



LEADER AND LEAD MEMBER FOR STRATEGIC MANAGEMENT AND ECONOMIC DEVELOPMENT

DECISIONS to be made by the Leader and Lead Member for Strategic Management and Economic Development, Councillor Keith Glazier

FRIDAY, 3 MAY 2024 AT 2.00 PM

REMOTE MEETING VIA MICROSOFT TEAMS

AGENDA

1. Decisions made by the Lead Cabinet Member on 14 March 2024 (*Pages 3 - 6*)
2. Disclosure of Interests
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
3. Urgent items
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
4. Regulation of Investigatory Powers Act 2000 (as amended) ('RIPA') and Investigative Powers Act 2016 ('IPA') update (*Pages 7 - 32*)
Report by the Assistant Chief Executive
5. Delegations in relation to Executive Functions (*Pages 33 - 94*)
Report by the Assistant Chief Executive
6. Any urgent items previously notified under agenda item 3

PHILIP BAKER
Assistant Chief Executive
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25 April 2024

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LEADER AND LEAD MEMBER FOR STRATEGIC MANAGEMENT AND ECONOMIC DEVELOPMENT

DECISIONS made by the Leader and Lead Member for Strategic Management and Economic Development, Councillor Keith Glazier and Councillor Bob Standley, on 14 March 2024 at Remote Meeting via Microsoft Teams

Councillor Godfrey Daniel spoke on items 4 and 9 (see minutes 37 and 41)

33. DECISIONS MADE BY THE LEAD CABINET MEMBER ON 16 FEBRUARY 2024

33.1 The Lead Member approved as a correct record the minutes of the meeting held on 16 February 2024.

34. DISCLOSURE OF INTERESTS

34.1 Councillor Glazier declared a personal interest in item 9 as a director of SELEP Ltd. Although he did not consider this to be prejudicial, Councillor Glazier delegated the decision at item 9 to Councillor Standley and left the room for this agenda item.

35. URGENT ITEMS

35.1 There were none.

36. REPORTS

36.1 Reports referred to in the minutes below are contained in the minute book.

37. SELEP TRANSITION - UPDATE SCHEME OF DELEGATIONS TO OFFICERS

37.1 The Leader and Lead Member considered a report by the Director of Communities, Economy and Transport.

37.2 It was noted that since the report was published, it has been suggested by the Department for Levelling Up, Housing and Communities that they will also be a signatory of the transition agreement. As a consequence the recommendation in the report was amended at the meeting to include the Department for Levelling Up, Housing and Communities.

DECISIONS

37.3 The Leader and Lead Member RESOLVED to:

(1) Agree the delegations to Officers set out in Appendices 1 and 2 of the report;

(2) Agree to enter into a transition agreement with Essex County Council, the other South East Local Enterprise Partnership Upper Tier Local Authorities and, subject to confirmation, the Department for Levelling Up, Housing and Communities, to give effect to the transfer of Local Enterprise Partnership Functions; and

(3) Delegate authority to the Director of Communities, Economy and Transport to agree the terms of such agreement.

REASONS

37.4 Central Government confirmed in August 2023 that they will no longer fund the national network of Local Enterprise Partnerships (LEP)s from 2024/25 and that LEP functions should be integrated into the constituent Upper Tier Local Authorities (UTLA)s. The production of the Transition Agreement is the mechanism to give effect to this transfer.

37.5 Delegation to the Director of Communities, Economy and Transport to agree the terms of the Agreement will ensure that the Agreement is completed by the transition date of 1 April 2024.

37.6 The delegations to officers set out in Appendix 1 and Appendix 2 of the report will facilitate operational effectiveness once the LEP functions have transferred to the Council.

38. LEVELLING UP PARTNERSHIP - ROTHER AND HASTINGS

38.1 The Leader and Lead Member considered a report by the Director of Communities, Economy and Transport together with exempt information contained in a later agenda item.

DECISIONS

38.2 The Leader and Lead Member RESOLVED to:

(1) Note the Levelling Up Partnership (LUP) funding being awarded to both Hastings and Rother which includes funds allocated to East Sussex County Council led projects, subject to approval and confirmation from the Department for Levelling Up, Housing and Communities (DLUHC);

(2) Agree the proposal for East Sussex County Council to be the Accountable Body for County Council led projects and for any external led projects;

(3) Subject to approval and confirmation from DLUHC, agree that East Sussex County Council enters into any required legal agreements with Government in respect of the Hastings and Rother LUPs; and

(4) Delegate authority to the Director of Communities, Economy and Transport, in consultation with the Director of Children's Services where appropriate, to agree the terms of such legal agreements and to take any other actions necessary to give effect to the recommendations in the report.

REASONS

38.3 The Government's Levelling Up Partnerships will bring benefits to Rother and Hastings through 2024/25.

38.4 Although working to a tight programme, with further details still emerging, the opportunity for the County Council to access LUP funding has provided an avenue for delivering priority projects for the county that otherwise either might not have been able to proceed or would have required direct County Council spending at a time when resources are stretched.

39. EXCLUSION OF THE PUBLIC AND PRESS

39.1 It was RESOLVED to exclude the public and press for the remaining agenda items on the grounds that if the public and press were present there would be disclosure to them of exempt information as specified in paragraph 3 of Part 1 of the Local Government Act 1972 (as amended), namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

40. LEVELLING UP PARTNERSHIP - ROTHER AND HASTINGS - EXEMPT INFORMATION

40.1 The Leader and Lead Member considered a report by the Director of Communities, Economy and Transport which provided exempt information in support of an earlier item on the agenda.

DECISIONS

40.2 The Leader and Lead Member RESOLVED to note the exempt information set out in Appendix 1 of the report in support of an earlier agenda item.

REASONS

40.3 The report contained exempt information in relation to an earlier item on the agenda.

41. DELIVERY OF INFRASTRUCTURE PROJECT - 'QUEENSWAY GATEWAY ROAD' - DELIVERY OPTIONS, DELIVERY PROGRAMME, TOTAL COSTS AND FUNDING PACKAGE

41.1 The Lead Member for Education and Inclusion, Special Educational Needs and Disability considered a report by the Director of Communities, Economy and Transport.

DECISIONS

41.2 The Lead Member RESOLVED to approve the recommendations in the report, for the reasons set out in the report. The decision and reasons are set out in an exempt minute.

Report to: Leader and Lead Member for Strategic Management and Economic Development

Date: 3 May 2024

By: Assistant Chief Executive

Title of report: Regulation of Investigatory Powers Act 2000 (as amended) ('RIPA') and Investigative Powers Act 2016 ('IPA') update

Purpose of report: To set the County Council's policy covering their use.

RECOMMENDATION:

The Leader is recommended to approve the County Council's Policy in relation to the use of covert investigative techniques ('the Policy') as set out in Appendix 1.

1. Background

1.1 This Policy is predominantly based on the requirements of RIPA, IPA and the Home Office codes. The RIPA introduced a system of authorisation and monitoring of surveillance activities, to ensure that the rights of the individual were not unnecessarily compromised. The IPA has since been introduced to require a similar system of authorisation in respect to the acquisition of communications data.

1.2 In accordance with recommendations made by the Investigatory Powers Commissioner, elected members of a local authority should set the policy at least once a year.

1.3 The County Council's use of RIPA applications / authorisations is reported on a quarterly basis to Cabinet and the County Council.

2. Proposed changes to the Policy

2.1 The existing policy in relation to the use of covert investigative techniques is kept under review and formally reviewed on an annual basis. There are no substantial proposed changes to the policy, although there have been a few minor stylistic changes.

2.2 The Policy that the Leader and Lead Member is asked to approve is at Appendix 1.

3. Conclusion and Reasons for Recommendation

3.1 It is proposed that the Leader and Lead Member approves the relevant Policy to comply with the requirements of RIPA, IPA and the Home Office codes.

PHILIP BAKER

Assistant Chief Executive

Contact Officer: Robert Freeman Tel No: 01273 336715

Local Member: All

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Policy in relation to the use of covert investigative techniques

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- [Policy version](#)

1. Introduction

This policy document is based on the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA) as amended, The Protection of Freedoms Act 2012, The Investigatory Powers Act 2016 (IPA) and the Home Office codes, namely the:

- *Codes of Practice for Covert Surveillance and Property Interference*

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- Codes of practice for interceptions of communications; and
- Covert surveillance and covert human intelligence sources codes of practice

Links to the above documents can be found at:-

- [Regulation of Investigatory Powers Act 2000](#)
- [Protection of Freedoms Act 2012](#)
- [Investigatory Powers Act 2016](#)
- [RIPA codes of practice](#)

1.1 Surveillance plays a necessary part in modern life. It is used not just in the targeting of criminals, but also as a means of preventing crime and disorder. RIPA introduced a system of authorisation and monitoring of activities, to ensure that the rights of the individual were not unnecessarily compromised, in the pursuance of regulatory compliance. The Protections of Freedoms Act and IPA have refined the system introduced by RIPA.

1.2 Within the County Council, trading standards officers may, for example, need to covertly observe and then visit a shop or business premises as part of their enforcement function to verify the supply of goods or services. During this visit it may be necessary to covertly video record a transaction as it takes place.

1.3 Similarly, planning enforcement staff may need to observe the activities of companies involved in mineral extraction, to ensure that statutory requirements are being met. Officers from Adult and Children Social Care, Transport and Environment and other services may also, on occasion, need to use covert surveillance techniques as part of their official duties when seeking to prevent or detect crime.

1.4 Covert Directed Surveillance is that undertaken in relation to a specific investigation or operation, where the person or persons subject to the surveillance are unaware that it is, or may be, taking place. The activity is also likely to result in obtaining private information about a person, whether or not it is specifically for the purpose of the investigation.

1.5 Our investigations may also require the use of Covert Human Intelligence Sources (CHIS). These may be undercover officers, agents or informants. Such sources may be used by the County Council to obtain and pass on information about another person, without their knowledge, as a result of establishing or making use of an existing relationship. This clearly has implications as regards the invasion of a person's privacy and is an activity, which the legislation regulates. A CHIS who was not an officer of the County Council would be used only rarely and in exceptional circumstances.

1.6 The RIPA introduced a system of authorisation and monitoring of surveillance activities, to ensure that the rights of the individual were not unnecessarily compromised, in the pursuance of regulatory compliance. The IPA also requires a similar control and authorisation procedure to be in place in respect to the acquisition of communications data. The County Council will need to comply with these requirements when obtaining telephone subscriber, billing and account information and other communications data.

1.7 The Investigatory Powers Tribunal was introduced by the RIPA to examine complaints that human rights have been infringed. In addition, the IPA put in place the Investigatory Powers Commissioner whose duties include inspection of those public bodies undertaking covert surveillance and the acquisition of communications data.

2. Policy Statement

2.1 East Sussex County Council will not undertake any activity defined within the RIPA or the IPA without prior authorisation from a trained, senior officer who is empowered to grant such consents. The Assistant Chief Executive has been appointed the Senior Responsible Officer for the purposes of RIPA and IPA and, as such, has been given authority to appoint Authorising Officers for the purposes of surveillance and CHIS activities and "Made Aware" Officers (see Paragraph 8.5 of the Communications Data Code of Practice) for the purposes of access to communications data.

2.2 The Authorising Officer will not authorise the use of surveillance techniques, covert human intelligence sources unless the authorisation can be shown to be necessary for the purpose of preventing or detecting crime or of preventing disorder.

2.3 In addition, the Authorising Officer must believe that the surveillance or CHIS is lawful, necessary and proportionate to what it seeks to achieve. In making this judgement, the officer will consider whether the information can be obtained using other methods and whether efforts have been made to reduce the impact of the surveillance on other people, who are not the subject of the operation.

2.4 The responsibilities set out in paragraph 9.2 of this policy shall be the specific responsibility of the Senior Responsible Officer. A Co-ordinating Officer designated by the Senior Responsible Officer will support the Senior Responsible Officer in the exercise of these responsibilities.

2.5 Applications for authorisation of surveillance, the use of a CHIS or the obtaining of communications data will be made in writing on the appropriate form (See annexes 1, 2 or 3).

2.6 Intrusive surveillance operations are defined as activities using covert surveillance techniques, on residential premises, or in any private vehicle, which involves the use of a surveillance device, or an individual, in such a vehicle or on such premises. East Sussex County Council officers are **not** legally entitled to authorise these types of operations. Operations must not be carried out where legal consultations take place at the places of business of legal advisors or similar places such as courts, police stations, prisons or other places of detention.

2.7 However, public bodies are permitted to record telephone conversations where one party consents to the recording being made and an appropriate authorisation has been granted. On occasions, officers of the County Council do need to record telephone conversations to secure evidence.

2.8 It is the policy of this authority to be open and transparent in the way that it works and delivers its services. To that end, a well-publicised Corporate Complaints procedure is in place and information on how to make a complaint to the Investigatory Powers Tribunal will be provided on receipt of a request by the Senior Responsible Officer.

2.9 **Elected members have the following responsibilities in connection with this policy and the County Council's use of the RIPA. They should:**

- review the authority's use of RIPA and the IPA
- set the policy at least once a year
- consider internal reports on the use of RIPA and the IPA on at least a quarterly basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose; and
- not be involved in making decisions on specific authorisations

3. Internet and social media investigations

3.1 Online communication has grown and developed significantly over recent years. The use of this type of communication in the commission of crime is a recognised aspect of routine investigations.

3.2 Observing an individual's lifestyle as shown in their social media pages or securing subscriber details for email addresses is covered by the same considerations as offline activity.

3.3 Staff using the internet for investigative purposes must not, under any circumstances, use their personal equipment or their personal social media or other accounts.

3.4 East Sussex County Council will provide equipment not linked to its servers for this purpose and will develop a number of “legends” (false online personalities) for use in investigations if necessary. A register of all such legends will be maintained by the Trading Standards Service.

3.5 Under no circumstances will a legend include personal details of any person known to be a real person, including their photograph, or a name known to be linked to the subject of the covert technique.

3.6 A log will be maintained by the Trading Standards Service of the use of each legend. The log will include details of the user, time, date and enforcement purpose for which the legend is used. The log will be updated each time a legend is used.

3.7 Although the viewing of open source data is unlikely to amount to obtaining private information and it is therefore unlikely that an authorisation will be required, repetitive viewing of open source sites for the purpose of intelligence gathering and data collation may require authorisation. If in doubt, the investigating officer should consult an Authorising Officer.

3.8 Where data has restricted access (for example, where access is restricted to “friends” on a social networking site), an application for CHIS and, if appropriate, directed surveillance may be appropriate if, for example, a meaningful relationship is established or repeat monitoring of online activity is required,

4. Obtaining Authorisation

4.1 The Senior Responsible Officer shall designate by name one or more Directors, Heads of Service, Service Managers or equivalent to fulfil the role of Authorising Officer (for the purposes of Surveillance and CHIS authorisation) and “Made Aware” Officer (for the purposes of access to communications data). The Senior Responsible Officer shall maintain a register of the names of such officers.

4.2 Where the CHIS is a juvenile or a vulnerable person, or there is the likelihood that the information acquired will be Confidential Information then the authorisation must be from the Chief Executive or, in his or her absence, the Director of Corporate Resources.

4.3 Authorisations from the Authorising Officer for directed surveillance or the use of a CHIS shall be obtained using the appropriate application form (see annexes 1 and 2).

4.4 Applications for access to communications data shall be made via the National Anti Fraud Network (NAFN) (see annexes 3 and 6) who will then arrange for it to be submitted to the Office for Communications Data Authorisations.

4.5 Guidance for completing the application forms is attached (annexes 4,5,or 6). Guidance for use of the NAFN portal is published and updated on the NAFN website.

4.6 Guidance on the management of CHIS is attached (annex 7).

4.7 Guidance on processing the applications is attached (annex 8).

5. Retention and Duration of authorisations

5.1 All records shall be kept for 6 years.

5.2 Unless renewed or cancelled, authorisations are valid, commencing at the date of judicial approval, for a period of:

- 3 months (for directed surveillance) and
- 12 months for a CHIS (4 months if the person is a juvenile)

5.3 Unless renewed or cancelled, an authorisation issued for the production of communication data will remain valid for one month commencing at the date upon which it is granted. A notice given under an authorisation remains in force until compiled with or until the authorisation under which it was given is cancelled.

6. Reviews

6.1 Regular review of authorisations and notices shall be undertaken by the relevant Authorising Officer to assess the need for the surveillance, authorisation or notice to continue (see annex 8 for guidance on the process). The results of the review shall be recorded on the central record of authorisations (see annexes 1 or 2 for review of directed surveillance or use of a CHIS forms). Where surveillance provides access to Confidential Information or involves collateral intrusion,

particular attention shall be given to the review for the need for surveillance in such circumstances.

6.2 In each case, the Authorising Officer shall determine how often a review is to take place, and this should be as frequently as is considered necessary and practicable.

7. Renewals

7.1 If, the Authorising Officer considers it necessary for the authorisation or notice to continue for the purposes for which it was given, he or she may renew it, in writing, for a further period of:-

- 3 months – directed surveillance
 - 12 months – use of a CHIS (4 months if the person is a juvenile)
- (see annexes 1 or 2 for renewal forms of directed surveillance or use of a CHIS. Renewal of an authorisation or notice to obtain communications data is by means of a further authorisation or notice. See annex 8 for guidance on the process)

7.2 A renewal takes effect at the time at which the authorisation would have ceased to have effect but for the renewal. An application for renewal should not be made until shortly before the authorisation period is drawing to an end. Any person who would be entitled to grant a new authorisation can renew an authorisation. Authorisation may be renewed more than once provided they continue to meet the criteria for authorisation.

8. Cancellations

8.1 The Authorising Officer who granted or last renewed the authorisation or notice must cancel it if he/she is satisfied that the Directed Surveillance, the use or conduct of the Covert Human Intelligence Source (CHIS) no longer meets the criteria for which it was authorised (see annexes 1 or 2 for cancellation of directed surveillance or use of a CHIS forms and annex 8 for guidance on the process). When the Authorising Officer is no longer available this duty will fall on the person who has taken over the role of Authorising Officer or the person who is acting as Authorising Officer. In respect of an authorisation or notice to obtain communications data, if the applicant becomes aware that the authorisation is no longer necessary or proportionate he or she should notify NAFN who must cease the authorised conduct. When it is appropriate to do so, a communications service

provider should be advised of the cancellation of an authorisation, for example, where details of an authorisation have been disclosed to a communications service provider.

8.2 As soon as the decision is taken that Directed Surveillance should be discontinued or the use or conduct of the CHIS no longer meets the criteria for which it was authorised, the instruction must be given to those involved to stop all surveillance of the subject or use of the CHIS. The authorisation does not 'expire' when the activity has been carried out or is deemed no longer necessary. It must be either cancelled or renewed. The date and time when such an instruction is given should be recorded in the central register of authorisations and the notification of cancellation, where relevant.

9. Central Register and Oversight by Senior Responsible Officer

9.1 A copy of any application, authorisation, notice, renewal or cancellation (together with any supporting information) shall be forwarded to the Senior Responsible Officer or a person nominated by them within 5 working days of the date of the application, authorisation, notice, renewal or cancellation.

9.2 The Senior Responsible Officer shall be responsible for:

- (a) keeping a register of the documents referred to in paragraph 9.1 above
- (b) monitoring the quality of the documents and information forwarded to him
- (c) the integrity of the process in place within the public authority for the management of CHIS
- (d) monitoring compliance with Part II of the RIPA, Part III of the IPA and with the Codes
- (e) oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the causes of errors and the implementation of processes to minimise repetition of errors
- (f) engagement with the IPC inspectors when they conduct their inspections, where applicable
- (g) oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner, where necessary

(h) maintaining a RIPA and IPA training programme; and

(i) raising awareness of RIPA, the IPA and the Policy in relation to the use of [Covert Investigative Techniques](#)

10. Training

10.1 The Authorising Officers shall be provided with training to ensure awareness of the legislative framework.

11. Planned and Directed Use of Council CCTV Systems

11.1 The Council's CCTV surveillance systems shall not be used for Directed Surveillance, without the Senior Responsible Officer or other senior legal officer confirming to the relevant operational staff that a valid authorisation is in place.

11.2 Also, regard must be had to the provisions of the Protection of Freedoms Act 2012, which requires a regulatory framework for surveillance camera systems comprising a code of practice and a surveillance camera commissioner - see the Protection of Freedoms Act 2012 (Code of Practice for Surveillance Camera Systems and Specification of Relevant Authorities) Order 2013.

12. Special Arrangements

12.1 The use of a CHIS can present significant risk to the security and welfare of the person. Each authorisation will have a specific documented risk assessment and the CHIS (and all members of any support team) will be briefed on the details of the assessment. The process is outlined in Annex 7. However, East Sussex County Council may use Sussex Police for circumstances where the CHIS is not an employee or other agent working for or on behalf of the authority. In other circumstances such as a member of public, "whistle blower" or informant then Sussex Police may also be asked to handle the operation of the CHIS. In such

cases Sussex Police would be required to ensure compliance with the RIPA, codes of practice and all other risks such as the security and welfare of the CHIS (and associated persons). Any necessary and relevant information will be provided by Sussex Police to East Sussex County Council, following best practice so as to not risk identifying the CHIS unless this is appropriate and approved by Sussex Police. In such cases, Sussex Police would be required to be responsible for all records and monitoring processes.

13. Obtaining Judicial Approval of Authorisations

13.1 The Protection of Freedoms Act 2012 amended RIPA, to require that where an Authorising Officer has granted an authorisation for the use of Directed Surveillance or for the use of a CHIS, judicial approval will be required.

Authorising Officers must, when making authorisations, be aware that each authorisation (or renewal of an authorisation) will be subject to judicial approval. The Council will be required to make an application, without giving notice, to the Magistrates' Court. The Magistrates will give approval if at the date of the grant of authorisation or renewal of an existing authorisation if and only if, they are satisfied that:

1. there were reasonable grounds for believing that the use of the directed surveillance or use of a human covert intelligence source was reasonable and proportionate and that these grounds still remain.
2. the "relevant conditions" were satisfied in relation to the authorisation. Relevant conditions are that:
 - the relevant person was designated as an Authorising Officer;
 - it was reasonable and proportionate to believe that using covert surveillance or use of a Covert Human Intelligence Source was necessary and that the relevant conditions have been complied with
 - the grant or renewal of any authorisation or notice was not in breach of any restrictions imposed under section 25(3) of RIPA; and
 - any other conditions provided for by an order made by the Secretary of State were satisfied.

13.2 Judicial approval will also review that the serious crime threshold has been met in relation to the carrying out of directed surveillance. This threshold is that the directed surveillance is for the purpose of preventing or detecting a criminal offence and meets the following conditions:

a. that the criminal offence to be prevented or detected is punishable by a maximum term of at least 6 months' imprisonment; or

b. constitutes an offence under sections 146, 147 or 147A of Licensing Act 2003 (sale of alcohol to children) or section 7 of the Children and Young Persons Act 1933 (sale of tobacco to children under 18 years old) or

c. constitutes an offence under section 92 Children and Families Act 2014 (sale of nicotine inhaling products to children under 18 years old) or proxy purchasing of tobacco, including nicotine inhaling products, to children under 18 years old under section 91 Children and Families Act 2014

It is therefore essential that Investigating officers consider the penalty attached to the criminal offence which they are investigating, before considering whether it may be possible to obtain an authorisation for directed surveillance.

If the Magistrates' Court refuses to approve the grant of the authorisation, then it may make an order to quash that authorisation.

13.3 No activity permitted by the authorisation granted by the Authorising Officer may be undertaken until the approval of the Magistrates' Court to that authorisation has been obtained (see annex 8).

To ensure compliance with this requirement, any Authorising Officer who proposes to approve an application for the use of directed surveillance or for the use of a CHIS must immediately inform the RIPA Monitoring Officer by telephone or email of the details of the authorisation. The RIPA monitoring officer will then make the necessary arrangements for an application for an order to approve the authorisation to be made to the Magistrates' Court. The Authorising Officer and the Investigating Officer may be required to attend the Magistrates' Court to support the application.

14. Data Protection Act 2018

14.1 All data will be kept in accordance with the principles set out in data protection legislation and the Council's Information Governance policies.

Glossary

"Confidential Information" consists of matters subject to legal privilege, confidential personal information, or confidential journalistic material.

"Directed Surveillance" is defined in section 26 (2) of RIPA as surveillance which is covert, but not intrusive (i.e. it takes place on residential premises or in any private vehicle), and undertaken:

(a) for the purpose of specific investigation or specific operation

(b) in such a manner is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and

(c) otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of RIPA to be sought for the carrying out of the surveillance.

"A person is a Covert Human Intelligence Source" if:

(a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything within paragraphs (2) or (3), above

(b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or

(c) he covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.

(See section 26 (8) of RIPA)

"Communications Data" is defined in section 261 (5) of IPA, in relation to a telecommunications operator, telecommunications service or telecommunications system, means entity data or events data:

(a) which is, (or is to be, or is capable of being) held or obtained by, or on behalf of a telecommunications operator and:

i. is about an entity to which a telecommunications service is provided and relates to the provision of the service,

ii. is comprised in, included as part of, attached to or logically associated with a communication (whether by the sender or otherwise) for the purposes of a telecommunication system by means of which the communication is being or may be transmitted, or

iii. does not fall within sub-paragraphs (1) or (2) but does relate to the use of a telecommunications service or a telecommunication system

(b) which is available directly from a telecommunication system and falls within sub-paragraph (2):

(c) which:

- i. is, is to be, or is capable of being held or obtained by, or on behalf of a telecommunications operator,
- ii. is about the architecture of a telecommunication system, and
- iii. is not about a specific person, but does not include any content of a communication or anything which, in the absence of subsection (6)(b), would be content of a communication.

Annex 1 - Directed Surveillance forms

- *Application for Authorisation to Carry Out Directed Surveillance*
- *Review of Directed Surveillance Authorisation*
- *Cancellation of a Directed Surveillance Authorisation*
- *Application for Renewal of a Directed Surveillance Authorisation*

Forms available at:

[RIPA Forms](#)

Authorising Officers

- *Andrew Clooney, Team Manager Trading Standards*
- *Paul Davison, Enforcement & Investigations Manager Trading Standards*

Annex 2 - Covert Human Intelligence forms

- *Application for the use of Covert Human Intelligence Sources (CHIS)*
- *Reviewing the use of a CHIS*
- [Cancellation of](#) the use of a CHIS
- [Renewal of a CHIS](#)

• [Forms available at:](#)

[RIPA Forms](#)

Authorising Officers

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- Andrew Clooney, Team Manager Trading Standards
- Paul Davison, Enforcement & Investigations Manager Trading Standards

Annex 3 - Access to Communications Data forms

Applications for access to Communications Data must be made on the CycComms system on the [National Fraud Network website](#).

Made Aware Officers

- Andrew Clooney, Team Manager Trading Standards
- Paul Davison, Enforcement and Investigations Manager

Annex 4 - Guidance on completing Directed Surveillance forms

Details of Applicant

Details of requesting officer's work address and contact details should be entered.

Details of Application

1. Give rank or position of authorising officer

Fill in details of Authorising Officer [\(see paragraphs 3.1 and 3.2 of Policy\)](#).

2. Purpose of the specific operation or investigation

Outline what the operation is about and what is hoped to be achieved by the investigation. Indicate whether other methods have already been used to obtain this information. Give sufficient details so that the Authorising Officer has enough information to give the Authority.

3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (such as camera, binoculars, recorder) that may be used

Give as much detail as possible of the action to be taken including which other officers may be employed in the surveillance and their roles. If appropriate append any investigation plan to the application and a map of the location at which the surveillance is to be carried out.

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4. The identities, where known, of those to be subject of the directed surveillance

5. Explain the information that it is desired to obtain as a result of the directed surveillance

This information should only be obtained if it furthers the investigation or informs any future actions.

6. Identify on which grounds the directed surveillance is necessary under section 28(3) of RIPA

*The **only** grounds for carrying out Directed Surveillance activity is for the purpose of preventing or detecting crime under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 (SI 2012/1500) which came into force on 1 November 2012. It restricts Authorising Officers in a local authority in England or Wales from authorising the carrying out of directed surveillance unless it is for the purpose of preventing or detecting a criminal offence and meets the following conditions:*

It is therefore essential that investigating officers consider the penalty attached to the criminal offence which they are investigating, before considering whether it may be possible to obtain an authorisation for directed surveillance.

- *that the criminal offence to be prevented or detected is punishable by a maximum term of at least six months' imprisonment; or*
- *constitutes an offence under sections 146, 147 or 147A of Licensing Act 2003 (sale of alcohol to children) or section 7 of the Children and Young Persons Act 1933 (sale of tobacco to children under 18 years old) or section 92 Children and Families Act 2014 (sale of nicotine inhaling products to children under 18 years old) or proxy purchasing of tobacco, including nicotine inhaling products, to children under 18 years old under section 91 Children and Families Act 2014.*

This can be used in the context of local authority prosecutions, or where an employee is suspected of committing a criminal offence such as fraud.

7. Explain why this directed surveillance is necessary on the grounds you have identified.

Outline what other methods may have been attempted in an effort to obtain the information and why it is now necessary to use surveillance.

8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. Describe precautions you will take to minimise collateral intrusion

Who else will be affected by the surveillance, what steps have been done to avoid this, and why it is unavoidable?

9. Explain why the directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on

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others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means?

If the Directed Surveillance is necessary, is it proportionate to what is sought to be achieved by carrying it out? This involves balancing the intrusiveness of the activity on the target and others who may be affected by it against the need for the activity in operational terms. Reasons should be given why what is sought justifies the potential intrusion on the individual's personal life and his privacy. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means.

10. Confidential information

Will information of a confidential nature be obtained (that is communications subject to legal privilege, or communications involving confidential personal information and confidential journalistic material). If so the appropriate level of authorisation must be obtained.

11. Authorising Officer's Statement

12. Authorising Officer's comments

Must be completed outlining why it is proportionate and why he or she is satisfied that it is necessary.

Annex 5 - Guidance on completing Covert Human Intelligence forms

1. Details of Application Authority Required

*Fill in details of Authorising Officer. Where a vulnerable individual or juvenile source is to be used, the authorisation **must** be given by the Chief Executive or, in his or her absence, the Chief Officer.*

2. Describe the purpose of the specific operation or investigation

Sufficient details so that the Authorising Officer has enough information to give Authority. Outline what the operation is about and the other methods used already to obtain this information.

3. Describe in detail the purpose for which the source will be tasked or used

Give as much detail as possible as to what the use of the source is intended to achieve.

4. Describe in detail the proposed covert conduct of the source or how the source is to be used

Describe in detail the role of the source and the circumstances in which the source will be used.

5. **Identify on which grounds the conduct or the use of the source is necessary under Section 29(3) of RIPA.**

The **only** grounds for the use or conduct of a Covert Human Intelligence Source (CHIS) are for the purpose of preventing or detecting crime or of preventing disorder. This can be used in the context of local authority prosecutions or where an employee is suspected of committing a criminal offence such as fraud.

6. **Explain why this conduct or use of the source is necessary on the grounds you have identified**

Outline what other methods may have been attempted in an effort to obtain the information and why it is now necessary to use surveillance for the investigation to proceed.

7. **Supply details of any potential collateral intrusion and why the intrusion is unavoidable**

Who else will be affected, what steps have been done to avoid this, and why it is unavoidable?

8. **Are there any particular sensitivities in the local community where the source is to be used? Are similar activities being undertaken by other public authorities that could impact on the deployment of the source?**

Ensure that other authorities such as the police or other council departments are not conducting a parallel investigation or other activity which might be disrupted.

9. **Provide an assessment of the risk to the source in carrying out the proposed conduct.**

A risk assessment will have to be carried out to establish the risks to that particular source, taking into account their strengths and weaknesses. The person who has day-to-day responsibility for the source and their security (the 'Handler') and the person responsible for general oversight of the use made of the source (the 'Controller') should be involved in the risk assessment.

10. **Explain why this conduct or use of the source is proportionate to what it seeks to achieve. How intrusive might it be on the subjects of surveillance or on others? How is this intrusion outweighed by the need for a source in operational terms, and could the evidence be obtained by any other means?**

If the use of a CHIS is necessary, is it proportionate to what is sought to be achieved by carrying it out? This involves balancing the intrusiveness of the activity on the target and others who may be affected by it against the need for the activity in operational terms. Reasons should be given why what is sought justifies the potential intrusion on the individual's personal life and his or her privacy. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means.

11. **Indicate the likelihood of acquiring any Confidential Information**

Will information of a confidential nature be obtained (that is, communications subject to legal privilege, or communications involving confidential personal information and confidential journalistic material?) If so, the appropriate level of authorisation must be obtained.

12. **Authorising Officer's comments**

Must be completed outlining why it is proportionate and why he or she is satisfied that it is necessary to use the source and that a proper risk assessment has been carried out.

Annex 6 – Guidance on accessing Communications Data

Any application for communications data (the who, when and where of a communication) must be completed on the CycComms data workflow system on the [National Anti-Fraud Network \(NAFN\) website](#). CycComms is an automated process which will enable you to apply for information, receive responses and manage your application. The NAFN Single Point of Contact (SPoC) will act as a gatekeeper for your application, ensuring that it is practical and lawful and will engage with you to proactively provide advice and support before passing it to the Office for Data Communications Authorisations (OCDA).

This procedure necessitates the applicant to be registered with the NAFN prior to making the application. [How to become a NAFN member](#).

If rejected by the OCDA, NAFN will retain the application and inform the applicant in writing of the reasons for its rejection.

Comprehensive guidance on the application process is also available via the [NAFN website](#).

1 - 7. Details of Applicant

Details of the requesting officer's department, grade and contact details should be entered. The unique reference number at point 4 would normally be entered by NAFN.

8. Statutory Purpose

The only grounds for accessing communications data is for the purpose of preventing or detecting crime.

This can be used in the context of local authority prosecutions or where an employee is suspected of committing a criminal offence such as fraud.

9. Communications Data

Describe the communications data, specifying, where relevant, any historic or future dates and, where appropriate, time periods.

Indicate the time periods within which the data is required. For example, subscriber details can change over relatively short periods of time. Also, billing data can be expensive to retrieve and should only be requested for times relevant to the investigation. It is therefore important to be specific as to the relevant time otherwise there may be collateral intrusion, the data obtained may not be relevant or the cost may be prohibitive. Times should be specified as GMT or BST. If unsure as to whether the data can be obtained from a Communications Service Provider (CSP) NAFN should be consulted.

10. Necessity

Outline brief details of the investigation, the circumstances leading to the application, the link between the communications data and the subject under investigation, the source of the data and how this data links to the offence or subject under investigation.

11. Proportionality

Explain what you expect to achieve by obtaining the requested data; what will be done with the data; how it will benefit the investigation and how the level of intrusion is justified when taking into consideration the benefit the data will give to the investigation. Also explain why the specific date or timescale has been requested and how this is proportionate to what is trying to be achieved.

12. Collateral Intrusion

Collateral intrusion is intrusion into the privacy of innocent third parties. It is important to detail any plan to minimise collateral intrusion. If the subject has been contacted via the communication service (for example, telephone number or email) or if it has been used in business correspondence, advertising, this should be explained as it demonstrates that it is being used by the subject and is therefore unlikely to result in collateral intrusion. Explain how data obtained that refers to third parties will be handled.

13. Timescale

Indicate whether the application is urgent. The Code of Practice requires CSPs to disclose the data within 10 working days. An authorisation or notice will remain valid for one month unless cancelled or renewed.

Annex 7 – Guidance on Management of Covert Human Intelligence Sources

[Code of practice on the use of Covert Human Intelligence Sources](#)

1. Tasking

1.1 *Tasking is the assignment given to the CHIS (for example, to obtain, provide access to or disclose information). Where the CHIS's task involves establishing or maintaining a personal or other relationship for a covert purpose, authorisation for the use of the CHIS should be obtained in advance.*

1.2 *Authorisations should not be drawn so narrowly that a separate authorisation is required each time the CHIS is tasked. Rather, an authorisation might cover, in broad terms, the nature of the source's task. If the nature of the task changes significantly, then a new authorisation may need to be sought.*

1.3 *In the event of any unforeseen action or undertakings during the task, these must be recorded as soon as practicable after the event. If the existing authorisation is insufficient it should either be updated at a review (for minor amendments only) or cancelled and a new authorisation obtained before any further such action is carried out.*

1.4 *Where it is intended to task a CHIS in a significantly greater or different way than previously identified, the Handler and the Controller must refer the proposed tasking to the Authorising Officer and the details of such referrals must be recorded. The Authorising Officer should consider whether the existing authorisation is sufficient or needs to be replaced, which must be done in advance of any tasking.*

2. Handlers and controllers

2.1 *For each authorised CHIS surveillance, the Authorising Officer shall appoint an appropriate officer of the Authority ('the Handler') to have day-to-day responsibility for:*

- *Dealing with the CHIS*
- *Directing the day-to-day activities of the CHIS*
- *Recording the information supplied by the CHIS; and*
- *Monitoring the CHIS's security and welfare.*

2.2 *For each authorised CHIS surveillance, the Authorising Officer shall appoint an appropriate officer of the Authority ('the Controller') to be responsible for the management and supervision of the Handler and general oversight of the use of the CHIS.*

3. Joint working

3.1 *There are many cases where the activities of a CHIS may provide benefit to more than a single public authority. For example, where a CHIS provides*

information relating to environmental health issues and offences of criminal damage in a joint police and local authority anti-social behaviour operation on a housing estate.

3.2 In the event of a joint activity, agreements with the other authority must be set out in writing.

4. Security and Welfare

4.1 Prior to authorising the use or conduct of CHIS, the Authorising Officer should be satisfied that a risk assessment has been carried out. The risk assessment should determine the risk to the CHIS of any tasking and the likely consequences should their identity become known; and should consider the ongoing security and welfare of the CHIS after the cancellation of the authorisation. Consideration should also be given to the management of any requirement to disclose information tending to reveal the existence or identity of a CHIS to, or in a court.

4.2 The Handler is responsible for bringing to the attention of the Controller any concerns about the personal circumstances of the CHIS, insofar as they might affect:

- the validity of the risk assessment
- the conduct of the CHIS; and
- the safety and welfare of the CHIS.

Annex 8 – East Sussex County Council Internal Guidance concerning Applications for use of Covert Investigative Techniques

Introduction

This guidance is given for any person who is considering the use of the following in the course of their work:-

- Directed Covert Surveillance
- Use of Covert Human Intelligence Sources (CHIS)

This should be read in conjunction with the East Sussex County Council Policy in relation to the use of Covert Investigative Techniques and any associated guidance provided by Government. This internal guidance seeks to complement

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the policy whilst ensuring that sufficient quality control and adequate record control is maintained.

NB: Applications for access to communications data shall be made via the National Anti-Fraud Network (NAFN) who will then arrange for it to be submitted to the Office for Communications Data Authorisations. Guidance for use of the NAFN portal is published and updated on the [NAFN website](#).

Key Participants

Philip Baker, Assistant Chief Executive, is the Senior Responsible Officer (SRO) for covert investigatory techniques under the Regulator Investigatory Powers Act (RIPA) within the authority. As such he maintains the central record and has overall oversight.

However, on a day-to-day basis, Andrew Clooney, Trading Standards Manager, has been designated the RIPA Co-ordinating Officer (RCO) and will exercise oversight and quality control within the authority.

A list of Authorising Officers is available on the intranet page 'Surveillance activities and communications data', and any person listed will be able to authorise appropriate RIPA activity, subject to the necessary judicial authorisation.

If an Officer is considering an application, the RCO may be contacted to offer initial guidance and support.

Applications

The following process must be followed in the case of all applications.

1. The Applicant should familiarise themselves with the RIPA Policy, [Home Office Guidance](#) and the relevant application form.
2. The Applicant must contact the RCO who will discuss the validity of the proposed application and offer any guidance prior to making an entry on the Central Record and allocating a Unique Reference Number (URN) for use on the application form.
3. The Applicant should write the application by hand and submit it, together with all relevant supporting information and intelligence, to one of the designated Authorising Officers.
4. The Authorising Officer will consider the application and if deemed sufficient complete the authorisation, notifying the RCO that he or she has done so in order for the Central Record to be updated.
5. The Applicant must contact the Magistrates' Court in order to arrange for Judicial Approval.
6. The Applicant should attend the hearing with, if deemed appropriate, the Authorising Officer.

7. *Once Judicial Approval is obtained, the Applicant must take a working copy of the application and the original application and signed Judicial Approval returned to the RCO who will arrange for the Central Record to be updated.*
8. *The Applicant and Authorising Officer are to liaise regarding the need for any application for renewal and any original renewal will be given to the RCO who will arrange for the Central Record to be completed.*
9. *The Applicant and Authorising Officer will continue to liaise, undertake reviews and cancel the authorisation. On completion of each review or cancellation document, a copy is to be retained as a working copy and the original giving to the RCO who will arrange for the Central Record to be completed.*
10. *The RCO will be responsible for briefing the SRO regarding the application and will discuss at quarterly briefing meetings. A summary will also be provided for inclusion in a quarterly report to Cabinet and Council.*
11. *The RCO will use his or her oversight and gate-keeping function to suggest reviews and changes to policy, maintaining best practice and training, in consultation with the SRO.*

Policy version

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Report to:	Leader and Lead Member for Strategic Management and Economic Development
Date:	3 May 2024
By:	Assistant Chief Executive
Title of report:	Delegations in relation to Executive Functions
Purpose of report:	To consider delegations in relation to executive functions including the Cabinet responsibilities and functions set out in the Constitution, the Officer Scheme of Delegation and the annual report by the Leader to be submitted to the County Council on 7 May 2024.

RECOMMENDATIONS: The Leader is recommended to:

- (1) agree the delegation of Cabinet responsibilities and functions as set out in the Constitution including in Part 3 Table 1, 2 and 3 attached at Appendices 2 - 4 of the report;**
 - (2) agree the Officer Scheme of Delegation attached at Appendix 5; and**
 - (3) agree his annual report to the County Council with consideration of the proposed amendments set out at Appendix 1.**
-

1 Background Information

1.1 Part 4 of the Council's Constitution requires the Leader to present to the Council at the annual meeting a written record of delegations of executive functions made to Cabinet Members for inclusion in the Council's Scheme of Delegation at Part 3 of the Constitution. The document presented by the Leader must contain the following information regarding executive functions in the coming year:

- the names of councillors appointed to the Cabinet
- the extent of any authority delegated to Cabinet Members individually as portfolio holders, including details of any limitation on their authority
- the appointment of one Cabinet Member as Deputy Leader
- the terms of reference and constitution of the Cabinet and such executive committees as the Leader appoints
- the nature and extent of any delegation of executive functions to local committees
- the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer or officers to whom the delegation is made.

1.2 A copy of the report submitted to the Council at its annual meeting in May 2023 is attached at Appendix 1 and contains suggested updates highlighted in red for consideration regarding the annual report to be submitted in May 2024. Also attached are the Cabinet responsibilities and functions (Table 1 – Appendix 2), the responsibility for local choice functions (Table 2 – Appendix 3) and the responsibility for executive functions exercised by Cabinet Members (Table 3 – Appendix 4).

1.3 The Leader is asked to agree the delegation of Cabinet responsibilities and functions as set out in Part 3 of the Constitution including Tables 1, 2 and 3 (attached as Appendices 2, 3 and 4 of this report).

1.4 The Leader is asked to consider and make any amendments to his annual report on the delegations of executive functions (referred to at paragraph 1.1). This will be reported to the County Council on 7 May 2024.

2. Scheme of delegations to officers

2.1 The scheme of delegations to officers is set out at Appendix 5. The Leader is recommended to agree the delegations to officers in relation to executive functions set out in Appendix 5.

3. Conclusion and Reasons for Recommendations

3.1 Part 4 of the Council's Constitution requires the Leader to present to the Council at the annual meeting a written record of delegations of executive functions made to Cabinet Members for inclusion in the Council's Scheme of Delegation.

PHILIP BAKER
Assistant Chief Executive

Contact Officer: Georgina Seligmann Tel No. 07926 698827

Local Member: All

BACKGROUND DOCUMENTS:

None

APPENDIX 1**Delegations approved by the Leader of the Council – 9 May 2023**

(a) *names of the County Councillors appointed to the Cabinet*

The Cabinet comprises the following members

Portfolio	Appointment
Strategic Management and Economic Development	Councillor Keith Glazier
Resources and Climate Change	Councillor Nick Bennett
Economy	Vacancy
Transport and Environment	Councillor Claire Dowling
Adult Social Care and Health	Councillor Carl Maynard
Children and Families (designated statutory Lead Member for Children's Services)	Councillor Bob Bowdler
Education and Inclusion, Special Educational Needs and Disability	Councillor Bob Standley

(b) *the extent of any authority delegated to cabinet members individually as portfolio holders will remain as set out in the Constitution of the County Council eastsussex.gov.uk/constitution or alternatively hard copies are available at County Hall, Lewes (please contact Georgina Seligmann – 01273 482355) and below.*

In overall terms the areas of responsibility for each portfolio holder includes the following (subject to any subsequent amendment by the Leader at his discretion) principal services to be interpreted broadly. In accordance with the wishes of the Leader, principal services are not to be construed restrictively. In the event of any doubt in connection to a decision made by a Lead Member, the Leader confirms that he has delegated full executive authority to that decision maker:

Portfolio	Scope
Strategic Management and Economic Development	<ul style="list-style-type: none"> • Chairing and managing the executive and its work • Any executive function including overall strategy and policy for the Council • Principal service area responsibilities: Communications Local Enterprise Partnership Strategic Economic Planning Policy and Performance Health and Social Care Integration/Health and Wellbeing Board Equalities South East Seven Partnership Transport for South East (SNTB) Democratic Member Services <p>all ancillary activities</p>
Resources and Climate Change	<ul style="list-style-type: none"> • Any executive function including strategy and policy for all corporate resources matters • Principal service area responsibilities: Financial Management Property asset management Risk management Procurement Internal audit ICT Personnel and Training Legal Orbis Coroner services Council lead on Climate Change <p>all ancillary activities</p>
Economy	<ul style="list-style-type: none"> • Any executive function including strategy and policy for all economic development and regeneration and all ancillary activities • Principal service area responsibilities Economic Development Culture Skills (shared with Education) all ancillary activities Trading Standards

<p>Transport and Environment</p>	<ul style="list-style-type: none"> • Any executive function including strategy and policy for all Transport and Environmental matters • Principal service area responsibilities: Operational services Planning and developmental control Transport strategy Archives and records Customer Services Emergency Planning Gypsies and travellers Libraries Registration Services Road Safety Environmental and waste strategy all ancillary activities
<p>Adult Social Care and Health</p>	<ul style="list-style-type: none"> • Any executive function including strategy and policy for all Adult Social Care and Public Health matters • Principal service area responsibilities: Services for vulnerable adults including older people, learning disability, physical disability, mental health, public health and all ancillary activities Community Safety Voluntary Sector
<p>Children and Families</p>	<ul style="list-style-type: none"> • Any executive function including overall strategy and policy for all Children's Services (social care) matters • Principal service area responsibilities: Child protection and family support Fostering and adoption for children Residential care for children Other aspects of social care for children Youth justice Youth service all ancillary activities

<p>Education and Inclusion, Special Educational Needs and Disability</p>	<ul style="list-style-type: none"> • Any executive function including strategy and policy for all Children’s Services (education) matters • Principal service area responsibilities: Quality and standards in educational establishments Special educational needs School admissions and transport Early years and childcare School organisation and place planning Skills (shared with Economy) all ancillary activities
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(c) *appointment to the position of Deputy Leader*

Councillor Bennett to be appointed Deputy Leader of the County Council

(d) *the terms of reference and constitution of the Cabinet and any executive committees together with the names of cabinet members appointed to them*

The terms of reference and constitution of the Cabinet and any executive committees will remain as currently set out in the Constitution of the Council

(e) *the nature and extent of any delegation of executive functions to local committees*

There is no delegation of executive functions to local committees

(f) *the nature and extent of any delegation to officers*

The delegations of executive functions to Officers will be as set out in the Constitution. The delegations to Officers can be viewed via the following link:

[Constitution - Delegations to Officers](#)

or alternatively hard copies are available at County Hall, Lewes (please contact Georgina Seligmann – 01273 482355)

Urgent Executive Decisions

There were no executive decisions taken during 2022/23 where the making of the decision was agreed in accordance with Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Councillor Keith Glazier
Leader of the Council

Table 1**Appendix 2****Cabinet Responsibilities and Functions****Policy Co-ordination**

1. To advise the County Council on the:
 - formulation of its corporate objectives, priorities, standards, key tasks, performance indicators and strategy, including European affairs;
 - the overall direction, review and updating of the Council's Financial and Business Plan (the Council Plan), other statutory plans and longer term financial and other plans and strategies;
 - nature of and need for actions to be taken in the light of value for money studies and corporate policy reviews;
 - economy, efficiency and effectiveness of the Council's activities and the need for new services and the necessity of existing ones;
 - overall organisation, co-ordination and management of the Council to ensure that it is designed to make the most effective contribution to the achievement of the Council's objectives;
 - Council's policy towards and representation on regional, national and international bodies;
 - policies for the promotion of the economic well-being of the County which do not erode the County's environmental capital or disadvantage the more vulnerable members of society, and to implement those policies within the guidelines set by the County Council; including co-ordination of the implementation of the County Council's economic strategy across all County Council services;
 - the priorities for all expenditure in the economic development budget;
 - ensure the County Council follows best practice in relation to its risk management arrangements.
2. To devise and oversee implementation of the Council's strategy for communication both within the County and beyond.
3. To be responsible for allocating and controlling the financial, staff and land resources of the Council and to act as the corporate client. (The appointment of staff is not a Cabinet function).
4. To provide a focus for community leadership within East Sussex, promoting the economic, social and environmental well-being of the County.
5. To advise the Council on its policies and practices in relation to the impact of the Council's activities on the environment.
6. To advise on any other matters referred to it.

Resources

Finance

7. To advise the County Council on the current and future in respect of both capital and revenue expenditure having regard to the Council's Financial and Business Plan and overall forward programme and their effects on the finances of the Council and on audit issues:
 - discuss with the external auditor before the audit commences the nature and scope of the audit, and the external audit fee and consider whether the external audit is of sufficient depth and carried out competently;
 - discuss problems and reservations arising from the interim (systems) and final audits and any matters the external auditor may wish to discuss (in the absence of Directors if necessary);
 - review the external auditor's management letter and the conclusions of value for money studies and make recommendations to the County Council as appropriate;
 - review the internal audit programme, ensuring co-ordination between internal and external auditors, and that the internal audit function is adequately resourced and has appropriate standing within the Council and its paid service;
 - consider the Chief Internal Auditor's annual report and to report annually to the County Council on internal control within the Council.
8. To advise the County Council on the estimates of bodies which the Council is required to finance.
9. To exercise control over the Council's approved revenue and capital budgets and deal with requests for supplementary estimates, and to vire expenditure where this does not involve a significant change to an existing policy, or development of a new policy.
10. To supervise the borrowing of money authorised by the Council in accordance with the policy laid down by the County Council and to manage the County debt.
11. To exercise the powers and duties of the Council in respect of:
 - insurance;
 - coast protection; and
 - debts and other obligations.

Information Systems/Information Technology

12. To advise upon and implement the County Council's IS/IT strategy.
13. To develop and keep under review corporate IS/IT systems.

Property

14. To approve the acquisition, appropriation and disposal of property, including the determination of the future use of all land and property where the current use is to cease.
15. To act as landlord for all property held by the Council, including the provision of office accommodation, accommodation for meetings and common services.
16. To keep under review:
 - the land holdings of the Council and to consider future requirements to ensure the most economic and effective use of land in the interests of the Council as a whole;
 - land acquisition policies;
 - building and building maintenance policies.

This shall include ensuring regular corporate reviews and the setting and monitoring of corporate standards.

17. To exercise the powers and duties of the Council in all matters relating to Magistrates' Courts land and buildings.
18. To make compulsory purchase orders.
19. To exercise the powers and duties of the County Council under any enactment relating to smallholdings.
20. To manage and control all land.

Community Services

21. To exercise all the powers and duties of the Council in respect of:
 - (a) the Public Library and information service;
 - (b) archives and records;
 - (c) museums and assistance for the Arts;
 - (d) the registration of births, deaths and marriages (but excluding the approval of premises for the solemnisation of marriages) and coroners services;
 - (e) trading standards, consumer protection and other related matters for the protection of the public, including animal health (except as specifically delegated to the Regulatory Committee);

- (f) sport, including joint use of sports facilities, (but excluding physical education and sport at educational establishments) and the development, in co-operation with the borough and district councils, of sport and recreation policies for the County as a whole;
 - (g) community safety;
 - (h) emergency planning and the local authority response to major emergencies;
 - (i) charities;
 - (j) gypsy caravan sites.
- 22.** To plan and seek to develop and maintain effective relationships with borough, district and town/parish councils and other public, independent, voluntary and private agencies and representative organisations.

Children's Services

- 23.** To exercise all the powers and duties of the Council:
- (i) as local authority for the County in respect of education for children and young people;
 - (ii) which under any enactment stand referred to local authorities designated as social services authorities in respect of children and young people;
 - (iii) in relation to careers.

Adult Social Care

- 24.** To exercise all the powers and duties of the Council:
- (i) which under any enactment stand referred to local authorities designated as social services authorities in respect of adults;
 - (ii) in relation to (a) the issue of certificates to blind persons and (b) the issue of badges for motor vehicles used by people with disabilities;
 - (iii) in respect of the grant of financial and other assistance to voluntary organisations, in relation to any matters within the purview of the County Council as a social services authority.

Transport and Environment

- 25.** To exercise all the powers and duties of the Council in relation to:

- (i) highways and bridges and the traffic thereon, private streets, vehicle parking, litter on highways, road safety and the provision of weighbridges (except those powers delegated to the Regulatory Committee);
 - (ii) the promotion of a co-ordinated system of public passenger transport; arrangements for the development and operation of public transport including railways and the making of grants towards public transport;
 - (iii) the preparation of transportation plans and programmes;
 - (iv) its functions as waste disposal Authority;
 - (v) the safety of reservoirs and disused tips;
 - (vi) the management of statutory and permissive footpaths, bridleways and byways (except those powers delegated to the Regulatory Committee);
 - (vii) oil and chemical pollution.
- 26.** To co-ordinate the use of Council owned plant and transport.
- 27.** To exercise all the powers and duties of the Council:
- (i) as County Planning Authority, except those delegated to the Planning Committee, subject to the Cabinet informing the County Council of significant resource and other policy implications for the Council of local plans coming forward for certification;
 - (ii) relating to ancient monuments and historic buildings;
 - (iii) on all matters in relation to the management of the coast and the countryside (except those matters in relation to commons which have been delegated to the Regulatory Committee).

General

- 28** To exercise the general power of competence given to local authorities under section 1 of the Localism Act 2011 in relation to executive functions

Delegations to Individual Cabinet Members

- 29.** The Leader to authorise individual Cabinet members to undertake such executive functions as he or she considers appropriate including to exercise the general power of competence given to local authorities under section 1 of the Localism Act 2011 in relation to executive functions. (In

CONSTITUTION – PART 3 – RESPONSIBILITY FOR FUNCTIONS

exercising such functions, Cabinet members shall comply with any protocols which are issued from time to time).

TABLE 2

Appendix 3

Responsibility for Local Choice Functions

The functions specified in Schedule II to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 will be allocated as set out in the Table below.

	FUNCTION	ALLOCATION
1.	Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1	Executive (Cabinet and Lead Member)
2.	Determining appeals against decisions made by or on behalf of the authority	The Council (delegated to the Regulatory Committee and relevant appeals panels)
3.	Making arrangements for the hearing of appeals against exclusion of pupils	Executive (Cabinet and Lead Member) *
4.	Making arrangements for the hearing of Schools Admission Appeals	Executive (Cabinet and Lead Member) *
5.	Making arrangements for the hearing of appeals by governing bodies over a requirement that they take pupils excluded from other schools	Executive (Cabinet and Lead Member) *
6.	The discharge of any function relating to the control of pollution or the management of air quality	Executive (Cabinet and Lead Member) *
7.	The obtaining of information under Section 330 of the Town & Country Planning Act 1990 as to interests in land	Allocated to each of the Executive (Cabinet and Lead Member) and the Council (delegated to the Planning Committee *) so far as required for carrying out other functions allocated to those bodies
8.	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Allocated to each of the Executive and the Council (delegated to the relevant committees *) so far as required for carrying out other functions allocated to those bodies

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9.	Making of agreements for the execution of highways works	Executive (Cabinet and Lead Member) *
10.	Appointments of individuals to outside bodies and revocation of such appointments	School governing bodies – Council (delegated to Director of Children’s Services *) All other such bodies – Council (delegated to Governance Committee)
11.	Power to make agreements placing staff at the disposal of other authorities	Executive (Cabinet and Lead Member) *

* = delegation of power also to officers as set out in Table 6

Note: Lead Members can exercise those functions reserved to the Executive

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Table 3

Appendix 4

Responsibility for executive functions exercised by Cabinet Members, as Listed by the Leader (Article 7.06 of the Constitution refers)

Who is responsible (1)	Function (2)	Limitation (3)
<p>Individual member of the Cabinet in relation to the functions set out in column (2), subject to the limitations in column (3)</p> <p>The Cabinet member making the decision will be the member allocated the appropriate responsibilities by the Leader, except that where that member is unable to act (whether through a conflict of interest, illness or absence) another member of the Cabinet may exercise the function on their behalf:</p>	<p>Any executive function including:</p> <p>[a] approval to spend budgets (including grant(s)) or supplementary credit approval, transfers between budget heads and budget monitoring;</p> <p>[b] agreeing annual reports;</p> <p>[c] monitoring performance of services.</p> <p>[d] agreeing concordats or other similar agreements or statements of intent with other parties;</p> <p>[e] approving responses to consultation papers;</p> <p>[f] any decision required under the Contracts Procedure Rules;</p> <p>[g] approving the acquisition and disposal of land or property;</p> <p>[h] approving the making of compulsory purchase orders for the acquisition of land or property;</p>	<p>All provisions listed in this column apply to all functions listed in column (2). In all cases the decision must be consistent with the Policy Framework and corporate strategies. In addition, the following matters are not included in the delegations, namely those:</p> <p>[i] properly reserved to the Council as part of the Budget and Policy Framework;</p> <p>[ii] which the Leader and/or the Cabinet have reserved to the Cabinet or subject to any guidance they have given;</p>

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<p>In case of any uncertainty as to who may act the Monitoring Officer will decide after consultation with the Leader.</p>	<p>[i] approval, amendment or rescission of orders and schemes relating to traffic management .</p>	<p><i>The exercise of the function is also subject to:</i></p> <p>[a] the provisions of the Constitution including the Financial Procedure Rules (and financial provision being available); and the Contracts Procedure Rules;</p> <p>[b] consultation with other Cabinet members as appropriate;</p> <p>[c] the protocol on decision making approved by the Council;</p> <p>[d] the right of the member(s) concerned to refer the matter to the Cabinet if they so choose;</p> <p>[e] the matter being referred to the Cabinet where there is a dispute between the member authorised to take the decision and another Cabinet member who has been consulted under the Protocol on Decision Making.</p>
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Table 6

Appendix 5

Scheme of Delegations to Officers

Summary of Contents

- 1. General delegation**
- 2. Delegations to Chief Executive and all Directors (excluding the Director of Public Health and the Head of Children’s Safeguards and Quality Assurance) listed in paragraph 3 below**
 - A. Financial
 - B. Land and Property
 - C. Personnel
 - D. General
- 3. Delegations to particular Officers**
 - A. Chief Executive
 - B. Chief Operating Officer
 - C. Director of Communities, Economy and Transport
 - D. Director of Children’s Services
 - E. Director of Adult Social Care and Health
 - F. Assistant Chief Executive
 - G. Chief Finance Officer
 - H. Director of Public Health
 - I. Head of Children’s Safeguards and Quality Assurance / Head of LAC Services (Provider Services)

Delegation of Powers to Chief Executive and all Directors

Within the provisions of the Standing Orders and Financial Regulations of the County Council the following powers are delegated to Chief Executive and all Directors (including the Assistant Chief Executive but excluding the Director of Public Health) in relation to the services for which they are responsible. All references in these delegations to Acts or Regulations are to include reference to legislation amending or re-enacting the same. The operation of these delegations is subject to Standing Orders, the Code of Conduct and this Constitution.

Any interpretation of this Scheme of Delegations to Officers shall be in accordance with the Council’s and the Leader’s wish that the scheme shall not be construed restrictively.

1. General Delegation

The power to manage the services for which they are responsible, including taking and implementing decisions which aid in maintaining the operational effectiveness of those services, and which fall within a policy decision taken by the Council. The power to be exercised (a) in conformity with any instructions given by the Chief Executive and with Standing Orders, Financial Regulations, approved revenue estimates and the approved capital programme; and (b) having regard to any legal advice by the Assistant Chief Executive.

To the extent permissible by law, the functions delegated to the Chief Executive, Directors, Chief Finance Officer, Assistant Chief Executive and Director of Public Health may be carried out by other officers employed by this and other Councils or by external contractors either fully or under the general supervision and control of the officer with delegated responsibility and authorised by the Chief Executive or any Director, the Chief Finance Officer, Assistant Chief Executive or Director of Public Health according to the authorisation in the departmental internal scheme.

2. Delegations to Chief Executive and all Directors

A. Financial

1. Subject to the limitations in Financial Regulations and elsewhere in these delegations, to incur expenditure for which provision has been made in the approved revenue budget, provided no commitment to further expenditure is made which is not similarly provided for, including transferring sums between budget headings, writing off debts as irrecoverable, assessing the amount of contribution for services provided and authorising ex gratia payments.

B. Land and Property

1.
 - (a) To authorise the granting, determination or obtaining of easements, wayleaves and licences (Including agreements for the seasonal use of agricultural land) over or in respect of land held for or required for the purposes of the County Council, including approval of the terms of the transaction. This power shall not be exercised, except in the case of land used or required for a public highway, without first taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the Assistant Chief Executive and the Chief Operating Officer which will include provision to comply with corporate property requirements.
 - (b) After taking appropriate professional advice, as set out in (a) above, to approve the terms of any transaction as described in (a) above.
2. After taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the Assistant Chief Executive and the Chief Operating Officer which will include provision to comply with corporate property requirements:
 - (a) to authorise the sale or leasing of land to statutory undertakers for the purposes of their statutory functions;
 - (b) subject to financial provision existing and the net rent not exceeding £50,000 per annum, to authorise the taking of a lease, tenancy or licence of land or buildings and to authorise the determination of such a lease, tenancy or licence;
 - (c) to authorise the granting of a lease or tenancy of land and buildings and all associated documents (including a Commercial Transfer Agreement) in relation to the formation of new or expanded school/educational facilities (including but not exclusive to Academies, Trusts and Free Schools) and to authorise the determination of such a lease or tenancy or associated agreement;
 - (d) to authorise the granting of a lease, tenancy or licence of land or buildings for a period not exceeding 21 years and to authorise the determination of such a lease, tenancy or licence;
 - (e) to hire or hire out or authorise the use of buildings or facilities held or required for the purposes of the County Council; and
 - (f) to grant consent:
 - (i) to the underletting or assignment of any lease or tenancy of land under the control of the County Council;
 - (ii) under restrictive covenants the benefits of which are vested in the County Council.
 - iii) for the modification of a covenant, title restriction or encumbrance

or an overage position.

3. Following consultation with the Lead Cabinet Member for Resources and Climate Change and the Cabinet Member responsible for the service concerned: (1) in cases of urgency to approve the acquisition of any interest in land required for the purposes of the Council; and (2) subject to Financial Regulations, to approve on behalf of the Council the price or other consideration for the acquisition of any interest in land, after taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the Chief Executive and the Chief Operating Officer. (Refer to paragraph 4 below if acquisition cost is below £100,000).
4. After taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the Chief Executive and the Chief Operating Officer and having consulted the Chief Operating Officer, to approve the terms of any land acquisition where the payment to the other party does not exceed £100,000 (in the case of a lump sum payment) or £50,000 per annum (in respect of an annual rental) (subject to financial provision existing), and to maintain a register of all such transactions which should be available for inspection by members. (Refer to paragraph 3 above if acquisition is above £100,000).
5. After taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the County Council which will include provision to comply with corporate property requirements:
 - (a) to authorise land to be declared surplus where the area of land does not exceed 0.2 hectare (0.494 acre);
 - (b) to approve dedications of land; and
 - (c) to authorise the acquisition of land for operational purposes up to an area of 0.2 hectare (0.494 acre) subject to there being provision within approved capital or revenue budgets.
6. After taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the Chief Executive and the Chief Operating Officer to authorise the payment of appropriate disturbance costs and a sum equal to a home loss payment on the acquisition of properties purchased in advance of the confirmation of a compulsory purchase order.
7. After taking appropriate professional advice in accordance with guidelines which may from time to time be laid down by the Chief Executive and the Chief Operating Officer and after consulting the relevant Cabinet members (if the proposed terms are less than the market value) to approve the terms of lettings to charitable organisations.

8. After consultation with the Chief Executive to authorise the service of counter notices to blight notices.
9. To seek planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.
10. To be responsible for the client functions covered by Service Level Agreements as set out below, these functions to be exercised in accordance with guidelines which may from time to time be laid down:

Commissioning professional property services:

- preparing and agreeing tender lists for competitively procured professional services;
- preparation of tender documentation;
- tender evaluation;
- establishing and reviewing quality thresholds;
- resolving technical problems, disputes and queries;
- performance monitoring;
- processing applications for payment of professional services;
- review of systems of delivery.

Service Department Client Functions

- preparation and holding of budgets for capital projects;
 - commissioning client agent in accordance with corporate policy;
 - preparation of client project design standards;
 - agree final selection of consultants;
 - approval of contract terms i.e. timescales/budgets;
 - accept handover and organise occupation.
11. To take, and to give approval to take, all lawful steps to take, recover and retain possession of County Council land and property, to secure at all times that trespassers do not enter on to such land and to remove trespassers from such land; and to engage in any lawful activities in connection therewith.

C. Human Resources

Where appropriate the following delegations to the Chief Executive and Directors are qualified by the appropriate section(s) of the Human Resources Scheme of Delegations and HR Policies and Procedures.

1. Within the approved financial estimates of the department concerned to set the staffing complement and to appoint employees to all posts other than those reserved for elected member appointment and to approve starting salaries.
2. In accordance with national and/or local agreements and/or policy and criteria approved by the County Council to set terms and conditions of employment of staff and, provided the estimates of the department or for the project concerned are not thereby exceeded, to accelerate the incremental position of any employee whose post is not reserved for elected member appointment, provided the maximum of the grade for the post is not exceeded
3. Provided that the cost can be met from within the approved training estimates (a) to arrange and approve the training of employees in accordance with the County Council's post entry scheme of training, training policy and practice; and (b) to approve the attendance of officers at professional conferences.
4. In accordance with the policy of the County Council and, where appropriate, after taking medical advice:
 - (a) to extend an employee's period of sick leave on full pay or half pay for a maximum period not exceeding three months;
 - (b) to vary the requirement to return to duty for a minimum period of five months following maternity leave.
5. To allow an employee to return to work on a part-time basis on full pay for up to two months, provided medical advice is sought and it will contribute positively to the employee's eventual return to full duty.
6. In accordance with the policy of the County Council to authorise:
 - (a) special leave, paid and/or unpaid, to include special leave for trade union activities;
 - (b) extended maternity leave without pay;
 - (c) compassionate leave for up to two weeks;
 - (d) officers on or above Spinal Column Point 23 on the Single Status Scheme to engage in other business or take up additional appointments;

- (e) an employee to use their private vehicle on official business;
- (f) approval of applications for loans to employees in accordance with the Employee Loans Policy;
- (g) applications to participate in the lease car scheme from officers travelling over 3,500 miles but less than 4,000 miles per annum on official business in cases where there is a range of similar posts carrying out similar duties and average business miles in the group of posts is 4,000 miles or more but mileage variations exist due to geographical or other factors;
- (h) in respect of participation in the lease car scheme, a higher threshold than 4,000 miles on official business per annum being applied in respect of his or her department if departmental circumstances make that necessary;
- (i) within guidelines developed by the Chief Executive, to reduce lease car user contributions by 25% or 50% within the general scheme as a recruitment and retention incentive for individual or groups of posts where labour wastage is detracting from operational efficiency on the basis that departments will meet any additional costs from within existing budgets;
- (j) to agree to the payment of a relocation allowance above the maximum figure in the relocation scheme in appropriate circumstances after consultation with the Chair of the Governance Committee and the Leaders of the other Groups.
- (k) extensions of the time limit for making claims under the Relocation Grant Scheme;
- (l) in circumstances in which the County Council could normally be expected to assume some responsibility, ex gratia payments to staff up to a maximum of £1000. Ex gratia payments above £1000 and not exceeding £10,000 may be authorised by the Chief Officer after consultation with the Chief Finance Officer and Assistant Chief Executive. (The degree of negligence on the part of the claimant will be taken into account in assessing the payment). Payments in excess of £10,000 to be authorised by the Lead Member for Resources and Climate Change;
- (m) honoraria payments for special merit up to £1000;
- (n) honoraria payments to staff who temporarily undertake additional duties or responsibilities in accordance with the scheme for the time being in force;

- (o) planned overtime for staff on or above Spinal Column Point 23 on the Single Status Scheme;
 - (p) the amount of sickness allowance to be discounted following an award to an employee by the Criminal Injuries Compensation Board;
 - (q) in special cases, variations in the normal repayment provisions relating to:
 - (i) training expenses where the employee leaves within two years of completing a course of study;
 - (ii) relocation expenses where the employee leaves within the period stated in the scheme in consultation with the Chief Operating Officer;
 - (r) the dismissal of unsatisfactory probationary employees;
 - (s) in special cases, salary and/or service condition protection to employees redeployed for reasons other than redundancy or re-organisation.
7. To accredit trade union representatives and safety representatives appointed by the recognised trade unions in accordance with the agreement for 'Recognition of and Facilities for Union and Safety Representatives'.
8. To authorise increases to locally agreed departmental special payments and allowances to reflect movement in the relevant cost of living/wage award as appropriate.
9. To dismiss staff in accordance with the County Council's disciplinary and other procedures.
10. (a) To grade all posts below LMG Band 1 where the skill requirement is confined to that department.
- (b) In agreement with the Chief Executive to grade all other posts in this group.
11. In relation to in-house provider posts below general manager/consultancy manager level (i) to enable an in-house provider to fulfil a contract within the terms of the tender award; or (ii) as a result of the loss of, or variation in the terms of, a contract:
- (a) to increase the number of posts within an in-house provider, provided that where the variation is beyond that set out in the business plan the Chief Operating Officer is satisfied that the

revised employment costs can be met from income and that, where appropriate, the statutory rate of return can still be achieved;

- (b) to reduce the number of posts within an in-house provider, by redundancy if necessary;
- (c) to set the pay and conditions of service on which staff in the in-house providers are employed and to vary those pay rates and conditions of service.

The employment policies adopted for the in-house providers shall be followed in achieving any reductions in the number of posts or in making any variations in the pay and conditions of service on which staff are employed.

D. General

1. To sell, or dispose of, at the best price obtainable surplus vehicles, plant, stores and equipment, subject to competitive tenders being obtained wherever practical.
2. To approve plans of small buildings and other similar projects required for the purposes of the service concerned, except in the case of buildings or projects involving a major change in design policy or which are unique.
3.
 - (a) To authorise officers of their department to act as inspectors for the purpose of, or otherwise to enter premises and to enforce the provisions of, any enactment which it is the duty of the County Council to enforce.
 - (b) To authorise officers of their department to prosecute or defend or to appear on the County Council's behalf in proceedings before a Magistrates' Court, Family Proceedings Court or County Court.
4. Within any policy guidelines issued by the County Council, to provide services, supply goods or carry out works to others whether based in East Sussex or outside, subject to consultations with the Assistant Chief Executive and the Chief Operating Officer, as to compliance with any necessary legal and financial requirements.
5. To approve full applications by the County Council to funders in accordance with County Council's Corporate Funding Protocol
6. To accept sponsorship deals involving the receipt by the County Council of sums between £10,000 and £100,000. NOTE: deals involving sums under £10,000 can be approved by the appropriate Assistant Director. Deals involving sums of over £100,000 require the approval of the Cabinet.
7. To charge for discretionary services on the basis that anyone who requires the discretionary service agrees to take it on those terms pursuant to section 93 of the Local Government Act 2003, subject to consultations with the Assistant Chief Executive and the Chief Operating Officer as to compliance with any necessary legal and financial requirements.
8. To exercise the general power of competence given to local authorities under section 1 of the Localism Act 2011
9. To sign data sharing/processing agreements on behalf of the County Council
10. Within their area of responsibility to make a discretionary grant to any organisation of up to £24,999 in any one financial year (in line with Procurement and Contract Standing Orders: Constitution Part 4, Table 2.7a) where there is no competitive process. In line with Procurement, discretionary grants over £25,000 should be subject to a competitive process as per the Corporate Funding Protocol. For grants that are passported (i.e. grant is received by the Council and passed on to local organisations) without a competitive process normal Departmental Delegations apply.

3. Delegations to Particular Officers

A. Chief Executive

1. (a) To be the Returning Officer for County Council elections.
 - (b) In circumstances considered special by the Chief Executive, to delegate to any senior officer (nominated in that behalf by the Chief Executive) the right to exercise the powers of the Chief Executive as Returning Officer for County Council elections.
 - (c) To increase annually the fees and disbursements payable in respect of County Council elections by the same percentage as the pay award made by the NJC for Local Government Services.
2. To apply the Voluntary Severance Scheme, in consultation with the Chief Operating Officer, the Assistant Chief Executive and Assistant Director of Human Resources and Organisational Development or their representatives
 3. To appoint to Assistant Director posts where there is no competitive process involved.
 4. To deal with issues relating to the fees paid to the County Medical Adviser.
 5. In relation to members' allowances:
 - (a) after consultation with the Chief Operating Officer to implement revised rates for members' allowances, including payments for travelling and subsistence;
 - (b) after consultation with the Chair of the Governance Committee to approve additions to the list of outside bodies for which members may claim payment of travelling expenses,and to make changes to the Members' Allowances Scheme accordingly.
 6. To make minor changes to Standing Orders, Delegations to the Chief Executive, Directors and other officers, the Terms of Reference of Committees, Sub-Committees and Panels and existing protocols, after consultation with the Group Leaders.
 7. To set the allowance and expenses for Independent Persons
 8. To exercise any of the functions and powers delegated to any member of staff so far as the law allows
 9. In consultation with Group Leaders, to make temporary appointments to Assistant Director roles.

10. To make a Direction (and review that Direction every seven days) in accordance with the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 and/or any updating legislation.
11. To agree, in consultation with the relevant Director as appropriate, individual compensation settlements and their terms, and to enter into agreements accordingly.

Note:

(i) The Chief Executive, as the Head of the Paid Service, has certain statutory responsibilities under the Local Government and Housing Act 1989.

(ii) The Chief Executive or his/her nominee has been appointed to serve with the President of the East Sussex Valuation Tribunal on a two person panel to appoint Valuation Tribunal members.

B. Chief Operating Officer

Finance

1. To implement decisions of National Negotiating Bodies affecting employees, except insofar as such decisions give discretionary powers to employing authorities.

Corporate Property Functions

2. To undertake corporate property reviews.
3. To develop policies, and set and monitor corporate standards to achieve the policies in relation to:

- land acquisition;
- new build and maintenance;

and to ensure corporate mechanisms are in place to achieve this role.

4. To provide Health and Safety advice and guidance in respect of property matters.
5. To provide and maintain the County Council's terrier and other corporate property information.
6. To provide property advice to the County Council on corporate functions including the following client agent functions in relation to corporate property responsibilities:
 - property services input to property reviews and property audits;
 - asset valuations;
 - advice on the mix between temporary/permanent and freehold/leasehold accommodation;
 - property and land acquisition and disposal service.
7. To prepare and maintain approved lists of works consultants and contractors.

Other Property Matters

8. To declare surplus to County Council requirements and to authorise the disposal of small areas of surplus land where:
 - (a) no alternative form of development is considered possible; and
 - (b) the area of land is less than 0.2 hectares (0.494 acres).

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9. To authorise the disposal of surplus land, buildings and chattels in accordance with the policy set by the Council.
10. To authorise the temporary occupation of a property (for a maximum period of 12 months) where a staff tenancy terminates for any reason other than retirement or death of the employee.
11. To approve the terms of any land disposal where the payment from the other party does not exceed £250,000 (in the case of a lump sum payment) or £50,000 per annum (in respect of an annual rental), and to maintain a register of all such transactions, to be available for inspection by members.
12. After consultation with the Lead Cabinet Member for Resources and Climate Change (subject to Financial Regulations) to approve on behalf of the Council the sale price or other consideration for the disposal of any interest in land, above the limit set in paragraph 12 above.
13. To seek planning permission under Regulation 4 of the Town and Country Planning General Regulations 1992.

Corporate Personnel and Training Function

14. To authorise increases to locally agreed special payments and allowances which have a corporate application to reflect movement in the relevant cost of living index/wage award as appropriate.
15. To increase the ceiling on the Assisted Car Purchase Scheme annually in the light of increases in new car prices.
16. To adjust, on an annual basis, user contributions towards the leasing costs of lease cars.
17. To vary, in special cases, the approved level of assistance with training expenses.
18. To authorise payment of awards under the Local Government (Discretionary Payments) Regulations.
19. To apply the East Sussex County Council Employer discretionary provisions within the Local Government Pension Scheme (LGPS).
20. To agree with the employing Director the salary bands for management posts in LMG Bands 1-10 (below Director level).
21. To approve payments under the Market Supplement Policy, in consultation with the relevant Director, subject to the other options for addressing staff retention problems having been considered and the following criteria having been satisfied:

- (a) the market in which the County Council is competing being examined;
 - (b) salary levels in that market for the required skills, qualifications and experience being clearly above the County Council pay levels; and
 - (c) non-pay items which might provide a recruitment/retention incentive being thoroughly examined.
22. To accelerate the incremental position of any employee whose post is reserved for elected member appointment, with the exception of the Chief Executive and Chief Officers provided the maximum of the grade for the post is not exceeded.
23. To authorise the premature retirement of non-teaching staff except those for those posts reserved for elected member appointment in which cases premature retirement can be authorised after consultation with the members of the Governance Committee.
24. To extend the time period for aggregation of LGPS membership beyond 12 months in exceptional circumstances.
25. To agree, in consultation with the relevant Director as appropriate, individual compensation settlements and their terms, and to enter into agreements accordingly.
26. To maintain and operate the Corporate Confidential Reporting ("Whistleblowing") Policy.
27. To maintain and operate the E-Mail Use Policy, including authority to make any necessary minor amendments or updating.

Other Matters

28. To settle individual claims for compensation arising for reasons other than loss of or damage to an employee's property in those cases where the employee is unable to prove that there is any negligence on behalf of the County Council.
29. To exercise the County Council's powers as a member of the East Sussex Tourist Attractions Association (ESTAA).
- (a) To exercise day to day management of the Ashdown Forest Trust; and
 - (b) to agree the accounts of, and grants by, the Trust after consultation with the Lead Cabinet Members for Resources and Climate Change and Transport and Environment, and the Director of Communities, Economy and Transport .

Note: The Chief Operating Officer's and the Chief Finance Officer's duties and responsibilities in relation to insurances are set out in the Financial Regulations.

C. Director of Communities, Economy and Transport

1. To authorise, pursuant to the powers contained in the Highways Act 1980 (as amended):
 - (a) the erection and siting of buildings or structures (including but not limited to seats, signs, notice boards and bollards) or the carrying out of works (including but not limited to maintenance):
 - (i) within, over or under the highway and public rights of way;
 - (ii) in front of the prescribed building line;
 - (iii) of a private nature over or under the public highway, subject to securing appropriate bonding arrangements and commuted maintenance payments.
 - (b) interference with or obstruction to highways;
 - (c) the grant of permissions and licences;
 - (d) the grant of permissions and licences including but not limited to skips; trees/shrubs; scaffolding; builders materials and hoardings.
2. After consultation with the Assistant Chief Executive to serve any notices and to exercise the powers of the County Council to authorise direct action or institute legal proceedings relating to:
 - (a) interference with or obstruction to or nuisance on any highway or land adjoining a highway; and
 - (b) a failure to comply with any prohibition or requirement of the Highways Act 1980, New Roads and Works Act 1991 (Part 3), the Traffic Management Act 2004, National parks and access to the Countryside Act 1949, Wildlife and Countryside Act 1981, Dangerous Dogs Act 1989 or Builders' Skips (Markings) Regulations 1984.
3. (a) After consultation with the Assistant Chief Executive, appropriate District Council and local member (save in the case of temporary traffic restrictions), to make, give consent or object to the making of, apply or confirm any order under the provisions of the Highways Act 1980 (as amended), the Wildlife and Countryside Act 1981, the Road Traffic Regulation Act 1984 (as amended), the Town and Country Planning Act 1990, the Parking Act 1989 and the Rights of Way Act 1990, the Traffic Management Act, New Roads Works and Streets Act 1991, Countryside and Rights of Way Act 2000, Cycle Track Act 1984.

- (b) To make provision for the regulation of traffic, pursuant to the County Council's statutory powers, where formal orders are not required.
 - (c) To authorise the Assistant Chief Executive to make temporary traffic orders without recourse to the consultation procedure.
- 4. To approve, from time to time, a schedule of prospectively maintainable highways under the New Roads and Street Works Act 1991.
- 5. To authorise the entering into of agreements with developers under Sections 38 and 228 of the Highways Act 1980 and to exercise the powers of the County Council with respect to the formal adoption of private streets generally.
- 6. To authorise the entering into of any agreements under the Highways Act 1980 including (but not limited to) agreements under Sections 6 and 278 of that Act
- 7. To authorise entry onto any land, including for the purpose of survey and to place or leave on or in that land any apparatus for use in connection with that survey.
- 8. To exercise the discretionary powers of the County Council under the Land Compensation Act 1973 (as amended) and the Noise Insulation Regulations.
- 9. After consultation with the Assistant Chief Executive to serve notices of exemption from the Advance Payments Code (Private Street Works) in appropriate cases where this would not prejudice the County Council.
- 10. To object, when appropriate on highway grounds, to applications to local licensing authorities for licences for goods vehicle operating centres.
- 11. To undertake the powers and duties of the County Council as Enforcement Authority under the Reservoirs Act 1975, including the service of formal notices and the authorisation of legal proceedings.
- 12.
 - (a) In consultation with the Assistant Chief Executive, to grant permits under Section 115(E) of the Highways Act 1980 for the carrying out of trading and similar activities on footways and pedestrianised areas, in cases of unopposed applications.
 - (b) To deal with consultations by district councils exercising their own powers under Section 115(E) of the Highways Act 1980 and to give consent to the exercise of such powers.
 - (c) To authorise payment terms and associated conditions where permits are issued under Section 115(E) of the Highways Act 1980 for trading and similar activities on footways and pedestrianised

areas, in cases where the Highways Authority is the owner of the land.

13. After consultation with the Chief Operating Officer, to amend the fee for the service provided by the County Council in answering highway enquiries on the CON29 Enquiries of Local Authority Form, based upon current costs.
14. To determine the need for on-street parking bays for blue badge holders close to their residences, in terms of traffic problems.
15. To sign controlled waste transfer notes under the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991 in respect of waste transferring between the County Council and another party.
16. After consultation with the Assistant Chief Executive, to determine claimed public rights of way pursuant to Section 53(5) of the Wildlife and Countryside Act 1981

Public Transport

17.
 - (i) To arrange such consultations as appear to him to be appropriate following the notification by an operator of an intention to change a local bus service.
 - (ii) To take steps to provide for the provision at short notice of temporary gap filling journeys where an operator withdraws from a route.
 - (iii) To award contracts, within established guidelines and policy, to the lowest tenderer.
 - (iv) On behalf of the County Council, to enter into a 'de minimis' arrangement with an operator, subject to being satisfied that the particular arrangement is both appropriate and the most cost effective means of securing the provision of a journey.
 - (v) To approve requests for fares increases on supported services which are broadly in line with the general level of inflation.

Development Control

18. To determine all applications for planning permission which fall to be determined by the County Council where the proposal is considered to be in accordance with the development plan and current planning policies except where two or more objections on planning grounds have been received within the consultation period.
19.
 - (a) To determine applications for planning permission amounting to minor variations to applications already granted.

- (b) To determine applications for non-material amendments to planning permissions made under the Town and Country Planning Act 1990
 - (c) To determine particulars submitted pursuant to conditions attached to planning permissions.
- 20. To determine any matter arising under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and associated legislation and any legislation which amends or replaces it.
- 21.
 - (a) To determine whether an application for prior approval is required under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
 - (b) To determine, where there are less than two objections relating to matters that can be considered by the County Planning Authority under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, applications for prior approval under the aforementioned legislation.
- 22. To determine applications for a periodic Review of Old Mineral Permissions made under Paragraph 4 of Schedule 14 of the Environment Act 1995.
- 23. To determine applications for certificates of appropriate alternative development under Section 232(3) of the Localism Act 2011, in respect of decisions which fall to be made by the County Planning Authority.
- 24. To determine applications for Certificates of Lawfulness of Existing or Proposed Use or Development under Sections 191 and 192 respectively of the Town and Country Planning Act 1990 (as amended).
- 25. To determine applications for Listed Building consent for alterations, extension or demolition of a Listed Building under the Planning (Listed Buildings and Conservation Areas) Act 1990, where the proposal is considered to be in accordance with the development plan and current planning policies, except where two or more objections have been received within the consultation period.
- 26. To assess whether a proposal which is a departure from the Development Plan requires referral to the Secretary of State and, when deemed necessary, make the referral.
- 27. To respond to consultations by District/Borough Planning Authorities on applications for development in areas which have been notified to them as mineral consultation areas or waste consultation areas.
- 28. To respond to the appropriate government department on applications made under the Environmental Impact Assessment and Habitats (Extraction of Minerals by Marine Dredging) Regulations 2001 unless the proposal raises issues of strategic importance.

29. To submit observations on behalf of the County Planning Authority and the Highway Authority in respect of proposals for development by District Councils.
30. To respond to the relevant District Planning Authority on behalf of the Highway Authority in respect of any statutory or other consultations in relation to proposals for development.
31. To submit observations on proposals for development by local authorities and government departments not involving formal consultation.
32. To give observations, if appropriate, on behalf of the County Council on applications to the Secretary of State for deemed planning permission under Section 90(1) of the Town and Country Planning Act 1990 for the erection of poles, pole mounted equipment and overhead electricity lines below 33kv.
33. To give observations, if appropriate, on behalf of the County Council on proposals for minor diversions or temporary routes on power lines up to 400kv where no objection is being raised.
34. After consultation with the Assistant Chief Executive, to decide whether to take and/or to discontinue formal enforcement action or initiate any other legal proceedings in any case where they consider it appropriate to do so; any action taken to be reported to a subsequent meeting of the Planning Committee.
35. In consultation with appropriate Directors to authorise the County Council to participate in planning obligations under Section 106 Town and Country Planning Act 1990.
36. To consider requests for variations to agreements made under S106 of the Town and Country Planning Act 1990, in consultation with relevant Directors, the local Members and the Chair of Planning Committee where this materially affects the obligations of, or to the County Council, and to enter into such variation agreements as appropriate.
37. To exercise the powers delegated to the Council by another Planning Authority to provide the planning service for matters detailed in Paragraphs 18 – 24 and 33 – 35 above for sites and proposals that are in accordance with arrangements agreed with the other Planning Authority.

Development Plans and Consultation

38. To respond to consultations by other Planning Authorities on Draft Local Plans and any other Development Plan.
39. To consider, agree and sign Statements of Common Ground that are prepared in support of Development Plans by both the County Council and

other planning authorities.

40. To respond to consultations by Town and Parish Councils and other Qualifying Bodies on Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders.
41. To respond on behalf of the Council as County Planning Authority, Highway Authority and/or Lead Local Flood Authority to consultations from government departments and other statutory and non-statutory organisations.
42. To make representations on Development Consent Orders at the Pre-application, Acceptance and Pre-Examination stages, and to further these representations and represent the County Council at the Examination stage.
43. To agree briefs for joint County and District Local Plan studies.
44. To agree to publish the Waste and Minerals Monitoring Reports and Local Aggregate Assessments.
45. To publish amendments to the Council's Local Development Scheme.

Other Matters

46. To make new Tree Preservation Orders and modify existing Orders.
47. To determine applications for consent to fell, top or lop trees included in a Tree Preservation Order (where this is the responsibility of the County Planning Authority).
48. To submit observations when consulted on applications for felling licences.
49. To authorise the planting of trees, subject to funds being available within the agreed budget.
50. To authorise the service of Notices under Section 207 of the Town and Country Planning Act 1990, requiring the replacement of trees.
51. To exercise the County Council's powers and duties under orders and regulations made under the Plant Health Act 1967 (includes Dutch Elm Disease).
52. After undertaking appropriate consultations, to decline the offer of an access agreement between the County Council and the landowner in respect of woods which clearly have insignificant recreational value.
53. To make arrangements for the transport of pupils and students to school or college where there is a statutory duty or it is the policy of the County Council to provide such transport.

54. To discharge any function relating to the control of pollution or the management of air quality.
55. (a) To discharge the powers, duties and responsibilities of the County Council under the legislation in respect of trading standards and animal welfare, which shall include but not be limited to the legislation listed in 55 below ('the trading standards and animal welfare legislation').
- (b) To appoint and designate officers in Trading Standards as authorised officers in respect of the trading standards and animal welfare legislation. The Team Manager –Trading Standards is designated the Chief Inspector of Weights and Measures.
- (c) To grant, amend, refuse, suspend and transfer licenses or certificates, and to register persons or premises, pursuant to the trading standards and animal welfare legislation.
- (d) To authorise the institution of proceedings brought under the trading standards and animal welfare legislation.
56. The legislation set out below includes also any enabling enactment, statutory instrument, order in council, byelaw or other order, and any enactment repealing, amending or extending the provisions thereof.
- Accommodation Agencies Act 1953
 - Administration of Justice Act 1970 – Section 40
 - Administration of Justice Act 1985
 - Agricultural Produce (Grading & Marking) Acts 1928
 - Agriculture Act 1970
 - Animal Health Act 1981
 - Animal Welfare Act 2006
 - Anti-Social Behaviour Act 2003
 - Cancer Act 1939
 - Celluloid & Cinematograph Film Act 1922
 - Children & Young Persons (Protection from Tobacco) Act 1991
 - Children & Young Persons Act 1933
 - Clean Air Act 1993
 - Companies Acts 1985/2006
 - Consumer Credit Act 1974
 - Consumer Protection Act 1987
 - Copyright, Designs & Patents Act 1988
 - Courts and Legal Services Act 1990
 - Criminal Damage Act 1971
 - Criminal Justice Act 1988
 - Customs & Excise Management Act 1979
 - Education Reform Act 1988
 - Energy Act 1976
 - Enterprise Act 2002
 - Environmental Protection Act 1990
 - Estate Agents Act 1979
 - Explosives Act 1875

Fair Trading Act 1973
Farm & Garden Chemicals Act 1967
Fireworks Act 1951
Fireworks Act 2003
Food and Environment Protection Act 1985
Food Safety Act 1990
Forgery & Counterfeiting Act 1981
Fraud Act 2006
Hallmarking Act 1973
Health & Safety at Work etc Act 1974
Housing Act 2004
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Legal Services Act 2007 (S198)
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
(S16)
Malicious Communications Act 1988
Medicines Act 1968
Merchant Shipping Act 1995
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act
1991
Olympic Symbol etc (Protection) Act 1995
Performing Animals (Regulation) Act 1925
Poisons Act 1972
Prices Act 1974
Property Misdemeanors Act 1991
Protection of Animals Act 1911
Public Health Act 1961
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Act 1988 and 1991
Road Traffic Regulation Act 1984
Solicitors Act 1974
Telecommunications Act 1984
Theft Acts 1968 and 1978
Tobacco Advertising and Promotions Act 2002
Trade Descriptions Act 1968
Trade Marks Act 1994
Unsolicited Goods & Services Acts 1971 & 1975
Video Recordings Act 1984
Weights & Measures Act 1985

57. To authorise officers of the East Sussex Fire and Rescue Service or another Local Authority to act as licensing officer and petroleum inspectors, under sections 18 and 19 of the Health and Safety At Work (etc) Act 1974 and the Petroleum Consolidation Act 1928, on behalf of the County Council.

58. In liaison with Action in Rural Sussex and the Chief Operating Officer to agree arrangements for the consideration of applications for assistance to Village Halls and to determine applications, subject to keeping the Lead Cabinet Member, opposition Group Spokespersons and the local member informed.
59. To determine applications for ordinary watercourse consent, under the Land Drainage Act (1991) as amended
60. After consultation with the Assistant Chief Executive, to decide whether to take formal enforcement action or initiate legal action under the Land Drainage Act 1991 or the Flood and Water Management Act 2010 in any cases it is deemed appropriate to do so.
61. To respond to the relevant planning authorities on behalf of the County Council as Lead Local Flood Authority in respect of any statutory or other consultation in relation to the drainage and local flood risk aspects of proposals in applications for planning permission (including Notifications for Prior Approvals) and Development Plans.
62. To designate features which affect flood risk and to determine applications to alter or remove designated features under the Flood and Water Management Act 2010
63. To update the Preliminary Flood Risk Assessment for East Sussex in accordance with the requirements of the Flood Risk Regulations 2009.
64. Under the Safety of Sports Grounds Act 1975 (as amended):
 - (a) after consultation with the East Sussex Fire Authority, to carry out inspections and issue Safety Certificates subject to any matters of particular relevance being reported to the Regulatory Committee.
 - (b) to issue, serve and enforce prohibition notices.
65. Under the Fire Safety and Safety of Places of Sport Act 1987:
 - (a) after consultation with the East Sussex Fire Authority, to undertake the County Council's powers and duties: (i) in respect of inspections, determinations and the issue, amendment and cancellation of certificates under Part III of the Fire Safety and Safety of Places of Sport Act 1987; and (ii) to enforce and institute proceedings under this legislation.
 - (b) to charge applicants for certificates up to the statutory maximum
66. In relation to libraries:
 - (a) to fix the opening and closing hours; and
 - (b) to set the fees and charges made by the Business Information Services.

67. To take the lead role in Arts related work, including determining applications for grant aid for support for the Arts where the sum applied for is £2,000 or less.
68. To amend the Commons Register following an application under Section 15(8) of the Commons Act 2006.
69. To undertake and be responsible for the day to day management and operation of the Lewes Public Library and Museum Charitable Trust.
70. To set charges for transport conditional permits within guidelines set by the Cabinet.
71. To publish a consultation draft of a Local Nature Recovery Strategy and undertake all tasks under Regulations 4 to 12 inclusive, of The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023, in preparing and publishing a draft LNRS. To make representations on Local Nature Recovery Strategies prepared by neighbouring authorities.

Registration Matters

72. (a) To exercise the powers of the County Council under the Marriage Act 1994 and the Marriage (Approved Premises) Regulations 1994, save where a review has been sought which falls to be determined by the Approved Marriage Premises Review Panel.

(b) To convene a Panel of three Members, drawn from the membership of the Regulatory Committee, to review decisions made by the Proper Officer for Registration under the Marriage (Approved Premises) Regulations 1995.

Economy

73. To act as the Accountable Body representative on all matters in respect of which the Council has agreed to act or has been appointed as Accountable Body in respect of Local Enterprise Partnership functions.
74. Where the Council is acting as the Local Enterprise Partnership Accountable Body:
 - (a) To agree the issuing of any new funding calls;
 - (b) In consultation with the s.151 officer, to assess bids in response to a funding call and to agree the prioritisation / allocation of loans or grants to bidding organisations;
 - (c) To collect monitoring and evaluation information from the recipients of loans or grants, in accordance with the terms of the relevant funding agreement;

- (d) Subject to government approval where required, to agree the following variations to the terms and conditions of funding agreements:
 - (i) the completion date of the project;
 - (ii) in consultation with the s.151 officer, amendments to the length and/or conditions of a funding agreement.
- (e) To approve the submission to Government of Project Change Requests relating to grants and/or loans.

D. Director of Children's Services

1. (i) To be the Council's Director of Children's Services pursuant to Section 18 of the Children Act 2004.
- (ii) To discharge the education, children's social services and other functions conferred by Section 18(2) of the Children Act 2004 and any additional functions for which the Director of Children's Services may subsequently become the statutory officer.
- (iii) Without prejudice to the general nature of the functions delegated at paragraphs 1(i) and (ii) above, to exercise the specific function set out below.

Schools

2. In consultation with a Standing Panel of teacher representatives, to fix school terms and holidays.
3. To carry out consultations on proposed annual admission limits for all schools for which the Council is the admissions authority and to report thereon to the Cabinet or Lead Cabinet member and to allocate to pupils the school at which education is to be provided in accordance with the County Council's school admissions policies and related criteria and to represent the County Council at school admission appeals.
4. In accordance with the County Council's special education policies and related criteria, to refuse or make arrangements for the assessment and re-assessment of the special educational needs of children and, where appropriate, to make statements of the special educational needs of children and to arrange for the special educational provision specified in those statements, including the undertaking of annual reviews of such statements and related provision, the ceasing of statements and representing the County Council at tribunals.
5. To require a child under section 19 of the 1996 Education Act to attend alternative provision otherwise than at the school they are registered at, make school attendance orders and, where appropriate, in consultation with the Assistant Chief Executive, to exercise the powers of the County Council to institute proceedings if a child of compulsory school age is not receiving efficient full time education suitable to his/her age, ability and aptitude and to apply to the Court for education supervision orders.
6. To respond to resolutions passed at annual meetings of parents/governors.
7. In conjunction with the Assistant Chief Executive to make Orders, or to amend existing Orders, to provide for Instruments of Government for all maintained schools in accordance with the provisions of the Schools Standards and Framework Act 1998.

8. To exercise the Council's powers in respect of pupils excluded from schools.
9. In consultation with the Lead Member for Education and Inclusion, Special Educational Needs and Disability, to exercise all the executive powers and duties of the County Council:
 - (a) To authorise all actions (except for the approval of pension arrangements) considered necessary in connection with school proposals to change category to Foundation (or Trust) or to form an Academy; and
 - (b) To engage with any potential Free School proposers and respond to any consultations proposing the establishment of a Free School; subject to consulting with the Chief Operating Officer in respect of land disposals
10. To agree the terms of, and entering into, agreements for the joint use of school facilities

Assistance to Pupils/Students

11. To determine applications for boarding and tuition allowances for pupils and applications for awards and grants to students, including the power to determine where an applicant's circumstances are such that an exception to the normal policy of the County Council ought to be made.

Finance and Personnel Functions

12. To determine annually individual budget shares for schools in accordance with decisions of the County Council, statutory requirements and the approved scheme for the financing of maintained schools.
13.
 - (i) After consultation with the Lead Cabinet Member for Education and Inclusion, Special Educational Needs and Disability, to exercise all the powers and duties of the County Council under Part 4 of the Education and Inspections Act 2006, including Section 60 (Warning Notices); Section 63 (requiring governing body to enter into arrangements); Section 64 (appointment of additional governors); Section 65 (appointment of governing body consisting of interim executive members) and Section 66 (suspension of delegated budget). Action taken Sections 63, 64, 65 and 66 to be reported to following meeting of the Cabinet.
 - (ii) In respect of a school which is judged following an OFSTED inspection to be in need of special measures, or requiring significant improvement, to prepare on behalf of the County Council a commentary on the governing body's action plan and to submit to the Secretary of State a statement of the action proposed by the County Council in support of the action plan and to take all

intervention and other consequential action. Where the school's delegated budget is suspended following intervention under 13 (i) or (ii), the Director of Children's Services shall exercise the County Council's powers in relation to all staffing matters.

14. In relation to schools with delegated budgets, to exercise the County Council's residual powers and duties in relation to staffing matters.
15. To approve the premature retirement of teaching staff in accordance with the County Council's policy on the premature retirement scheme for teachers.

Buildings/Premises

16. Except in the case of buildings or projects involving a major change in design policy, to approve on behalf of the Cabinet plans prepared by or on behalf of the County Council for capital projects which have been agreed departmentally and, in the case of existing educational establishments, with the head or principal and governors concerned.
17. To authorise the exercise of the County Council's statutory duty to transfer sites to the trustees of voluntary schools.
18. To authorise the payment of such sums as may be approved by the Department for Education and Skills in respect of the County Council's contribution to aided school projects, subject to the Chief Operating Officer being satisfied that sufficient provision has been made for the expenditure in the revenue or capital budget and that, where required, borrowing authorisation will be available.
19. To authorise members of staff at educational establishments to exercise the powers of removal conferred by Section 547 of the Education Act 1996 (the Assistant Chief Executive is separately authorised to institute proceedings for alleged offences).

Miscellaneous

20. To agree the mileage rates to be paid to parents who make arrangements to transport their children between home and school.
21. To nominate and remove governors to those places allocated to the Local Authority for school governing boards constituted under the Regulations or the Federation Regulations, as appropriate.
22. To consider and make decisions relating to the recruitment of governors; the payment of expenses to governors; the training of governors; and any other matters that may be referred to the Director by the Cabinet or the Governance Committee

23. To approve adjustments to the specification for the cleaning of County Council buildings and the provision of catering services and grounds maintenance services subject, in the case of buildings and catering services and grounds maintenance services not the responsibility of the Children's Services Department to prior consultation with the appropriate Director.
24. To set price increases for school meals under the school meals contract at a rate not to exceed the rate of inflation for food and labour costs, in consultation with the contractor, the prices to be reviewed twice yearly with increases taking effect immediately after the February half term and at the start of the Autumn term.
25. To exercise powers and duties of the County Council in its capacity as trustee of the charity known as the East Sussex Music Trust in compliance with the terms of the Trust Deed and Charities Acts
26. To make grants to county-wide voluntary organisations for community education and educational development purposes.
27. To authorise expenditure or donations of up to £5,000 by a charity for which the County Council is trustee, and whose purposes relate, among others things, to the advancement of education, subject to consultation with the Chief Executive.

Services for Children and Young People

28. To exercise all the powers and duties of the County Council in accordance with general policies from time to time laid down by the Cabinet for the administration of any arrangements made under the Children Act 1989, the Children Act 2004, or other relevant legislation with respect to services for children and young people. This power includes specifically:
 - (a) approving expenditure in respect of any one family in any period of 12 months of up to £10,000 under Section 17 of the 1989 Act and £5,000 under Section 24 of the 1989 Act (both sums to be updated annually by the Chief Operating Officer to take account of inflation);
 - (b) giving and refusing consents and imposing and cancelling requirements and prohibitions in respect of the private fostering of children, removing a child under the Adoption Act 1976, and making exemptions to the usual fostering limits under the Children Act 1989;
 - (c) authorising in exceptional cases variations from the scale of charges and allowances approved by the Cabinet from time to time for a particular service provided for children and young people;

- (d) in respect of children in care, consenting or withholding consent to applications for residence orders where it is in the best interests of the child concerned; and
 - (e) exercising the powers and duties of the Council in respect of children and young people in their care or being looked after by them, including the power to place children and young persons in accommodation to meet their special needs and to appoint independent persons as visitors.
29. To undertake all the powers and duties of the County Council as an adoption agency having regard to the recommendations of the Adoption Panel and to approve the charge for home-study assessments for inter-country adoptions in accordance with the policy agreed by the Cabinet.
30. To undertake statutory visits to children's homes.
31. To make permanent or temporary variations in the approved number of places at any Children's Services establishment.
32. To enforce, make applications and representations to a Court or Magistrate and authorise, institute and defend proceedings under any enactment which stand referred to the Cabinet, in consultation with the Assistant Chief Executive.
33. To agree to the payment of up to 75% of the travelling expenses of employees to and from work at residential and day care establishments where recruitment is difficult.
34. To purchase groceries, meat and other domestic provisions locally for residential and day care establishments under the control of the Cabinet: (a) if satisfactory tenders are unlikely to be obtained; and (b) where client training is involved.
35. To authorise expenditure in relation to children up to a net contribution by the County Council of £20,000 in any one case on alterations/adaptations to premises under section 2, Chronically Sick and Disabled Persons Act 1970.
36. To exercise all the powers of the Cabinet, in such matters as the Director considers urgent, following consultation with the relevant Cabinet member relating to:
- (a) the approval of applications under the Chronically Sick and Disabled Persons Act 1970 involving a net cost to the County Council of more than £20,000 in so far as they relate to children (see Delegation 40); and
 - (b) applications for expenditure under sections 17 and 24 of the Children Act 1989 in excess of the sums set in delegation 33(a).

37. To make ex gratia payments of up to £1,000 where justified under the Children's Services Department's complaints procedure.
38. To provide individuals or families with family placements and residential and day care accommodation within any agreed policy of the Council.
39. To appoint the members of the Adoption panels in accordance with the Adoption Agencies Regulations 2011.
40. To appoint the members (except for the appointment of any members who are County Councillors) of the Fostering Panel in accordance with the Fostering Services Regulations 2011.
41. To appoint representatives of the Local Safeguarding Children Board in accordance with the Local Safeguarding Children Boards Regulations 2006.
42. To grant licences and to approve bodies of persons to enable children to take part in public performances under Section 37 of the Children and Young Persons Act 1963.

E. Director of Adult Social Care and Health

1. To exercise all the powers and duties of the County Council in accordance with general policies from time to time laid down by the Cabinet for the administration of any arrangements made under relevant legislation with respect to services for adults including people with disabilities. This power includes specifically:
 - (a) arrangements made under the Care Act 2014, Section 29, National Assistance Act 1948 and Section 2, Chronically Sick and Disabled Persons Act 1970 and the Health and Social Care Act 2001 (expenditure authorised up to a net contribution by the County Council of £50,000 in any one case on alterations/ adaptations to premises);
 - (b) waiving assessed contributions for adaptations to premises/ provision of equipment in exceptional circumstances;
 - (c) authorising the Assistant Director Operations to be appointed as the Council's nominee for obtaining Grants of Probate and dealing with related matters and to seek appointment as Deputy in appropriate cases;
 - (d) under the Mental Health Act 1983 as amended, and the Mental Capacity Act 2005 appointing approved social workers/authorised mental health professionals, Best Interest Assessors and Independent Mental Capacity Advocates, accepting guardianship applications and making orders for the discharge of patients subject to guardianship, acting as the Supervisory Body in relation to the Deprivation of Liberty safeguards and undertaking functions in relation to those safeguards under the Mental Capacity Act 2005;
 - (e) under the Care Act 2014 and NHS and Community Care Act 1990, (i) increasing the limits paid for residential care in line with published DSS rates and, when they are no longer published, in consultation with the Chief Finance Officer to take account of inflation; (ii) approving, in special circumstances, packages of home support costing more than net residential care costs; and (iii) making payments to providers of individual care quarterly in advance where the provider will not accept any other terms.
 - (f) disregarding the value of a former dwelling in assessing the client's contribution towards the cost of residential accommodation where it is considered reasonable to do so in consultation with the Chief Executive and the Chief Finance Officer (and where appropriate the relevant Cabinet member); and
 - (g) under Sections 34 – 36 of the Care Act 2014, taking charges against interests in property in consultation with the Assistant Chief Executive and (ii) entering into deferred payments arrangements.

2. To make permanent or temporary variations in the approved number of places at any Adult Social Care establishment.
3. To purchase groceries, meat and other domestic provisions locally for residential and day care establishments under the control of the Cabinet: (a) if satisfactory tenders are unlikely to be obtained; and (b) where client training is involved.
4. To exercise all the powers of the Cabinet, in such matters as the Director considers urgent, following consultation with the relevant Cabinet member relating to the approval of applications under Section 18 of the Care Act 2014 and the Chronically Sick and Disabled Persons Act 1970 involving a net cost to the County Council of more than £20,000 (see delegation G1 (a) so far as these do not relate to children).
5. To exercise all of the County Council's powers in relation to the misuse of Blue Badges including (but not limited to) the powers under section 21 of the Chronically Sick and Disabled Persons Act 1970 as amended and in relation to offences under Section 117 of the Road Traffic Regulation Act 1984, the Fraud Act 2006 and the Theft Act 1968.
6. To approve the terms of, and enter into, Nominations Agreements and any Nomination Protocols in respect of Extra Care and Learning Disability Housing Schemes. The Leader of the Council and Lead Member of Adult Social Care to be notified of any agreements entered into.

F Assistant Chief Executive

1.
 - (a) To perform the role of Solicitor to the Council and, as such, to be its chief legal adviser.
 - (b) To institute, defend and carry on legal proceedings to protect the County Council's interest or to implement a decision made by it or on its behalf or for the recovery of any debt or sum due to it and to negotiate and settle claims.
 - (c) To exercise the County Council's powers to institute proceedings:
 - (i) for alleged contravention of bylaws made by it;
 - (ii) under the Wildlife and Countryside Act 1981, Part 1;
 - (iii) under the Education Act 1996, section 547;
 - (d) To institute or defend criminal proceedings on behalf of the County Council.
 - (e)
 - (i) To exercise the powers, and to institute proceedings, under the Criminal Justice and Public Order Act, Sections 77 to 79.
 - (ii) In consultation with the relevant Chief Officer, to authorise legal proceedings for the recovery of land.
2. To sign, present or sue on petitions in bankruptcy and applications for winding up, to make affidavits, proofs of debts and proxies and to take all necessary action under the Insolvency Act 1986 on behalf of the County Council as shall appear to him to be expedient and in the interests of the Council.

Note:

It is a condition of this delegation that the relevant member of the Cabinet shall be consulted where residents in homes are involved.
3. To appoint authorised officers (for surveillance purposes) and designated person and single points of contact (for the purposes of communications data) under the Regulation of Investigatory Powers Act 2000.
4. To grant dispensations relieving a member from either or both of the restrictions (participating in discussions and in voting)
5. To appoint Independent Persons for the Standards Committee and to determine the rules and procedures for investigations and hearings by the full Standards Committee or any sub committee of the Standards Committee

6. To determine requests by officers and members for assistance under the indemnity with respect to civil liability, except in the case of requests for assistance by members in respect of breaches of the Members' code of Conduct, where the Chief Executive shall determine such requests.
7. To require information as to interests in land under a power conferred upon the County Council by any Act.
8. To exercise the Council's powers and duties under:
 - (a) the Charities Acts 1993 and 2006;
 - (b) the Local Government (Access to Information) Act 1985 to set charges for copy documents and other matters;
 - (c) section 3 of the Local Government and Housing Act 1989 (politically restricted posts).
9.
 - (a) After undertaking consultations, as appropriate, or, in the case of appointments under the Local Government and Housing Act 1989 on receipt of nominations, to appoint members, and fill vacancies.
 - (b) In consultation with the Leader of the Council, to approve the appointment of delegates to attend conferences at which the County Council is invited to be represented and at meetings of bodies of which the County Council is a member and to appoint substitutes.
10. To appoint a person(s) to consider representations made by objectors who request a hearing under Section 6(1) of the Commons Registration (East Sussex) Act 1994 and to report to the Cabinet regarding those representations.
11. In relation to school admission appeal panels:
 - (i) to appoint a panel of persons from whom Appeal Panels can be drawn, to comprise: (a) those persons who either have experience in education or are familiar with local educational circumstances or are parents of children currently at a school and whose names he has approved; and (b) those persons who have responded to statutory advertisements for lay members, or who otherwise meet the statutory criteria to serve as lay members, and whose names he has approved;
 - (ii) to constitute from time to time Appeal Panels by the selection of three panel members, subject to statutory requirements;
 - (iii) to appoint panel members as Chairs of Appeal Panels;

- (iv) to approve a list of persons for appointment to Appeal Panels established by governors of voluntary aided schools.
- 12. To make arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (appeals by governing bodies in relation to admitting excluded pupils)
- 13. In relation to Independent Review Panels for school exclusions:
 - (i) to appoint a panel of persons from whom Independent Review Panels can be drawn, to be comprised of one from each of the following three groups: (a) lay panel members, defined as those who have not worked in a school in a paid capacity, although they may have been a school governor or worked as a volunteer; (b) those members who must be, or have been, a governor of a maintained school provided they have served in this capacity for at least 12 months in the last 5 years (but must not be or have been a teacher or headteacher); and (c) those members who are, or have been in the last five years a headteacher of a maintained school. In the event of an exclusion from a Pupil Referral Unit (PRU), the member can either be a headteacher from a maintained school or a teacher in charge of a PRU;
 - (ii) to constitute from time to time Independent Review Panels by the selection of one panel member from each of the three categories above;
 - (iii) to meet statutory requirements, to appoint only lay members as Chairs of Independent Review Panels;
 - (iv) to approve a list of persons for appointment to Independent Review Panels established by governors of voluntary aided schools.
- 14. To enter into model agreements, as amended, under the New Roads and Street Works Act 1991 or any re-enactment thereof.
- 15. In consultation with the Director of Communities, Economy and Transport and the Chief Operating Officer to agree, on behalf of the County Council, to acquire land pursuant to the service on the County Council under Section 150 of the Town and Country Planning Act 1990 of a valid blight notice in respect of land which is blighted under any of paragraphs 13-18 of Schedule 13 to that Act provided he is satisfied that no grounds exist for service of a counter-notice under Section 151 of the 1990 Act.
- 16. To designate the Statutory Scrutiny Officer for the County Council.
- 17. To discharge the County Council's responsibilities for the Coroner Service and for the provision of support for the administration of the Coroner's Office, including the appointment of the Senior Coroner, Area Coroners and Assistant Coroners.

18. To make a Direction (and review that Direction every seven days) in accordance with the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 and/or any updating legislation.
19. To agree, in consultation with the relevant Director as appropriate, individual compensation settlements and their terms, and to enter into agreements accordingly.

Note:

- (i) *The Assistant Chief Executive has been designated as the Monitoring Officer under the Local Government and Housing Act 1989.*
- (ii) *The Assistant Chief Executive has been authorised to make decisions at Stage 2 of the internal dispute resolution procedure under the Local Government Pension Scheme Regulations 2013 (Note: the Pension Compliance Manager has been authorised to deal with Stage 1 disputes).*

G. Chief Finance Officer

1. To make arrangements for the borrowing of such money as the County Council has decided shall be borrowed in accordance with such policy as may be laid down from time to time by the Council and subject to the receipt of the necessary Government approvals.
2. In accordance with the provisions of the Local Government and Housing Act 1989:
 - (a) to issue bonds and to deal with allied detailed matters as reported to the Cabinet;
 - (b) to issue bills in accordance with conditions reported to the Cabinet.

Note: Delegation 2 above is granted subject to the Chief Operating Officer's reporting at regular intervals to the Cabinet on action taken.

~~3. To carry out the statutory duties referred to in Section 151 of the Local Government Act 1972 in relation to the Pension Fund and to provide advice to the County Council, Pension Committee and Pension Board in carrying out their responsibilities.~~

~~4. To implement strategies and policies approved by the Administering Authority (including those delegated to the Pension Committee).~~

~~5. To manage, in accordance with the policies and strategies approved by the Administering Authority (including the Pension Committee), and in accordance with legislative requirements, the East Sussex Pension Fund including ensuring arrangement for investment of assets and administration of contributions and benefits.~~

~~6. To implement policies decided by the Administering Authority (including the Pension Committee).~~

~~7. To take action or decide any other Pension Fund related matter on behalf of the Administering Authority in special or emergency situations, in consultation with the Chair of the Pension Committee, including but not limited to where delay in the purchase or sale of investments might be detrimental to the interests of the East Sussex Pension Fund.~~

~~8. To approve the terms of an admission or cessation agreement and, where appropriate, any related bond or indemnity, with a body wishing to participate in or leave the East Sussex Pension Scheme/Fund.~~

~~9. To undertake any necessary actions relating to employers joining and leaving the fund, or monitoring of such employers, based on decisions made by the Pension Committee.~~

~~10. To agree Administering Authority responses to consultations on LGPS matters and other matters where they have minimal impact on the Fund or its stakeholders including relating to minor technical operational matters impacting the Administering Authority only.~~

~~11. To implement the Fund's agreed strategic allocation including use of both rebalancing and conditional ranges in accordance with the Investment Strategy.~~

~~123.~~ After consultation with the relevant Cabinet members (subject to the provisions of Financial Regulations) to:

- (a) authorise transfers between budget headings;
- (b) vary the capital programme;
- (c) deal with urgent budgetary matters;
- (d) deal with urgent matters relating to borrowing, investments and excusal of debts; and
- (e) vary the interest rate chargeable for staff housing advances.

~~134.~~ After consultation with the Director of Adult Social Care and Health, to set future inter authority and standard charges for residential and day care accommodation, in accordance with the formula recommended by the Local Government Association.

~~145.~~ To approve fees and charges for 2019/20 onwards and to report to Cabinet and the County Council on those set at a level above inflation as part of the quarterly monitoring.

~~156.~~ To determine whether additional income, e.g. one-off grants, should be held corporately or passed to the relevant department within the Medium Term Financial Plan (See A.5.1.3).

~~167.~~ To determine the resources available for the Capital Programme, taking into consideration the availability of reserves and balances, funding from other bodies and the affordability of borrowing. (see A.5.3.6)

~~178.~~ To agree variations within 10% of a capital scheme's current budget where funding has been identified as outlined in A.5.3.8 (see A.5.3.9)

~~189.~~ To determine annually the capital risk provision and to approve use of the provision for individual project, in consultation with the Capital Strategic Asset Board. (see A.5.3.10)

10. To approve and submit returns to government relating to the Council's role as accountable body for local enterprise partnership functions.

Note: The Chief Finance Officer has been designated as the Officer with responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972.

Responsibilities in relation to the East Sussex Pension Fund

101. To carry out the statutory duties referred to in Section 151 of the Local Government Act 1972 in relation to the Pension Fund and to provide advice to the County Council, Pension Committee and Pension Board in carrying out their responsibilities.

142. To implement strategies and policies approved by the Administering Authority (including those delegated to the Pension Committee).

123. To manage, in accordance with the policies and strategies approved by the Administering Authority (including the Pension Committee), and in accordance with legislative requirements, the East Sussex Pension Fund including ensuring arrangement for investment of assets and administration of contributions and benefits.

134. To implement policies decided by the Administering Authority (including the Pension Committee).

145. To take action or decide any other Pension Fund related matter on behalf of the Administering Authority in special or emergency situations, in consultation with the Chair of the Pension Committee, including but not limited to where delay in the purchase or sale of investments might be detrimental to the interests of the East Sussex Pension Fund.

156. To approve the terms of an admission or cessation agreement and, where appropriate, any related bond or indemnity, with a body wishing to participate in or leave the East Sussex Pension Scheme/Fund.

167. To undertake any necessary actions relating to employers joining and leaving the fund, or monitoring of such employers, based on decisions made by the Pension Committee.

178. To agree Administering Authority responses to consultations on LGPS matters and other matters where they have minimal impact on the Fund or its stakeholders including relating to minor technical operational matters impacting the Administering Authority only.

189. To implement the Fund's agreed strategic allocation including use of both rebalancing and conditional ranges in accordance with the Investment Strategy.

4920. To make decisions to invest up to 5% of the Fund assets outside of the defined Investment Strategy Statement, Implementation plan or rebalancing range to react to market risks or opportunities.

201. To approve payments under the Market Supplement Policy, subject to the other options for addressing staff retention problems having been considered and the following criteria having been satisfied:

- (a) the market in which the County Council is competing being examined;
- (b) salary levels in that market for the required skills, qualifications and experience being clearly above the County Council pay levels; and
- (c) non-pay items which might provide a recruitment/retention incentive being thoroughly examined.

212. Within the approved budget to set the staffing complement and to appoint employees to all posts other than those reserved for elected member appointment and to approve starting salaries.

223. Provided that the cost can be met from within the approved training budgets

- (a) to arrange and approve the training of employees in accordance with the Pension Funds training policy; and
- (b) to approve the attendance of officers at professional conferences.

234. In accordance with the policy of the County Council to authorise:

- (a) honoraria payments for special merit up to £1000;
- (b) honoraria payments to staff who temporarily undertake additional duties or responsibilities in accordance with the scheme for the time being in force;
- (c) planned overtime for staff on or above Spinal Column Point 23 on the Single Status Scheme;
- (d) in special cases, variations in the normal repayment provisions relating to:
 - (i) training expenses where the employee leaves within two years of completing a course of study;
 - (ii) relocation expenses where the employee leaves within the period stated in the scheme in consultation with the Chief Operating Officer;

245. To provide information to the media, members of the public and the community.

H. Director of Public Health

1. To exercise all the powers and duties of the Director of Public Health as stated in the Health and Social Care Act 2012.
2. To be responsible for all of the County Council's duties to take steps to improve public health.
3. To be responsible for the preparation of an Annual Report on the health of the local population.
4. To action any of the Secretary of State's public health protection or health improvement functions as delegated, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the National Health Service 2006 Act, inserted by section 18 of the 2012 Act.
5. To exercise the County Council's functions in planning for, and responding to, emergencies that present a risk to public health.
6. To be responsible for the County Council public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications (a function given to local authorities by sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the 2012 Act)
7. To exercise the Council's dental public health functions, with a view to improving oral health pursuant to the NHS Bodies and Local Authorities
8. If the local authority provides or commissions a maternity or child health clinic, then to have responsibility for providing Healthy Start vitamins (a function conferred on local authorities by the Healthy Start and Welfare Food Regulations 2005 as amended).
9. To be a member of the Health and Wellbeing Board
10. To exercise such other public health functions as the Secretary of State may prescribe.
11. To make a Direction (and review that Direction every seven days) in accordance with the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 and/or any updating legislation.

I. Head of Children's Safeguards and Quality Assurance / Head of LAC Services (Provider Services)

1. To exercise the powers, functions and duties of the County Council as an Adoption Agency, which includes acting as Agency Decision Maker.

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