



ADUR & WORTHING  
COUNCILS

Ward(s) Affected: All

**Adur and Worthing Scheme of Delegations to Officers**

**Report by the Monitoring Officer**

**Executive Summary**

**1. Purpose**

- 1.1. This report seeks to update Members of the Joint Governance Committee with recent amendments made to the Councils' Scheme of Delegations to Officers in Part 4 of the Constitution, and asks Members to note those amendments.

**2. Recommendations**

- 2.1. The Joint Governance Committee is recommended to note the content of this report and the Monitoring Officer's recent exercise of delegations in respect of amendments to the Adur District Council and Worthing Borough Council Joint Scheme of Delegations to Officers.

### **3.0 Context**

3.1 The Monitoring Officer has a duty to maintain an up-to-date version of the Constitution and to ensure that it is publicly available. The Monitoring Officer has the authority, as set out in Article 11 and at paragraph 3.9.24 of the Officer Scheme of Delegations in the Constitution, to “make minor and consequential amendments to the Constitution at any time”.

3.2 The Joint Governance Committee within its terms of reference has the responsibility to monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.

3.3 The purpose of the Constitution is to:

- enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- support the active involvement of citizens and encourage all sections of the Borough and District’s communities to be involved in the Council’s decision-making processes;
- help Elected Members represent their constituents more effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision-making are clearly identified to local people and that they explain the reasons for their decisions;
- provide a means of improving the delivery of services to the community;
- balance speedy and reasoned decision-making with adequate checks and balances;
- place high standards of conduct and probity at the centre of decision-making

## **4.0 Issues for Consideration**

- 4.1 Adur District Council and Worthing Borough Councils Constitutions provide for an Executive style administration (Leader & Cabinet) for the purposes of Governance as permitted under the Localism Act 2011.

As a consequence of the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 and to enable the discharge of the Councils' functions, the Council has in place Committees for those functions prohibited to be Executive under the regulations eg the Planning and Licensing Committees.

- 4.2 Where the Executive, the Council or its Committees consider that the efficiency of the Councils' Functions may be better exercised by Officers, they are able to delegate many of their statutory powers to Officers, where permitted by law. They do so expressly under the Scheme of Delegations to Officers which is ratified by a resolution of each Council on an annual basis.

In this way, the Chief Executive, Directors and Heads of Service are authorised by the Local Authority to lawfully exercise delegated powers and duties on behalf of the Councils in accordance with section 101 of the Local Government Act 1972.

- 4.3 It is important to ensure that the Scheme of Delegations to Officers remains up to date and accurate, and provides a balance of powers being exercised at the appropriate level to minimise risk, whilst enabling operational efficiency. An Officer making decisions, purportedly on behalf of the Councils, without the required authority provided by the Scheme is at risk of rendering that decision liable to legal challenge and ultimately of the decision being quashed by the Courts due to an Officer acting 'ultra vires' ie. beyond their powers and therefore unlawfully.
- 4.4 The Monitoring Officer has carried out a review of Part 2 and Part 3 of the Officer Scheme of Delegations in so far as it relates to the Head of Environmental Services (Paragraph 3.3), the Head of Housing (Paragraph 3.1), the Head of Wellbeing (Paragraph 3.2), Head of Legal & Monitoring Officer (Paragraph 3.9) and Head of Place and Economy (Paragraph 3.12).

Changes have been made effective from 1st January 2019; the amended Scheme of Delegations to Officers has been circulated to

those affected by the changes and has been published on the Councils' website.

An amended version of the Scheme of Delegations to Officers is attached to this report as Appendix 1. A version showing tracked changes is attached to this report, as requested by members of the Committee, as Appendix 2.

All changes made are minor and/or consequential. In summary changes have been made: to include reference to community penalty orders as well as fixed penalty orders to reflect changes to legislation; to reflect changes to Officers Job Titles; to reflect changes to the organisation's structure where functions and services have moved from the responsibility of one Head of Service to another; and to correct minor errors, inconsistencies or anomalies.

- 4.5 A process is now on-going whereby Heads of Service are reviewing sub-delegation of their powers to other Officers within their Service, who have the necessary knowledge, experience and competencies, and require the authority to carry out the day to day aspects of their roles. Such sub delegations are to be recorded in writing and will, in due course, be made publically available in a register published on the Councils' website to promote transparency and accountability in the decision making process.
- 4.6 The Monitoring Officer will continue to keep the Officer Scheme of Delegations under continuous review, with a particular focus on powers delegated to other Heads of Service over the next few months which may lead to further minor and consequential amendments.

## **5.0 Engagement and Communications**

In making amendments to the Officer Scheme of Delegations, the Monitoring Officer has engaged with all Heads of Service directly affected and with Democratic Services Officers.

## **6.0 Financial Implications**

There are no financial implications arising from this report.

## **7.0 Legal Implications**

7.1 Section 101 Local Government Act 1972 allows a Local Authority to arrange for the discharge of their functions by Officers of the Local Authority.

7.2 Article 11, paragraph 11.03 of the Councils' Constitutions sets out the functions of the Monitoring Officer and states "the Monitoring Officer has the delegated authority to make minor and consequential amendments to the Constitution at any time". This provision is confirmed at paragraph 3.9.24 of the Officer Scheme of Delegations.

## **Background Papers**

- Adur District Council Constitution
- Worthing Borough Council Constitution

## **Officer Contact Details:-**

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## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered and no issues identified

### **2. Social**

#### **2.1 Social Value**

Good governance arrangements and up-to-date Constitutions support the Councils' priorities relating to partnership working. Good governance arrangements help to protect the reputations of the Councils and provide appropriate access by our communities to the democratic process.

#### **2.2 Equality Issues**

The Councils' Constitutions comply with their statutory obligations in respect of equality issues.

#### **2.3 Community Safety Issues (Section 17)**

Matter considered and no issues identified.

#### **2.4 Human Rights Issues**

The Councils' Constitutions comply with their statutory obligations in respect of Human Rights issues.

### **3. Environmental**

Matter considered and no issues identified.

### **4. Governance**

Clear and strong governance arrangements ensure that the Councils meet their statutory obligations, help to protect reputations of the Councils, aim to provide access to the democratic process by the public and our communities, and support the Councils' priorities relating to partnership working.

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councils



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## **SCHEME OF DELEGATIONS TO OFFICERS**

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## 1.0 GENERAL PRINCIPLES

<b>1.1</b>	<b>Introduction</b> These delegations are made under the powers contained in the Local Government Act 1972 (as amended), Section 101 and by reference to section 100G and the Local Government Act 2000, Sections 14,19 and 20, The Local Authorities (Functions and Responsibilities) (England ) Regulations 2000 (as amended) and all other enabling powers. An officer or other person is authorised to exercise such powers as are shown in the Scheme of Delegations including those reasonably applied or incidental to the matters specified in respect of the functions of the Council.
<b>1.2</b>	<b>When a Post is Vacant or a Post-holder is Absent</b> For the purposes of this Scheme, if the post of an officer to whom a function is delegated (or which he/she has been appointed as a Proper Officer) is vacant or if the post-holder is absent on leave (of whatever type), unless the function is exercisable by an officer who has the appropriate sub-delegation or the Council otherwise decides the following shall apply:
1.2.1	In the case of the Chief Executive, the delegation shall be exercisable by an Acting Chief Executive (to include an Interim Chief Executive) or any one of the Directors, provided that the Acting Chief Executive or Director has the requisite professional qualification, experience and knowledge, where such is required.
1.2.2	In the case of a Director, the delegation shall be exercisable by the Chief Executive or another Director, provided that the Chief Executive or Director has the requisite professional qualification, experience and knowledge, where such is required.
1.2.3	In the case of the Section 151 Officer, the delegation shall be exercisable by a Deputy Section 151 Officer in relation to matters which are the responsibility of the Section 151 Officer.
1.2.4	In the case of the Monitoring Officer, the delegation shall be exercisable by a Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.
1.2.5	In the case of Heads of Service, the delegation shall be exercisable by the Chief Executive or a Director, provided that the Chief Executive or Director has the requisite professional qualification, experience and knowledge, where such is required.
1.2.6	Any post specifically referred to shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.
<b>1.3</b>	<b>All Decisions made by Officers</b> Where decisions are taken by officers under delegated powers the following conditions and rules shall apply:



1.3.1	All delegations shall be exercised in accordance with the Constitution, all relevant policies and procedures of the Council and all relevant legislative provisions, subject to paragraph 4 below.
1.3.2	Any officer exercising a delegation shall only do so where provision has been made for any expenditure within the relevant budget or otherwise in accordance with the Financial Procedure Rules.
1.3.3	Any officer exercising a delegation shall not do so in a manner which is contrary to any resolution of Full Council, Executive, an Individual Executive Member or a Committee.
1.3.4	Any officer exercising a delegation shall do so having regard to Health & Safety requirements.
1.3.5	Any officer exercising a delegation shall do so having regard to Equalities requirements.
1.3.6	Any officer exercising a delegation shall do so having regard to Data Protection requirements.
1.3.7	Any officer exercising a delegation is responsible for carrying out any consultation necessary under this Scheme. Such consultation shall be in writing, unless due to urgency that is not practicable, in which case there may be verbal consultation which may be confirmed, by the Officer undertaking the consultation to the consultee in writing, as soon as reasonably practicable and, in any event, within 5 working days.
1.3.8	Any officer to whom a delegation is given may waive his/her right to exercise the delegation and refer the matter to the original delegate for a decision or to Full Council, Executive, an Individual Executive Member or relevant Committee, as appropriate.
1.3.9	Where an officer has the authority to take decisions, any action taken to implement such decisions may be taken in the name of (but not necessarily personally by) that officer, or any other officer authorised by that officer in accordance with paragraph 6 below.
1.3.10	Any decision which could subject the Council to legal liability shall be taken in consultation with the Solicitor to the Council.
1.3.11	Any decision which has financial implications other than those budgeted for shall be taken in consultation with the Head of Finance.
1.3.12	Unless specifically stated, no delegation authorises the taking of decisions as to whether or not legal action should be taken by or on behalf of the Council.
1.3.13	Officers shall not have the power to exercise any delegation where an individual officer is required by law to hold a relevant qualification and he/she does not hold that qualification.
1.3.14	Officers shall not have the power to exercise any delegations which fall outside the individual's actual authority as determined by his/her post.
1.3.15	Officers shall not have the power to exercise any delegations in a situation where an individual officer is prevented, for whatever proper reason, from exercising such power.
1.3.16	Subject to any express instructions to the contrary from the delegated body, any power to approve also includes the power to

	refuse, and the power to impose appropriate conditions.
1.3.17	Functions, matters, powers, authorisations, delegations, duties and responsibilities, shall be construed in a broad and inclusive fashion, and shall include the doing of anything which is calculated to facilitate, or is conducive, or incidental, to the discharge of anything specified.

<b>1.4</b>	<b>Emergency Powers</b>
1.4.1	For the purposes of this Scheme, an emergency is where immediate action is necessary and where inaction may lead to loss of life, serious injury to a person or animal, or significant damage to or significant loss of property.
1.4.2	In cases of emergency an officer may, if justified by all of the circumstances, exercise delegations in a manner which is not in accordance with Council policies or procedures and / or where provision has not been made in any budget, in order to prevent or mitigate the emergency.
1.4.3	A written record of the reasons for exercising emergency powers and deviating from the policies and procedure and/or causing expenditure without a relevant budget shall then be provided as soon as practicably possible to the Monitoring Officer and the Section 151 Officer by the relevant officer.

<b>1.5</b>	<b>Sub-Delegations</b>
1.5.1	Where an officer is authorised to act, either under this Scheme or by a specific resolution of Full Council, Executive, an Individual Executive Member or a Committee, he/she may further delegate the authority to exercise a specific power to another officer, whilst still retaining the delegation themselves.
1.5.2	Before making a sub-delegation, the delegating officer must give consideration to and be satisfied that the officer to whom he/she is sub-delegating is of an appropriate level bearing in mind the nature of the delegation.
1.5.3	Any such sub-delegation is subject to the existing consultation and limitation requirements.
1.5.4	All sub-delegations must be made in writing and a copy provided to the Monitoring Officer within five working days. The Monitoring Officer shall maintain a central register of sub-delegations which shall be available on the intranet.
1.5.5	No sub-delegations may be further delegated, unless there is express permission from the original delegating officer that the specific power can be delegated further. Such permission should be included in the written record of the sub-delegation provided under paragraph 1.5.4. When deciding whether to permit further sub-delegation, the same consideration should be given as outlined in paragraph 1.5.2.
1.5.6	In the event that a post to which a delegation or function is given ceases to exist and its responsibilities are transferred to another post temporarily or permanently then the delegations given under this scheme shall be exercisable by the post to

	which the responsibilities have been transferred. There should be written confirmation of the change in responsibilities from the line manager, which shall be provided to the Solicitor to the Council to be retained with the central copy of the scheme of delegations.
1.5.7	Where an officer is authorised to act, either under this Scheme or by a specific resolution of Full Council, Executive, an Individual Executive Member or a Committee, he/she may further delegate the authority to exercise a specific power on behalf of this Council to an Officer of another Council, whilst still retaining the delegation themselves. All other provisions of paragraph 1.5 of this Scheme must be complied with when exercising this provision.

<b>1.6</b>	<b>Proper Officers/Authorised Officers</b>
1.6.1	Those officers designated as proper officers, authorised officers, appropriate person or any other statutory description of officer listed in this Scheme shall exercise the powers, and have the responsibilities, attributed to them by legislation.
1.6.2	The Chief Executive, Appropriate Director and any other officer expressly authorised by this Scheme may appoint any appropriate officer to be a proper officer, authorised officer, appropriate person or any other statutory description of officer in respect of any legislation and written confirmation of such appointment shall be provided to the Monitoring Officer within five working days and made available on the intranet.

<b>1.7</b>	<b>Interpretation</b>
1.7.1	Any reference to an Act, Order or other legal provision shall include a reference to any modification or re-enactment thereof and any reference to any Directive, Act, Order or other legal provision shall include any Regulations, Orders, Rules, Instruments, Directions, Statutory Guidance or other legal provision made thereunder.
1.7.2	'Appropriate Director' shall mean the Director responsible for the function to which the particular exercise of the delegation applies.
1.7.3	'Appropriate Head of Service' shall mean the Head of Service responsible for the function/service to which the particular exercise of the delegation applies.
1.7.4	'Consultation' shall mean seeking the comments of the person(s) to be consulted. Consultation shall not mean obtaining the consent of the person(s) to be consulted. A written record of the consultation shall be retained by the officer.
1.7.5	'The Council' shall mean The Borough Council of Worthing or the District Council of Adur, as appropriate.

## 2. DELEGATIONS: GENERAL FUNCTIONS – CHIEF EXECUTIVE, DIRECTORS & HEADS OF SERVICE

*Subject to the foregoing, there are delegated to the Chief Executive, Directors and/or Heads of Service those matters detailed in column 2 subject to the consultation requirements set out in column 3 and the limitations in column 4 below.*

<b>2.1</b>	<b>Chief Executive</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
2.1.1	The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, general or European, police commissioner elections or referenda.		
2.1.2	To take Urgent action on behalf of the Council.  'Urgent' means a matter of pressing importance requiring swift action given the gravity of the situation, to prevent damage (or further damage) to life, limb, infrastructure or the financial integrity of the Councils.	The relevant Leader, or in their absence, the relevant Deputy Leader or the Leaders, or in their absence the Deputy Leaders, where appropriate.	A report on the use of urgency powers to be taken to the first available Council meeting. So far as applicable, any decisions/actions taken shall only take effect on a temporary basis until a Committee/Member decision has been made.
<b>2.2</b>	<b>Chief Executive and all Directors</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
2.2.1	Grant, review, renewal and cancellation of authorisations under the Regulation of Investigatory Powers Act, 2000 in accordance with the Council's surveillance policy.		
2.2.2	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 accordance with the Financial Procedure Rules.

<b>2.3</b>	<b>Director for Communities</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
2.3.1	The taking of a decision as to whether or not the Council will tolerate unlawful encampments for a specified period and purpose, and to keep that decision under constant review.		
2.3.2	To manage the relationship between Worthing Borough Council and South Downs Leisure Trust		
2.3.3	To manage the relationship between Adur District Council and Adur Community Leisure (Impulse Leisure)		
2.3.4	To determine matters relating to the failure of a Member to attend meetings for a period in excess of 6 months		
2.3.5	To be the Councils' lead Officer responsible for Safeguarding matters		

<b>2.4</b>	<b>Director for Digital and Resources</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
2.4.1	To respond to requests under Data Protection and Freedom of Information legislation		With the exception of requests for review and appeals
2.4.2	To act as the Senior Information Risk Owner for both Councils in respect of the function of Information Security.		
2.4.3	To be the Councils' Senior Responsible Officer for matters related to the Regulation of Investigatory Powers Act 2000.		
2.4.4	To be the link officer with the Commissioner for Local Administration in England ("Local Government Ombudsman")	Monitoring Officer (to reflect the statutory role of the Monitoring Officer in respect of maladministration) and the appropriate Head of Service	
2.4.5	To authorise payments or the provision of other benefits under s.92, Local	Appropriate Head	

	Government Act, 2000 (payments in cases of maladministration) or by way of local settlement in relation to Local Government Ombudsman complaints.	of Service, Monitoring Officer and, if over £1000, Head of Finance	
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<b>2.5</b>	<b>Director for Economy</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
2.5.1			

<b>2.6</b>	<b>Chief Executive, all Directors and all Heads of Service</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
	<b>General</b>		
2.6.1	To manage the functions for which they are responsible.		
2.6.2	To make minor amendments to any Policy, Strategy, Consultation or similar document and sign notices, other than legal notices, arising from any decision of The Council.		
2.6.3	To respond to consultations.		
2.6.4	To dispose of lost or uncollected property	Solicitor to the Council	
2.6.5	To procure goods and services	Head of Business & Technical Services (Procurement)	
2.6.6	To exercise powers and determine all matters relating to the supply of goods and services to other local authorities and public bodies in respect of the functions for which they are responsible.	Solicitor to the Council Head of Finance	
2.6.7	To carry out minor development for which planning permission is not required.	Head of Growth (Planning)	
	<b>Contracts</b>		
2.6.8	To do all matters in relation to procurement and the letting of contracts.	Where specified in Contract Standing	In accordance with Contract Standing

		Orders, Head of Business & Technical Services (Procurement) Solicitor to the Council	Orders
	<b>Financial</b>		
2.6.9	To take any action authorised by Financial Standing Orders.		
2.6.10	To manage budgets allocated to the functions for which they are responsible, including authority to incur expenditure on items included in the approved Revenue Estimates or Capital Programme except where the Council has placed a reservation on any such item.		In accordance with Financial Standing Orders
2.6.11	To write off amounts as irrecoverable	Where specified in Financial Standing Orders, Head of Finance Executive Member for Resources	In accordance with Financial Standing Orders
2.6.12	To determine grant applications in relation to the functions for which they are responsible, other than award of grants to voluntary sector organisations.	Solicitor to the Council	
2.6.13	To vary, in exceptional circumstances, fixed fees and charges.	Relevant Executive Member	
2.6.14	To determine charges for the use of relevant services and events not covered by the annual review of fees and charges	Relevant Executive Member	
2.6.15	To submit bids to outside bodies for grant funding.	Head of Finance Solicitor to the Council	
	<b>Assets</b>		
2.6.16	To dispose of surplus assets other than land and buildings, which are not of historical significance, interest or value.		
	<b>Land</b>		
2.6.17	To manage land, property (including rent reviews) and other assets allocated to the functions for which they are responsible.		

2.6.18	To vary the terms and conditions of leases and licences or negotiate the surrender of leases and licenses.		
2.6.19	To give landlord's consent for uses, subject to planning permission.		
	<b>Legal</b>		
2.6.20	To make application for warrants of entry to land or property under the provisions of any legislation, other than warrants for possession of land or property, in relation to functions for which they are responsible.	Where practicable, with the Solicitor to the Council	
2.6.21	To sign, issue and serve all notices required by statute or otherwise to be given by the Council and all necessary advertisements, in relation to functions for which they are responsible.		
2.6.22	To issue fixed penalty notices and community penalty notices where permitted by statute in relation to the functions for which they are responsible.		
	<b>Licences, notices etc.</b>		
2.6.23	The determination of any application for permissions, consents or licences or for registration within the functions for which he/she is responsible.		Except where they are reserved to Council, Executive, Executive Member or Committee
2.6.24	The issue and service of any notice or requisition for information concerned with matters within the functions for which the/she are responsible.		
2.6.25	The carrying out of works in default following non-compliance with any notice concerned with matters within the functions for which the/she are responsible.		
2.6.26	The management of any internal appeal, challenge or objection process against or in support of any of the Council's decisions, other than before a court or tribunal.	Solicitor to the Council	
	<b>Planning</b>		
2.6.27	To make application for all consents required in relation to planning permission in respect of Council land or property in relation to the functions for which they are responsible.		
2.6.28	To make application for all consents required in relation to Building Regulation Approval in respect of Council land or property in relation to the functions for which they are responsible.		



	<b>Cultural Facilities &amp; Activities</b>		
2.6.29	To exercise the Council's functions relating to the provision and management of cultural facilities and activities.		
	<b>Staffing matters</b>		
2.6.30	To determine and take action in relation to all staff matters in accordance with the Officer Procedure Rules.	Where specified in the Officer Procedure Rules, Solicitor to the Council Head of Human Resources	In accordance with Officer Procedure Rules and all Council policies and procedures.  To exclude the determination of redundancies (voluntary or otherwise) and the determination of termination of contracts of employment on the grounds of efficiency of the service.

### 3. DELEGATIONS: SPECIFIC FUNCTIONS – HEADS OF SERVICE

*Subject to the foregoing, there are delegated to the Officer(s) listed below those matters detailed in column 2 subject to the consultation requirements in column 3 and limitations in column 4 below.*

3.1	Head of Housing		
No	Delegation	Consultation	Limitations
3.1.1	To determine and take all action in relation to 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.		
3.1.2	To exercise the Council's functions relating to homeless persons.		With the exception of requests for reviews under s202 Housing Act 1996.
3.1.3	To determine applications for Housing Grants (not Social Housing Grants) and the taking of all steps concerned with certification of payment of the same.		
3.1.4	To devise, manage and maintain the Housing Register maintained by the Council under the relevant statutory provisions in accordance with the Council's Housing Allocations Policy.		
3.1.5	To nominate people on the Council's Housing Register to properties managed by Adur Homes and the Registered Social Landlords in accordance with the Council's allocations policy.		
3.1.6	To exercise the Council's regulatory functions in relation to Caravan sites, Fitness and Standards of Housing and Houses in Multiple Occupation.		
3.1.7	To determine and where appropriate give consent for alterations or extensions to former Council houses and flats.		
3.1.8	To acquire or lease property or land in connection with the Council's housing function, for the purpose of providing emergency and temporary accommodation.	To be exercised only after consultation with the Leader, the Executive Member for	

		Resources and the Chief Financial Officer.	
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<b>3.2</b>	<b>Head of Wellbeing</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.2.1	To implement the Council's policies regarding Community Safety and the redirection of crime and disorder.		
3.2.2	To take any action to combat anti-social behaviour including the issue of fixed penalty notices and community penalty notices.		
3.2.3	To exercise the Council's regulatory functions relating to: Amenities on the highway Environmental protection Food Safety and Hygiene Gambling Gaming permits Hackney Carriages and Drivers Health and Safety at Work House to house collections Highway management * Licensable activities under the Licensing Act 2003 Lotteries Leisure Boats Private Hire Vehicles drivers and operators Public Health (including airports and port health) Public Safety Registration Plates Scrap metal dealers Shops and Sunday trading Street Collections Street Trading ** Drainage, Water and Sewerage Animal Boarding Licenses Pet Shops	* Adur DC in relation to Highways Maintenance - the relevant Executive Member  ** Adur DC in relation to Street Trading - the relevant Executive Member	

	The Breeding of Dogs Sex Establishments Hypnosis		
3.2.4	To determine whether or not a simple caution should be administered following an investigation into an alleged criminal offence	Solicitor to the Council	There must be a full admission It must be a minor matter It must be in the public interest It must be a first offence Copy to be sent with reasons to the Solicitor to the Council To exclude the administration of the caution.
3.2.5	All matters relating to the investigation of matters under the Health & Safety at Work legislation.	Solicitor to the Council	Duly appointed inspectors
3.2.6	To convene meetings of Full Council, Executive, Executive Members, Committees and other bodies.	Mayor, Leader, Executive Member or Chairman as appropriate	
3.2.7	To cancel meetings of Full Council, Executive, Executive Members, Committees and other bodies.	Mayor, Leader, Executive Member or Chairman as appropriate	
3.2.8	To exercise the Councils' regulatory functions relating to Animal Welfare		
<b>3.3</b>	<b>Head of Environmental Services</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>

3.3.1	To exercise the Council's functions relating to the provision and management of recreational facilities.		
3.3.2	To manage (including the authority to agree usage) and maintain all the parks, pleasure grounds, gardens, open spaces, commons, recreational facilities, burial grounds, crematorium and nature reserves within the Council's control.	Adur DC the relevant Executive member in cases where the authority is required to agree usage	
3.3.3	To charge fees for medical referees		
3.3.4	To exercise the Council's regulatory functions relating to Pest Control		
3.3.5	All matters related to the Council's powers and duties in relation to the coast, rivers and harbours.		
3.3.6	All matters relating to pleasure boats, boatman's licences, fisherman's agreements.		
3.3.7	To determine as landowner or landlord applications for licences, consents and permissions in respect of the Council's parks and foreshore buildings or land.	Executive Members for Resources and Executive Members for Environment	
3.3.8	To collect, remove, recycle and dispose of waste.		
3.3.9	To collect, remove, recycle and dispose of litter.		
3.3.10	To collect, remove, recycle and dispose of abandoned or unauthorised vehicles.		
3.3.11	To determine and communicate the Council's position relating to Goods Vehicle Operators licences.		
3.3.12	To authorise the waiving or reduction of charges for special refuse collections, commercial waste collections, green waste collections and clinical waste collections.		
3.3.13	To undertake vehicle testing and issue Ministry of Transport Certificates and to make appropriate charges, and to waive and reduce such charges.		
3.3.14	To take any action to combat anti-social behaviour including the issue of fixed penalty notices or community penalty notices for littering, fly tipping, breach of		

	public space protection orders, unlawful camping and dog fouling		
3.3.15	To issue fixed penalty notices upon commercial traders for unlawful management of commercial waste		
3.3.16	To exercise the Council's regulatory functions in respect of street trading		
3.3.17	To undertake all matters related to the inspection and maintenance of Council owned trees	Where a tree is subject to a Tree Preservation Order, only to be exercised in consultation with the Head of Planning and Development	
3.3.18	To undertake all matters relating to the design, installation, inspection and maintenance of all Council owned play areas	In respect of design and installation to be exercised only in consultation with the Head of Business and Technical Services	

<b>3.4</b>	<b>Head of Revenues &amp; Benefits</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.4.1	To determine any applications for Housing Benefit, Council Tax Support or similar benefits.		
3.4.2	To make payments of Housing Benefit and Council Tax Support or similar benefits		
3.4.3	To take all necessary actions relating to the demand, collection and the recovery of Council Tax Rates, National Non-Domestic Rates and any other local levy or collected taxes.		
3.4.4	To determine entitlement to mandatory, discretionary and other rate relief applications, including National Non-Domestic Rate relief.		

3.4.5	To serve on the Valuation Officer notice of objection to any proposals for alteration of the Valuation List.		
3.4.6	To make proposals for the alteration of the Valuation List or for inclusion of particular properties in the Valuation List.		
3.4.7	To sign off Valuation Agreements.		

<b>3.5</b>	<b>Head of Customer and Digital Services</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.5.1	All matters relating to on and off street parking	In respect of Adur District Council, consultation with the relevant Executive Member	

<b>3.6</b>	<b>Head of Planning and Development</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.6.1	All matters relating to the naming and numbering of streets.	Relevant Planning Committee Adur DC - relevant Executive Member, Ward member and where practicable the planning committee	
3.6.2	To issue and serve notices pursuant to the Building Act 1984 and Building Regulations and to carry out works in default.		
3.6.3	To decide all Building Regulations applications in accordance with Building Regulations current at time of deposit.		

3.6.4	To determine all relevant charges in accordance with the Building (Prescribed Fees) Regulations 2010 as amended		
3.6.5	<p>To determine applications for Planning permission, listed building consent, conservation area consent, express consent to display advertisements, hazardous substances consent pursuant to the Planning Acts, including:</p> <p>a. development specified in the GPDO where expressed planning permission is required by reason of limitations or conditions by that order; and</p> <p>b. determinations in connection with prior notification procedure under T&amp;CP (General Permitted Development) Order.</p>		<p>The delegation shall not be exercised in relation to:</p> <p>a. applications requiring the Secretary of State to be notified under the Town and Country (Development Plans and Consultations) (Departures) Direction 2009;</p> <p>b. applications for development requiring an environmental impact assessment but excluding applications for a screening or scoping opinion in connection with an environmental impact assessment;</p> <p>c. applications comprising ‘major ‘development within the meaning of the T&amp;CP (General Permitted</p>



			<p>Development) Order;</p> <p>d. applications for development which conflicts materially with the development plan;</p> <p>e. applications materially affecting ancient monuments, and sites of special scientific interest;</p> <p>f. applications made by or on behalf of jointly with or promoted by the Council, a parish Council, West Sussex County Council any other local authority;</p> <p>g. where the application has been made by a member or an officer;</p> <p>h. where a member of the Council not more than 28 days after validation of an application requests otherwise.</p>
3.6.6	To determine applications for consent pursuant to the conditions and limitations under the Planning Acts.		

3.6.7	To determine the Council's stance in respect of and respond to consultation opinions concerning matters including, but not limited to, Neighbourhood Plans and WSCC planning applications unless they are for 'major' development within the meaning of the T&CP (General Development Procedure) Order.	In respect of Neighbourhood Plans, in consultation with Relevant Executive Member	
3.6.8	To determine applications for lawful development certificates (Town and Country Planning Acts Sections 191 and 192).	Solicitor to the Council where necessary.	
3.6.9	To give, make and confirm any Order or Direction under the Planning Acts		
3.6.10	To issue, serve, modify and withdraw any Notice under the Planning Acts and to carry out works in default including ruines and dilapidated buildings and neglected sites (Building Act 1984, Section 79).		
3.6.11	To determine applications and to take any action under Anti-Social Behaviour Act (2003) Part 8 (High Hedges).		
3.6.12	Subject to the limitations imposed above to determine the Council's stance in respect of and respond to consultations and opinions concerning matters referred to above.		
3.6.13	All matters relating to the Planning (Hazardous Substances) Act, 1990.		
3.6.14	To issue and serve notices in relation to breaches of conditions in relation to planning permissions.		
3.6.15	To negotiate and enter into planning or other agreements regulating or controlling the use of development of land.	Solicitor to the Council	Not where the determining body for any associated planning application is a committee.
3.6.16	To make minor amendments in planning or other agreements regulating or controlling the use or development of land where the determining body for any associated planning application is a committee.	Solicitor to the Council	
3.6.17	To issue serve modify or withdraw any enforcement action or notices under the Planning Acts, etc.	Solicitor to the Council	

<b>3.7</b>	<b>Head of Finance</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.7.1	To take any action relating to borrowing in accordance with the Council's borrowing strategy.		
3.7.2	To borrow by way of bank overdraft from the Council's current bankers subject to annual review by the bank and the Executive Member for Resources.	Executive Member for Resources	£1,000,000
3.7.3	To make payments into the insurance fund.		
3.7.4	To make payments in respect of any claims where the Council's insurers may be involved.		
3.7.5	To invest available funds on appropriate terms and in accordance with the Council's investment strategy.		
3.7.6	To make payment of any sums due from the Council.		
3.7.7	To make repayments to the West Sussex County Council Pension Fund from those reserves earmarked for pensions contributions.		
3.7.8	To write off debts.		In accordance with the Financial Procedure Rules
3.7.9	To investigate allegations of housing benefit or council tax benefit fraud.		Not exercisable in respect of ADC.
3.7.10	To investigate and report upon any allegations of fraud or dishonesty.		
3.7.11	In respect of housing benefit and council tax fraud, to determine whether or not a simple caution or administrative penalty should be administered following an investigation into an alleged criminal offence.	Solicitor to the Council	Not exercisable in respect of ADC. There must be a full admission It must be a 1st offence It must be for sums less than £500 It must be in the public interest It must not be a complex fraud or attempted fraud

			Copy to be sent with reasons to EHC&CS
3.7.12	In respect of housing benefit and council tax fraud, to administer simple cautions and administrative penalties.		Not exercisable in respect of ADC.
3.7.13	To settle any claims where the Council's Insurers may be involved.	Solicitor to the Council	

<b>3.8</b>	<b>Head of Human Resources</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.8.1	To confirm the appointment of staff on the satisfactory completion of probationary period.	Appropriate Head of Service	
3.8.2	To implement decisions arising from the Council's pay and grading procedure.		
3.8.3	To implement any nationally agreed pay settlements.	Head of Finance	
3.8.4	To maintain a register of politically restricted posts and ancillary matters.		
3.8.5	To comply with all legislation and government guidance on transparency in pay within the Council, including taking the annual pay policy statement to Council		
3.8.6	To execute settlement agreements between the Council and its employees or former employees in circumstances where redundancy or termination of contract on the grounds of efficiency of the service have been approved.	Solicitor to the Councils	

<b>3.9</b>	<b>Head of Legal Services and Monitoring Officer</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.9.1	Legal Proceedings: a. To determine what, if any legal action should be taken following any investigation into a criminal matter (except in relation to Health & Safety at Work). b. To institute, prosecute or terminate any proceedings which the Council is empowered to undertake in or before any Court, Tribunal, Inquiry or by way of Fixed Penalty Notice or Community Penalty Notice (except in relation to Health & Safety at Work). c. To defend or settle any proceedings brought against the Council (except in relation to Health & Safety at Work). d. To take any action incidental or inclusive to or which would facilitate any		In respect of settling legal proceedings a confidentiality clause may not be included unless the prior written agreement has been obtained from the Leader of the Council (or Deputy in their absence) and the Leader of the Main

	<p>action under this paragraph.</p> <p>e. To administer simple cautions.</p> <p>f. To determine whether or not any legal proceedings should be taken in any particular case or set of circumstances.</p>		Opposition (or Deputy in their absence).
3.9.2	To appoint and instruct legal service providers including external Solicitors and Barristers.		
3.9.3	To determine whether or not a simple caution or other alternative to prosecution should be administered following an investigation into an alleged criminal offence.		
3.9.4	To settle any claims where the Council's Insurers may be involved.	Head of Finance	
3.9.5	To negotiate and enter into planning or other agreements regulating or controlling the use of development of land.	Head of Planning & Development	Not where the determining body for any associated planning application is a committee.
3.9.6	To make minor amendments to planning or other agreements regulating or controlling the use or development of land where the determining body for any associated planning application is a committee.	Head of Planning & Development	
3.9.7	To issue, serve, modify or withdraw any enforcement action or notices under the Planning Acts, etc.	Head of Planning & Development	
3.9.8	To carry out or authorise the carrying out of works in default under any statutory provisions (including Notices concerning ruinous and dilapidated or dangerous buildings and neglected sites).		
3.9.9	To determine applications under the Local Government (Miscellaneous Provisions) Acts 1982 Section 37 in respect of Temporary Markets.		
3.9.10	To give, make and confirm any Order or Direction under the Planning Acts including Tree Preservation Orders (and associated applications for consent for works) and notification of works to trees in conservation areas.	Head of Planning & Development	Not to confirm if there are any objections
3.9.11	To exercise the Council's powers relating to temporary road closures.		
3.9.12	To seal any document on behalf of the Council.		
3.9.13	To negotiate and agree the terms of any contract.		In accordance with the Contract Procedure

			Rules.
3.9.14	To sign any contract on behalf of the Council.		In accordance with the Contract Procedure Rules.
3.9.15	To authorise the attendance of officers at Court under any statutory provision.		
3.9.16	To authorise service of any statutory requisition for information as to interests in land.		
3.9.17	To execute any legal document on behalf of the Council.		
3.9.18	All matters relating to consultations with Sussex Police and other bodies in relation to Anti-Social Behaviour.		
3.9.19	All matters relating to the consecration of land.		
3.9.20	To issue, serve, suspend or withdraw any notices in respect of any matter for which the Council has power to act.		
3.9.21	To respond to requests for review under Data Protection and Freedom of Information legislation.		
3.9.22	All matters relating to the investigation of matters under the Health & Safety at Work legislation.		
3.9.23	To make minor or consequential amendments to the Council's Constitution.		
3.9.24	To make orders relating to Public Spaces Protection Order in accordance with the Anti-social Behaviour, Crime and Policing Act 2014.		
3.9.25	To grant dispensations in respect of Disclosable Pecuniary Interests in accordance with the Localism Act 2011.		
3.9.26	To determine the approval of the Adur District Council and Worthing Borough Council Crest / Coat of Arms in appropriate circumstances.	In consultation with the Leader.	
3.9.27	To act as the Councils' Co-ordinator in respect of all Regulation of Investigatory Powers Act 2000 matters	In accordance with the Councils' Surveillance Policy	

<b>3.10</b>	<b>Head of Business &amp; Technical Services</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.10.1	To take any action necessary with regard to the Council's Emergency Planning functions.		

3.10.2	To manage the improvement, refurbishment, maintenance and new build provision of the Council's non-housing property portfolio not specifically the responsibility of other officers.		
3.10.3	To exercise the Council's powers in respect of water supply, sewerage and drainage.		
3.10.4	To exercise the Council's powers in respect of land drainage.	Adur DC - relevant Executive Member	
3.10.5	To exercise the Council's powers affecting the design or maintenance of highways		
3.10.6	All matters relating to coastal and dredging licence applications		Such development must be permitted in a General Permitted Development Order or have been granted planning permission
3.10.7	All matters related to the Council's powers and duties in relation to the coast, rivers and harbours		

<b>3.11</b>	<b>Head of Culture</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.11.1	To manage (including the authority to agree usage) and maintain the theatres and museums within the Council's control.	Adur DC the relevant Executive member in cases where the authority is required to agree usage	
3.11.2	To manage the function of Events Management	In consultation with the Council's Head of Communications and Emergency Planning Officer, and where the event is expected to be attended by 500 people or more, the Leader of the relevant Council.	

<b>3.12</b>	<b>Head of Place &amp; Economy</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.12.1	To approve and grant seasonal concession licence agreements on behalf of the Councils	In consultation with the relevant Executive Member, the Solicitor for the Council and the	



		Head of Planning & Development	
3.12.2	To approve non animal related Circuses	In consultation with Head of Environmental Services and the relevant Executive Member	To be limited to a maximum of 3 per year in Adur District Council.  To be limited to a maximum of 3 per year in Worthing Borough Council
3.12.3	To exercise the Councils' regulatory functions relating to Markets	Solicitor to the Councils	

<b>3.13</b>	<b>Head of Major Projects &amp; Investment</b>		
3.13.1	To manage the improvement, refurbishment, maintenance and new build provision of the Council's non-housing property portfolio not specifically the responsibility of other officers.		
3.13.2	To acquire land in connection with the Council's functions and to take leases, easements, licences and wayleaves of, in, or over buildings or land in connection with the Council's functions.	Where acquisition of land is purchased through the Strategic Investment Fund, the delegation is to be exercised in consultation with the Leader, Executive Member for Resources and the Chief Financial Officer	
3.13.3	To dispose of land in connection with the Council's functions and to grant leases,		

	easements, licences and wayleaves of, in, or over buildings or land in connection with the Council's functions.		
3.13.4	To determine as landowner or landlord applications for licences, consents and permissions in respect of the Council's buildings or land.	Executive Member for Resources	
<b>3.14</b>	<b>Head of Communications</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>

#### 4. PROPER OFFICER AND AUTHORISED OFFICER FUNCTIONS

*The following proper officer and/or authorised officer functions listed in column 3 are assigned to the officers and deputies in columns 4 and 5.*

<b>4.1 Functions relating to Officers</b>				
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.1.1	s.2 Local Government and Housing Act 1989	To maintain a list of politically restricted posts	Head of Human Resources	
4.1.2	s.3A Local Government and Housing Act 1989	To determine applications for exemption from the list of politically restricted posts	Chief Executive in consultation with MO	Head of Legal
4.1.3	s.4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive	Nominated Director
4.1.4	s.5 Local Government and Housing Act 1989	Monitoring Officer	Head of Legal	Senior Solicitors
4.1.5	Sch.1, Part II, Para.5 Local Authorities (Standing Orders) (England) Regulations 2001	Process requiring notification to Executive and objections to be considered where appointment or dismissal of Head of Paid Service, Chief Officers or Deputy Chief Officers involved	Monitoring Officer	Deputy Monitoring Officer(s)

<b>4.2 Functions relating to Democratic Process</b>				
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.2.1	s.8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive	Director for Digital and Resources
4.2.2	s.52 Representation of the People Act 1983	Deputy Electoral Registration Officer	Director for Digital and Resources	Head of Customer and Digital Services
4.2.3	s.35 Representation of the People Act 1983	Returning Officer	Chief Executive	Officer(s) appointed in writing by the Returning Officer

4.2.4	s.82 Representation of the People Act 1983	To receive declaration of Election expenses	Director for Digital and Resources	Head of Customer and Digital Services
4.2.5	s.83 Local Government Act 1972	Declarations of acceptance of office	Chief Executive	Director for Communities
4.2.6	s.84 Local Government Act 1972	Receipt of resignations	Chief Executive	Director for Communities
4.2.7	s.86 Local Government Act 1972	To declare any vacancy in office	Chief Executive	Director for Communities
4.2.8	s.88(2) Local Government Act 1972	Convene a meeting to fill a vacancy of a chair	Director for Communities	Head of Wellbeing
4.2.9	s.89(1) Local Government Act 1972	Receive from two electors Notices of Casual Vacancies of Councillors	Chief Executive	Director for Digital and Resources
4.2.10	s.100B(2),(7) and 100H Local Government Act 1972	Excluding from the Public reports which are not likely to be considered in open session; and provision to the press/public of other documents provided to members where the Proper Officer thinks fit	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.11	s.100C(2) Local Government Act 1972	Where part or the whole of the report has been exempt the Proper Officer shall make a written summary of the proceedings or a part to provide a record without disclosing the exempt information.	Director for Communities	Head of Wellbeing
4.2.12	s.100D Local Government Act 1972	Compilation of list of background documents relied upon to a material extent in producing the report or disclosing important facts	Author of Report	
4.2.13	s.100F Local Government Act 1972	Deciding whether documents for inspection in connection with Committees contain exempt information under a paragraph of Schedule 12A	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.14	s.41 Local Government Miscellaneous Provisions Act 1976	To certify copies of Resolutions Orders Reports or Minutes of the Council or any Predecessor Authority	Director for Communities	Head of Wellbeing
4.2.15	Reg.9 Local Government (Committees and Political Groups) Regulations 1990	Receipt of Notice re Political Groups	Director for Communities	Head of Wellbeing

4.2.16	Reg.10 Local Government (Committees and Political Groups) Regulations 1990	Receipt of Notice of Cessation of Membership of Political Group	Director for Communities	Head of Wellbeing
4.2.17	Reg.13 Local Government (Committees and Political Groups) Regulations 1990	To accept wishes of Political Groups in respect of proportionality	Director for Communities	Head of Wellbeing
4.2.18	Reg.14 Local Government (Committees and Political Groups) Regulations 1990	To notify Political Groups of allocations	Director for Communities	Head of Wellbeing
4.2.19	Part 3 Local Government Act 1974	Local Government Ombudsman functions, including giving public notice of reports	Director for Digital and Resources in consultation with Monitoring Officer	Head of Customer and Digital Services
4.2.20	Local Authorities (Referendum) (Petitions) (England) Regulations 2011	Proper Officer function	Director for Digital and Resources	Head of Customer and Digital Services
4.2.21	Local Authorities (Conduct of Referendums) (England) Regulations 2012	Proper Officer function	Director for Digital and Resources	Head of Customer and Digital Services
4.2.22	s.29 Localism Act 2011	Establish and maintain a register of members' and co-opted members' interests	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.23	s.30-31 Localism Act 2011	Receipt of members' and co-opted members' declarations of interests and changes to those interest within 28 days	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.24	s.32 Localism Act 2011	Sensitive interests	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.25	s.33 Localism Act 2011	Dispensations from restrictions under s.31(4)	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.26	Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England)	Access to information, recording executive decisions and the Forward Plan	Director for Communities	Head of Wellbeing

	Regulations 2012			
4.2.27	s. 21A Local Government Act 2000 (as amended)	Decision making in respect of Councillor Call for Action	Director for Communities	Head of Wellbeing

<b>4.3 Functions relating to Finance</b>				
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.3.1	All legislation prior to 1 <sup>st</sup> April 1972; s.151 Local Government Act 1972; and ss.114-116 Local Government Finance Act 1988	Proper Officer in relation to references to Treasurer or Borough Treasurer; the officer responsible for the proper management of the Council's financial affairs and for making reports to Cabinet/Council	Head of Finance	Deputy s.151 Officer(s)
4.3.2	All legislation prior to 1st April 1972	Proper Officer in relation to declarations and certificates with regard to securities	Head of Finance	Deputy s.151 Officer(s)
4.3.3	s.115(2) Local Government Act 1972	For receipt of monies due to the Council from Officers	Head of Finance	Deputy s.151 Officer(s)

<b>4.4 Functions relating to Legal Processes</b>				
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.4.1	s.229 Local Government Act 1972	To certify photographic copies of documents to be a true copy (other than those under Public Records Act 1958)	Head of Legal	Senior Solicitor(s)
4.4.2	s.234 Local Government Act 1972	To sign Notices Orders or other documents authorised or required by or under any Enactment	Head of Legal	Senior Solicitor(s)
4.4.3	s.236 Local Government Act 1972	To send copies of Byelaws to Parish and Community Councils to which they apply.	Head of Legal	Senior Solicitor(s)
4.4.4	s.238 Local Government Act 1972	Certification of printed copies of Byelaws	Head of Legal	Senior Solicitor(s)
4.4.5	s.36 Freedom of Information Act 2000	Non-disclosure where potential to prejudice the effective conduct of public affairs	Head of Legal	Senior Solicitor(s)
4.4.6	Sch.12 Local Government Act 1972	Signing and serving of Summonses from meetings of Principal Councils	Director for Communities	Head of Wellbeing
<b>Court Representation</b>				
4.4.7	Every Solicitor, Barrister or Chartered Legal Executive employed or engaged by the Council (irrespective of his or her job title) shall be authorised to appear on its behalf before any Court, Tribunal or other hearing before which they have a Right of			

	Audience and to exercise the powers given by the relevant professional body.			
4.4.8	In addition to the powers delegated in Section 3 above and the rights to appear in Court detailed in paragraphs 4.4.7, the following Officers in column 4 are authorised to appear on behalf of the Council and to conduct proceedings in Court in relation to the functions mentioned in column 3.			
4.4.9	There may be Officers other than those listed in 4.7 who are authorised to appear in Court on behalf of the Council by virtue of the Head of Legal's delegation at 3.8.16 to provide such authorisation. Any authorisations made under delegation 3.8.16 will be recorded in writing and shall be provided to the Monitoring Officer within five working days and made available on the intranet.			
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.4.10	s.223 Local Government Act 1972 and s.60 County Courts Act 1984	In respect of possession matters and for any purpose for which the Council is empowered to authorise Officers to appear on its behalf	Legal Assistants Trainee Solicitors	
4.4.11	s.223 Local Government Act 1972	In respect of National Non-Domestic Rating or Council Tax matters	Head of Revenues and Benefits	Revenues and Recovery Team Leader
4.4.12	Part 9 Insolvency Rules 1986	Examination of persons concerning company and individual insolvency	Head of Revenues and Benefits (in consultation with Head of Legal)	
4.4.13	Part I Health and Safety at Work etc. 1974		Head of Wellbeing (in consultation with Head of Legal)	

<b>4.5</b>	<b>Functions in relation to Public Health</b>			
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.5.1	s.79 Public Health Act 1936 & Schedule 29 Part 1 Local	Removal of Noxious Matter	Director for Communities	Head of Wellbeing

	Government Act 1972			
4.5.2	s.84 Public Health Act 1936 & Schedule 29 Part 1 Local Government Act 1972	Verminous Articles	Director for Communities	Head of Wellbeing
4.5.3	s.85 Public Health Act 1936 & Schedule 29 Part 1 Local Government Act 1972	Verminous People	Director for Communities	Head of Wellbeing
4.5.4	Part XI Local Government Miscellaneous Provisions Act 1982	Public Health	Director for Communities	Head of Wellbeing
4.5.5	Part 1 Section 46 Care Act 2014	Removal of people in need	Director for Communities	Officers of Health Authority etc. authorised under Section 113 (1A) of the Local Government Act 1972
4.5.6	s.37 Public Health Act 1961	Verminous Articles	Director for Communities	Head of Wellbeing
4.5.7	Public Health (Control of Disease) Act 1984	Infectious Diseases and Dead Bodies	Director for Communities	Head of Wellbeing
4.5.8	Sch.14 Paragraph 25(7) Local Government Act 1972	To certify copies of Resolutions applying or disapplying provisions of the Public Health Act 1875 to 1925	Director for Communities	Head of Wellbeing
4.5.9	Food Safety Act 1990 (as amended)	Food Safety and authentication of documents	Director for Communities	Head of Wellbeing
4.5.10	s.40 Anti-Social Behaviour Act 2003	Closure order in respect of noisy premises where public nuisance	Chief Executive	Director for Communities
4.5.11	s.78 Building Act 1984	Authorise action in relation to dangerous structures	Appropriate Director	Appropriate Head of Service
4.5.12	European Communities Act 1972	Food Safety	Director for Communities	Head of Wellbeing
4.5.13	Pet Animals Act 1951 (as		Director for	Head of



	amended) & Pet Animals Act 1983		Communities	Wellbeing
4.5.14	Caravan Sites and Control of Development Act 1960		Director for Communities	Head of Wellbeing
4.5.15	Animal Boarding Establishments Act 1963		Director for Communities	Head of Wellbeing
4.5.16	Riding Establishments Act 1964 and 1970		Director for Communities	Head of Wellbeing
4.5.17	Scrap Metal Dealers Act 2013		Director for Communities	Head of Wellbeing
4.5.18	Breeding of Dogs Act 1973 and 1991 & Breeding and Sale of Dogs (Welfare) Act 1999		Director for Communities	Head of Wellbeing
4.5.19	Part 1 & Part 2 Local Government (Miscellaneous Provisions) Act 1976		Director for Communities	Head of Wellbeing
4.5.20	Zoo Licensing Act 1981		Director for Communities	Head of Wellbeing
4.5.21	Part 2 & Part 3 Local Government (Miscellaneous Provisions) Act 1982		Director for Communities	Head of Wellbeing
4.5.22	Part VII & Part XI Local Government (Miscellaneous Provisions) Act 1982		Director for Communities	Head of Wellbeing
4.5.23	Public Health (Control of Disease) Act 1984		Director for Communities	Head of Wellbeing
4.5.24	Control of Pollution (Amendment) Act 1989		Director for Communities	Head of Wellbeing
4.5.25	Clean Neighbourhoods and Environment Act 2005		Director for Communities	Head of Wellbeing
4.5.26	Health Act 2006 Chapter 1		Director for Communities	Head of Wellbeing
4.5.27	Part 4 Anti-social Behaviour, Crime and Policing Act 2014		Director for Communities	Head of Wellbeing

4.5.28	Parts 1, 2, 2A and 3 Environmental Protection Act 1990		Director for Communities	Head of Wellbeing
4.5.29	Part 4 Environment Act 1995		Director for Communities	Head of Wellbeing
4.5.30	s.108 Environment Act 1995		Director for Communities	Head of Wellbeing
4.5.31	Part 1 & Part 3 Prevention of Damage by Pests Act 1949		Director for Communities	Head of Wellbeing
4.5.32	Control of Pollution Act 1974		Director for Communities	Head of Wellbeing
4.5.33	Dangerous Wild Animals Act 1976		Director for Communities	Head of Wellbeing
4.5.34	Refuse Disposal (Amenity) Act 1978		Director for Communities	Head of Wellbeing
4.5.35	Town Police Clauses Act 1847		Director for Communities	Head of Wellbeing
4.5.36	Housing Act 1985, 1989 and 2004		Director for Communities	Head of Wellbeing
4.5.37	Clean Air Act 1993		Director for Communities	Head of Wellbeing
4.5.38	Pollution Prevention and Control Act 1999		Director for Communities	Head of Wellbeing
4.5.39	Environmental Damage (Prevention and Remediation) Regulations 2015		Director for Communities	Head of Wellbeing
4.5.40	Health and Safety at Work 1974		Director for Communities	Head of Wellbeing
4.5.41	Animal Welfare Act 2006		Director for Communities	Head of Wellbeing
4.5.42	s.59 Building Act 1984		Director for Communities	Head of Wellbeing
4.5.43	House to House Collections Act 1939		Director for Communities	Head of Wellbeing

4.5.44	Police, Factories, etc. (Miscellaneous Provisions) Act 1916		Director for Communities	Head of Wellbeing
4.5.45	Hypnotism Act 1952		Director for Communities	Head of Wellbeing

<b>4.6 Miscellaneous Functions</b>				
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.6.1	s.100G Local Government Act 1972	Maintain a list of members	Director for Communities	Head of Wellbeing
4.6.2	s.100G Local Government Act 1972	Maintain a list of delegations to officers and the like	Monitoring Officer	Deputy Monitoring Officer(s)
4.6.3	s.146(1)(a) Local Government Act 1972	Statutory Declaration re Change of Name of the Authority in connection with Companies	Head of Legal	Senior Solicitor(s)
4.6.4	s.191(2) Local Government Act 1972	Applications under the Ordnance Survey Act 1841	Director for Economy	
4.6.5	s.210 Local Government Act 1972	In respect of Powers with regard to Charities	Director for Communities	Head of Wellbeing
4.6.6	s.225 Local Government Act 1972	Deposit of documents in accordance with Standing Orders of either House of Parliament, Enactment or Statutory Instrument	Head of Legal	Senior Solicitor(s)
4.6.7	s.248 Local Government Act 1972	To keep the roll of Freeman of City or Town in District	Chief Executive	Director for Communities
4.6.8	Any other provisions for which arrangements are not specifically made under this Scheme of Delegation	Any other legislation whether made before or after this list was approved and requiring a proper officer or authorised officer where not otherwise stated in the Council's approved scheme of delegations from time to time	Chief Executive	

<b>4.7 Functions in relation to Entry of Land/Premises</b>				
4.7.1	The Chief Executive, Directors, Solicitor to the Council, Senior Solicitors, Solicitors, Senior Legal Executives, Legal Executives and Emergency Planning Officer shall be authorised to enter land or premises in relation to any function of the Council, subject to any applicable statutory constraints.			

4.7.2	In addition to the powers delegated in Section 3 above, the following Officers in column 4 are authorised to enter land or premises for or in connection with their duties and pursuant to the functions mentioned in column 3, subject to any applicable statutory constraints.			
4.7.3	An Officer authorised to enter land is also authorised to seek a warrant to enter.			
4.7.4	An Officer authorised to enter land may take with him or her such other persons and equipment as may be necessary.			
4.7.5	The right to enter given by paragraph 4.7 shall extend to the exercise of the power to make inspections, to provide samples and to examine and seize goods.			
	<b>Environmental Health, Housing etc.</b>			
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.7.6		Animal Welfare Caravan Sites Environmental Protection Food Safety and Hygiene Health and Safety at Work Housing Licensing Act 2003 Pest Control Public Health Public Safety Scrap Metal Dealers Shop Acts Street Trading Sunday Trading Gambling Act 2005 Animal Boarding Licences Pet Shops The Breeding of Dogs Zoo Licensing Sex Establishments Hypnosis Dangerous Wild Animals Act 1976 Riding Establishments Act 1964 and 1970 Drainage including s.59 Building Act 1984	Director for Communities and such others as shall be delegated in writing by him/her from time to time	Head of Wellbeing

	<b>Planning</b>		
4.7.7	ss.178, 196A, 196B, 324 & 325 Town and Country Planning Act 1990		Director for Economy/Director for Communities, as appropriate
4.7.8	s.88 Planning (Listed Buildings and Conservation Areas) Act 1990		Planning Services Manager
4.7.9	s.36 Planning (Hazardous Substances) Act 1990		Development Control Manager Principal Planning Officers Senior Planning Officers Planning assistants Senior Enforcement Officer Enforcement Assistant
4.7.10	Part 8 Anti-Social Behaviour Act 2003		Director for Communities Planning Services Manager Development Control Manager Principal Planning Officers Senior Planning Officers Planning assistants Senior Enforcement Officer Enforcement

			Assistant Senior Technical Officer (Parks)	
<b>Building Control</b>				
4.7.11	s.95 Building Act 1984	General power of entry in relation to building regulations	Head of Building Control and Land Charges Principal Building control Surveyor Senior Building control surveyor Building control surveyor Fire Safety Officer	
<b>Local Taxation</b>				
4.7.12		Collection of Local Taxes	Director for Digital and Resources and Head of Revenues and Benefits Inspector/Collector	
<b>Land Drainage and Sewerage Undertaking</b>				
4.7.13	Water Industry Act 1991		Principal Engineer	
4.7.14	Land Drainage Act 1991		Senior Engineer	

Adur &  
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**SCHEME OF DELEGATIONS TO OFFICERS**

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## 1.0 GENERAL PRINCIPLES

<b>1.1</b>	<b>Introduction</b> These delegations are made under the powers contained in the Local Government Act 1972 (as amended), Section 101 and by reference to section 100G and the Local Government Act 2000, Sections 14,19 and 20, The Local Authorities (Functions and Responsibilities) (England ) Regulations 2000 (as amended) and all other enabling powers. An officer or other person is authorised to exercise such powers as are shown in the Scheme of Delegations including those reasonably applied or incidental to the matters specified in respect of the functions of the Council.
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<b>1.2</b>	<b>When a Post is Vacant or a Post-holder is Absent</b> For the purposes of this Scheme, if the post of an officer to whom a function is delegated (or which he/she has been appointed as a Proper Officer) is vacant or if the post-holder is absent on leave (of whatever type), unless the function is exercisable by an officer who has the appropriate sub-delegation or the Council otherwise decides the following shall apply:
1.2.1	In the case of the Chief Executive, the delegation shall be exercisable by an Acting Chief Executive (to include an Interim Chief Executive) or any one of the Directors, provided that the Acting Chief Executive or Director has the requisite professional qualification, experience and knowledge, where such is required.
1.2.2	In the case of a Director, the delegation shall be exercisable by the Chief Executive or another Director, provided that the Chief Executive or Director has the requisite professional qualification, experience and knowledge, where such is required.
1.2.3	In the case of the Section 151 Officer, the delegation shall be exercisable by a Deputy Section 151 Officer in relation to matters which are the responsibility of the Section 151 Officer.
1.2.4	In the case of the Monitoring Officer, the delegation shall be exercisable by a Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.
1.2.5	In the case of Heads of Service, the delegation shall be exercisable by the Chief Executive or a Director, provided that the Chief Executive or Director has the requisite professional qualification, experience and knowledge, where such is required.
1.2.6	Any post specifically referred to shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.

<b>1.3</b>	<b>All Decisions made by Officers</b> Where decisions are taken by officers under delegated powers the following conditions and rules shall apply:
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1.3.1	All delegations shall be exercised in accordance with the Constitution, all relevant policies and procedures of the Council and all relevant legislative provisions, subject to paragraph 4 below.
1.3.2	Any officer exercising a delegation shall only do so where provision has been made for any expenditure within the relevant budget or otherwise in accordance with the Financial Procedure Rules.
1.3.3	Any officer exercising a delegation shall not do so in a manner which is contrary to any resolution of Full Council, Executive, an Individual Executive Member or a Committee.
1.3.4	Any officer exercising a delegation shall do so having regard to Health & Safety requirements.
1.3.5	Any officer exercising a delegation shall do so having regard to Equalities requirements.
1.3.6	Any officer exercising a delegation shall do so having regard to Data Protection requirements.
1.3.7	Any officer exercising a delegation is responsible for carrying out any consultation necessary under this Scheme. Such consultation shall be in writing, unless due to urgency that is not practicable, in which case there may be verbal consultation which may be confirmed, by the Officer undertaking the consultation to the consultee in writing, as soon as reasonably practicable and, in any event, within 5 working days.
1.3.8	Any officer to whom a delegation is given may waive his/her right to exercise the delegation and refer the matter to the original delegate for a decision or to Full Council, Executive, an Individual Executive Member or relevant Committee, as appropriate.
1.3.9	Where an officer has the authority to take decisions, any action taken to implement such decisions may be taken in the name of (but not necessarily personally by) that officer, or any other officer authorised by that officer in accordance with paragraph 6 below.
1.3.10	Any decision which could subject the Council to legal liability shall be taken in consultation with the Solicitor to the Council.
1.3.11	Any decision which has financial implications other than those budgeted for shall be taken in consultation with the Head of Finance.
1.3.12	Unless specifically stated, no delegation authorises the taking of decisions as to whether or not legal action should be taken by or on behalf of the Council.
1.3.13	Officers shall not have the power to exercise any delegation where an individual officer is required by law to hold a relevant qualification and he/she does not hold that qualification.
1.3.14	Officers shall not have the power to exercise any delegations which fall outside the individual's actual authority as determined by his/her post.
1.3.15	Officers shall not have the power to exercise any delegations in a situation where an individual officer is prevented, for whatever proper reason, from exercising such power.
1.3.16	Subject to any express instructions to the contrary from the delegated body, any power to approve also includes the power to

	refuse, and the power to impose appropriate conditions.
1.3.17	Functions, matters, powers, authorisations, delegations, duties and responsibilities, shall be construed in a broad and inclusive fashion, and shall include the doing of anything which is calculated to facilitate, or is conducive, or incidental, to the discharge of anything specified.

<b>1.4</b>	<b>Emergency Powers</b>
1.4.1	For the purposes of this Scheme, an emergency is where immediate action is necessary and where inaction may lead to loss of life, serious injury to a person or animal, or significant damage to or significant loss of property.
1.4.2	In cases of emergency an officer may, if justified by all of the circumstances, exercise delegations in a manner which is not in accordance with Council policies or procedures and / or where provision has not been made in any budget, in order to prevent or mitigate the emergency.
1.4.3	A written record of the reasons for exercising emergency powers and deviating from the policies and procedure and/or causing expenditure without a relevant budget shall then be provided as soon as practicably possible to the Monitoring Officer and the Section 151 Officer by the relevant officer.

<b>1.5</b>	<b>Sub-Delegations</b>
1.5.1	Where an officer is authorised to act, either under this Scheme or by a specific resolution of Full Council, Executive, an Individual Executive Member or a Committee, he/she may further delegate the authority to exercise a specific power to another officer, whilst still retaining the delegation themselves.
1.5.2	Before making a sub-delegation, the delegating officer must give consideration to and be satisfied that the officer to whom he/she is sub-delegating is of an appropriate level bearing in mind the nature of the delegation.
1.5.3	Any such sub-delegation is subject to the existing consultation and limitation requirements.
1.5.4	All sub-delegations must be made in writing and a copy provided to the Monitoring Officer within five working days. The Monitoring Officer shall maintain a central register of sub-delegations which shall be available on the intranet.
1.5.5	No sub-delegations may be further delegated, unless there is express permission from the original delegating officer that the specific power can be delegated further. Such permission should be included in the written record of the sub-delegation provided under paragraph 1.5.4. When deciding whether to permit further sub-delegation, the same consideration should be given as outlined in paragraph 1.5.2.
1.5.6	In the event that a post to which a delegation or function is given ceases to exist and its responsibilities are transferred to another post temporarily or permanently then the delegations given under this scheme shall be exercisable by the post to

	which the responsibilities have been transferred. There should be written confirmation of the change in responsibilities from the line manager, which shall be provided to the Solicitor to the Council to be retained with the central copy of the scheme of delegations.
1.5.7	Where an officer is authorised to act, either under this Scheme or by a specific resolution of Full Council, Executive, an Individual Executive Member or a Committee, he/she may further delegate the authority to exercise a specific power on behalf of this Council to an Officer of another Council, whilst still retaining the delegation themselves. All other provisions of paragraph 1.5 of this Scheme must be complied with when exercising this provision.

<b>1.6</b>	<b>Proper Officers/Authorised Officers</b>
1.6.1	Those officers designated as proper officers, authorised officers, appropriate person or any other statutory description of officer listed in this Scheme shall exercise the powers, and have the responsibilities, attributed to them by legislation.
1.6.2	The Chief Executive, Appropriate Director and any other officer expressly authorised by this Scheme may appoint any appropriate officer to be a proper officer, authorised officer, appropriate person or any other statutory description of officer in respect of any legislation and written confirmation of such appointment shall be provided to the Monitoring Officer within five working days and made available on the intranet.

<b>1.7</b>	<b>Interpretation</b>
1.7.1	Any reference to an Act, Order or other legal provision shall include a reference to any modification or re-enactment thereof and any reference to any Directive, Act, Order or other legal provision shall include any Regulations, Orders, Rules, Instruments, Directions, Statutory Guidance or other legal provision made thereunder.
1.7.2	'Appropriate Director' shall mean the Director responsible for the function to which the particular exercise of the delegation applies.
1.7.3	'Appropriate Head of Service' shall mean the Head of Service responsible for the function/service to which the particular exercise of the delegation applies.
1.7.4	'Consultation' shall mean seeking the comments of the person(s) to be consulted. Consultation shall not mean obtaining the consent of the person(s) to be consulted. A written record of the consultation shall be retained by the officer.
1.7.5	'The Council' shall mean The Borough Council of Worthing or the District Council of Adur, as appropriate.

## 2. DELEGATIONS: GENERAL FUNCTIONS – CHIEF EXECUTIVE, DIRECTORS & HEADS OF SERVICE

*Subject to the foregoing, there are delegated to the Chief Executive, Directors and/or Heads of Service those matters detailed in column 2 subject to the consultation requirements set out in column 3 and the limitations in column 4 below.*

<b>2.1</b>	<b>Chief Executive</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
2.1.1	The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, general or European, police commissioner elections or referenda.		
2.1.2	To take Urgent action on behalf of the Council.  'Urgent' means a matter of pressing importance requiring swift action given the gravity of the situation, to prevent damage (or further damage) to life, limb, infrastructure or the financial integrity of the Councils.	The relevant Leader, or in their absence, the relevant Deputy Leader or the Leaders, or in their absence the Deputy Leaders, where appropriate.	A report on the use of urgency powers to be taken to the first available Council meeting. So far as applicable, any decisions/actions taken shall only take effect on a temporary basis until a Committee/Member decision has been made.
<b>2.2</b>	<b>Chief Executive and all Directors</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
2.2.1	Grant, review, renewal and cancellation of authorisations under the Regulation of Investigatory Powers Act, 2000 in accordance with the Council's surveillance policy.		
2.2.2	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 accordance with the Financial Procedure Rules.

<b>2.3</b>	<b>Director for Communities</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
2.3.1	The taking of a decision as to whether or not the Council will tolerate unlawful encampments for a specified period and purpose, and to keep that decision under constant review.		
2.3.2	To manage the relationship between Worthing Borough Council and South Downs Leisure Trust		
2.3.3	To manage the relationship between Adur District Council and Adur Community Leisure (Impulse Leisure)		
2.3.4	To determine matters relating to the failure of a Member to attend meetings for a period in excess of 6 months		
2.3.5	To be the Councils' lead Officer responsible for Safeguarding matters		

<b>2.4</b>	<b>Director for Digital and Resources</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
2.4.1	To respond to requests under Data Protection and Freedom of Information legislation		With the exception of requests for review and appeals
2.4.2	To act as the Senior Information Risk Owner for both Councils in respect of the function of Information Security.		
2.4.3	To be the Councils' Senior Responsible Officer for matters related to the Regulation of Investigatory Powers Act 2000.		
2.4.4	To be the link officer with the Commissioner for Local Administration in England ("Local Government Ombudsman")	Monitoring Officer (to reflect the statutory role of the Monitoring Officer in respect of maladministration) and the appropriate Head of Service	
2.4.5	To authorise payments or the provision of other benefits under s.92, Local	Appropriate Head	

	Government Act, 2000 (payments in cases of maladministration) or by way of local settlement in relation to Local Government Ombudsman complaints.	of Service, Monitoring Officer and, if over £1000, Head of Finance	
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<b>2.5</b>	<b>Director for Economy</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
2.5.1			

<b>2.6</b>	<b>Chief Executive, all Directors and all Heads of Service</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
	<b>General</b>		
2.6.1	To manage the functions for which they are responsible.		
2.6.2	To make minor amendments to any Policy, Strategy, Consultation or similar document and sign notices, other than legal notices, arising from any decision of The Council.		
2.6.3	To respond to consultations.		
2.6.4	To dispose of lost or uncollected property	Solicitor to the Council	
2.6.5	To procure goods and services	Head of Business & Technical Services (Procurement)	
2.6.6	To exercise powers and determine all matters relating to the supply of goods and services to other local authorities and public bodies in respect of the functions for which they are responsible.	Solicitor to the Council Head of Finance	
2.6.7	To carry out minor development for which planning permission is not required.	Head of Growth (Planning)	
	<b>Contracts</b>		
2.6.8	To do all matters in relation to procurement and the letting of contracts.	Where specified in Contract Standing	In accordance with Contract Standing

		Orders, Head of Business & Technical Services (Procurement) Solicitor to the Council	Orders
	<b>Financial</b>		
2.6.9	To take any action authorised by Financial Standing Orders.		
2.6.10	To manage budgets allocated to the functions for which they are responsible, including authority to incur expenditure on items included in the approved Revenue Estimates or Capital Programme except where the Council has placed a reservation on any such item.		In accordance with Financial Standing Orders
2.6.11	To write off amounts as irrecoverable	Where specified in Financial Standing Orders, Head of Finance Executive Member for Resources	In accordance with Financial Standing Orders
2.6.12	To determine grant applications in relation to the functions for which they are responsible, other than award of grants to voluntary sector organisations.	Solicitor to the Council	
2.6.13	To vary, in exceptional circumstances, fixed fees and charges.	Relevant Executive Member	
2.6.14	To determine charges for the use of relevant services and events not covered by the annual review of fees and charges	Relevant Executive Member	
2.6.15	To submit bids to outside bodies for grant funding.	Head of Finance Solicitor to the Council	
	<b>Assets</b>		
2.6.16	To dispose of surplus assets other than land and buildings, which are not of historical significance, interest or value.		
	<b>Land</b>		
2.6.17	To manage land, property (including rent reviews) and other assets allocated to the functions for which they are responsible.		

2.6.18	To vary the terms and conditions of leases and licences or negotiate the surrender of leases and licenses.		
2.6.19	To give landlord's consent for uses, subject to planning permission.		
	<b>Legal</b>		
2.6.20	To make application for warrants of entry to land or property under the provisions of any legislation, other than warrants for possession of land or property, in relation to functions for which they are responsible.	Where practicable, with the Solicitor to the Council	
2.6.21	To sign, issue and serve all notices required by statute or otherwise to be given by the Council and all necessary advertisements, in relation to functions for which they are responsible.		
2.6.22	To issue fixed penalty notices <b>and community penalty notices</b> where permitted by statute in relation to the functions for which they are responsible.		
	<b>Licences, notices etc.</b>		
2.6.23	The determination of any application for permissions, consents or licences or for registration within the functions for which he/she is responsible.		Except where they are reserved to Council, Executive, Executive Member or Committee
2.6.24	The issue and service of any notice or requisition for information concerned with matters within the functions for which the/she are responsible.		
2.6.25	The carrying out of works in default following non-compliance with any notice concerned with matters within the functions for which the/she are responsible.		
2.6.26	The management of any internal appeal, challenge or objection process against or in support of any of the Council's decisions, other than before a court or tribunal.	Solicitor to the Council	
	<b>Planning</b>		
2.6.27	To make application for all consents required in relation to planning permission in respect of Council land or property in relation to the functions for which they are responsible.		
2.6.28	To make application for all consents required in relation to Building Regulation Approval in respect of Council land or property in relation to the functions for which they are responsible.		



	<b>Cultural Facilities &amp; Activities</b>		
2.6.29	To exercise the Council's functions relating to the provision and management of cultural facilities and activities.		
	<b>Staffing matters</b>		
2.6.30	To determine and take action in relation to all staff matters in accordance with the Officer Procedure Rules.	Where specified in the Officer Procedure Rules, Solicitor to the Council Head of Human Resources	In accordance with Officer Procedure Rules and all Council policies and procedures.  To exclude the determination of redundancies (voluntary or otherwise) and the determination of termination of contracts of employment on the grounds of efficiency of the service.

### 3. DELEGATIONS: SPECIFIC FUNCTIONS – HEADS OF SERVICE

*Subject to the foregoing, there are delegated to the Officer(s) listed below those matters detailed in column 2 subject to the consultation requirements in column 3 and limitations in column 4 below.*

<b>3.1 No</b>	<b>Head of Housing Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.1.1	To determine and take all action in relation to 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.		
3.1.2	To exercise the Council's functions relating to homeless persons.		With the exception of requests for reviews under s202 Housing Act 1996.
3.1.3	To determine applications for Housing Grants (not Social Housing Grants) and the taking of all steps concerned with certification of payment of the same.		
3.1.4	To devise, manage and maintain the Housing Register maintained by the Council under the relevant statutory provisions in accordance with the Council's Housing Allocations Policy.		
3.1.5	To nominate people on the Council's Housing Register to properties managed by Adur Homes and the Registered Social Landlords in accordance with the Council's allocations policy.		
3.1.6	To exercise the Council's regulatory functions in relation to Caravan sites, Fitness and Standards of Housing and Houses in Multiple Occupation.		
3.1.7	To determine and where appropriate give consent for alterations or extensions to former Council houses and flats.		
3.1.8	To acquire or lease property or land in connection with the Council's housing function, for the purpose of providing emergency and temporary accommodation.	To be exercised only after consultation with the Leader, the Executive Member for	

		Resources and the Chief Financial Officer.	
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3.2	Head of Wellbeing		
No	Delegation	Consultation	Limitations
3.2.1	To implement the Council's policies regarding Community Safety and the redirection of crime and disorder.		
3.2.2	To take any action to combat anti-social behaviour including the issue of fixed penalty notices <u>and community penalty notices.</u>		
3.2.3	To exercise the Council's regulatory functions relating to: Amenities on the highway Environmental protection Food Safety and Hygiene Gambling Gaming permits Hackney Carriages and Drivers Health and Safety at Work House to house collections Highway management * Licensable activities under the Licensing Act 2003 Lotteries <del>Markets</del> <del>Motor Salvage Operators</del> Leisure Boats Private Hire Vehicles drivers and operators Public Health (including airports and port health) Public Safety Registration Plates <del>Residential Accommodation</del> Scrap metal dealers Shops and Sunday trading Street Collections Street Trading **	* Adur DC in relation to Highways Maintenance - the relevant Executive <del>Member and the Street Scene Working Group</del> or relevant <del>Working Group</del> where practicable  ** Adur DC in relation to Street Trading - the relevant Executive <del>Member and the Street Scene Working Group</del> or relevant <del>Working Group</del>	

	<u>Drainage</u> , Water and Sewerage Animal Boarding Licenses Pet Shops The Breeding of Dogs Sex Establishments Hypnosis	where practicable	
3.2.4	To determine whether or not a simple caution should be administered following an investigation into an alleged criminal offence	Solicitor to the Council	There must be a full admission It must be a minor matter It must be in the public interest It must be a first offence Copy to be sent with reasons to the Solicitor to the Council To exclude the administration of the caution.
3.2.5	All matters relating to the investigation of matters under the Health & Safety at Work legislation.	Solicitor to the Council	Duly appointed inspectors
3.2.6	To convene meetings of Full Council, Executive, Executive Members, Committees and other bodies.	Mayor, Leader, Executive Member or Chairman as appropriate	
3.2.7	To cancel meetings of Full Council, Executive, Executive Members, Committees and other bodies.	Mayor, Leader, Executive Member or Chairman as appropriate	
<u>3.2.8</u>	<u>To exercise the Councils regulatory functions relating to Animal Welfare.</u>		

<b>3.3 No</b>	<b>Head of Environmental <u>Services and Waste</u> Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.3.1	To exercise the Council's functions relating to the provision and management of recreational facilities.		
3.3.2	To manage (including the authority to agree usage) and maintain all the parks, pleasure grounds, gardens, open spaces, commons, recreational facilities, burial grounds, crematorium and nature reserves within the Council's control.	Adur DC the relevant Executive member in cases where the authority is required to agree usage	
<del>3.3.3</del>	<del>(WBC only) To approve up to three circuses per year in Brooklands.</del>		<del>Not exercisable in respect of ADG.</del>
<del>3.3.43.3</del>	<del>To agree charge fees for medical referees</del>		
<del>3.3.53.3</del>	To exercise the Council's regulatory functions relating to: <b>Animal welfare</b> Pest Control		
<del>3.3.63.3</del>	All matters related to the Council's powers and duties in relation to the coast, rivers and harbours.		
<del>3.3.73.3</del>	All matters relating to pleasure boats, boatman's licences, fisherman's agreements.		
<del>3.3.83.3</del>	To determine as landowner or landlord applications for licences, consents and permissions in respect of the Council's parks and foreshore buildings or land.	Executive Members for Resources and Executive Members for Environment	
<del>3.3.93.3</del>	To collect, remove, recycle and dispose of waste.		
<del>3.3.103.3</del>	To collect, remove, recycle and dispose of litter.		
<del>3.3.113.3</del>	To collect, remove, recycle and dispose of abandoned or unauthorised vehicles.		
<del>3.3.123.3</del>	To determine and communicate the Council's position relating to Goods Vehicle Operators licences.		

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3.3.133.	To authorise the waiving or reduction of charges for special refuse collections, commercial waste collections, green waste collections and clinical waste collections.		
3.3.143.	To undertake vehicle testing and issue Ministry of Transport Certificates and to make appropriate charges, and to waive and reduce such charges.		
3.3.153.	To <u>take any action to combat anti-social behaviour including the issue of fixed penalty notices and community penalty notices</u> for littering, <u>fly tipping, breach of public space protection orders, unlawful camping and dog fouling.</u>		
3.3.163.	To issue fixed penalty notices upon commercial traders for unlawful management of commercial waste		
3.3.173.	To exercise the Council's regulatory functions in respect of street trading		
3.3.17	<u>To undertake all matters related to the inspection and maintenance of Council owned trees</u>	<u>Where a tree is subject to a Tree Preservation Order, only to be exercised in consultation with the Head of Planning and Development</u>	
3.3.18	<u>To undertake all matters relating to the design, installation, inspection and maintenance of all Council owned play areas.</u>	<u>In respect of design and installation to be exercised only in consultation with the Head of Business and Technical Services</u>	

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<b>3.4</b>	<b>Head of Revenues &amp; Benefits</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.4.1	To determine any applications for Housing Benefit, Council Tax Support or similar benefits.		

3.4.2	To make payments of Housing Benefit and Council Tax Support or similar benefits		
3.4.3	To take all necessary actions relating to the demand, collection and the recovery of Council Tax Rates, National Non-Domestic Rates and any other local levy or collected taxes.		
3.4.4	To determine entitlement to mandatory, discretionary and other rate relief applications, including National Non-Domestic Rate relief.		
3.4.5	To serve on the Valuation Officer notice of objection to any proposals for alteration of the Valuation List.		
3.4.6	To make proposals for the alteration of the Valuation List or for inclusion of particular properties in the Valuation List.		
3.4.7	To sign off Valuation Agreements.		

<b>3.5</b>	<b>Head of Customer and Digital Services</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.5.1	All matters relating to on and off street parking	In respect of Adur District Council, consultation with the relevant Executive Member	

<b>3.6</b>	<b>Head of Planning and Development</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.6.1	All matters relating to the naming and numbering of streets.	Relevant Planning Committee Adur DC - relevant Executive Member, Ward member and where	

		practicable the planning committee	
3.6.2	To issue and serve notices pursuant to the Building Act 1984 and Building Regulations and to carry out works in default.		
3.6.3	To decide all Building Regulations applications in accordance with Building Regulations current at time of deposit.		
3.6.4	To determine all relevant charges in accordance with the Building (Prescribed Fees) Regulations 2010 as amended		
3.6.5	To determine applications for Planning permission, listed building consent, conservation area consent, express consent to display advertisements, hazardous substances consent pursuant to the Planning Acts, including: <p>a. development specified in the GPDO where expressed planning permission is required by reason of limitations or conditions by that order; and</p> <p>b. determinations in connection with prior notification procedure under T&amp;CP (General Permitted Development) Order.</p>		The delegation shall not be exercised in relation to: <p>a. applications requiring the Secretary of State to be notified under the Town and Country (Development Plans and Consultations) (Departures) Direction 2009;</p> <p>b. applications for development requiring an environmental impact assessment but excluding applications for a screening or scoping opinion in connection with an environmental impact assessment;</p>



		<p>c. applications comprising 'major' development within the meaning of the T&amp;CP (General Permitted Development) Order;</p> <p>d. applications for development which conflicts materially with the development plan;</p> <p>e. applications materially affecting ancient monuments, and sites of special scientific interest;</p> <p>f. applications made by or on behalf of jointly with or promoted by the Council, a parish Council, West Sussex County Council any other local authority;</p> <p>g. where the application has been made by a member or an officer;</p> <p>h. where a member of</p>
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			the Council not more than 28 days after validation of an application requests otherwise.
3.6.6	To determine applications for consent pursuant to the conditions and limitations under the Planning Acts.		
3.6.7	To determine the Council's stance in respect of and respond to consultation opinions concerning matters including, but not limited to, Neighbourhood Plans and WSCC planning applications unless they are for 'major' development within the meaning of the T&CP (General Development Procedure) Order.	In respect of Neighbourhood Plans, in consultation with Relevant Executive Member	
3.6.8	To determine applications for lawful development certificates (Town and Country Planning Acts Sections 191 and 192).	Solicitor to the Council where necessary.	
3.6.9	To give, make and confirm any Order or Direction under the Planning Acts		
3.6.10	To issue, serve, modify and withdraw any Notice under the Planning Acts and to carry out works in default including ruines and dilapidated buildings and neglected sites (Building Act 1984, Section 79).		
3.6.11	To determine applications and to take any action under Anti-Social Behaviour Act (2003) Part 8 (High Hedges).		
3.6.12	Subject to the limitations imposed above to determine the Council's stance in respect of and respond to consultations and opinions concerning matters referred to above.		
3.6.13	All matters relating to the Planning (Hazardous Substances) Act, 1990.		
3.6.14	To issue and serve notices in relation to breaches of conditions in relation to planning permissions.		
3.6.15	To negotiate and enter into planning or other agreements regulating or controlling the use of development of land.	Solicitor to the Council	Not where the determining body for any associated

			planning application is a committee.
3.6.16	To make minor amendments in planning or other agreements regulating or controlling the use or development of land where the determining body for any associated planning application is a committee.	Solicitor to the Council	
3.6.17	To issue serve modify or withdraw any enforcement action or notices under the Planning Acts, etc.	Solicitor to the Council	

<b>3.7</b>	<b>Head of Finance</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.7.1	To take any action relating to borrowing in accordance with the Council's borrowing strategy.		
3.7.2	To borrow by way of bank overdraft from the Council's current bankers subject to annual review by the bank and the Executive Member for Resources.	Executive Member for Resources	£1,000,000
3.7.3	To make payments into the insurance fund.		
3.7.4	To make payments in respect of any claims where the Council's insurers may be involved.		
3.7.5	To invest available funds on appropriate terms and in accordance with the Council's investment strategy.		
3.7.6	To make payment of any sums due from the Council.		
3.7.7	To make repayments to the West Sussex County Council Pension Fund from those reserves earmarked for pensions contributions.		
3.7.8	To write off debts.		In accordance with the Financial Procedure Rules
3.7.9	To investigate allegations of housing benefit or council tax benefit fraud.		Not exercisable in respect of ADC.
3.7.10	To investigate and report upon any allegations of fraud or dishonesty.		
3.7.11	In respect of housing benefit and council tax fraud, to determine whether or not a simple caution or administrative penalty should be administered following an investigation into an alleged criminal offence.	Solicitor to the Council	Not exercisable in respect of ADC. There must be a full admission It must be a 1st offence It must be for sums less than £500 It must be in the public interest It must not be a complex fraud or attempted fraud

			Copy to be sent with reasons to EHC&CS
3.7.12	In respect of housing benefit and council tax fraud, to administer simple cautions and administrative penalties.		Not exercisable in respect of ADC.
3.7.13	To settle any claims where the Council's Insurers may be involved.	Solicitor to the Council	
<b>3.8</b>	<b>Head of Human Resources</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.8.1	To confirm the appointment of staff on the satisfactory completion of probationary period.	Appropriate Head of Service	
3.8.2	To implement decisions arising from the Council's pay and grading procedure.		
3.8.3	To implement any nationally agreed pay settlements.	Head of Finance	
3.8.4	To maintain a register of politically restricted posts and ancillary matters.		
3.8.5	To comply with all legislation and government guidance on transparency in pay within the Council, including taking the annual pay policy statement to Council		
3.8.6	To execute settlement agreements between the Council and its employees or former employees in circumstances where redundancy or termination of contract on the grounds of efficiency of the service have been approved.	Solicitor to the Councils	
<b>3.9</b>	<b>Head of Legal Services and Monitoring Officer</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.9.1	Legal Proceedings: a. To determine what, if any legal action should be taken following any investigation into a criminal matter (except in relation to Health & Safety at Work). b. To institute, prosecute or terminate any proceedings which the Council is empowered to undertake in or before any Court, Tribunal, Inquiry or by way of Fixed Penalty Notice <u>or Community Penalty Notice</u> (except in relation to Health & Safety at Work). c. To defend or settle any proceedings brought against the Council (except in relation to Health & Safety at Work). d. To take any action incidental or inclusive to or which would facilitate any		In respect of settling legal proceedings a confidentiality clause may not be included unless the prior written agreement has been obtained from the Leader of the Council (or Deputy in their absence) and the Leader of the Main

	<p>action under this paragraph.</p> <p>e. To administer simple cautions.</p> <p>f. To determine whether or not any legal proceedings should be taken in any particular case or set of circumstances.</p>		Opposition (or Deputy in their absence).
3.9.2	To appoint and instruct legal service providers <u>to include external Solicitors and Barristers.</u>		
3.9.3	To determine whether or not a simple caution or other alternative to prosecution should be administered following an investigation into an alleged criminal offence.		
3.9.4	To settle any claims where the Council's Insurers may be involved.	Head of Finance	
3.9.5	To negotiate and enter into planning or other agreements regulating or controlling the use <del>of</del> <u>or</u> development of land.	Head of Planning & Development	Not where the determining body for any associated planning application is a committee.
3.9.6	To make minor amendments <del>in</del> <u>to</u> planning or other agreements regulating or controlling the use or development of land where the determining body for any associated planning application is a committee.	Head of Planning & Development	
3.9.7	To issue, <del>serve,</del> <u>modify</u> or withdraw any enforcement action or notices under the Planning Acts, etc.	Head of Planning & Development	
3.9.8	To carry out or authorise the carrying out of works in default under any statutory provisions (including Notices concerning ruinous and dilapidated <u>or dangerous</u> buildings and neglected sites) <del>(Building Act 1984, Section 79).</del>		
3.9.9	To determine applications under the Local Government (Miscellaneous Provisions) Acts 1982 Section 37 <u>in relation to</u> <del>(Temporary Markets).</del>		
3.9.10	To give, make and confirm any Order or Direction under the Planning Acts including Tree Preservation Orders (and associated applications for consent for works) and notification of works to trees in conservation areas.	Head of Planning & Development	Not to confirm if there are any objections
3.9.11	To exercise the Council's powers relating to temporary road closures. <del>Town Police Clauses Act, 1847.</del>		
3.9.12	To seal any document on behalf of the Council.		
3.9.13	<del>To review authorisations under the Regulation of Investigatory Powers Act 2000.</del>		

3.9.14	To negotiate and agree the terms of any contract.		In accordance with the Contract Procedure Rules.
3.9.15	To sign any contract on behalf of the Council.		In accordance with the Contract Procedure Rules.
3.9.16	To authorise the attendance of officers at Court under any statutory provision.		
3.9.17	To authorise service of any statutory requisition for information as to interests in land.		
3.9.18	To execute any legal document on behalf of the Council.		
3.9.19	All matters relating to consultations with Sussex Police and other bodies in relation to Anti-Social Behaviour.		
3.9.20	All matters relating to the consecration of land.		
3.9.21	To issue, serve, suspend or withdraw any notices in respect of any matter for which the Council has power to act.		
3.9.22	To respond to requests for review under Data Protection and Freedom of Information legislation.		
3.9.23	All matters relating to the investigation of matters under the Health & Safety at Work legislation.		
3.9.24	To make minor or consequential amendments to the Council's Constitution.		
3.9.25	To make orders relating to <del>Designated Public Places and Alcohol Disorder Zones</del> <u>Public Space Protection Orders</u> in accordance with the <del>Criminal Justice and Police Act 2001 and the Violent Crime Reduction Act 2006</del> <u>Anti-social Behaviour, Crime and Policing Act 2014</u> .		
3.9.26	To grant dispensations in respect of Disclosable Pecuniary Interests in accordance with the Localism Act 2011.		
3.9.27	To determine the approval of the Adur District Council and Worthing Borough Council <del>logo</del> <u>Crest / Coat of Arms</u> in appropriate circumstances.	In consultation with the Leader <del>of Adur District Council in respect of the Adur District Council logo</del> <u>. In consultation with</u>	

		the Leader of Worthing Borough Council in respect of the Worthing Borough Council lege.	
3.9.28	To act as the Councils' Co-ordinator in respect of all Regulation of Investigatory Powers Act 2000 matters	In accordance with the Councils' Surveillance Policy	

<b>3.10 Head of Business &amp; Technical Services</b>			
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.10.1	To take any action necessary with regard to the Council's Emergency Planning functions.		
3.10.2	To manage the improvement, refurbishment, maintenance and new build provision of the Council's non-housing property portfolio not specifically the responsibility of other officers.		
3.10.3	To exercise the Council's powers in respect of water supply, sewerage and drainage.		
3.10.4	To exercise the Council's powers in respect of land drainage.	Adur DC - relevant Executive Member	
3.10.5	To exercise the Council's powers affecting the design or maintenance of highways		
3.10.6	All matters relating to coastal and dredging licence applications		Such development must be permitted in a General Permitted Development Order or have been granted planning permission



3.10.7	All matters related to the Council's powers and duties in relation to the coast, rivers and harbours		
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<b>3.11</b>	<b>Head of Culture</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.11.1	To manage (including the authority to agree usage) and maintain the theatres and museums within the Council's control.	Adur DC the relevant Executive member in cases where the authority is required to agree usage	
3.11.2	To manage the function of Events Management	In consultation with the Council's Head of Communications and Emergency Planning Officer, and where the event is expected to be attended by 500 people or more, the Leader of the relevant Council.	

<b>3.12</b>	<b>Head of Place &amp; Economy</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>
3.12.1	To approve and grant seasonal concession licence agreements on behalf of the Councils	In consultation with the relevant Executive Member, the Solicitor for the Council and the	

		Head of Planning & Development	
<u>3.12.2</u>	<u>To approve non animal related Circuses</u>	<u>In consultation with the Head of Environmental Services and with the relevant Executive Member</u>	<u>Limited to a maximum of 3 per year in Adur District Council.</u> <u>Limited to a maximum of 3 per year in Worthing Borough Council</u>
<u>3.12.3</u>	<u>To exercise the Councils' regulatory functions relating to Markets</u>	<u>Solicitor to the Council</u>	

<b>3.13</b>	<b>Head of Major Projects &amp; Investment</b>		
3.13.1	To manage the improvement, refurbishment, maintenance and new build provision of the Council's non-housing property portfolio not specifically the responsibility of other officers.		
3.13.2	To acquire land in connection with the Council's functions and to take leases, easements, licences and wayleaves of, in, or over buildings or land in connection with the Council's functions.	Where acquisition of land is purchased through the Strategic Investment Fund, the delegation is to be exercised in consultation with the Leader, Executive Member for Resources and the Chief Financial Officer	

3.13.3	To dispose of land in connection with the Council's functions and to grant leases, easements, licences and wayleaves of, in, or over buildings or land in connection with the Council's functions.		
3.13.4	To determine as landowner or landlord applications for licences, consents and permissions in respect of the Council's buildings or land.	Executive Member for Resources	
<b>3.14</b>	<b>Head of Communications</b>		
<b>No</b>	<b>Delegation</b>	<b>Consultation</b>	<b>Limitations</b>

#### 4. PROPER OFFICER AND AUTHORISED OFFICER FUNCTIONS

*The following proper officer and/or authorised officer functions listed in column 3 are assigned to the officers and deputies in columns 4 and 5.*

<b>4.1 Functions relating to Officers</b>				
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.1.1	s.2 Local Government and Housing Act 1989	To maintain a list of politically restricted posts	Head of Human Resources	
4.1.2	s.3A Local Government and Housing Act 1989	To determine applications for exemption from the list of politically restricted posts	Chief Executive in consultation with MO	Head of Legal
4.1.3	s.4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive	Nominated Director
4.1.4	s.5 Local Government and Housing Act 1989	Monitoring Officer	Head of Legal	Senior Solicitors
4.1.5	Sch.1, Part II, Para.5 Local Authorities (Standing Orders) (England) Regulations 2001	Process requiring notification to Executive and objections to be considered where appointment or dismissal of Head of Paid Service, Chief Officers or Deputy Chief Officers involved	Monitoring Officer	Deputy Monitoring Officer(s)

<b>4.2 Functions relating to Democratic Process</b>				
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.2.1	s.8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive	Director for Digital and Resources
4.2.2	s.52 Representation of the People Act 1983	Deputy Electoral Registration Officer	Director for Digital and Resources	Head of Customer and Digital Services
4.2.3	s.35 Representation of the People Act 1983	Returning Officer	Chief Executive	Officer(s) appointed in writing by the Returning Officer

4.2.4	s.82 Representation of the People Act 1983	To receive declaration of Election expenses	Director for Digital and Resources	Head of Customer and Digital Services
4.2.5	s.83 Local Government Act 1972	Declarations of acceptance of office	Chief Executive	Director for Communities
4.2.6	s.84 Local Government Act 1972	Receipt of resignations	Chief Executive	Director for Communities
4.2.7	s.86 Local Government Act 1972	To declare any vacancy in office	Chief Executive	Director for Communities
4.2.8	s.88(2) Local Government Act 1972	Convene a meeting to fill a vacancy of a chair	Director for Communities	Head of Wellbeing
4.2.9	s.89(1) Local Government Act 1972	Receive from two electors Notices of Casual Vacancies of Councillors	Chief Executive	Director for Digital and Resources
4.2.10	s.100B(2),(7) and 100H Local Government Act 1972	Excluding from the Public reports which are not likely to be considered in open session; and provision to the press/public of other documents provided to members where the Proper Officer thinks fit	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.11	s.100C(2) Local Government Act 1972	Where part or the whole of the report has been exempt the Proper Officer shall make a written summary of the proceedings or a part to provide a record without disclosing the exempt information.	Director for Communities	Head of Wellbeing
4.2.12	s.100D Local Government Act 1972	Compilation of list of background documents relied upon to a material extent in producing the report or disclosing important facts	Author of Report	
4.2.13	s.100F Local Government Act 1972	Deciding whether documents for inspection in connection with Committees contain exempt information under a paragraph of Schedule 12A	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.14	s.41 Local Government Miscellaneous Provisions Act 1976	To certify copies of Resolutions Orders Reports or Minutes of the Council or any Predecessor Authority	Director for Communities	Head of Wellbeing
4.2.15	Reg.9 Local Government (Committees and Political Groups) Regulations 1990	Receipt of Notice re Political Groups	Director for Communities	Head of Wellbeing

4.2.16	Reg.10 Local Government (Committees and Political Groups) Regulations 1990	Receipt of Notice of Cessation of Membership of Political Group	Director for Communities	Head of Wellbeing
4.2.17	Reg.13 Local Government (Committees and Political Groups) Regulations 1990	To accept wishes of Political Groups in respect of proportionality	Director for Communities	Head of Wellbeing
4.2.18	Reg.14 Local Government (Committees and Political Groups) Regulations 1990	To notify Political Groups of allocations	Director for Communities	Head of Wellbeing
4.2.19	Part 3 Local Government Act 1974	Local Government Ombudsman functions, including giving public notice of reports	Director for Digital and Resources in consultation with Monitoring Officer	Head of Customer and Digital Services
4.2.20	Local Authorities (Referendum) (Petitions) (England) Regulations 2011	Proper Officer function	Director for Digital and Resources	Head of Customer and Digital Services
4.2.21	Local Authorities (Conduct of Referendums) (England) Regulations 2012	Proper Officer function	Director for Digital and Resources	Head of Customer and Digital Services
4.2.22	s.29 Localism Act 2011	Establish and maintain a register of members' and co-opted members' interests	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.23	s.30-31 Localism Act 2011	Receipt of members' and co-opted members' declarations of interests and changes to those interest within 28 days	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.24	s.32 Localism Act 2011	Sensitive interests	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.25	s.33 Localism Act 2011	Dispensations from restrictions under s.31(4)	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.26	Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England)	Access to information, recording executive decisions and the Forward Plan	Director for Communities	Head of Wellbeing

	Regulations 2012			
4.2.27	s. 21A Local Government Act 2000 (as amended)	Decision making in respect of Councillor Call for Action	Director for Communities	Head of Wellbeing

<b>4.3 Functions relating to Finance</b>				
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.3.1	All legislation prior to 1 <sup>st</sup> April 1972; s.151 Local Government Act 1972; and ss.114-116 Local Government Finance Act 1988	Proper Officer in relation to references to Treasurer or Borough Treasurer; the officer responsible for the proper management of the Council's financial affairs and for making reports to Cabinet/Council	Head of Finance	Deputy s.151 Officer(s)
4.3.2	All legislation prior to 1st April 1972	Proper Officer in relation to declarations and certificates with regard to securities	Head of Finance	Deputy s.151 Officer(s)
4.3.3	s.115(2) Local Government Act 1972	For receipt of monies due to the Council from Officers	Head of Finance	Deputy s.151 Officer(s)

<b>4.4 Functions relating to Legal Processes</b>				
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.4.1	s.229 Local Government Act 1972	To certify photographic copies of documents to be a true copy (other than those under Public Records Act 1958)	Head of Legal	Senior Solicitor(s)
4.4.2	s.234 Local Government Act 1972	To sign Notices Orders or other documents authorised or required by or under any Enactment	Head of Legal	Senior Solicitor(s)
4.4.3	s.236 Local Government Act 1972	To send copies of Byelaws to Parish and Community Councils to which they apply.	Head of Legal	Senior Solicitor(s)
4.4.4	s.238 Local Government Act 1972	Certification of printed copies of Byelaws	Head of Legal	Senior Solicitor(s)
4.4.5	s.36 Freedom of Information Act 2000	Non-disclosure where potential to prejudice the effective conduct of public affairs	Head of Legal	Senior Solicitor(s)
4.4.6	Sch.12 Local Government Act 1972	Signing and serving of Summonses from meetings of Principal Councils	Director for Communities	Head of Wellbeing
<b>Court Representation</b>				
4.4.7	Every Solicitor, Barrister or Chartered Legal Executive employed or engaged by the Council (irrespective of his or her job title) shall be authorised to appear on its behalf before any Court, Tribunal or other hearing before which they have a Right of			



	Audience and to exercise the powers given by the relevant professional body.			
4.4.8	In addition to the powers delegated in Section 3 above and the rights to appear in Court detailed in paragraphs 4.4.7, the following Officers in column 4 are authorised to appear on behalf of the Council and to conduct proceedings in Court in relation to the functions mentioned in column 3.			
4.4.9	There may be Officers other than those listed in 4.7 who are authorised to appear in Court on behalf of the Council by virtue of the Head of Legal's delegation at 3.8.16 to provide such authorisation. Any authorisations made under delegation 3.8.16 will be recorded in writing and shall be provided to the Monitoring Officer within five working days and made available on the intranet.			
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.4.10	s.223 Local Government Act 1972 and s.60 County Courts Act 1984	In respect of possession matters and for any purpose for which the Council is empowered to authorise Officers to appear on its behalf	Legal Assistants Trainee Solicitors	
4.4.11	s.223 Local Government Act 1972	In respect of National Non-Domestic Rating or Council Tax matters	Head of Revenues and Benefits	Revenues and Recovery Team Leader
4.4.12	Part 9 Insolvency Rules 1986	Examination of persons concerning company and individual insolvency	Head of Revenues and Benefits (in consultation with Head of Legal)	
4.4.13	Part I Health and Safety at Work etc. 1974		Head of Wellbeing (in consultation with Head of Legal)	

<b>4.5</b>	<b>Functions in relation to Public Health</b>			
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.5.1	s.79 Public Health Act 1936 & Schedule 29 Part 1 Local	Removal of Noxious Matter	Director for Communities	Head of Wellbeing

	Government Act 1972			
4.5.2	s.84 Public Health Act 1936 & Schedule 29 Part 1 Local Government Act 1972	Verminous Articles	Director for Communities	Head of Wellbeing
4.5.3	s.85 Public Health Act 1936 & Schedule 29 Part 1 Local Government Act 1972	Verminous People	Director for Communities	Head of Wellbeing
4.5.4	Part XI Local Government Miscellaneous Provisions Act 1982	Public Health	Director for Communities	Head of Wellbeing
4.5.5	Part 1 Section 46 Care Act 2014	Removal of people in need	Director for Communities	Officers of Health Authority etc. authorised under Section 113 (1A) of the Local Government Act 1972
4.5.6	s.37 Public Health Act 1961	Verminous Articles	Director for Communities	Head of Wellbeing
4.5.7	Public Health (Control of Disease) Act 1984	Infectious Diseases and Dead Bodies	Director for Communities	Head of Wellbeing
4.5.8	Sch.14 Paragraph 25(7) Local Government Act 1972	To certify copies of Resolutions applying or disapplying provisions of the Public Health Act 1875 to 1925	Director for Communities	Head of Wellbeing
4.5.9	Food Safety Act 1990 (as amended)	Food Safety and authentication of documents	Director for Communities	Head of Wellbeing
4.5.10	s.40 Anti-Social Behaviour Act 2003	Closure order in respect of noisy premises where public nuisance	Chief Executive	Director for Communities
4.5.11	s.78 Building Act 1984	Authorise action in relation to dangerous structures	Appropriate Director	Appropriate Head of Service
4.5.12	European Communities Act 1972	Food Safety	Director for Communities	Head of Wellbeing
4.5.13	Pet Animals Act 1951 (as		Director for	Head of

	amended) & Pet Animals Act 1983		Communities	Wellbeing
4.5.14	Caravan Sites and Control of Development Act 1960		Director for Communities	Head of Wellbeing
4.5.15	Animal Boarding Establishments Act 1963		Director for Communities	Head of Wellbeing
4.5.16	Riding Establishments Act 1964 and 1970		Director for Communities	Head of Wellbeing
4.5.17	Scrap Metal Dealers Act 2013		Director for Communities	Head of Wellbeing
4.5.18	Breeding of Dogs Act 1973 and 1991 & Breeding and Sale of Dogs (Welfare) Act 1999		Director for Communities	Head of Wellbeing
4.5.19	Part 1 & Part 2 Local Government (Miscellaneous Provisions) Act 1976		Director for Communities	Head of Wellbeing
4.5.20	Zoo Licensing Act 1981		Director for Communities	Head of Wellbeing
4.5.21	Part 2 & Part 3 Local Government (Miscellaneous Provisions) Act 1982		Director for Communities	Head of Wellbeing
4.5.22	Part VII & Part XI Local Government (Miscellaneous Provisions) Act 1982		Director for Communities	Head of Wellbeing
4.5.23	Public Health (Control of Disease) Act 1984		Director for Communities	Head of Wellbeing
4.5.24	Control of Pollution (Amendment) Act 1989		Director for Communities	Head of Wellbeing
4.5.25	Clean Neighbourhoods and Environment Act 2005		Director for Communities	Head of Wellbeing
4.5.26	Health Act 2006 Chapter 1		Director for Communities	Head of Wellbeing
4.5.27	Part 4 Anti-social Behaviour, Crime and Policing Act 2014		Director for Communities	Head of Wellbeing

4.5.28	Parts 1, 2, 2A and 3 Environmental Protection Act 1990		Director for Communities	Head of Wellbeing
4.5.29	Part 4 Environment Act 1995		Director for Communities	Head of Wellbeing
4.5.30	s.108 Environment Act 1995		Director for Communities	Head of Wellbeing
4.5.31	Part 1 & Part 3 Prevention of Damage by Pests Act 1949		Director for Communities	Head of Wellbeing
4.5.32	Control of Pollution Act 1974		Director for Communities	Head of Wellbeing
4.5.33	Dangerous Wild Animals Act 1976		Director for Communities	Head of Wellbeing
4.5.34	Refuse Disposal (Amenity) Act 1978		Director for Communities	Head of Wellbeing
4.5.35	Town Police Clauses Act 1847		Director for Communities	Head of Wellbeing
4.5.36	Housing Act 1985, 1989 and 2004		Director for Communities	Head of Wellbeing
4.5.37	Clean Air Act 1993		Director for Communities	Head of Wellbeing
4.5.38	Pollution Prevention and Control Act 1999		Director for Communities	Head of Wellbeing
4.5.39	Environmental Damage (Prevention and Remediation) Regulations 2015		Director for Communities	Head of Wellbeing
4.5.40	Health and Safety at Work 1974		Director for Communities	Head of Wellbeing
4.5.41	Animal Welfare Act 2006		Director for Communities	Head of Wellbeing
4.5.42	s.59 Building Act 1984		Director for Communities	Head of Wellbeing
4.5.43	House to House Collections Act 1939		Director for Communities	Head of Wellbeing

4.5.44	Police, Factories, etc. (Miscellaneous Provisions) Act 1916		Director for Communities	Head of Wellbeing
4.5.45	Hypnotism Act 1952		Director for Communities	Head of Wellbeing

<b>4.6 Miscellaneous Functions</b>				
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.6.1	s.100G Local Government Act 1972	Maintain a list of members	Director for Communities	Head of Wellbeing
4.6.2	s.100G Local Government Act 1972	Maintain a list of delegations to officers and the like	Monitoring Officer	Deputy Monitoring Officer(s)
4.6.3	s.146(1)(a) Local Government Act 1972	Statutory Declaration re Change of Name of the Authority in connection with Companies	Head of Legal	Senior Solicitor(s)
4.6.4	s.191(2) Local Government Act 1972	Applications under the Ordnance Survey Act 1841	Director for Economy	
4.6.5	s.210 Local Government Act 1972	In respect of Powers with regard to Charities	Director for Communities	Head of Wellbeing
4.6.6	s.225 Local Government Act 1972	Deposit of documents in accordance with Standing Orders of either House of Parliament, Enactment or Statutory Instrument	Head of Legal	Senior Solicitor(s)
4.6.7	s.248 Local Government Act 1972	To keep the roll of Freeman of City or Town in District	Chief Executive	Director for Communities
4.6.8	Any other provisions for which arrangements are not specifically made under this Scheme of Delegation	Any other legislation whether made before or after this list was approved and requiring a proper officer or authorised officer where not otherwise stated in the Council's approved scheme of delegations from time to time	Chief Executive	

<b>4.7 Functions in relation to Entry of Land/Premises</b>	
4.7.1	The Chief Executive, Directors, Solicitor to the Council, Senior Solicitors, Solicitors, Senior Legal Executives, Legal Executives and Emergency Planning Officer shall be authorised to enter land or premises in relation to any function of the Council, subject to any applicable statutory constraints.

4.7.2	In addition to the powers delegated in Section 3 above, the following Officers in column 4 are authorised to enter land or premises for or in connection with their duties and pursuant to the functions mentioned in column 3, subject to any applicable statutory constraints.			
4.7.3	An Officer authorised to enter land is also authorised to seek a warrant to enter.			
4.7.4	An Officer authorised to enter land may take with him or her such other persons and equipment as may be necessary.			
4.7.5	The right to enter given by paragraph 4.7 shall extend to the exercise of the power to make inspections, to provide samples and to examine and seize goods.			
<b>Environmental Health, Housing etc.</b>				
<b>No</b>	<b>Act</b>	<b>Function</b>	<b>Officer</b>	<b>Deputy</b>
4.7.6		Animal Welfare Caravan Sites Environmental Protection Food Safety and Hygiene Health and Safety at Work Housing Licensing Act 2003 Pest Control Public Health Public Safety Scrap Metal Dealers Shop Acts Street Trading Sunday Trading Gambling Act 2005 Animal Boarding Licences Pet Shops The Breeding of Dogs Zoo Licensing Sex Establishments Hypnosis Dangerous Wild Animals Act 1976 Riding Establishments Act 1964 and 1970 Drainage including s.59 Building Act 1984	Director for Communities and such others as shall be delegated in writing by him/her from time to time	Head of Wellbeing

<b>Planning</b>			
4.7.7	ss.178, 196A, 196B, 324 & 325 Town and Country Planning Act 1990		Director for Economy/Director for Communities, as appropriate
4.7.8	s.88 Planning (Listed Buildings and Conservation Areas) Act 1990		Planning Services Manager
4.7.9	s.36 Planning (Hazardous Substances) Act 1990		Development Control Manager Principal Planning Officers Senior Planning Officers Planning assistants Senior Enforcement Officer Enforcement Assistant
4.7.10	Part 8 Anti-Social Behaviour Act 2003		Director for Communities Planning Services Manager Development Control Manager Principal Planning Officers Senior Planning Officers Planning assistants Senior Enforcement Officer Enforcement

			Assistant Senior Technical Officer (Parks)	
<b>Building Control</b>				
4.7.11	s.95 Building Act 1984	General power of entry in relation to building regulations	Head of Building Control and Land Charges Principal Building control Surveyor Senior Building control surveyor Building control surveyor Fire Safety Officer	
<b>Local Taxation</b>				
4.7.12		Collection of Local Taxes	Director for Digital and Resources and Head of Revenues and Benefits Inspector/Collector	
<b>Land Drainage and Sewerage Undertaking</b>				
4.7.13	Water Industry Act 1991		Principal Engineer	
4.7.14	Land Drainage Act 1991		Senior Engineer	