

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. Human Resources
 - 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. Deputy 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 Deputy 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 Deputy Chief Executive.

To the extent permissible by law, the functions delegated to the Chief Executive, Directors, Chief Finance Officer, Deputy 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, Deputy 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 Deputy 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 Deputy 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 the Procurement and Contract Standing Orders and any other 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 Personnel 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 to:
 - (a) 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) 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;

CONSTITUTION – PART 3 – RESPONSIBILITY FOR FUNCTIONS

- (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 Deputy 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;

CONSTITUTION – PART 3 – RESPONSIBILITY FOR FUNCTIONS

- (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 Deputy 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 Deputy 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 Deputy 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 as set out in 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

CONSTITUTION – PART 3 – RESPONSIBILITY FOR FUNCTIONS

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 Deputy 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 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).

CONSTITUTION – PART 3 – RESPONSIBILITY FOR FUNCTIONS

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 11 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:

CONSTITUTION – PART 3 – RESPONSIBILITY FOR FUNCTIONS

- (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 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 'Email 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 Ashdown Forest 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.

CONSTITUTION – PART 3 – RESPONSIBILITY FOR FUNCTIONS

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 Deputy 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, Part 3 of the New Roads and Street Works Act 1991, 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 Deputy 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;
the Rights of Way Act 1990;

the Traffic Management Act 2004;
the New Roads and Street Works Act 1991;
the Countryside and Rights of Way Act 2000; and
The Cycle Tracks 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 Deputy 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 Deputy 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 Deputy 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 Deputy Chief Executive, to determine claimed public rights of way pursuant to Section 53(5) of the Wildlife and Countryside Act 1981.
- 17. After public consultation, and consultation with the Deputy Chief Executive, and where no objections have been received, to authorise the withdrawal of Town and Village Green applications made under Section 15 of the Commons Act 2006.
- 18. After public consultation, and consultation with the Deputy Chief Executive, to join applications for the de-registration and replacement of Common Land made under Section 16 of the Commons Act 2006.
- 19. After consultation with the Deputy Chief Executive to exercise the powers of the County Council contained in the Countryside & Rights of Way Act 2000, including to authorise enforcement action and the removal of obstructions
- 20. Pursuant to powers contained in the Countryside & Rights of Way Act 2000, to exercise powers of entry, the appointment of wardens and agreements in relation to access.
- 21. To authorise, pursuant to the powers contained in the Marine & Coastal Access Act 2009, the establishment and maintenance of the England Coast Path, the erection and maintenance and removal of notices and signs and powers of entry.

Public Transport

- 22. (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

- 23. 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.
- 24. (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.
- 25. 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.
- 26. (a) To determine whether an application for prior approval is required under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) 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) (England) Order 2015, applications for prior approval under the aforementioned legislation.
- 27. To determine applications for a periodic Review of Old Mineral Permissions

made under Paragraph 4 of Schedule 14 of the Environment Act 1995.

28. 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.
29. 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).
30. 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.
31. 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.
32. 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.
33. To respond to the to any consultation undertaken by the Marine Management Organisation (MMO), including in respect of Marine Plans or any Marine Licence, unless the proposal raises issues of strategic importance.
34. To submit observations on behalf of the County Planning Authority and the Highway Authority in respect of proposals for development by District Councils.
35. 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.
36. To submit observations on proposals for development by local authorities and government departments not involving formal consultation.
37. 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.
38. 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.

39. After consultation with the Deputy 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.
40. In consultation with appropriate Directors to authorise the County Council to participate in planning obligations under Section 106 Town and Country Planning Act 1990.
41. 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.
42. 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

43. To respond to consultations by other Planning Authorities on Draft Local Plans and any other Development Plan.
44. 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.
45. 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.
46. 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.
47. 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.
48. To agree briefs for joint County and District Local Plan studies.
49. To agree to publish the Waste and Minerals Monitoring Reports and Local Aggregate Assessments.

50. To publish amendments to the Council's Local Development Scheme.

Other Matters

51. To make new Tree Preservation Orders and modify existing Orders.
52. 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).
53. To submit observations when consulted on applications for felling licences.
54. To authorise the planting of trees, subject to funds being available within the agreed budget.
55. To authorise the service of Notices under Section 207 of the Town and Country Planning Act 1990, requiring the replacement of trees.
56. To exercise the County Council's powers and duties under orders and regulations made under the Plant Health Act 1967 (includes Dutch Elm Disease).
57. 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.
58. 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.
59. To discharge any function relating to the control of pollution or the management of air quality.
60. (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.

61. 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

Agriculture Act 1970
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003
Cancer Act 1939
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 and 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
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
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
Protection of Animals Act 1911
Psychoactive Substances Act 2016
Public Health Act 1961
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Act 1988 and 1991
Road Traffic Regulation Act 1984
Telecommunications Act 1984
Theft Acts 1968 and 1978
Tobacco Advertising and Promotion Act 2002
Trade Descriptions Act 1968
Trade Marks Act 1994
Unsolicited Goods & Services Act 1971 (as amended)
Video Recordings Act 1984
Weights & Measures Act 1985

62. 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) Regulations 2014, on behalf of the County Council.
63. 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.
64. To determine applications for ordinary watercourse consent, under the Land Drainage Act 1991 as amended.
65. After consultation with the Deputy 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.
66. 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.
67. 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.
68. 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.
- 69. 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.
- 70. 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.
- 71. 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.
- 72. To amend the Commons Register following an application under Section 15(8) of the Commons Act 2006.
- 73. To undertake and be responsible for the day to day management and operation of the Lewes Public Library and Museum Charitable Trust.
- 74. To set charges for transport conditional permits within guidelines set by the Cabinet.
- 75.
 - (a) 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.
 - (b) To make representations on Local Nature Recovery Strategies prepared by neighbouring authorities.

Registration Matters

- 76.
 - (a) To exercise the powers of the County Council under the Marriage Act 1994 and the Marriages & Civil Partnerships (Approved Premises) Regulations 2005, 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 and Civil Partnerships (Approved Premises) Regulations 2005.

Economy

- 77. 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.
- 78. 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 education, health and care plans ("EHC Plans") setting out the special educational needs of children and to arrange for the special educational provision specified in those EHC Plans, including the undertaking of annual reviews of such EHC Plans and related provision, the ceasing of EHC Plans and representing the County Council at tribunals.
5. To require a child under section 19 of the Education Act 1996 to attend alternative provision otherwise than at the school they are registered at, make school attendance orders and, where appropriate, in consultation with the Deputy 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 Deputy Chief Executive to make Orders, or to amend existing Orders, to provide for Instruments of Government for all

CONSTITUTION – PART 3 – RESPONSIBILITY FOR FUNCTIONS

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 Deputy 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 School Governance (Constitution) England Regulations 2012 or the School Governance (Federations) England Regulations 2012, 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 uprated 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 and Children Act 2002, 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 Deputy 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

CONSTITUTION – PART 3 – RESPONSIBILITY FOR FUNCTIONS

Council of more than £20,000 in so far as they relate to children (see Delegation 35); and

- (b) applications for expenditure under sections 17 and 24 of the Children Act 1989 in excess of the sums set in delegation 28(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 2005.
- 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 (England) 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 National Health Service 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 Deputy 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 E1(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 for Adult Social Care and Health to be notified of any agreements entered into.

F Deputy 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 1994, 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 ;
 - (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 agree, in consultation with the relevant Director as appropriate, individual compensation settlements and their terms, and to enter into agreements accordingly.

Note:

- (i) The Deputy Chief Executive has been designated as the Monitoring Officer under the Local Government and Housing Act 1989.*
- (ii) The Deputy 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. 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.
4. 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.
5. 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
6. 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)
7. 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)
8. 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)

9. 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

11. 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.
12. To implement strategies and policies approved by the Administering Authority (including those delegated to the Pension Committee).
13. 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.
14. To implement policies decided by the Administering Authority (including the Pension Committee).
15. 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.
16. 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.
17. 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.
18. 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.

CONSTITUTION – PART 3 – RESPONSIBILITY FOR FUNCTIONS

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

20. 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.

21. 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.

22. 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.

23. 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.

24. 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

CONSTITUTION – PART 3 – RESPONSIBILITY FOR FUNCTIONS

period stated in the scheme in consultation with the Chief Operating Officer;

25. 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 (Amendment) Regulations 2005).
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.

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.