

CONSTITUTION – PART 3 – RESPONSIBILITY FOR FUNCTIONS

Table 6

Scheme of Delegations to Officers

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 - 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.

In addition to this scheme, the Full Council, Committees and the Executive may delegate powers to officers, unless their Terms of Reference prohibit further delegation.

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.

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- (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.

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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;

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- (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;

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- (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:

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- (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.

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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 and including £29,999 in any one financial year (in line with Procurement and Contract Standing Orders as set out in Part 4, (8) 1.10. Procurement Type Summary Tables) where there is no competitive process. In line with Procurement, discretionary grants over £29,999 should be subject to a competitive process as per the Corporate

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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.