

## **B. Chief Operating Officer**

## **APPENDIX 3**

### *Finance*

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

~~2. To pay statutory benefits under the Local Government Pension Scheme.~~

### *Corporate Property Functions*

3. To undertake corporate property reviews.
4. 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.
5. To provide Health and Safety advice and guidance in respect of property matters.
6. To provide and maintain the County Council's terrier and other corporate property information.
7. 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.
8. To prepare and maintain approved lists of works consultants and contractors.

### *Other Property Matters*

9. 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;

- (b) the adjoining owner is the only likely purchaser; and
  - (c) the area of land is less than 0.2 hectares (0.494 acres).
10. To authorise the disposal of surplus houses in accordance with the policy set by the Council.
  11. 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.
  12. 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 £25,000 per annum (in respect of an annual rental), and to maintain a register of all such transactions, to be available for inspection by members.
  13. After consultation with the Lead Cabinet Member for Resources (subject to Financial Regulations) to approve on behalf of the Council the sale price or other consideration for the disposal of any interest in land, above the limit set in paragraph 12 above.
  14. To seek planning permission under Regulation 4 of the Town and Country Planning General Regulations 1992.

#### *Corporate Personnel and Training Function*

15. 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.
16. To increase the ceiling on the Assisted Car Purchase Scheme annually in the light of increases in new car prices.
17. To adjust, on an annual basis, user contributions towards the leasing costs of lease cars.
18. To vary, in special cases, the approved level of assistance with training expenses.
19. To authorise payment of awards under the Local Government (Discretionary Payments) Regulations.
20. To apply the [East Sussex County Council Employer] discretionary provisions within the Local Government Pension Scheme (LGPS) To apply the discretionary provisions within the Local Government Pension Scheme Regulations.
21. To agree with the employing Director the salary bands for management posts in LMG Bands 1-10 (below Director level).

22. To approve payments under the Market Supplement Policy, in consultation with the relevant Director, subject to the other options for addressing staff retention problems having been considered and the following criteria having been satisfied:
  - (a) the market in which the County Council is competing being examined;
  - (b) salary levels in that market for the required skills, qualifications and experience being clearly above the County Council pay levels; and
  - (c) non-pay items which might provide a recruitment/retention incentive being thoroughly examined.
23. 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.
24. To authorise the premature retirement of non-teaching staff except those for those posts reserved for elected member appointment in which cases premature retirement can be authorised after consultation with the members of the Governance Committee.
25. To extend the time period for aggregation of LGPS membership beyond 12 months in exceptional circumstances.
26. To agree, in consultation with the relevant Director, individual compensation settlements arising from references to the ACAS Conciliation Officer in Employment Tribunal cases.
27. To maintain and operate the Corporate Confidential Reporting ("Whistleblowing") Policy.
28. To maintain and operate the E-Mail Use Policy, including authority to make any necessary minor amendments or updating.

*Other Matters*

29. 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.
30. To exercise the County Council's powers as a member of the East Sussex Tourist Attractions Association (ESTAA).
  - (a) To exercise day to day management of the Ashdown Forest Trust; and
  - (b) to agree the accounts of, and grants by, the Trust after consultation with the Lead Cabinet Members for Resources and Transport and Environment, and the Director of Communities, Economy and Transport

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

## **F Assistant Chief Executive**

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

*Note:*

*It is a condition of this delegation that the relevant member of the Cabinet shall be consulted where residents in homes are involved.*

3. To appoint authorised officers (for surveillance purposes) and designated person and single points of contact (for the purposes of communications data) under the Regulation of Investigatory Powers Act 2000.
4. To grant dispensations relieving a member from either or both of the restrictions (participating in discussions and in voting)
5. To appoint Independent Persons for the Standards Committee and to determine the rules and procedures for investigations and hearings by the full Standards Committee or any sub committee of the Standards Committee
6. To determine requests by officers and members for assistance under the indemnity with respect to civil liability, except in the case of requests for

assistance by members in respect of breaches of the Members' code of Conduct, where the Chief Executive shall determine such requests.

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

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

*Note:*

- (i) *The Assistant Chief Executive has been designated as the Monitoring Officer under the Local Government and Housing Act 1989.*

- (ii) *The Assistant Chief Executive has been authorised to make decisions at Stage 2 of the internal dispute resolution procedure under the [Local Government Pension Scheme Regulations \[2013\]](#) ~~Local Government Pension Scheme (Administration) Regulations 2008~~ (Note: the Pension Compliance Manager has been authorised to deal with Stage 1 disputes).*



## G. Chief Finance Officer

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

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

- ~~3. To be responsible for implementing the policy decided by the Pension Committee and to act on its behalf in special or emergency situations where delay in the purchase or sale of investments might be detrimental to the interests of the East Sussex Pension Fund.~~
- ~~4. To authorise the approval of the terms of an admission agreement and any related bond or indemnity, with a body to which staff are being transferred under a Best Value arrangement, to participate in the East Sussex Pension Scheme.~~
- ~~5. To approve any requests, and undertake any necessary actions in connection with designating any employees, or class of employees, of the governing body of a foundation school as being eligible for membership of the East Sussex Pension Fund~~
- ~~6. To undertake any necessary actions in connection with admission of any academies to the East Sussex Pension Fund as scheme employers~~
- ~~7. To approve the terms of an Admission Agreement, together with any related bond or indemnity, under which a community association body may participate in the East Sussex Pension Scheme~~
3. To carry out the statutory duties referred to in Section 151 of the Local Government Act 1972 in relation to the Pension Fund and to provide advice to the County Council, Pension Committee and Pension Board in carrying out their responsibilities.
4. To implement strategies and policies approved by the Administering Authority (including those delegated to the Pension Committee).
5. To manage, in accordance with the policies and strategies approved by the Administering Authority (including the Pension Committee), and in accordance with legislative requirements, the East Sussex Pension Fund including

ensuring arrangement for investment of assets and administration of contributions and benefits.

6. To implement policies decided by the Administering Authority (including the Pension Committee).
  7. To take action or decide any other Pension Fund related matter on behalf of the Administering Authority in special or emergency situations, in consultation with the Chair of the Pension Committee, including but not limited to where delay in the purchase or sale of investments might be detrimental to the interests of the East Sussex Pension Fund.
  8. To approve the terms of an admission or cessation agreement and, where appropriate, any related bond or indemnity, with a body wishing to participate in or leave the East Sussex Pension Scheme/Fund.
  9. To undertake any necessary actions relating to employers joining and leaving the fund, or monitoring of such employers, based on decisions made by the Pension Committee.
  10. To agree Administering Authority responses to consultations on LGPS matters and other matters where they have minimal impact on the Fund or its stakeholders including relating to minor technical operational matters impacting the Administering Authority only.
  11. To implement the Fund's agreed strategic allocation including use of both rebalancing and conditional ranges in accordance with the Investment Strategy.
128. 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.
913. 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.

- | ~~40~~14. To set 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
- | ~~44~~15. 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)
- | ~~42~~16. 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)
- | ~~43~~17. 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)
- | ~~44~~18. To determine annually the capital risk provision and to approve use of the provision and to approve use of the provision for individual project, in consultation with the Capital Strategic Asset Board. (see A.5.3.10)

*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.*