option B – Conditional sale of land requiring construction of Council planning permission.

Option C – Joint Venture proposal.

3.4 The Council has commissioned an experienced local property company to advise not only regarding the form and content of the planning application, but also relating to future disposal options.

The company, Arun Estates Ltd, have undertaken an informal marketing exercise by approaching house builders and property developers who are commercially active in the locality. These firms responded positively stating that the size, location and form (all houses) is commercially attractive. Further discussions revealed a willingness to consider bidding for the site on the basis of either Option B or Option C.

3.5 Retention of Part of Site

The northern part of the site is covered with mature woodland and it is proposed to retain ownership of this 0.75 acre area and manage as part of the Council's open spaces. A detailed tree report has been prepared and recommends that the area be improved to complement the proposed housing development. It is recommended that part of the capital receipt is retained to undertake this work.

4 **Next Steps**

- 4.1 To complete the planning permission and associated Section 106 Agreement.
- 4.2 To proceed to market the property inviting bids for both Option B and Option C.
- 4.3 To assess and evaluate such bids. The final decision to be reported back to Council.

5 Outcome of Consultations

- 5.1 A comprehensive consultation exercise was undertaken as part of the planning process. Detailed discussions have taken place with Southwater Parish Council.

A public exhibition was held at Beeson House, Southwater on 11th and 12th June 2010. Responses were incorporated into the final form of the development, particularly the need for 4-bedroomed affordable houses.

6 Other Courses of Action Considered but Rejected

- 6.1 Option A and D as detailed in the report.
6.2 Not to sell the site.

7 Staffing Consequences

- 7.1 None.

8 Financial Consequences

- 8.1 The property is currently identified as housing and agricultural/grazing use and is detailed as having a value of £16,400 in the Council's Asset Register.
- 8.2 The planning resolution to support development on the site has a significant impact on the value of the property, now being in excess of £1.5 million.
- 8.3 The risk and return issues detailed in Appendix 2 highlight value ranges for each option. For the two preferred options these may be summarised as follows:
- Option B
 - Conditional sale.
 - Expected receipt in excess of £1.5m.
 - Receipt obtained within 6 months of date of agreement.
 - Option C
 - Joint Venture.
 - Expected receipt in excess of £1.8m.
 - Receipt obtained in tranches 12 to 24 months from date of agreement linked to house sales and also dependent upon performance of local housing market.
- 8.4 Marketing and sales fees are estimated at £25,000. The Council and its agent will undertake a comprehensive targeted marketing exercise.
- 8.5 A sum will be deducted from the capital receipt to improve and manage the woodland area which adjoins to northern boundary of the site. This is currently estimated at £10,000.

APPENDIX 2

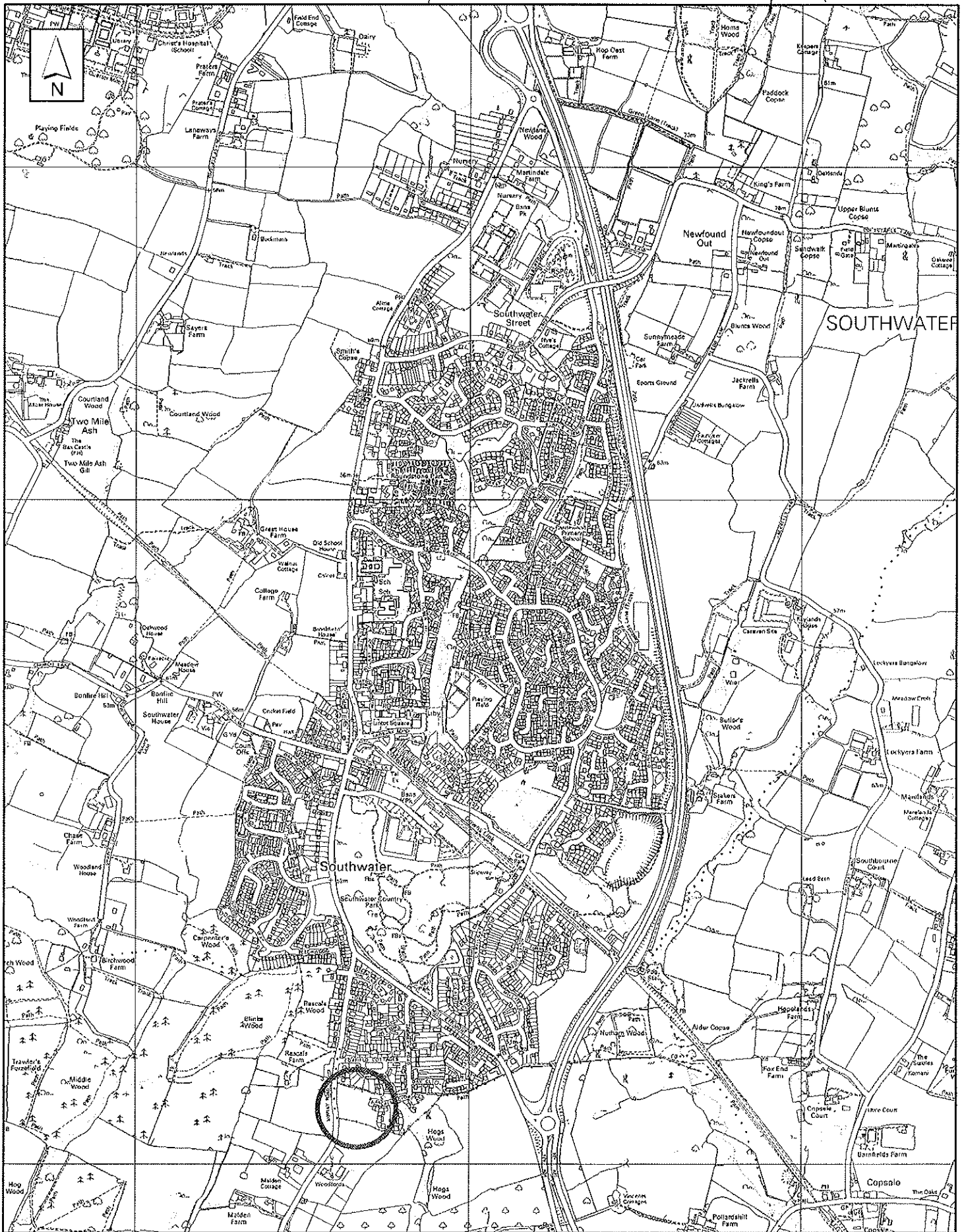
	Advantages	Disadvantages	Timescale	Receipt
Option A Unconditional Scheme	<ul style="list-style-type: none"> - Relatively straightforward legal transaction. - Relatively low risk. 	<ul style="list-style-type: none"> - Delay in achieving capital receipts. - Purchaser may not build to CSH Level 4. - Purchaser may not build to Lifetime Homes standard. - Purchaser may seek planning permission for alternative scheme including more houses on site. - May delay delivery of completed houses. 	Completion of sale and receipt 12 to 24 months from date of agreement.	In excess of £1.7m
Option B Conditional Sale	<ul style="list-style-type: none"> - Relatively low risk. - Quick completion of sale and receipt. - Scheme delivers Level 4 of CSH. - Scheme delivers Lifetime Home Standard (LHS). - Houses will be completed at early stage and available for purchase and occupation. 	<ul style="list-style-type: none"> - Level of capital receipt may be less than other options. 	Completion of sale and receipt within 6 months of date of agreement.	In excess of £1.5m
Option C Developer Joint Venture	<ul style="list-style-type: none"> - Scheme could deliver Level 4 of CSH. - Scheme could deliver LHS. - Scheme could produce higher capital receipt. 	<ul style="list-style-type: none"> - Complex legal agreement. - Delay in achieving capital receipt. - Higher level of risk than options A and B due to legal agreement. - Degree of uncertainty on level of receipt until each unit is sold. - Possible complex taxation issues for JV vehicle. 	Completion of sale and receipt in tranches 12 to 24 months from date of agreement, dependent upon performance of housing market.	In excess of £1.8m
Option D Council as Developer	<ul style="list-style-type: none"> - Council controls all elements of scheme design, construction and sale. - Council achieves high return including developers profit margin. 	<ul style="list-style-type: none"> - Council takes on all design, construction, funding and market risk. - Council needs to supply short-term development funding of up to £3m. 	Receipts achieved 9 to 24 months from date of construction start, dependent upon performance of housing market.	In excess of £2m

Appendix 1

Consequences of the Proposed Action

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached - Yes</p>	<p>Detailed within the report.</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>The scheme has been designed to mitigate the opportunities for crime and disorder.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>The market properties will be available for general purpose. The affordable houses will provide much needed accommodation for those in need.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Not relevant</p>	<p>Use of the Lifetimes Homes Standard will enable high levels of accessibility and adaptability to be achieved for all houses constructed on the land.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>Yes – will achieve Level 4 of the Code for Sustainable Homes.</p>

Site, this is the revised plan



Horsham District Council
 Park North, North Street, Horsham,
 West Sussex. RH12 1RL
 Rod Brown : Head of Planning & Environmental Services

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Shipleys Road Development Site, Southwater	
Reference No :	
Date : 14/4/10	Scale : not to scale
Drawing No :	Revisions :

Report to Council

13 April 2011

By the Cabinet Member for Finance
and Assets

DECISION REQUIRED

Not exempt



**Horsham
District
Council**

Oakhurst Business Park, Southwater, Phase 3 Development

Executive Summary

The Council currently own and manage the property at Oakhurst Business Park in Southwater which comprises c.60,000 sq ft of commercial space on a 6.5 acre site. This provides an annual rental of £466,000. The Business Park was built in two phases in 2003/4 and 2007/8.

The Council retains 2 areas of undeveloped land within the site, both measuring approximately 0.8 acres.

Neville and More Ltd, tenants of Unit 15 in Phase 2 continue to prosper as a company and require additional space. It is proposed that the Council constructs a building which will then function as an extension to their existing building. This will then be leased to the company. The new building will then be added to the Council's existing property holdings at Southwater.

The Council plans to incorporate renewable energy technology in the new building which will generate additional income and produce carbon savings. The broad benefits resulting from the project can be summarised as follows:

- Local Economy. The project will enable a local company, Neville and More Ltd, to continue to grow and prosper in Horsham district.
- Asset Management. The project makes good and efficient use of an existing Council-owned asset. The building will have a 60 year design life.
- Sustainability. The building will be low carbon in design and construction. The main element will be a renewable energy system based on photo voltaic panels. This proposal will deliver carbon savings and an income from the Government's Feed In Tariff system.

Recommendations

The Council is recommended:

- i) to agree the proposal for the Council to fund and construct a new commercial building at Oakhurst Business Park, Southwater and approve the capital budget of £1,450,000 to cover the cost of construction and fees.
- ii) to agree the proposed lease to Neville and More Ltd for a 15 year term at a commencing annual rental of £96,416.
- iii) to commission Denning Male Polisano as Architects and Northgates Ltd as Project Manager/Employer's agent/independent quantity surveyor on the terms detailed in the report. Contract Standing Order 5.2 states that tenders need not be invited where the operator will carry out new services which are a repetition of services provided under a previous contract.
- iv) to agree the commissioning of Sunninghill Construction Ltd as principal contractor for the project through the IESE Tier 2 Construction Framework as detailed in the report. Contract Standing Order 5.2.6 states that tenders need not be invited where works are comprised within an up to date and relevant pre-tendered framework agreement from which the Council is entitled to benefit.
- v) that approval be given to increase long term borrowing by £1.45 million.

Reasons for Recommendations

- i) to enable Neville and More Ltd to continue to grow and prosper in the Horsham Area and create additional employment.
- ii) to retain the professional team which successfully delivered the Phase 2 development project in 2007.
- iii) to ensure that a local contractor is employed to build the scheme and deliver to the Council's budget, timescale and quality standards.
- iv) to develop a renewable energy system based on a photovoltaic electricity generating system which will reduce carbon generation and provide new income to the Council.

Background Papers

Consultation

Local Members, Head of Finance and Legal Services,
Environmental Co-ordination Manager, Economic
Development Manager, Estates and Valuation Surveyor

Wards affected

Southwater

Contact

Chris Carey, Ext 5150

Background Information

1. Introduction

The purpose of this report

- 1.1 The purpose of this report is to seek Council approval to fund and construct a new commercial building on Council-owned land at Oakhurst Business Park in Southwater. The completed building will subsequently be let to Neville and More Ltd who also lease property from the Council on an adjoining site.

The report also seeks approval to commission the consultants who successfully delivered the Phase 2 development in 2007 and appoint a building contractor through the IESE Tier 2 Sussex Construction Framework.

Background/Actions taken to date

- 1.2.1 The Council's commercial property holdings at Oakhurst Business Park provide a range of office, workshop and warehouse units ranging in size from 775 to 18,000 sq ft.
- 1.2.2 The Council completed Phase 2 of the development in 2007. It was intended that the subject land be developed through the completion of Phase 2. Outline planning permission was obtained for a scheme containing commercial buildings totalling 19,160 sq ft.
- 1.2.3 Consideration was given to using the land for an 'Innovation Centre' type development. This would be predominantly small units of 500 to 1500 sq ft let on flexible terms to new and expanding business. There were concerns regarding the risks of achieving a full letting of the development and also the resource demand of managing such a facility. Advice provided by the Economic Development Manager indicated that such a proposal would be better served by a town centre location which would benefit from better services and infrastructure.
- 1.2.4 The Council also received an approach from Neville and More Ltd. The company occupies the main building constructed as part of the Phase 2 project and pays £129,500 pa rental for the 18,500 sq ft building.

As the company has grown it has moved to larger premises, all being Council-owned. The company continues to prosper and requires additional space, mainly for warehousing and production. The Council has developed plans for a 12,000 sq ft building.

The company operates in the packaging business.

- 1.2.5 Terms for a new lease of this building have been provisionally agreed with Neville and More. It is recommended that the Council grant the company an agreement for lease should the proposal be supported by the Council. This

agreement compels the company to complete the lease should the building be constructed.

2. Statutory and Policy Background

Statutory Background

- 2.1 Local Government Act 1972 – Best use of Council assets.
Local Government Act 2000 – Section 2. To promote economic well-being of the area.

Relevant Government Policy

- 2.2 Policy support for small business through the Government Department for Business Enterprise and Skills.

Relevant Council Policy

- 2.3 District Plan 2011 to 2015
Asset Management Plan 2008
Sustainability Policy
Climate Change Strategy 2009

3. Details

3.1 Development Proposals

- 3.1.1 The Council is proposing to design, construct and fund the new building and will lease the whole to Neville and More Ltd.
- 3.1.2 The lease will be for a period of 15 years with rent reviews at the end of the fifth and tenth year. The commencing rental will be £96,416pa and the lease will be subject to a rent-free period of 6 months. This represents a rate of £8 per sq ft and compares favourably with local market evidence at around the £7 per sq ft mark. The lease will be granted on full repairing and insuring terms.
- 3.1.3 Neville and More have agreed to a rental deposit of 8 months rent being held for 5 years reducing to 4 months rent deposit for years 6 to 10.
- 3.1.4 The new building would be an addition to the Council's commercial property estate. This estate currently produces an income of c. £2.5 million pa.
- 3.1.5 The proposal would help the company to continue to grow and prosper. The company currently has a turnover of £5.2m for 2009/10 and are targeting sales of £10 million per year within 3 years. The firm currently employs 30 staff and anticipate that this figure could increase to 50 once the new building is completed.

3.2 Managing Project Risk and Procurement

3.2.1 The Oakhurst Phase 2 project was successfully completed in 2007/08. The Council approached the companies and individuals involved in that project with a view to securing their services for the Phase 3 project. The architects (Male Denning Polisano) and Project Manager/Employer's Agent/Quantity Surveyor (Peter Scragg of Northgates Ltd) agreed to undertake preliminary feasibility works at risk.

3.2.2 The consultants are prepared to undertake the Phase 3 project at the fee levels tendered for Phase 2. Apart from benefitting from previously tendered fee rates, the Council will benefit from the reduced risks associated with retaining a successful project team. The consultants are familiar with the site, construction detail and end user requirements.

It is therefore recommended that Male Denning Polisano and Northgates are accordingly commissioned.

3.2.3 With regard to the main building contract, it is proposed to appoint a contractor using the 'Improvement and Efficiency South East Tier 2 Sussex Construction Contract'.

Contract standing orders enable the Council to use such frameworks and avoid the need to seek competitive tenders. Seven local construction companies have pre-qualified for the framework. Following a detailed selection process, the Council has provisionally appointed Sunninghill Construction Ltd of Haywards Heath. The firm have undertaken all project work to date at risk and the formal contract will not be completed until the project has received full Council approval. The contract sum negotiated with the Contractor will be subject to the approval of the Council's independent Quantity Surveyor. This firm, Northgates Ltd, will ensure that the contract sum is in accordance with current construction rates and costs and represents good value for the Council.

3.2.4 The project will be managed on the Council's behalf by an experienced and specialist external project manager. A detailed project risk register has already been compiled. This outlines the major areas of risk, allocates risk ownership and mitigation measures.

3.3 Sustainability

3.3.1 The Council wishes to construct a low carbon building which will benefit from a building fabric with a high thermal performance. The Council is seeking to improve on current Building Regulation base requirements by a margin of 25%.

3.3.2 The Council proposes to install a photovoltaic panel renewable energy system on the south-facing roof slope of the new building. The building is an ideal location to gain maximum benefit from a solar renewable energy system.

Photovoltaics generate electrical power by converting solar radiation into direct current electricity.

- 3.3.3 The financial benefits and payback time resulting from the installation are detailed in the finance section of this report. The Feed in Tariff (FIT) was introduced in April 2010 and relates to renewable forms of energy that generate electricity. A tariff is paid (pence per kilowatt hour) for the electricity that is produced in relation to the type and size of the technology used. The tariff will be paid for a set length of time (in the case of PV this is 25 years). A payment is also received for any electricity that is not used and is exported to the grid. Finally, there is a financial saving on the electricity bill as not as much electricity will need to be purchased.
- 3.3.4 The PV installation will be owned and maintained by the Council who will directly benefit from the Feed in Tariff payments. The electricity generated will be used locally on the Business Park.
- 3.3.5 The estimated annual carbon saving resulting from the PV installation is 13,950kg.
- 3.3.6 The building will also be designed and constructed to target a 25% improvement on current Building Regulation base requirements. Particular measures adopted to help achieve this will be using high efficiency electrical fittings; gas condensing boiler; timber used from a sustainable source and high natural light levels.

4. Next Steps

- 4.1 To complete the commissions/appointments of Denning Male Polisano, Northgates Ltd and Sunninghill Construction.
- 4.2 To prepare and submit the planning application.
- 4.3 To complete the agreement for lease to Neville and More Ltd.
- 4.4 To formally agree the construction contract.

5. Outcome of Consultations

- 5.1 Local Members have been consulted regarding the proposal.
- 5.2 A detailed local consultation exercise will take place as part of the planning system. Southwater Parish Council will be consulted as part of this process.
- 5.3 The Investment Advisory Group support the development approval.

6. Other Courses of Action Considered but Rejected

- 6.1 To construct an innovation centre-style development.
- 6.2 To sell the freehold interest in the land on the open market.

7. Staffing Consequences

- 7.1 The completed development will be managed together with the rest of the commercial property portfolio by the Valuation and Estates in-house team.

8. Financial Consequences

8.1 Capital Cost

- 8.1.1 The total project cost is estimated at £1.45 million inclusive of fees and renewable energy system. This may be detailed as follows:

- Main construction contract including design fees	£1,284,308
- Renewable energy installation	£105,000
- Professional fees	£54,600
- IESE Framework Levy	<u>£4,000</u>
TOTAL	£1,447,908

- 8.1.2 The Council will borrow the funds required to construct the building at some stage. This will be reflected in a revised Capital Financing Strategy. Current interest rates from the Public Works Loan Board are 5.28% for a loan over 20 years.

8.2 Project Income

- 8.2.1 The building rental income will be £96,411 per annum. This will be subject to a 6 month rent free period.

- 8.2.2 The net income from the renewable energy system will be £10,074 pa allowing for maintenance and repair costs.

- 8.2.3 This produces a total annual income of £106,490 which equates to a return of 7.3% on the capital employed.

- 8.2.4 The revenue impact of the proposal is as follows:

	£
Interest on borrowing	76,560
Set aside to repay loan	<u>29,000</u>
Total financing cost	105,560
Annual rent/income	<u>106,490</u>
Net surplus per annum	930

In addition there will be a one-off loss of interest during the building phase and rent-free period, estimated at £13,000 if the Council's internal funds are used to finance the scheme during this period.

8.3 Renewable Energy System

8.3.1 The capital cost of installing the system is estimated at £105,000.

8.3.2 The photovoltaic panels will produce 23.6 kw/h/year.

8.3.3 The financial benefit to the Council can be summarised as follows:

- Government Feed in Tariff payment @ 32.9p/unit	£7,743
- Electricity saving (cost of electricity which will now be free of charge)	£2,118
- Electricity export rate deemed @ 3p/unit	£363
less Annual repair/maintenance costs	<u>£150</u>
TOTAL	£10,074

8.3.4 The rate of return for the installation is 9.6% giving a payback period of 10.4 years. The Feed-in Tariff payments are for a period of 25 years (these are guaranteed to continue at the level of 32.9p per unit for this period and the payment is index lined).

8.4 Financial Risk

8.4.1 The building rental return equates to £8 per sq ft. This figure compares favourably with current market rates in the range of £7 to £7.25 psf. The Stiles Harold Williams Sussex Business Space report of February 2011 quotes prime rents at £7.25 psf for the Horsham area.

8.4.2 Should the project be approved, Neville and More will be the Council's largest commercial tenant, paying rental of over £225,000 pa. The Council has obtained details of the past three years trading accounts for Neville and More Ltd. These show sound growth over the period and demonstrate that the company is financially well-managed. The company have been a Council tenant in Southwater for 18 years and have an exemplary payment record. The company has agreed to a significant rental deposit.

8.4.3 The building will be designed and built in a manner which will enable it to be divided into 2 x 6,000 sq ft stand alone units. Smaller units are generally easier to let and can command a higher rental than one larger unit.

Appendix 1

Consequences of the Proposed Action

Consequences of the proposed action on:	
Risks Risk Assessment attached No	Full Risk Register has been prepared.
Crime and Disorder	The buildings will be designed and constructed in a manner to mitigate instances of crime and disorder.
Equality and Diversity/ Human Rights Equalities Impact Assessment attached Yes/No/Not relevant	There are no known equality, diversity and human rights issues.
Sustainability	The building will be designed and constructed with the target of a 25% improvement on current Building Regulation base standards. Roof mounted Photovoltaic system. Further details are contained within the report.

Statutory and Policy Background

Statutory Background	Local Government Act 1972 Local Government Act 2000
Relevant Government policy	
Relevant Council policy	District Plan 2011 to 2015 Asset Management Plan 2008 Sustainability Policy

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 s 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 ~~15th April 2010~~ 13th April 2011.
- (m) Nothing in this Scheme of Delegation shall prejudice the validity of any actions taken by the officers before ~~15th April 2010~~ 13th April 2011 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>2.1 Appointment of Staff</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>2.2 Discipline and Dismissal of Staff</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>2.3 Overtime, Leave etc.</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 CS06.2
- (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

- | | |
|---|--|
| <p>permissions, consents or licences or for registration within his or her area of responsibility.</p> <p>(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.</p> <p>(c) The carrying out of works in default following non-compliance with any notice concerned with matters within his or her area of responsibility.</p> <p>(d) The responding to formal consultations from external organisations.</p> <p>(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.</p> | <p>Council Solicitor</p> <p>Relevant Cabinet Member or Committee <u>C</u>hairman</p> |
|---|--|

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	Consultation	Also delegated to
<p>3.1 Urgency The taking on the Council's behalf of any action requiring urgency.</p>	<p>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.</p>	
<p>3.2 Staff</p> <p>(a) The determination of the need to fill vacant posts and the advertising of any vacancy in the Council's establishment.</p> <p>(b) The determination of any matter concerning the Council's recruitment and retention arrangements.</p> <p>(c) The determination of applications by members of staff for car purchase loans.</p> <p>(d) The implementation of all the conditions of service on which the Council's staff are employed.</p> <p>(e) The application of all legislation and regulations relating to industrial relations, employment and health and safety.</p>	<p>Corporate Management Team</p> <p>Principal Personnel Officer</p> <p>Director of Corporate Resources (where there are financial implications)</p>	<p>Director of Corporate Resources</p> <p>Head of Corporate Support Services</p> <p>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.

3.3 Planning Applications etc.

The seeking of planning permission by the Council under the Town and Country Planning General Regulations 1992, Regulation 3

Director of Development and Environment
And
 Head of Planning and Environmental Services

3.4 Elections

The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, general or European elections or referenda.

Democratic Services Officer

Director of Corporate Resources

3.6 Local Government Act 2000 section 92

Authorisation of payments or providing of other benefits

Monitoring Officer and Director of Corporate Resources

3.7 Emergencies, disasters and emergency planning

The exercise of the Council's powers in respect of emergencies, disasters and emergency planning.

3.8 Regulation of Investigatory Powers Act 2000

Grant, review, renewal and cancellation of authorisations.

Council Solicitor



4. POWERS DELEGATED TO DIRECTOR OF COMMUNITY SERVICES

Function	Consultation	Also delegated to
<p>4.1 Community Safety 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>4.2 Leisure Functions 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>4.3 Leisure Management and Maintenance etc. 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>4.4 Social well-being The exercise of the Council's functions concerning social well-being.</p>	<p><u>Head of Strategic Planning and Performance (community strategy)</u></p>	Head of Housing and Community Development
<p>4.5 Anti-social behaviour The taking of any action to combat anti-social behaviour including the issue of fixed penalty notices.</p>	<p><u>Council Solicitor</u></p>	Head of Housing and Community Development In consultation with Council Solicitor

4.6 Community Development

The implementation of the Council's policies regarding community development.

4.7 Safeguarding

To exercise the Council's functions to meet its safeguarding responsibilities (under Children's Act Section 11).

4.8 Housing Management and Maintenance

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.

4.9. Homeless Persons

The exercise of the Council's functions relating to homeless persons.

4.10 Housing Grants

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.

	Head of Housing and Community Development
	Head of Housing and Community Development
	Head of Housing and Community Development
Head of Strategic Planning and Performance (Community Strategy)	Director of Community Services



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

	<u>Head of Leisure and Economic Development</u>
Council Solicitor	

5. POWERS DELEGATED TO THE DIRECTOR OF CORPORATE RESOURCES

Function

5.1 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;
- (b) The defence or settlement of any proceedings brought against the Council;
- (c) The taking of any action incidental or conducive to or which would facilitate any action under this Paragraph (5.1).

Consultation

Relevant Head of Service and Council Solicitor

Relevant Head of Service and Council Solicitor

Relevant Head of Service and Council Solicitor

Council Solicitor (other than in overtime matters)

Also delegated to

Head of Financial and Legal Services ~~in consultation with Council Solicitor and relevant Head of Service~~

Head of Financial and Legal Services ~~in consultation with Council Solicitor~~

Head of Financial and Legal Services ~~in consultation with Council Solicitor~~

Head of Financial and Legal Services

Head of Financial and Legal Services ~~In consultation with Council Solicitor (other than in overtime matters)~~

5.2 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 the Council's current bankers to the extent of £1m, subject to annual review by the bank and the Director of Corporate Resources.

5.3 Insurance

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



<p>5.4 Investments The investment of available funds on appropriate terms.</p>		Head of Financial and Legal Services
<p>5.5 Payments The making of any payments due.</p>		Head of Financial and Legal Services
<p>5.6 Writing off Debts The writing off of debts not exceeding £5,000.</p>	Council Solicitor	Council Solicitor Head of Financial and Legal Services
<p>5.7 Car Leasing Scheme The determination of applications by members of staff for admission to the Council's car leasing scheme.</p>		Head of Financial and Legal Services
<p>5.8 Housing and Other Benefits The determination of any applications for housing, Council tax or similar benefits.</p>		CenSus Joint Committee
<p>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.</p>	Council Solicitor (other than in routine matters)	
<p>5.10 Rate Relief The determination of entitlement to mandatory rate relief.</p>		
<p>5.11 Valuation Matters</p> <p>(a) The service on the Valuation Officer of Notice of Objection to any proposals for alteration of valuation list. The making of proposals for the alteration of valuation list or for inclusion of particular properties in the valuation list;</p> <p>(b) The signing of valuation agreements.</p>		
<p>5.12 Street Naming and Numbering</p> <p>(a) The naming of streets;</p> <p>(b) The numbering or re-numbering of properties.</p>		

5.13 Elections

The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, general or European elections or referenda.

5.14 Regulation of Investigatory Powers Act 2000

The grant, review, renewal and cancellation of authorisations.

5.15 Car Purchase Loans

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

5.16 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.

<u>Democratic Services Manager</u>	Chief Executive
Council Solicitor	
<u>Principal Personnel Officer</u>	<u>Chief Executive</u>
<u>Council Solicitor</u>	<u>Head of Financial and Legal Services</u>



5.17 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 land owner or landlord of applications for licences, consents and permissions in respect of the Council's buildings or land.

Estates Management and Valuation Surveyor

Head of Corporate Support Services

Estates Management and Valuation Surveyor

Head of Corporate Support Services

Estates Management and Valuation Surveyor

Head of Corporate Support Services

Estates Management and Valuation Surveyor

Head of Corporate Support Services

5.18 Highways

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

Head of Strategic Planning and Performance (strategic proposals only)

Head of Corporate Support Services

5.19 Sewerage and Drainage

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

Head of Corporate Support Services

6. POWERS DELEGATED TO DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

Function	Consultation	Also delegated to
<p>6.1 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).</p>	<p><u>Council Solicitor and</u> Head of Strategic Planning and Performance (strategic proposals only)</p>	<p><u>Head of Planning and Environmental Services</u></p> <p><u>Head of Financial and Legal Services</u></p>
<p>6.2 Applications for Planning Permission Subject to Paragraph 6.5, the determination of applications for planning permission pursuant to the Planning Acts including:</p> <p>(a) <u>De</u>velopment specified in the GPDO where express planning permission is required by reason of limitations or conditions imposed by that Order;</p> <p>(b) <u>De</u>terminations in connection with the prior notification procedure under GPDO.</p>	<p>Head of Strategic Planning and Performance (strategic proposals only)</p>	<p>Head of Planning and Environmental Services</p>
<p>6.3 Applications for Consent-Planning Subject to Paragraph 6.5 the determination of applications for consent pursuant to the Planning Acts.</p>	<p>Head of Strategic Planning and Performance (strategic proposals only)</p>	<p>Head of Planning and Environmental Services</p>
<p>6.4 Planning Consultations and opinions</p>		



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 only)

Head of Strategic Planning and Performance (strategic proposals)

Head of Planning and Environmental Services

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 only)

Head of ~~Financial and Legal Services~~ Planning and Environmental 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.

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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
	<u>Head of Financial and Legal Services</u>
<u>Council Solicitor</u>	Head of Leisure and Economic Development in consultation with Council Solicitor

6.7 Planning - Miscellaneous Planning Applications

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



6.8 Planning - Orders etc. under the Planning Acts

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

Council Solicitor and Head of Strategic Planning and Performance (strategic proposals only)

Head of Planning and Environmental Services ~~in consultation with Council Solicitor~~

Head of Financial and Legal Services

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).

Council Solicitor

Head of Planning and Environmental Services
~~Council Solicitor~~Head of Financial and Legal Services

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~~

Head of Financial and Legal Services

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.

Head of Planning and Environmental Services ~~in consultation with Council Solicitor~~

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.

6.16 Regulation of Investigatory Powers Act 2000

The grant, review, renewal and cancellation of authorisation.

6.16

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



6.166.17 Planning Applications

etc

The seeking of planning permission by the Council under the Town and Country Planning General Regulations 1992, Regulation 3.

6.166.18 Parking

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

	<u>Chief Executive</u>
	<u>Head of Planning and Environmental Services</u>
<u>Head of Strategic Planning and Community Strategy (strategic proposals only)</u>	<u>Head of Operational Services</u>

6.166.19 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;
- (aa) street collections;
- (bb) street trading;
- (cc) water and sewerage;
- (dd) smoke-free regulations.

(f) Head of Planning and Environmental Services

Environmental Health and Licensing Manager

Principal Environmental Health Officers

Area Environmental Health Officers

Health, Safety and Licensing Officer

Environmental Protection Officer



6.20 Housing Fitness

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

Head of Planning
and Environmental
Services

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

Function

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.

Consultation

Relevant Head of Service and Council Solicitor

Also delegated to

Director of Corporate Resources

~~Council Solicitor~~

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

Relevant Head of Service and Council Solicitor

Director of Corporate Resources

~~Council Solicitor~~

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

Relevant Head of Service and Council Solicitor

Director of Corporate Resources

~~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;	Director of Corporate Resources	<u>Director of Corporate Resources</u>
(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	
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	

7.97.10 Planning - Orders etc

Under the Planning Acts

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

Council Solicitor and Head of Strategic Planning and Performance (strategic proposals only)

Director of Development and Environment

Head of Planning and Environmental Services

7.97.11 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).

Council Solicitor and Head of Strategic Planning and Performance (strategic proposals only)

Director of Development and Environment

Head of Planning and Environmental Services

7.97.12 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).

Council Solicitor

Director of Development and Environment

Head of Planning and Environmental Services

7.97.13 Planning – Lawful Development Certificates

The determination of applications for lawful development certificates (Town and Country Planning Act sections 191 and 192).

Council Solicitor

Director of Development and Environment

Head of Planning and Environmental Services



7.97.14 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.

**7.97.15 Planning –
Miscellaneous Planning Applications**

The determination of applications under the Local Government (Miscellaneous Provisions) Act 1982 section 37 (temporary markets)

<u>Council Solicitor</u>	<u>Director of Development and Environment</u>
	<u>Head of Planning and Environmental Services</u>
<u>Council Solicitor</u>	<u>Head of Leisure and Economic Development</u>

8. POWERS DELEGATED TO HEAD OF HOUSING & COMMUNITY DEVELOPMENT

Function	Consultation	Also delegated to
8.1 Housing Management and Maintenance 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.		Director of Community Services
8.2 Homeless Persons The exercise of the Council's functions relating to homeless persons.		Director of Community Services
8.3 Social well-being The exercise of the Council's functions concerning social well-being.	Head of Strategic Planning and Performance (community strategy)	Director of Community Services
8.4 Housing Grants 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.	Head of Planning and Environmental Services	Director of Community Services
8.5 Community Development The implementation of the Council's policies regarding community development.		Head of Housing and Community Development
8.6 Regulation of Investigatory Powers Act 2000 The grant, review, renewal and cancellation of authorisations.	Council Solicitor	
8.7 Community Safety		



The implementation of the Council's policies regarding community safety and the reduction of crime and disorder.

Director of Community Services

8.8 Anti-social Behaviour

The taking of any action to combat anti-social behaviour including the issue of fixed penalty notices.

Council Solicitor Director of Community Services

9. POWERS DELEGATED TO HEAD OF LEISURE & ECONOMIC DEVELOPMENT

Function	Consultation	Also delegated to
<p>9.1 Leisure Functions The exercise of the Council's functions relating to the provision and management of recreational facilities and activities.</p>		Director of Community Services
<p>9.2 Leisure Management and Maintenance etc. 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>9.3 Economic Development The exercise of the Council's functions relating to economic development</p>		Director of Community Services
<p>9.4. Regulation of Investigatory Powers Act 2000 The grant, review, renewal and cancellation of authorisations</p>	Council Solicitor	
<p><u>9.5 Planning – Miscellaneous Planning Applications</u> <u>The determination of applications under the Local Government (Miscellaneous Provisions) Act 1982 section 37 (temporary markets)</u></p>	<u>Council Solicitor</u>	<u>Director of Development and the Environment</u> <u>Head of Planning and Environmental Services</u>



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

(f) Director of Development and Environment

Environmental Health and Licensing Manager

Principal Environmental Health Officers

Area Environmental Health Officers

Health, Safety and Licensing Officer

Environmental Protection Officer



11.2 Housing Fitness

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

Director of Development and Environment

11.3 Building Control Applications

The determination of the following :

Building Control Manager

Director of Development and Environment

- (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.

Building Control Manager

Director of Development and Environment

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

Council Solicitor and Head of Strategic Planning and Performance (strategic proposals only)

Director of Development and Environment

Head of Financial and Legal Services

11.6 Applications for Planning Permission

Subject to Paragraph ~~6.511.9~~, the determination of applications for planning permission pursuant to the Planning Acts including

Head of Strategic Planning and Performance (strategic proposals only)

Director of Development and Environment

- (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.

11.7 Applications for Consent-Planning

Subject to Paragraph [6-511.9](#), the determination of applications for consent pursuant to the Planning Acts.

Head of Strategic Planning and Performance (strategic proposals [only](#))

Director of Development and Environment

11.8 Planning Consultations and opinions

Subject to Paragraph [6-511.9](#) the determination of the Council's stance in respect of consultations and opinions concerning matters referred to in Paragraph [6-211.6](#) and [6-311.7](#).

Head of Strategic Planning and Performance (strategic proposals [only](#))

Director of Development and Environment

[Head of Strategic Planning and Performance \(strategic proposals only\)](#)

11.9 Non-Delegated Planning Matters

The determination of the following applications mentioned in Paragraphs [11.6 to 11.8](#) ~~6.2 to 6.4~~ above shall not be delegated:

Head of Strategic Planning and Performance (strategic proposals [only](#))

Director of Development and Environment



- (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.

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11.10 Planning - Lawful Development Certificates

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

Council Solicitor	Director of Development and Environment in consultation with Council Solicitor <u>Head of Financial and Legal Services</u>
<u>Council Solicitor</u>	Head of Leisure and Economic Development

11.11 Planning - Miscellaneous Planning Applications

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

Council Solicitor	Director of Development and Environment in consultation with Council Solicitor <u>Head of Financial and Legal Services</u>
<u>Council Solicitor</u>	Head of Leisure and Economic Development



11.12 Planning - Orders etc. under the Planning Acts

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

Council Solicitor and Head of Strategic Planning and Performance (strategic proposals only)

Director of Development and Environment ~~in consultation with Council Solicitor~~ Head of Financial and Legal Services

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).

Council Solicitor

Director of Development and Environment; ~~Council Solicitor~~ Head of Financial and Legal Services

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.

Council Solicitor

Director of Development and Environment

Head of Planning and Environmental Services

Head of Financial and Legal Services

11.15 High Hedges

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

Director of Development and Environment

11.16 Regulation of Investigatory Powers Act 2000

The grant, review, renewal and cancellation of authorisations.

11.17 Planning Applications etc

The seeking of planning permission by the Council under the Town and Country Planning General Regulations 1992 Regulation 3.

Council Solicitor	
	<u>Chief Executive</u>
	<u>Director of Development and Environment</u>



12. POWERS DELEGATED TO HEAD OF STRATEGIC PLANNING & PERFORMANCE

Function

12.1 Planning Consultations and opinions

Subject to Paragraph [7.46.5](#) the determination of the Council's stance in respect of consultations and opinions concerning matters referred to in Paragraph [7.16.2](#) and [7.26.3](#).

Consultation

Head of Planning and Environmental Services

Also delegated to

Head of Planning and Environmental Services

[Director of Development and Environment](#)

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.

13.2 Parking

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

13.3 Regulation of Investigatory Powers Act 2000

The grant, review, renewal and cancellation of authorisations.

	Director of Development and Environment
Head of Strategic Planning and Community Strategy (strategic matters only)	Director of Development and Environment
Council Solicitor	



PROPER OFFICER APPOINTMENTS

14.1 Local Government Act 1972

	Proper Officer	Deputy
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 <u>Director of Corporate Resources</u>
Schedule 14 Para. 25(7) (public health resolutions)	Chief Executive	Head of Planning and Environmental Services

14.2 Local Government Act 1974

	Proper Officer	Deputy
Part 3 (Local Government Ombudsman)	Monitoring Officer	Deputy Monitoring Officer

14.3 Local Government (Miscellaneous Provisions) Act 1976

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

14.4 Local Government and Housing Act 1989

	Proper Officer	Deputy
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 <u>Senior Solicitor (Monitoring and Standards)</u>

14.5 Local Government (Committees and Political Groups) Regulations 1990

	Proper Officer	Deputy
(political groups)	Chief Executive	Director of Corporate Resources

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

	Proper Officer	Deputy
(members' allowances)	Chief Executive	Director of Corporate Resources



14.8 Public Health Act 1936

	Proper Officer	Deputy in cases of emergency only
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

	Proper Officer	Deputy
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

	Proper Officer	Deputy in cases of emergency only
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)

Proper Officer

Head of Planning and Environmental Services

Deputy

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

14.12 Public health (Infectious Diseases) Regulations 1988

(infectious diseases)

Proper Officer

Head of Planning and Environmental Services

Deputy

Officers of health authorities etc. authorised under s 113(1A) of the Local Government Act 1972

14.13 Food Safety Act 1990

(food safety)

Proper Officer

Head of Planning and Environmental Services

Deputy in cases of emergency only

Environmental Health and Licensing Manager
Principal Environmental Health Officers

14.14 Any other provision for which arrangements are not specifically made under this Scheme of Delegation

Proper Officer

Chief Executive

Deputy

~~Council Solicitor~~ Director of Corporate Resources



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
- ~~_____~~ ~~Solicitors~~
- ~~_____~~ ~~Legal Executives~~
- ~~_____~~ ~~Trainee Solicitors~~
- _____ Environmental Health Officers
- _____ All Planning Officers and Planning Assistants
- _____ Health & Safety & Licensing Officer
- _____ Environmental Protection Officer



Report to Council

13th April 2011

By the Chief Executive



**Horsham
District
Council**

DECISION REQUIRED

Amendments to Constitution

Executive Summary

The Council must keep its Constitution up-to-date and this report proposes some changes to the Constitution which, if approved, need to be in place before the new Council meets in May.

Recommendations

The Council is recommended to :

- 1) Approve the change in the terms of reference of the Accounts, Audit and Governance Committee
- 2) Approve the revised Dispensation Schedule
- 3) Approve changes in respect of the SDNP
- 4) Note the change to the Proper Officer Appointment (Communicable Diseases)
- 5) Approve the revised Scheme of Delegation to Officers

Reasons for Recommendations

- (i) To comply with section 37 of the Local Government Act 2000; and
- (ii) To ensure the Council's Constitution is updated and any necessary changes made before a new Council is elected.

Contact : Tony Higgins Ext. 5300

BACKGROUND INFORMATION

1 INTRODUCTION

1.1. The purpose of this report:

The purpose of this report is to seek approval to changes to the Constitution so that they are in place before a new Council is elected.

1.2. Background/Action taken to date :

All new revisions proposed have been the subject of discussions with relevant Members over a period of time. The District Auditor has also expressed views in respect of the proposed change to the terms of reference of the Accounts, Audit and Governance Committee.

2 STATUTORY AND POLICY BACKGROUND

2.1. Statutory Background :

The council is obliged to keep its Constitution up-to-date by virtue of section 37 of the Local Government Act 2000.

2.2. Relevant Government Policy :

New Council Constitutions Guidance Pack.

2.3. Relevant Council Policy :

The Council's policy is to keep its constitutional framework up to date.

3. DETAILS

3.1. Accounts, Audit and Governance Committee (AAG)

The current Constitution of the AAG provides for "seven members of the Council including the Cabinet Member having responsibility for resources". At present, both that Cabinet Member and the Cabinet Member for Operational Services are on the Committee, with the latter being in the chair. This presents a problem in terms of providing an independent check on governance arrangements in the Council and the District Auditor has commented on the unsatisfactory nature of this arrangement. Guidance from CIPFA highlights the importance of ensuring that an audit committee remains truly independent of the cabinet and scrutiny function and provides that it is good practice to avoid too much cross-over of membership. It stipulates that a cabinet member should not chair an audit committee and highlights that an audit committee should be objective with an independence of mind and have knowledge, experience and interest in its areas of remit. Consequently, it is recommended that the Council amend the Constitution of the Governance Committee to (i) remove the requirement for the Cabinet Member having responsibility for resources to also be a member of the Accounts Audit and

Governance Committee; and (ii) include a new provision providing that the Accounts Audit and Governance Committee or any Sub-committee will be chaired by a minority group member who is neither chairman or vice chairman of the Overview and Scrutiny Committee.

Of course, it will always be open to the AAG to invite the appropriate Cabinet Member to attend if they feel that is appropriate or required.

3.2. **Members' Code of Conduct – Dispensations**

Certain prohibitions exist which bar Members from voting on matters where a Member has a prejudicial interest. There are dispensations to this prohibition, which can be granted by the Standards Committee (or a sub-committee of Standards so delegated). New rules for seeking dispensations from prohibitions on participation apply as a result of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2009. As a result, the current Scheme of Dispensations found in Part 5A Appendix 1 of the Constitution needs to be replaced. A copy of the proposed revised Scheme is attached at Appendix A.

3.3. **South Downs National Park**

From 1st April 2011, the South Downs National Park (SDNP) will become the planning authority for the national park area but it is proposing to delegate the planning functions back to Horsham District Council (HDC) under an agreement, as permitted by Council at its meeting on 1st September 2010. It is therefore necessary to extend the terms of reference of the Development Control (South) Committee and revise the Scheme of Delegation to Officers to permit the Committee or officers to determine planning matters falling within the South Downs National Park, as appropriate.

The changes required in the Constitution to reflect this agreement are-

- 1) **Part 3C Scheme of Delegation to Committees**
2 TERMS OF REFERENCE OF AND FUNCTIONS DELEGATED TO COMMITTEES
2.3 Development Control (South) Committee - under "Matters delegated to Committee" should be added "Those matters referred to in an agreement dated (to be advised) between South Downs National Park and Horsham District Council having effect from 1 April 2011 until 31 March 2014".
- 2) **Part 3F Scheme of Delegation to Officers**
6 POWERS DELEGATED TO THE DIRECTOR OF DEVELOPMENT AND ENVIRONMENT
Function- add "Those matters referred to in an agreement dated (to be advised) between South Downs National Park and Horsham District Council, having effect from 1 April 2011 until 31 March 2014" to the delegated matters for the Director of Development and Environment".

11 POWERS DELEGATED TO THE HEAD OF PLANNING AND ENVIRONMENTAL SERVICES
Function add "Those matters referred to in an agreement dated (to be advised) between South Down National Park and Horsham District Council

having effect from 1 April 2011 until 31 March 2014” to the delegated matters for the Head of Planning and Environmental Services.

3.4. Proper Officer Appointment (Communicable Diseases)

The Council has a statutory duty under health protection legislation to notify certain diseases to the Department of Health. To enable this function to be carried out properly, the Council requires someone with relevant medical expertise to exercise this role on its behalf (the Proper Officer).

The Local Government Act 1972 allows that, in relation to infectious diseases, this role can be given to the Consultant in Communicable Disease Control, as approved by the Local Health Protection Agency.

This has been actioned under a delegated authority from the Chief Executive.

The following revisions are proposed to the Constitution to reflect this:

**PART 3F SCHEME OF DELEGATION TO OFFICERS
PROPER OFFICER APPOINTMENTS**

14.9 National Assistance Act 1948

s.47 (removal of people in need) Proper Officer “Any person employed as a Consultant in Communicable Disease Control/Consultant in Health Protection at the Surrey and Sussex Health Protection Unit of the Health Protection Agency”.

14.11 Public Health (Control of Diseases) Act 1984

s.48 (infectious diseases and dead bodies) Proper Officer “Any person employed as a Consultant in Communicable Disease Control/Consultant in Health Protection at the Surrey and Sussex Health Protection Unit of the Health Protection Agency”.

14.12 The Health Protection (Notification) Regulations 2010

(Infectious diseases) Proper Officer “Any person employed as a Consultant in Communicable Disease Control/Consultant in Health Protection at the Surrey and Sussex Health Protection Unit of the Health Protection Agency”.

**3.5 Part 3F
Scheme of Delegation to Officers**

Members will recall approving a new Scheme of Delegation to Officers at its meeting on 14 April 2010 to incorporate changes to the management structure and consequential changes to job titles of many of the senior posts. Upon close inspection of the revisions agreed by members, it is clear that there are some typographical errors and cross-referencing issues with the approved scheme. In addition, some day-to-day powers have inadvertently been included under the wrong head of service title. In the circumstances, a clean copy of the Scheme of Delegation to Officers is attached as Appendix B for approval.

No new delegated powers have been granted by the proposed revisions.

4 Next Steps

- 4.1 Any changes to the Constitution approved by Council will come into effect immediately.

5 Outcome of Consultations

- 5.1 The changes proposed are the result of statutory requirements or previous decisions by the Council.

6 Other Courses of Action Considered but Rejected

- 6.1 It is a statutory requirement for the Council to ensure its Constitution is up-to-date and a current version needs to be in place before the District Council elections.

7 Staffing Consequences

- 7.1 There are no direct staffing consequences arising from this report.

8 Financial Consequences

- 8.1 There are no financial consequences arising from this report.

Appendix 1

Consequences of the Proposed Action

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached Yes/No</p>	<p>There are no risks attached to these proposals if the Council approves the recommendations. Failure to do so will mean the Constitution is not up-to-date.</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>These proposals have no impact on Crime and Disorder.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>Failure to have an up-to-date Constitution may have a negative impact on the promotion of Human Rights.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Yes/No/Not relevant</p>	<p>There are no Equality and Diversity impacts on these proposals.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>These proposals have a neutral impact on Sustainability matters.</p>

CODE OF MEMBERS' CONDUCT - DISPENSATIONS

1. Applicability

The following arrangements for seeking dispensations from prohibitions on participation apply from the 15 June 2009. The statutory basis for the rules is to be found in The Standards Committee (Further Provisions) (England) Regulations 2009 Part 4. The Regulations allow for standards committees to use their discretion to grant dispensations.

2. Legal criteria

The rules apply only to dispensations from participation concerning a matter in which a member has a prejudicial interest, (a personal interest, (defined by Article 8 of the Code of Members conduct, (the 'Code'), while declarable, does not debar a member from participation in a matter unless it is a prejudicial interest (see Article 10 of the Code)). A dispensation can only be granted in two circumstances:

where the transaction of business of the authority would, but for the grant of any other dispensation in relation to that business on each occasion on which the dispensation would apply otherwise be impeded by or as a result of the mandatory provisions of the Code because:

- 2.1 the number of members of the authority prohibited from voting on the business of the authority at a meeting exceeds 50% of those members that, but for the granting of any dispensations relating to that business, would otherwise be entitled to vote on that business, OR
- 2.2 the number of members prohibited from voting on the business of the authority at a meeting would, but for the granting of any dispensations relating to that business, upset the political balance of that meeting (as defined within the Local Government and Housing Act 1989 and it's Regulations) to such an extent as to be prejudice the outcome of voting in that meeting.

3. Development control

The political balance requirements have been disappplied to Development Control Committees and accordingly the second criterion for dispensation does not apply to the consideration of development control matters.

4. Maximum period

A dispensation may not last for more than four years from the date of the giving of the dispensation.

5. When dispensation can never be given

A dispensation can never be given where:

- 5.1 A member is prohibited from voting on a matter at a meeting of an overview and scrutiny committee of the authority relating to a decision made by any body of which that person was a member at the time the decision was taken OR

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- 5.2** A member of the authority's executive is prohibited from exercising functions which are the responsibility of the executive and which would otherwise be discharged solely by that member.

6. How to apply for a dispensation

If a member wishes to seek dispensation to enable him or her to participate in the consideration of a matter from which he or she would be excluded by the Code, he or she should write to or e-mail the Monitoring Officer a request for a dispensation explaining why it is desirable for a dispensation to be granted. At least seven working days' notice must be given before the dispensation is required to enable the convening of a meeting of the Standards Committee or sub-committee set up by the Standards Committee to consider requests for dispensations¹.

7. Records

The Standards Committee is obliged to record the existence, duration and nature of any dispensation and the record is to be kept with the Register of Members' Interests.

8. The Standards Committee's consideration of an application for dispensation

The following is a summary of what might be regarded as good practice in considering an application for a dispensation.

- 8.1** Dispensations should be granted only in exceptional circumstances.
- 8.2** A dispensation should not be granted where the nature of the member's interest would damage public confidence in the conduct of the authority's business were the dispensation to be granted.
- 8.3** Dispensations cannot be granted other than when the threshold requirements in paragraph 2 are met.
- 8.4** Dispensations cannot be granted in the two circumstances set out in paragraph 5.
- 8.5** A dispensation cannot authorise a Member to act unlawfully.
- 8.6** The Standards Committee will ignore any dispensations that have already been granted when applying the legal criteria in paragraph 2.
- 8.7** The Standards Committee will balance the prejudicial interest of the member seeking the dispensation against the potential effect on the outcome of the vote if the member is unable to do so.
- 8.8** A dispensation may be granted to enable a member to speak only or to speak and vote.
- 8.9** If a dispensation is granted it should usually be for one specific item of business at one meeting of the authority.
- 8.10** A dispensation should not be granted where the dispensation would conflict with the statutory general principles which underlie the Code of Members' Conduct:

8.10.1.1 Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

8.10.2 Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

8.10.3 Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

8.10.4 Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

8.10.5 Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

8.10.6 Personal Judgement

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

8.10.7 Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

8.10.8 Duty to Uphold the Law

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

8.10.9 Stewardship

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

8.10.10 Leadership

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

- 8.11** Consideration must take account of any legal requirement or statutory guidance issued by the Department for Communities and Local Government or Standards for England.

9. Help

Further assistance can be obtained from the Monitoring Officer. Or e-mail standards@horsham.gov.uk.

10. Definitions within this Protocol:

1. “dispensation” means such a dispensation as is mentioned in section 81(4) of the Local Government Act 2000 (disclosure and registration of members interests etc);
2. “mandatory provisions” means the mandatory provisions of a model code of conduct which for the time being applies to the authority;
3. “meeting” includes any meeting of the authority, of the executive of the authority, of any committee or sub committee of the authority or its executive, of any joint committee or sub-committee of a joint committee, or of any area committee;
4. “member” means a member or co-opted member of an authority or a councillor appointed under section 16A of the Local Government Act 1972 (appointed councillors).

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.

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- (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 [].
- (m) Nothing in this Scheme of Delegation shall prejudice the validity of any actions taken by the officers before [] 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.

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- (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>2.1 Appointment of Staff (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>2.2 Discipline and Dismissal of Staff 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>2.3 Overtime, Leave etc. (a) The authorisation of overtime working by personnel where unavoidable. (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	Consultation	Also delegated to
<p>3.1 Urgency The taking on the Council's behalf of any action requiring urgency.</p>	<p>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.</p>	
<p>3.2 Staff (a) The determination of the need to fill vacant posts and the advertising of any vacancy in the Council's establishment.</p>	<p>Corporate Management Team</p>	
<p>(b) The determination of any matter concerning the Council's recruitment and retention arrangements.</p>		
<p>(c) The determination of applications by members of staff for car purchase loans.</p>	<p>Principal Personnel Officer</p>	<p>Director of Corporate Resources</p>
<p>(d) The implementation of all the conditions of service on which the Council's staff are employed.</p>	<p>Director of Corporate Resources where there are financial implications</p>	<p>Head of Corporate Support Services</p>
<p>(e) The application of all legislation and regulations relating to industrial relations, employment and health and safety.</p>		<p>Head of Corporate Support Services</p>

4. POWERS DELEGATED TO DIRECTOR OF COMMUNITY SERVICES

Function	Consultation	Also delegated to
<p>4.1 Community Safety The implementation of the Council's policies regarding community safety and the reduction of crime and disorder.</p>		<p>Head of Housing and Community Development</p>
<p>4.2 Leisure Functions The exercise of the Council's functions relating to the provision and management of recreational facilities and activities.</p>		<p>Head of Leisure and Economic Development</p>
<p>4.3 Leisure Management and Maintenance etc. 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>		<p>Head of Leisure and Economic Development</p>
<p>4.4 Social well-being The exercise of the Council's functions concerning social well-being.</p>	<p>Head of Strategic Planning and Performance (Community Strategy)</p>	<p>Head of Housing and Community Development</p>
<p>4.5 Anti-social behaviour The taking of any action to combat anti-social behaviour including the issue of fixed penalty notices.</p>	<p>Council Solicitor</p>	<p>Head of Housing and Community Development</p>

<p>4.6 Community Development The implementation of the Council's policies regarding community development.</p>		<p>Head of Housing and Community Development</p>
<p>4.7 Safeguarding To exercise the Council's functions to meet its safeguarding responsibilities (under Children's Act Section 11).</p>		
<p>4.8 Housing Management and Maintenance 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>4.9. Homeless Persons The exercise of the Council's functions relating to homeless persons.</p>		<p>Head of Housing and Community Development</p>
<p>4.10 Housing Grants 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>
<p>4.11 Economic Development The exercise of the Council's functions relating to economic development</p>		<p>Head of Leisure and Economic Development</p>
<p>4.12 Regulation of Investigatory Powers Act 2000 The grant, review, renewal and cancellation of authorisations</p>	<p>Council Solicitor</p>	

5. POWERS DELEGATED TO THE DIRECTOR OF CORPORATE RESOURCES

Function	Consultation	Also delegated to
5.1 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 and Council Solicitor	Head of Financial and Legal Services
(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
(c) The taking of any action incidental or conducive to or which would facilitate any action under this Paragraph (5.1).	<u>Relevant Head of Service and Council Solicitor</u>	Head of Financial and Legal Services
5.2 Borrowing		
(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.		
5.3 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 overtime matters)	Head of Financial and Legal Services
5.4 Investments		
The investment of available funds on appropriate terms.		Head of Financial and Legal Services
5.5 Payments		
The making of any payments due.		Head of Financial and Legal Services

- 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.
- 5.11 Valuation Matters**
- (a) The service on the Valuation Officer of Notice of Objection to any proposals for alteration of valuation list. The making of proposals for the alteration of valuation list or for inclusion of particular properties in the valuation list;
 - (b) The signing of valuation agreements.
- 5.12 Street Naming and Numbering**
- (a) The naming of streets;
 - (b) The numbering or re-numbering of properties.

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

5.13 Elections

The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, general or European elections or referenda.

5.14 Regulation of Investigatory Powers Act 2000

The grant, review, renewal and cancellation of authorisations.

5.15 Car Purchase Loans

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

5.16 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.

Democratic Services Manager	Chief Executive
Council Solicitor	
Principal Personnel Officer	Chief Executive
Council Solicitor	Head of Financial and Legal Services

5.17 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 land owner or landlord of applications for licences, consents and permissions in respect of the Council's buildings or land.

Estates Management and Valuation Surveyor

Head of Corporate Support Services

Estates Management and Valuation Surveyor

Head of Corporate Support Services

Estates Management and Valuation Surveyor

Head of Corporate Support Services

Estates Management and Valuation Surveyor

Head of Corporate Support Services

5.18 Highways

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

Head of Strategic Planning and Performance (strategic proposals only)

Head of Corporate Support Services

5.19 Sewerage and Drainage

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

Head of Corporate Support Services

6. POWERS DELEGATED TO DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

Function	Consultation	Also delegated to
<p>6.1 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).</p>	<p>Council Solicitor and Head of Strategic Planning and Performance (strategic proposals only)</p>	<p>Head of Planning and Environmental Services Head of Financial and Legal Services</p>
<p>6.2 Applications for Planning Permission 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>	<p>Head of Strategic Planning and Performance (strategic proposals)</p>	<p>Head of Planning and Environmental Services</p>
<p>6.3 Applications for Consent-Planning Subject to Paragraph 6.5 the determination of applications for consent pursuant to the Planning Acts.</p>	<p>Head of Strategic Planning and Performance (strategic proposals)</p>	<p>Head of Planning and Environmental Services</p>

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)

Head of Planning and Environmental Services

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 Planning and Environmental 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	Head of Planning and Environmental Services
	Head of Financial and Legal Services
<u>Council Solicitor</u>	Head of Leisure and Economic Development

6.7 Planning - Miscellaneous Planning Applications

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

6.8 Planning - Orders etc. under the Planning Acts

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

Council Solicitor and Head of Strategic Planning and Performance (strategic proposals only)

Head of Planning and Environmental Services

Head of Financial and Legal Services

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).

Council Solicitor

Head of Planning and Environmental Services

Head of Financial and Legal Services

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

Head of Financial and Legal Services

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.

Head of Planning and Environmental Services

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.

	Head of Operational Services
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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.

Building Control Manager	Head of Planning and Environmental Services
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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
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6.16 Regulation of Investigatory Powers Act 2000

The grant, review, renewal and cancellation of authorisation.

Council Solicitor	
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6.17 Planning Applications etc

The seeking of planning permission by the Council under the Town and Country Planning General Regulations 1992, Regulation 3.

	Chief Executive
	Head of Planning and Environmental Services

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6.18 **Parking**

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

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

Head of Operational Services

6.19 **Housing Fitness**

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

Head of Planning and Environmental Services

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

Function	Consultation	Also delegated to
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 and Council Solicitor	Director of Corporate Resources
(b) The defence or settlement of any proceedings brought against the Council.	Relevant Head of Service and Council Solicitor	Director of Corporate Resources
(c) The taking of any action incidental or conducive to or which would facilitate any action under this Paragraph (7.1).	Relevant Head of Service and Council Solicitor	Director of Corporate Resources
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;	Director of Corporate Resources	Director of Corporate Resources

<p>(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.</p>	<p>Director of Corporate Resources</p>	
<p>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.</p>	<p>Council Solicitor (other than in routine matters)</p>	<p>Council Solicitor Director of Corporate Resources</p>
<p>7.5 Investments The investment of available funds on appropriate terms.</p>	<p>Director of Corporate Resources</p>	
<p>7.6 Payments The making of any payments due.</p>	<p>Director of Corporate Resources</p>	
<p>7.7 Writing off Debts The writing off of debts not exceeding £5,000.</p>	<p>Council Solicitor</p>	<p>Director of Corporate Resources</p>
<p>7.8 Car Leasing Scheme The determination of applications by members of staff for admission to the Council's car leasing scheme.</p>		<p>Director of Corporate Resources</p>
<p>7.9 Regulation of Investigatory Powers Act 2000 The grant, review, renewal and cancellation of authorisations.</p>	<p>Council Solicitor</p>	
<p>7.10 Planning - Orders etc Under the Planning Acts The giving, making or confirmation of any order or direction under the Planning Acts.</p>	<p>Council Solicitor and Head of Strategic Planning and Performance (strategic proposals only)</p>	<p>Director of Development and Environment Head of Planning and Environmental Services</p>

<p>7.11 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).</p>	<p>Council Solicitor and Head of Strategic Planning and Performance (strategic proposals only)</p>	<p>Director of Development and Environment Head of Planning and Environmental Services</p>
<p>7.12 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).</p>	<p>Council Solicitor</p>	<p>Director of Development and Environment Head of Planning and Environmental Services</p>
<p>7.13 Planning – Lawful Development Certificates The determination of applications for lawful development certificates (Town and Country Planning Act sections 191 and 192).</p>	<p>Council Solicitor</p>	<p>Director of Development and Environment Head of Planning and Environmental Services</p>
<p>7.14 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.</p>	<p>Council Solicitor</p>	<p>Director of Development and Environment Head of Planning and Environmental Services</p>
<p>7.15 Planning – Miscellaneous Planning Applications The determination of applications under the Local Government (Miscellaneous Provisions) Act 1982 section 37 (temporary markets)</p>	<p>Council Solicitor</p>	<p>Head of Leisure and Economic Development</p>

8. POWERS DELEGATED TO HEAD OF HOUSING & COMMUNITY DEVELOPMENT

Function	Consultation	Also delegated to
<p>8.1 Housing Management and Maintenance 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>8.2 Homeless Persons The exercise of the Council's functions relating to homeless persons.</p>		Director of Community Services
<p>8.3 Social well-being 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>8.4 Housing Grants 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>8.5 Community Development The implementation of the Council's policies regarding community development.</p>		Head of Housing and Community Development
<p>8.6 Regulation of Investigatory Powers Act 2000 The grant, review, renewal and cancellation of authorisations.</p>	Council Solicitor	
<p>8.7 Community Safety The implementation of the Council's policies regarding community safety and the reduction of crime and disorder.</p>		<u>Director of Community Services</u>
<p>8.8 Anti-social Behaviour</p>		

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The taking of any action to combat anti-social behaviour including the issue of fixed penalty notices.

Council Solicitor

Director of
Community
Services

9. POWERS DELEGATED TO HEAD OF LEISURE & ECONOMIC DEVELOPMENT

Function	Consultation	Also delegated to
<p>9.1 Leisure Functions The exercise of the Council's functions relating to the provision and management of recreational facilities and activities.</p>		Director of Community Services
<p>9.2 Leisure Management and Maintenance etc. 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>9.3 Economic Development The exercise of the Council's functions relating to economic development</p>		Director of Community Services
<p>9.4. Regulation of Investigatory Powers Act 2000 The grant, review, renewal and cancellation of authorisations</p>	Council Solicitor	
<p>9.5 Planning – Miscellaneous Planning Applications The determination of applications under the Local Government (Miscellaneous Provisions) Act 1982 section 37 (temporary markets)</p>	<u>Council Solicitor</u>	<p>Director of Development and the Environment</p> <p>Head of Planning and Environmental Services</p>

10. POWERS DELEGATED TO HEAD OF CORPORATE SUPPORT SERVICES

Function	Consultation	Also delegated to
10.1 Staff		
(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	Consultation	Also delegated to
10.2 Asset Management		
(a) The management and maintenance of the Council's property portfolio not specifically the responsibility of other officers;	Estates Management and Valuation Surveyor	Director of Corporate Resources
(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;	Estates Management and Valuation Surveyor	Director of Corporate Resources
(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;	Estates Management and Valuation Surveyor	Director of Corporate Resources
(d) The determination as landowner or landlord of applications for licences, consents and permissions in respect of the Council's buildings or land.	Estates Management and Valuation Surveyor	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
<p>11.1 Regulatory Functions The exercise of the Council's regulatory functions relating to:</p> <ul style="list-style-type: none"> (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; (aa) street collections; (bb) street trading; (cc) water and sewerage (dd) smoke-free regulations 		<ul style="list-style-type: none"> (f) <u>Director of Development and Environment</u> Environmental Health and Licensing Manager Principal Environmental Health Officers Area Environmental Health Officers Health, Safety and Licensing Officer Environmental Protection Officer

11.2 Housing Fitness

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

Director of Development and Environment

11.3 Building Control Applications

The determination of the following :

Building Control Manager

Director of Development and Environment

- (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.

Building Control Manager

Director of Development and Environment

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

Council Solicitor and Head of Strategic Planning and Performance (strategic proposals only)

Director of Development and Environment
Head of Financial and Legal Services

11.6 Applications for Planning Permission

Subject to Paragraph 11.9, the determination of applications for planning permission pursuant to the Planning Acts including

Head of Strategic Planning and Performance (strategic proposals)

Director of Development and Environment

- (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.

11.7 Applications for Consent-Planning

Subject to Paragraph 11.9, 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 11.9 the determination of the Council's stance in respect of consultations and opinions concerning matters referred to in Paragraph 11.6 and 11.7.

Head of Strategic Planning and Performance (strategic proposals)

Director of Development and Environment

Head of Strategic Planning and Performance (strategic proposals)

11.9 Non-Delegated Planning Matters

The determination of the following applications mentioned in Paragraphs 11.6 to 11.8 above shall not be delegated:

Head of Strategic Planning and Performance (strategic proposals)

Director of Development and Environment

- (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.

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11.10 Planning - Lawful Development Certificates

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

Council Solicitor	Director of Development and Environment Head of Financial and Legal Services
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11.11 Planning - Miscellaneous Planning Applications

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

Council Solicitor	Head of Leisure and Economic Development
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11.12 Planning - Orders etc. under the Planning Acts

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

Council Solicitor and Head of Strategic Planning and Performance (strategic proposals only)	Director of Development and Environment Head of Financial and Legal Services
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11.13 Enforcement Action and Notices under the Planning Acts Etc.

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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).

Council Solicitor

Director of Development and Environment
Head of Financial and Legal Services

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.

Council Solicitor

Director of Development and Environment

Head of Planning and Environmental Services

Head of Financial and Legal Services
Director of Development and Environment

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.

Council Solicitor

11.17 Planning Applications etc

The seeking of planning permission by the Council under the Town and Country Planning General Regulations 1992 Regulation 3.

Chief Executive

Director of Development and Environment

12. POWERS DELEGATED TO HEAD OF STRATEGIC PLANNING & PERFORMANCE

Function

12.1 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.

Consultation	Also delegated to
Head of Planning and Environmental Services	Head of Planning and Environmental Services
	Director of Development and Environment

13. POWERS DELEGATED TO HEAD OF OPERATIONAL SERVICES

<p>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.</p>		<p>Director of Development and Environment</p>
<p>13.2 Parking The exercise of the Council's functions regarding on- and off-street parking.</p>	<p>Head of Strategic Planning and Community Strategy (strategic matters only)</p>	<p>Director of Development and Environment</p>
<p>13.3 Regulation of Investigatory Powers Act 2000 The grant, review, renewal and cancellation of authorisations.</p>	<p>Council Solicitor</p>	

PROPER OFFICER APPOINTMENTS

14.1 Local Government Act 1972

	Proper Officer	Deputy
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	Director of Corporate Resources
Schedule 14 Para. 25(7) (public health resolutions)	Chief Executive	Head of Planning and Environmental Services

14.2 Local Government Act 1974

Part 3 (Local Government Ombudsman)	Proper Officer	Deputy
	Monitoring Officer	Deputy Monitoring Officer

14.3 Local Government (Miscellaneous Provisions) Act 1976

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

14.4 Local Government and Housing Act 1989

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

14.5 Local Government (Committees and Political Groups) Regulations 1990

(political groups)	Proper Officer	Deputy
	Chief Executive	Director of Corporate Resources

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

(members' allowances)	Proper Officer	Deputy
	Chief Executive	Director of Corporate Resources

14.8 Public Health Act 1936

	Proper Officer	Deputy in cases of emergency only
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

	Proper Officer	Deputy
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

	Proper Officer	Deputy in cases of emergency only
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)

Proper Officer	Deputy
Head of Planning and Environmental Services	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

14.12 Public health (Infectious Diseases) Regulations 2010

(infectious diseases)

Proper Officer	Deputy
Head of Planning and Environmental Services	Officers of health authorities etc. authorised under s 113(1A) of the Local Government Act 1972

14.13 Food Safety Act 1990

(food safety)

Proper Officer	Deputy in cases of emergency only
Head of Planning and Environmental Services	Environmental Health and Licensing Manager Principal Environmental Health Officers

14.14 Any other provision for which arrangements are not specifically made under this Scheme of Delegation

Proper Officer	Deputy
Chief Executive	Director of Corporate Resources

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 Paragraph 16.2 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
- Directors
- Heads of Service
- Solicitors
- Legal Executives
- Trainee Solicitors
- Environmental Health Officers
- All Planning Officers and Planning Assistants
- Health & Safety & Licensing Officer
- Environmental Protection Officer

ⁱ See Local Government Act 2000 S.54A (1) an authority's Standards Committee can set up a sub-committee to consider requests for dispensations.