



Published 28 April 2014

Members of the public are welcome to attend.



The Council meets in the Court Room of the Town Hall which is located on the ground floor. Entrance is via the main door or access ramp at the front of the Town Hall. Parking bays for blue badge holders are available in front of the Town Hall and in the car park at the rear of the Town Hall.



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If you require further information or assistance please contact the Local Democracy team – contact details at end of this agenda.

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To the Members of the Borough Council

You are summoned to attend the **annual meeting** of the **Eastbourne Borough Council to be held at the Town Hall, Eastbourne**, on **Wednesday, 7 May 2014** at **6.00 pm** to transact the following business.

Agenda

- 1. Election of Mayor.**
- 2. Minutes of the ordinary meeting held on 19 February 2014.**
Previously circulated.
- 3. Notification of apologies for absence.**
- 4. Appointment of Deputy Mayor.**
- 5. Investiture of Mayor's Consort**
- 6. Mayor's Chaplain.**

Notification of appointment.

7. Executive Arrangements.

(Note: The election of Leader of the Council took place at the Annual Meeting on 25 May 2011. The Leader was appointed to a 4-year term of office in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007.)

Leader of the Council to report:

(a) Any changes in respect to the names of those Councillors serving on the Cabinet and the Councillor appointed as Deputy Leader of the Council (and Deputy Chairman of the Cabinet) and the respective areas of responsibility for each member of the Cabinet.

(b) That the terms of reference and constitution of the Cabinet be as set out in the Council's Constitution.

(c) That delegations to individual Cabinet members in respect of executive functions have not been made at this time.

8. Establishment of Council committees, appointment of chairmen, deputy chairmen and members to serve on Council committees, appointment of chairman and non-executive directors on boards and other appointments.

(1) To agree the proposed number and allocation of seats, receive nominations and vote thereon. *Please see reports 8(a) and 8(b) referred to below*

(2) To confirm the continuation of the following bodies with terms of reference as set out in the Council's Constitution that have a fixed membership or to which members are appointed by the Chief Executive, Deputy Chief Executive or relevant Head of Service as the need arises:

- Equality Steering Group
- Council Panels
- Recruitment Panels
- Task Groups
- Project Boards

(3) That the existing independent persons (Mr Allen Gales, Mr Trevor Elliott and Mr Anthony Meier) appointed under the provisions of the Localism Act 2011 continue to hold office for the period up to May 2015.

(a) Political balance and allocation of seats. (Pages 1 - 4)

Report of Senior Local Democracy Officer.

(b) Nominations from Group Leaders. (Pages 5 - 10)

Any amendments proposed by Group Leaders to the listings in the appendix will be reported at the meeting.

9. Programme of meetings for 2014/15. (Pages 11 - 12)

The calendar was last approved by Council on 20 November 2013. It is subject to the following changes:

- Additional Council meeting on 21 January 2015 for the purposes of approving the Local Council Tax Support Scheme (legislation requires that this is approved no later than 31 January).
- Change of date for July Cabinet meeting. 16 July 2014 instead of 9 July. (To avoid clash with Local Government Association annual conference.)

(The following information was given in the report to Council last November.

- The practice of holding both the Spring ordinary meeting on the same evening as the annual meeting is continued and it is proposed that this also be the arrangement in 2015 when both borough and parliamentary elections are due to be held on 7 May; otherwise it would mean a council meeting being held during the election "purdah" period. For 2015, the date of the annual meeting has to be fixed within a prescribed period after the date of election. The date Wednesday 27 May 2015 allows sufficient time in the immediate aftermath of the election to take account of any changes, obtain Group Leaders' nominations for committee seats and other positions and issue meeting papers.
- Cabinet in 2015, following the elections, will be held 2 weeks later than usual.
- The dates of the May 2015 meetings of Planning Committee and Conservation Area Advisory Group have been moved forward one week so that they fall after the annual meeting.)

10. Delegation of non-executive functions.

Council to approve the delegation of non-executive functions, including terms of reference, to Committees, Sub-Committees, other Council bodies as set out in the relevant sections of the Council's Constitution.

11. Scheme of delegations to officers and proper officer list. (Pages 13 - 54)

Council to approve the scheme of delegations to officers and proper officer list as set out in the relevant sections of the Council's Constitution and agree proposed amendments as set out in the report of the Lawyer to the Council.

12. Appointments to outside and other bodies. (Pages 55 - 60)

To receive nominations from Group Leaders and vote thereon.

Any amendments proposed by Group Leaders to the listings in the appendix will be reported at the meeting.

A handwritten signature in black ink, appearing to read 'Robert Cottrill', is centered on a light gray rectangular background.

**Robert Cottrill
Chief Executive**

MEETING: Annual Council

DATE: Wednesday 7 May 2014

SUBJECT: Application of political balance rules to the allocation of seats on Council bodies

REPORT OF: Senior Local Democracy Officer

Purpose: To bring before the annual meeting information governing the allocation of seats for the 2014/15 Council year in order that proposals and nominations can be put before the annual meeting of the Council.

Contact: David Robinson, Senior Local Democracy Officer.
Telephone 01323 415022 or internally on extension 5022.

1. Introduction

1.1 Whole council elections were last held in May 2011 and not due to be held again until 2015. The total number of councillors used in the calculation of committee seat numbers is 27 and the break down of seats between the two groups is 15 Liberal Democrats and 12 Conservatives. The seat allocations are set out below.

2. Current Structure

2.1 This paper is based on the current structure, however the Council's current constitutional arrangements allow for either a 7 or an 8 member Scrutiny Committee. A 7 seat option was chosen in 2013/14. This paper assumes continuation of the 7 seat option. Similarly, the size of the 2 Licensing Committees may be between 10 and 15. This paper assumes that membership of these committees will be 13 for 2013/14. Leaders have submitted nominations on this basis.

2.2 Base percentages:-

<i>No. of Councillors: 27</i>	<i>% seats on Council</i>
Liberal Democrats 15	56
Conservatives 12	44

2.3 **Committees.** The allocation of seats in accordance with the rules is as follows:-

Committee	No. of Seats	Controlling Group	Opposition
Planning	8	5	3
General Licensing	13	7	6
Audit and Governance	8	5	3
Totals:	29	17	12

2.4 **Scrutiny Committee.** This committee is not listed above as although the political balance rules apply the calculation and allocation of seats is required to be done separately. The reason for this has to do with the legislation under which "Scrutiny and Overview" committees are constituted. Although there is provision for an 8 seat committee, recent practice has been to have 7 members. The current political proportions favours a 7 seat committee. (An 8 seat committee would require a 5/3 split.) The proposed allocation of seats in accordance with the rules is therefore as follows:-

No. of Seats	Controlling Group	Opposition
7	4	3

2.5 **Licensing Act Committee.** This committee is not listed above as the political balance rules do not apply. It is however politically balanced as a matter of local discretion. See the paragraph below as to committee membership numbers.

2.6 **General Licensing Committee and Licensing Act Committee.** The law requires there to be not less than 10 members and not more than 15 members of a Licensing Act Committee. The Council has previously agreed that the membership of both the Licensing Committees should be the same and that the same member should chair both committees. There is some benefit in being able to select members for sub-committees from as wide a pool as possible. The nominations made for this year assume a 13 member committee. Although there is provision for 5 members to be appointed as chairs of Licensing sub-committees, only 3 nominations have been made.

2.9 **Advisory Bodies**

Body	No. of Seats	Controlling Group	Opposition
Conservation Area Advisory Group	4 (or 3)	2	2 (or 1)
Downland Forum	4 (or 3)	2	2 (or 1)

In 2013/14 the Conservation Area Advisory Group had 4 members. Past Council practice has been to allow the opposition an equality of seats.

In 2013/14 the Downland Forum had 3 members and nominations have been made on the basis that this continues.

- 2.10 **Eastbourne Homes Limited.** The established practice is that the non-executive directors on the board comprise 4 councillors (or exceptionally, another person with relevant experience).
- 2.11 **Other Task Groups and Boards.** So far as is possible, groups are recommended to retain existing membership so as to maintain continuity and allow members to continue or complete work already begun.

David Robinson
Senior Local Democracy Officer

28 April 2014

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www.eastbourne.gov.uk

Council Year 2014/2015

Schedule of Group Nominations, including appointments to the Cabinet by the Leader

(Please note that at the time of publication, details of certain changes to be made by the Liberal Democrat Group were awaited. The listings below largely reflect their current memberships. Notification of changes will be circulated at the meeting.)

Notes: (1) Where the number of members of a body is variable, the optional additional member number is bracketed - please see the accompanying paper on the application of the political balance rules where the different options are considered.

(2) Substitutes are allowed where indicated. The Council's Constitution requires that these be named and appointed at the Annual meeting. A number equal to the number of committee members from a Group up to a maximum of 3 are allowed for that Group unless stated otherwise.

CABINET (Leader of the Council plus 5 additional members of the controlling group). The formal appointment of the 5 members (other than the Leader) is to be made by the Leader following his/her appointment by the full Council. Although the Council has previously determined that the size of the Cabinet shall be between 4 and 6 in total it is open to the Leader to recommend the Council to agree a different size. The law requires that the Cabinet shall have at least 3 but not more than 10 members (including the Leader).

1	Leader of the Council: Tutt <i>Responsibilities aligned with Chief Executive and including the Community Strategy, Local Strategic Partnership, the Corporate Plan and economic development.</i>
2	Deputy Leader: Mattock <i>Financial services including accountancy, audit, purchasing and payments.</i>
3	Bannister <i>Direct assistance services including revenues and benefits, housing and community development, bereavement services and the Crime Reduction Partnership.</i>
4	Heaps <i>Tourism and leisure services.</i>
5	Tester <i>Core support and strategic services.</i>

6	Wallis <i>Place services including cleansing and recycling, parks and Downland, engineering, building and development control, planning policy and strategy, environmental health and licensing.</i>
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OPPOSITION "SHADOW CABINET" (Notification for information)

1	Opposition Leader: Elkin <i>(to shadow Chief Executive aligned responsibilities and finance).</i>
2	Deputy Leader: West <i>(to shadow community services).</i>
3	Ede <i>(to shadow commercial and recreational services including tourism).</i>
4	Howlett <i>(Group Whip) (to shadow core support and strategic services).</i>
5	Jenkins <i>(to shadow planning and regeneration).</i>
6	Murdoch <i>(‘business champion’ and otherwise non-aligned portfolio)</i>
7	Warner <i>(to shadow environment and amenities).</i>

COMMITTEES

Scrutiny Committee (7 members, not members of the Cabinet or the Mayor. Chairman to be appointed from the largest opposition group. and Deputy Chairman from the controlling group.

Controlling Group		Opposition	
1	D/Ch: Shuttleworth	5	Ch: Ansell
2	Coles	6	Belsey
3	Murray	7	Cooke
4	Ungar	Substitutes:	
Substitutes:		1	Taylor
1	Harris	2	Liddiard
2	Stanley		

Planning Committee (12 trained Councillors - not Cabinet members. 8 as members of the Committee and 4 as substitutes).

Controlling Group		Opposition	
1	Ch: Ungar	6	Taylor
2	D/Ch: Harris	7	Jenkins
3	Hearn	8	Murdoch
4	Miah	Substitutes:	
5	Murray	1	Howlett
Substitutes:		2	Liddiard
1	Coles		
2	Stanley		

Licensing Act and General Licensing Committees (Between 10 and 15 trained Members (13 proposed for 2012/13) – not Cabinet members).

Controlling Group		Opposition	
1	Ch: Shuttleworth	8	Ansell
2	D/Ch: Ungar	9	Cooke
3	Coles	10	Liddiard
4	Hearn	11	Murdoch
5	Murray	12	Warner
6	Stanley	13	Jenkins
7	Thompson		

Sub-Committee Standing Chairmen: (Between 3 and 5 members drawn from the membership of the Licensing Committees – currently 3)

1	Shuttleworth
2	Ungar
3	<i>To be advised</i>
4	<i>No nomination made</i>
5	<i>No nomination made</i>

Audit and Governance Committee (8 Councillors)

Controlling Group		Opposition	
1	Ch: Ungar	6	Ede
2	D/Ch: Mattock	7	Cooke
3	Harris	8	Taylor
4	Heaps	Substitutes:	
5	Tester	1	Belsey
Substitutes:		2	Murdoch
1	Hearn		
2	Shuttleworth		

ADVISORY GROUPS

Conservation Area Advisory Group 4 (or 3) members, not Planning Committee members, plus external advisors)

Controlling Group		Opposition	
1	Ch: Shuttleworth	3	Cooke
2	D/Ch: Thompson	(4)	Belsey

Joint Staff Consultative Committee (3 members, 2 from the controlling group and 1 from the largest opposition group, plus Staff representatives. Controlling Group's representation to include at least 1 Cabinet member. Chairmanship alternates between Employer's and Staff Sides). *N.B. Staff Side will take chair in 2014/15*

Controlling Group		Opposition	
1	D/Ch: Tester	1	Howlett
2	Bannister		
Substitutes:		Substitutes:	
1	Ungar	1	Elkin
2	Murray	2	Ansell

TASK GROUPS:

Grants Task Group (3 members)

Controlling Group		Opposition	
1	Ch: Bannister	3	West
2	Shuttleworth		

Downland Forum (3 members)

Controlling Group		Opposition	
1	Coles	3	Belsey
2	Hearn		

Town Team Grants Panel (3 members)

Controlling Group		Opposition	
1	Tutt	3	Elkin
2	Tester		

EBC COMPANY DIRECTORSHIPS:

Eastbourne Homes - Non Executive Directors (4)

Controlling Group		Opposition	
1	Tutt	3	West
2	Hearn	4	Warner

Welbeing (formerly Wealden and Eastbourne Lifeline) Board - Non Executive Directors (2 councillors)

Controlling Group		Opposition	
1	Mattock	2	West

CloudConnX Board – Director (Council’s Chief Executive)

1	Robert Cottrill
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Towner Charitable Trust Board (2)

1	To be advised	2	To be advised
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PROJECT BOARDS:

Activating Eastbourne Partnership Board: Cllrs: Bannister and Elkin.

Airbourne Project Board: Cllrs: Ede, Heaps and Tutt.

At Home Eastbourne Project Board: Cllr Bannister.

Carbon Reduction Board: Cllrs: Bannister, Mattock and Wallis.

Cultural Development Group: Cllrs: Ede and Heaps.

Devonshire Park Project Board: Cllrs: Elkin, Heaps, Ede and Tutt.

Drive Programme Board: Cllrs: Mattock, Tester and Howlett.

Housing and Economic Development Project Board: Cllrs Bannister and Tutt.

Housing Futures Review Project Board: Cllrs Bannister, Mattock and West.

Local Plan Steering Group: Cllrs: Jenkins, Heaps, Tutt, Ungar and Wallis.

Princes Park Group: Cllrs: Bannister, Wallis and Stanley.

Redoubt Museum Policy Group: Cllrs: Heaps and Ede.

Strategic Property Board: Cllrs Mattock, Warner and Tester

Terminus Road Project Board (joint with ESCC): Cllr Tutt

OTHER:

Black and Minority Ethnic (BME) Champion: Cllr Miah.

Councillors appointed to hold a Youth Brief: Cllrs: Heaps, Murray and Liddiard.

Disability Champion: Cllr Coles.

Heritage Champion: Mrs Rebecca Madell.

Hospitals Champion: Hon. Freeman Mrs Elizabeth Walke.

(der\P:council\14.05.07\schedule of nominations 2014/15 Final)

Calendar of Meetings May 2014 - May 2015

MEETING:-	Time	2014							2015						
		May	Jun	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Annual Council	6pm	7												27	
Council <i>(*motions deadline 11am)</i>	6pm	7		23 <i>(*14)</i>		17 <i>(*8)</i>		19 <i>(*10)</i>		21*	18 <i>(*9)</i>			27 <i>(*18)</i>	
Cabinet	6pm	14		16		3	22		10		4	18			10
Scrutiny Committee	6pm		2			1	+14		8		2				
Planning Committee	6pm	13	10	8	5	2/30	28	25		6	3	3/24	21		2
Conservation Area Advisory Group	6pm	13		15	26		7	18		6	17	31			2
Licensing Committees	6pm			14			6			12		16			
Audit and Governance Committee	6pm		25			24			3			11			
Joint Staff Committee	2.30pm			9		10		26				4			
Joint Waste Committee	4pm			4 <i>E'brne</i>				7 <i>Hastings</i>							
Elections		22 Euro												7 Borough General	

Notes:

Council in May - Ordinary Council will follow-on from Annual Council (with a short interval in-between).

Special Council in January 2015 – for the approval of the Local Council Tax Support Scheme

Scrutiny Committee – +14 October 2013 features the Annual Finance seminar.

Borough and General Elections 2015 – Scheduled for 7 May 2015 (N.B. "Purdah" period likely to start on 30 March)

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Body:	Council
Date:	7 May 2014
Subject:	Update to the Scheme of Delegations to Officers, which forms part of the Council's Constitution
Report Of:	Lawyer to the Council
Ward(s)	All
Purpose	To seek Council's approval to update the Officers Scheme of Delegations in the specific terms outlined in this Report.
Recommendation:	That Council approve the amended Scheme of Delegations appended hereto and authorise the Lawyer to the Council to publish them in the Council's Constitution.
Contact:	Victoria Simpson, Lawyer to the Council and Monitoring Officer, 1 Grove Road, Eastbourne. Tel. (01323) 415018 or internally on extension 5018. Email: victoria.simpson@eastbourne.gov.uk

1.0 Introduction

- 1.1 The Council's Scheme of Delegations to Officers forms part of Eastbourne Borough Council's Constitution. It details the arrangements this authority has put into place for discharging its powers through the actions of appropriate officers acting in accordance with the authority's policies and procedures and the law.
- 1.2 While the Scheme was most recently reviewed prior to last year's annual Council, further minor updates are necessary. These will ensure that the delegations in place are as clear and as current as possible so as to ensure the effective and lawful discharge of the authority's functions.

2.0 Amendments made necessary as a result of Individual Electoral Registration

- 2.1 Members will be aware that Individual Electoral Registration, or IER, represents a new approach to electoral registration. This includes invoking relevant provisions of the Representation of the People (England and Wales) Regulations 2001 to provide a process for hearings in situations where either there are objections or reasons to doubt the validity of an application for registration or where names are to be removed from the register.

2.2 These hearings must be conducted either by the Electoral Registration Officer or his Deputy. While the current post-holders are the Chief Executive and the Deputy Chief Executive respectively, the above-mentioned changes make appointing a second Deputy necessary. It is therefore recommended that the Head of Corporate Development be appointed as an additional Deputy ERO.

2.3 Deputy ERO appointments must be made by full Council pursuant to S 52(2) of the Representation of the People Act 1983, hence the inclusion of the relevant delegation in the updated scheme which is appended hereto as Appendix 1.

3.0 Other updates to the Scheme

3.1 The updated Scheme appended here incorporates other additional amendments which are recommended to annual Council as a result either of changes to the law, or to introduce additional clarity to the scheme.

3.2 The amendments include specific reference to the delegations to the Chief Officers (when nominated by the Chief Executive or Deputy Chief Executive in the individual instance) to enable them to decide on application whether or not to list nominated assets as Assets of Community Value. Other amendments include the removal of a small amount of repetition in the Scheme, as well as reference to new legislation such as the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

4.0 Consultation

4.1 None

5.0 Resource Implications

5.1 None

6.0 Other Implications

6.1 None

7.0 Summary of Options

7.1 Council is invited to choose to approve the recommendation.

8.0 Conclusion

8.1 Council is recommended to approve the amended Scheme and to give the Lawyer to the Council delegated authority to publish the updated version as soon as possible.

Appendices:

Appendix 1 – the amended Scheme of Delegations to Officers, incorporating suggested updates

Background Papers:

The Background Papers used in compiling this report were as follows:

The Representation of the People Act 1983 and relevant associated legislation, including the Representation of the People (England and Wales) Regulations 2001/341

To inspect or obtain copies of background papers please refer to the contact officer listed above.

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**Scheme of Delegations to Officers
And
Proper Officer List**

EASTBOURNE BOROUGH COUNCIL

A	General Principles											
1.	<p>These delegations are made under the powers contained in the Local Government Act, 1972, Section 101 and by reference to section 100G and the Local Government Act, 2000 Sections 14, 19 and 20, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and all other enabling powers. The delegations stem from the Council and Committees in respect of Non-Executive functions and from the Leader and Cabinet in respect of the discharge of Executive functions.</p> <p>The Proper Officer appointments are made under the relevant provisions mentioned in section D of this scheme. An officer or other person is authorised to exercise such powers as are shown in the Scheme of Delegations including those reasonably applied or incidental to the matters specified in respect of the functions of the Council. Functions, matters, powers, authorisations, delegations, duties and responsibilities etc. within the scheme shall be construed in a broad and inclusive fashion.</p>											
2.	<p>For the purposes of this scheme: If the post of an officer to whom a function is delegated (or which he/she has been appointed as a Proper Officer) is vacant, or if the post-holder is absent through sickness or on leave (of whatever type), unless the Council otherwise decides:</p> <table border="1" data-bbox="327 775 2136 1257"> <tr> <td data-bbox="327 775 327 900">i</td> <td data-bbox="327 775 2136 900">In the case of the Chief Executive, the delegation shall be exercisable by the Deputy Chief Executive, a formally-appointed Acting Chief Executive (to include an Interim Chief Executive) or any one of the Chief Officers (as defined below).</td> </tr> <tr> <td data-bbox="327 900 327 954">ii</td> <td data-bbox="327 900 2136 954">In the case of a Chief Officer the delegation shall be exercisable by the Chief Executive or another Chief Officer.</td> </tr> <tr> <td data-bbox="327 954 327 1043">iii</td> <td data-bbox="327 954 2136 1043">In the case of the Officer who carries the role of a Section 151 Officer the delegation shall be exercisable by the Deputy Section 151 Officer in relation to matters under Section 151 Local Government Act, 1972.</td> </tr> <tr> <td data-bbox="327 1043 327 1133">iv</td> <td data-bbox="327 1043 2136 1133">In the case of the Officer who carries the role of Monitoring Officer the delegation shall be exercisable by the Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.</td> </tr> <tr> <td data-bbox="327 1133 327 1257">v</td> <td data-bbox="327 1133 2136 1257">In the case of a Head of Service the delegation shall be exercisable by the Chief Executive, Deputy Chief Executive or a Senior Head, or a Head of Service sub-delegated to in writing by one of these officers, provided that the officer exercising the delegation has the requisite professional qualification, where such is required (e.g. planning).</td> </tr> </table>		i	In the case of the Chief Executive, the delegation shall be exercisable by the Deputy Chief Executive, a formally-appointed Acting Chief Executive (to include an Interim Chief Executive) or any one of the Chief Officers (as defined below).	ii	In the case of a Chief Officer the delegation shall be exercisable by the Chief Executive or another Chief Officer.	iii	In the case of the Officer who carries the role of a Section 151 Officer the delegation shall be exercisable by the Deputy Section 151 Officer in relation to matters under Section 151 Local Government Act, 1972.	iv	In the case of the Officer who carries the role of Monitoring Officer the delegation shall be exercisable by the Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.	v	In the case of a Head of Service the delegation shall be exercisable by the Chief Executive, Deputy Chief Executive or a Senior Head, or a Head of Service sub-delegated to in writing by one of these officers, provided that the officer exercising the delegation has the requisite professional qualification, where such is required (e.g. planning).
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iv	In the case of the Officer who carries the role of Monitoring Officer the delegation shall be exercisable by the Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.											
v	In the case of a Head of Service the delegation shall be exercisable by the Chief Executive, Deputy Chief Executive or a Senior Head, or a Head of Service sub-delegated to in writing by one of these officers, provided that the officer exercising the delegation has the requisite professional qualification, where such is required (e.g. planning).											
3.	Where decisions are taken by officers under delegated powers the following conditions and rules shall apply:-											

Part 3 – D2

i	Powers shall be exercised in accordance with the Council's Constitution (including budgetary, financial and contractual procedural rules), in accordance with professional advice and advice, if appropriate, from the relevant lead service officer, in accordance with the Council's approved Policy Framework and other approved plans and policies and also with regard to all relevant legislative provisions.
ii	Any Officer exercising a delegation, except in cases of emergency, shall only do so: a. in accordance with the relevant policies and procedure of the Council, and b. where provision has been made for any expenditure within the relevant budget. In cases of emergency an Officer may, if justified by all of the circumstances, exercise delegations in a manner which is not in accordance with Council policies or procedures and / or where provision has not been made in any budget. A written record of the reasons for deviating from the policies and procedure and the expenditure without a relevant budget must be made and kept.
iii	The Officer exercising such power shall give effect to any resolution or decision of the Council, Leader, Cabinet, Cabinet Member or a Committee upon any matter of principle or policy in relation to the functions concerned.
iv	Where an Officer is authorised to take a decision or exercise a function either directly or by virtue of the provisions relating to absence detailed in "2" above, he/she may authorise any other officer specifically or generally to take such action as is necessary to implement that decision or exercise that function either in the name of the Officer so delegating or in the sub-delegate's own name.
v	Officers carrying delegations under this Scheme of Delegations, while retaining the delegation themselves, may also, in writing, further delegate the authority to exercise the delegation to another officer, although final responsibility for the actions taken under any such sub-delegation will remain with the original delegator. Officers entrusted with such sub-delegations may, with the written agreement of the relevant Senior Head or Head, further delegate the authority.
vi	Any sub-delegation is to be recorded in writing.
vii	A copy of any sub-delegation or its revocation shall be provided to the Deputy Chief Executive within five working days. The Deputy Chief Executive shall maintain a central register of sub-delegations and the current list of sub-delegations shall be shown on the intranet and be available to Members and Officers.
viii	An Officer may be required under this Scheme of Delegations to Officers to exercise a delegation after consultation with the Leader, a Cabinet Member or other nominated Councillors. Any sub-delegation or further sub-delegation of the original delegation will retain any original consultation requirement. The Officer dealing with a matter shall also arrange for any inter-departmental consultation that may be required.

	ix	Where an Officer is authorised to take decisions, action to implement such decisions shall be taken in the name of (but not necessarily personally by) that Officer.
	x	Any Officer to whom a delegation or sub-delegation is given may waive his/her right to exercise the delegation or sub-delegation and refer the matter back to the Council, the Leader, the Cabinet, the Individual Cabinet Member or to the relevant Committee or the original delegate for a decision.
	xi	When an Officer is taking any decision which could attract legal liability to the Council he/she shall consider whether or not the nature of the decision justifies it being taken in consultation with the Lawyer to the Council (e.g. termination of a contract).
	xii	Any decision which has financial implications other than those budgeted for shall be taken in consultation with the Council's Chief Financial Officer.
	xiii	Unless specifically stated no delegation authorises the taking of decisions as to whether or not simple cautions (as a punishment) should be administered to defendants or legal action should be taken by or on behalf of the Council.
	xiv	Subject to any express provision or instruction from the Council, the Leader, the Cabinet or other decision-making body of the Council to the contrary, any power to approve or deal also includes the power to refuse and the power to impose appropriate conditions.
	xv	Decisions taken under delegated powers shall be recorded. The Access to Information Rules shall apply in respect of any key decision taken by an Officer under delegated authority of the Leader or the Cabinet. An Officer exercising a delegated power shall, where necessary, append a note to the record of his/her decision detailing the steps taken to inform/consult with the Leader/Cabinet Members/Councillors and the responses received. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, a written statement of all executive decisions are published as soon as is reasonably practicable after a decision has been made.
4.	Other matters	
	i	Those Officers designated as proper officers, authorised officers, appropriate person or any other statutory description of officer listed in Section D shall exercise the powers and have the responsibilities attributed to them by legislation.
	ii	The Chief Executive, Deputy Chief Executive, the Senior Heads and the Chief Finance Officer may appoint any appropriate officer to be a proper officer, authorised officer, appropriate person or any other statutory description of officer in respect of any legislation and written confirmation of such appointment shall be conclusive evidence of its application in particular cases.

	iii	In the event that a post to which a delegation is given ceases to exist and its responsibilities are transferred to another post temporarily or permanently then the delegations given under this scheme shall be exercisable by the post to which the responsibilities have been transferred. There should be written confirmation of the change in responsibilities from the line manager, which shall be provided to the Deputy Chief Executive to be retained with the central copy of the Scheme of Delegations and sub-delegations.
	iv	An Officer acting up to or seconded to a post on which delegations have been bestowed in accordance with this Scheme Of Delegations shall be able to exercise those delegations in the same way as the original postholder.
5.	Interpretation	
	Act, Order or other legal provision	Any reference to an Act, Order or other legal provision shall include a reference to any modification or re-enactment thereof and any reference to any Directive, Act, Order or other legal provision shall include any Regulations, Orders, Rules, Instruments, Directions, Statutory Guidance or other legal provision made thereunder.
	Appropriate Senior Head	The Senior Head responsible for the function/service to which the particular exercise of the delegation applies.
	Appropriate Head	The Head responsible for the function to which the particular exercise of the delegation applies.
	Chief Officer	The Chief Executive, the Deputy Chief Executive, the Senior Heads and the Chief Finance Officer.
	Consultation	Consultation shall mean seeking the comments of the person(s) to be consulted with. Consultation shall not mean obtaining the consent of the person(s) to be consulted with. A written record of the consultation shall be retained by the officer.
	The Council	Shall include the Council, the Leader, the Cabinet, an Individual Cabinet Member or a Committee.
	In writing	When applied to a sub-delegation, further sub-delegation or the cancellation of such a sub-delegation or further sub-delegation from this Scheme of Delegations, "in writing" shall be taken to include email, whether or not by specific reference to the elements of the scheme within such an email, or by a combination of general sub-delegation and attachment to the email of part or parts of this Scheme. As provided for at A.3.vii above, the Deputy Chief Executive, or Officer delegated to by him/her, shall be responsible for maintaining an up to date register of such sub-delegations, further sub-delegations or retractions of such delegations and sub-delegations, which shall be available to view on the Council's Intranet.

	Emergency	Circumstances where action is necessary immediately and where inaction may lead to a loss of life, injury to a person or animal or damage to or loss of property.
6.	Abbreviations	
	Chief Executive(and Head of Paid Service)	CE
	Deputy Chief Executive	DCE
	Senior Head of Community	SHC
	Senior Head of Development	SHD
	Senior Head of Tourism and Leisure	SHTL
	Senior Head of Infrastructure	SHI
	Chief Finance Officer	CFO
	Head of Corporate Development	HCD
	Lawyer to the Council (and Monitoring Officer)	LC

A	General Principles		
	Planning (Listed Buildings and Conservation Areas) Act, 1990	P(LB&CA)A	
	Town and Country Planning Act 1990	TCPA	
	Town and Country Planning (Control of Advertisement) Regulations 1992	T and CP(CA) Regs	
	Town and Country Planning (General Permitted Development) Order 1985	GPDO	
B	Delegations		
	Subject to the foregoing, there are delegated to the Chief Officers those matters detailed in column 2 below subject to any consultation requirements set out in column 3 and any limitations listed in column 4 below and Chief Officers can make any decision that can be made by a Head or other Officer.		
	Delegation	Consultees	Limitations
	General		
1.	To manage the functions for which they are responsible as set out in <u>Annex A</u> .		
2.	To make consequential amendments to any Policy, Strategy, Consultation or similar document and sign notices, other than legal notices, arising from any decision of The Council.		
3.	To respond to consultations.	Relevant Cabinet Member	
4.	To dispose of lost or uncollected property.		
5.	To procure goods and services.	CFO	

	Delegation	Consultees	Limitations
6.	To exercise powers under Section 1 of the Localism Act 2011 (the general power of competence) in respect of the functions for which they are responsible as set out in Annex A .		
7.	To exercise powers and determine all matters relating to the supply of goods and services to other local authorities and public bodies in respect of the functions for which they are responsible as set out in Annex A .	CFO	
8.	To carry out the 'Proper Officer' and "authorised Officer" functions as identified in the list set out in Section D below.		
9.	To authorise Officers for the purposes of issuing Fixed Penalty Notices under any legislation within the purview of the Council.		
10.	To carry out minor development for which planning permission is not required.		
11.	To authorise Officers to carry out inspections, take samples, enter premises, form opinions and take any other necessary action as may be required by law or in accordance with the Council's functions and policies in relation to the functions for which they are responsible.		
	Contracts		
12.	To do all matters in relation to the letting of contracts.		In accordance with Contract Procedure Rules

	Delegation	Consultees	Limitations
13.	To accept tenders received on any matter.		
14.	To sign contracts on behalf of the Council.		In accordance with Contract Procedure Rules
	Financial		
15.	To manage budgets allocated to the functions for which they are responsible as set out in Annex A., including authority to incur expenditure, and enter into contracts, on items included in the approved Revenue Estimates or Capital Programme except where the Council has placed a reservation on any such item.		In accordance with Financial Procedure Rules and Contract Procedure Rules
16.	To write off amounts as irrecoverable.	CFO/Relevant Cabinet Member	In accordance with Financial Procedure Rules
17.	To determine grant applications in relation to the functions for which they are responsible as set out in Annex A.		(NB this delegation does not relate to the award of grants to Voluntary sector organisations)
18.	To vary, in exceptional circumstances, annual fixed fees and charges, subject to any relevant Council policies.	Relevant Cabinet Member	
19.	To determine charges for the use of relevant services and events not covered by the annual review of fees and charges.	Relevant Cabinet Member	
20.	To take any action authorised by Financial Procedure Rules.		
21.	To submit bids for the Council to receive grants etc from outside bodies in accordance with the functions of the Council.	CFO	
	Assets		

22.	Disposal of surplus / redundant moveable assets (i.e. not land or buildings).		Not to include any item that may be considered to be of historical significance, interest or value
	Data Protection and Freedom of Information		
23.	Respond to requests under Data Protection and Freedom of Information legislation.		
	Emergency powers		
24.	To take any action necessary with regard to the Council's Emergency Planning functions, including authority to incur expenditure.	HCD	
	Land		
25.	In accordance with Council policies, to manage land, property and other assets allocated to the functions for which they are responsible.		
26.	To determine property matters occurring on an occasional basis and in the interests of expediency.	CFO	
26A.	To determine applications to list assets of community value ('ACVs') and/or applications for compensation (under the Localism Act and related regulations) and/or reviewing the same, where directed by the CE		
	Health & Safety		
27.	To exercise all powers, functions, duties and responsibilities of the Council with regard to Health & Safety.		
	Equalities		
28.	To exercise all powers, functions, duties and		

	responsibilities of the Council with regard to equalities.		
	Legal		
29.	To make application for warrants of entry to land or property under the provisions of any legislation, other than warrants for possession of land or property, in relation to functions for which the Chief Officer is responsible.	Where practicable, with the LC	
30.	To sign, issue and serve all notices required by statute or otherwise to be given by the Council and all necessary advertisements.		
	Regulatory etc.		
31.	To issue fixed penalty notices where permitted by statute in relation to the functions for which they are responsible.		
32.	Grant, review, renewal and cancellation of authorisations under the Regulation of Investigatory Powers Act, 2000 in accordance with the Council's surveillance policy.		Only applies to Chief Officers HCD and LC.
33.	The making of ex gratia payments in cases of maladministration.	CFO	
	Licences, notices etc.		
34.	The determination of any application for permissions, consents or licences or for registration within the functions for which he/she is responsible.		Except where they are reserved to Council, the Leader, the Cabinet, a Cabinet Member or Committee
35.	The issue and service of any notice or requisition for information concerned with matters within the functions for which he/she are responsible.		

36.	The carrying out of works in default following non-compliance with any notice concerned with matters within the functions for which the/she are responsible.		
37.	The management of any internal appeal, challenge or objection process against or in support of any of the Council's decisions, other than before a court or tribunal.		
38.	The incurring of expenditure on the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the United Kingdom.		To maximum of £2000.
	Planning		
39.	To make application for all consents required in relation to planning permission in respect of Council land or property in relation to the functions for which they are responsible as set out in Annex A .		
	Regulation etc.		
40.	To make application for all consents required in relation to Building Regulation Approval in respect of Council land or property in relation to the functions for which they are responsible as set out in Annex A .		
	Staffing matters		
41.	To determine and take action in relation to all staff matters relating to permanent and temporary staff below Chief Officer level, allocated to the functions for which they are responsible.		Ill health retirement only in consultation with relevant Cabinet Member.

42.	To appoint officers as 'Authorised Officers', 'Inspectors', 'Proper Officers' or similar and to undertake enforcement functions excluding the issuing or defending of legal proceedings in respect of functions for which the officer is responsible.		
C	Subject to the foregoing, there are delegated to the Officers listed below those matters detailed in column 2 subject to any consultation requirements in column 3 and any limitations in column 4.		
1.	Chief Officers, the Head of Corporate Development and the Lawyer to the Council shall exercise the following powers or may authorise suitably experienced or qualified officers who shall have, save for any consultation requirements and limitations listed, the range of powers set out below. The powers referred to shall not include the following:		
	a	Powers where an individual officer is required by law to hold a relevant qualification and he/she does not hold that qualification.	
	b	Powers which fall outside the individual's actual authority as determined by his/her post or are not covered by the authorisation issued by or on behalf of the delegating Officer.	
	c	Any situation where an individual Officer is prevented, for whatever proper reason, from exercising such power.	
	d	Powers to determine whether or not civil or criminal proceedings should be issued once evidence to support the issue of such proceedings is available save as set out below in respect of Cautions and Administrative penalties.	
	e	Powers to authorise civil or criminal proceedings.	
No	Function	Consultation	Limitation
	Chief Executive		
2.	The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, general or European elections or referenda.		
3.	To take urgent action on behalf of the Council.		The Leader or Deputy Leader will be kept informed, if they are available.
3a.	The grant and supervision of exemptions from	LC	Chief Officers (in absence of Chief Executive)

	political restriction.			
	Chief Officers other than the Chief Executive			
4.	In the absence of the Chief Executive, to take urgent action on behalf of the Council.		The Leader or Deputy Leader will be kept informed, if they are available.	
	Deputy Chief Executive			
5.	To confirm the appointment of staff on the satisfactory completion of probationary period.	Relevant Chief Officer.		
6.	To implement the Council's pay and grading procedure.	HCD, CFO.		
7.	To implement any nationally agreed pay settlements.	HCD, CFO.		
8.	To maintain a register of politically restricted posts and ancillary matters.			
9.	To convene and cancel meetings of the Council, the Leader, the Cabinet, Cabinet Members, Committees and all other Council bodies.			
	Senior Head of Community			
10.	To make payments of housing and Council Tax or similar benefits.			
11.	To take all necessary actions including legal enforcement relating to the demand, collection and the recovery of Council Tax, Rates and any other local levy or collected taxes.			
12.	To determine entitlement to mandatory or discretionary rate relief.	Relevant Cabinet Member		
13.	To serve on the Valuation Officer notice of objection			

	to any proposals for alteration of the Valuation List.			
14.	To make proposals for the alteration of the Valuation List or for inclusion of particular properties in the Valuation List.			
15.	To sign off Valuation Agreements.			
16.	To determine any applications for Housing, Council Tax or similar benefits.			
17.	To determine and take all action in relation to the management and maintenance of the Council's housing accommodation including the letting, transfer, exchange and repossession of dwellings, garages, open spaces and parking spaces. To determine and where appropriate give consent for alterations or extensions to former Council houses and flats.			
18.	To investigate allegations of housing benefit or council tax benefit fraud.			
19.	To determine whether or not a simple caution or administrative penalty should be administered following an investigation into an alleged criminal offence	LC where appropriate	There must be a full admission It must be a first offence It must be in the public interest It must not be a complex fraud or attempted fraud	
20.	To administer simple cautions and administrative penalties.			SHI

21.	To implement the Council's policies regarding Community Safety and the reduction of crime and disorder.			SHI
22.	To take any action to combat anti-social behaviour including the issue of fixed penalty notices.			SHI
24.	To exercise the Council's functions relating to homeless persons.			
25.	To determine applications for appropriate Housing Grants and the taking of all steps concerned with certification of payment of the same.			
26.	To cast any vote the Council may have at General Meetings of Eastbourne Homes.			
27.	To devise, manage and maintain the Housing Register maintained by the Council under the relevant statutory provisions in accordance with the Council's Housing Allocations Policy.			
28.	To nominate people on the Council's Housing Register to properties managed by Eastbourne Homes and the Registered Social Landlords in accordance with the Council's allocations policy.			
28A	To exercise the Council's regulatory and any associated management functions in relation to fitness and standards of housing and residential accommodation.			SHI
28B	To exercise the Council's regulatory and any associated management functions in relation to houses in multiple occupation and private housing.			SHI

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28C	To exercise all the Council's functions in relation to Cremations, Burials and all Bereavement-related services.			SHI
	Chief Finance Officer (Section 151) Officer			
29.	To take any action relating to borrowing in accordance with the Council's Treasury Management Strategy and any other relevant Council budgetary policy.			
30.	To borrow by way of bank overdraft from the Council's current bankers, in accordance with the Treasury Management Strategy and any other relevant Council budgetary policy, subject to annual review by the bank and the Relevant Cabinet Member.	Relevant Cabinet Member		
31.	To make payments into the insurance fund.			
32.	To make payments in respect of any claims where the Council's insurers may be involved.			
33.	To invest available funds on appropriate terms and in accordance with the Council's investment strategy.			
34.	To make payment of any sums due from the Council.			
35.	To make repayments to the Council's Pension Fund from those reserves earmarked for pension's contribution.			
36.	To write off of debts in accordance with the Council's Financial Procedure Rules.			
37.	To investigate and report upon any allegations of fraud or dishonesty.			
	Senior Head of Infrastructure			

38.	To implement the Council's policies regarding Community Safety and the reduction of crime and disorder			SHC
39.	To take any action to combat anti-social behaviour including the issue of fixed penalty notices.			SHC
41.	To determine and communicate the Council's position relating to Goods Vehicle Operators licences.			
42.	Regulatory functions. To exercise the Council's regulatory and any associated management functions relating to:			
a.	Amenities on the highway			
b.	Animal welfare and control			
c.	Caravan Sites			
d.	Environmental protection			
e.	Fitness and Standards of Housing			SHC
f.	Food Safety and Hygiene			
g.	Gambling			
h.	Gaming permits			
i.	Hackney Carriages and Drivers			
j.	Health and Safety at Work			
k.	Houses in Multiple Occupation and Private Housing			SHC
l.	House to house collections			
m.	Highway management			
n.	Licensable activities under the Licensing Act 2003			
o.	Lotteries			

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	p.	Markets			
	q.	Motor Salvage Operators			
	r.	Pest Control			
	s.	Leisure Boats			
	t.	Private Hire Vehicles drivers and operators			
	u.	Public Health			
	v.	Public Safety			
	w.	Registration Plates			
	x.	Residential Accommodation			SHC
	y.	Scrap metal dealers			
	z.	Shops and Sunday trading			
	aa.	Street Collections			
	bb.	Street Trading			
	cc.	Water and Sewerage			
	dd	Street Closures			
	ee	Cremations, Burials and all Bereavement-related services			SHC
43.		To determine whether or not a simple caution should be administered following an investigation into an alleged criminal offence.	LC where appropriate	There must be a full admission It must be a minor matter It must be in the public interest It must be a first offence	
44.		To administer simple cautions			SHC
45.		All matters relating to the investigation and prosecution of matters under the Health & Safety at Work legislation		Using duly appointed inspectors as appropriate	
46.		To issue and serve notices pursuant to the Building Act 1984 and Building Regulations and to carry out			

	works in default.			
47.	To determine applications for Planning permission, listed building consent, conservation area consent, express consent to display advertisements, hazardous substances consent pursuant to the Planning Acts, including:		The delegation shall not be exercised in relation to:	
	<p>a) development specified in the GPDO where expressed planning permission is required by reason of limitations or conditions by that order and</p> <p>b) determinations in connection with prior notification procedure under T&CP (General Permitted Development) Order</p> <p>c) In accordance with an agency agreement with the South Downs National Park Authority, applications and other matters in that part of the South Downs National Park within the Eastbourne Area.</p>		<p>a) applications comprising 'major 'development within the meaning of the T&CP (General Permitted Development) Order.</p> <p>b) applications for development which conflicts materially with the Local Development Plan, County Development Plan or any adopted South Downs National Park Authority Development Plan.</p>	
			c) applications materially affecting ancient monuments, and sites of special scientific interest.	
			d) where the application has been made by a member (or their spouse/partner) or an officer (or their spouse/partner) who are part of the Corporate Management Team or work in the planning	

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			division.	
			e) applications requiring the Secretary of State to be notified under the Town and Country (Development Plans and Consultations) (Departures) Direction 2009.	
			f) where the Planning Officer dealing with the matter considers that the application should be dealt with by the Committee.	
			g) where a member of the Council not more than 28 days after validation of an application requests otherwise.	
			h) where the Chairman, Opposition Spokesperson or a Ward Councillor requests that the matter be determined by the Committee at any point up to the Officer formally making and implementing the decision.	
			i) Where more than six letters of objection have been received on material consideration grounds.	
			j) Where an objector has	

			made known their wish to address the Committee within the consultation period.	
48.	To determine applications for consent pursuant to the conditions and limitations under the Planning Acts.			
49.	To determine the Council's stance in respect of and respond to consultation opinions concerning matters including ESCC, Wealden District Council and the South Downs National Park Authority planning applications unless they are for 'major' development within the meaning of the T&CP (General Development Procedure) Order.	Chairman of the Planning Committee		
50.	To determine applications for lawful development certificates (Town and Country Planning Acts Sections 191 and 192).	LC where necessary		
51.	To give, make and confirm any Order or Direction under the Planning Acts.			LC
52.	To issue, serve, modify and withdraw any Notice under the Planning Acts and to carry out works in default including ruinous and dilapidated buildings and neglected sites (Building Act 1984, Section 79.			LC
53.	To determine applications and to take any action under Anti-Social Behaviour Act (2003) Part 8 (High Hedges)			
54.	Subject to the limitations imposed above to determine the Council's stance in respect of and respond to consultations and opinions concerning matters where the officer is not to determine the application.			

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55.	All matters relating to the Planning (Hazardous Substances) Act, 1990.			
56.	To issue and serve notices in relation to breaches of conditions in relation to planning permissions.			
57.	To issue and serve notices and take any further action in relation thereto, including enforcement in consultation with the LC, under all Planning, Environmental and other relevant legislation that may or may not be referred to in this Scheme of Delegations.			
58.	To exercise the Council's powers in respect of water supply, sewerage and drainage.			
59.	All matters relating to the naming and numbering of streets.	Relevant Cabinet Member and Ward Councillors		
60.	To exercise the Council's powers in respect of land drainage.	Relevant Cabinet Member		
61.	To exercise the Council's powers affecting the design or maintenance of highways.			
62.	All matters relating to coastal and dredging licence applications.		Such development must be permitted in a General Permitted Development Order or have been granted planning permission	
63.	To maintain, in partnership with the Senior Head of Leisure and Tourism, the parks, pleasure grounds,			

	gardens, open spaces, commons, recreational facilities, museums, galleries, nature reserves and allotments within the Council's control.			
64.	All matters relating to on and off street parking.	Relevant Cabinet Member		
65.	To collect, remove, recycle and dispose of waste.			
66.	To collect, remove, recycle and dispose of litter.			
67.	To collect, remove, recycle and dispose of abandoned or unauthorised vehicles.			
68.	To authorise the waiving or reduction of charges for special refuse collections.			
	Senior Head of Development			
69.	To manage the improvement, refurbishment and maintenance of the Council's non-housing property portfolio where not specifically the responsibility of other officers, this to include all tasks related to new build provision.			
70.	To acquire land in connection with the Council's functions and to grant and/or modify leases, easements, licences and way-leaves of, in, or over buildings or land in connection with the Council's functions.			
71.	To dispose of land in connection with the Council's functions and to grant and/or modify leases, easements, licences and way-leaves of, in, or over buildings or land in connection with the Council's functions.			

72.	To vary the terms and conditions of, or negotiate the surrender of, leases and licences			
73.	To determine as landowner or landlord applications for licences, consents and permissions in respect of the Council's buildings or land.			
Lawyer to the Council (Monitoring Officer)				
74.	Legal Proceedings			
	a. To determine what, if any legal action should be taken following any investigation into a criminal matter.		Except in relation to Health & Safety at Work	
	b. To institute, prosecute or terminate any proceedings which the Council is empowered to undertake in or before any Court, Tribunal, Inquiry or by way of Fixed Penalty Notice.		Except in relation to Health & Safety at Work	
	c. To defend or settle any proceedings brought against the Council.		Except in relation to Health & Safety at Work	
	d. To take any action incidental or inclusive to or which would facilitate any action under this paragraph.			
	e. To advise the relevant Chief Officer who is contemplating administering a formal caution to a person that has admitted an offence.			
	f. To determine whether or not any legal proceedings should be taken in any particular case or set of circumstances.			
75.	To appoint and instruct legal service providers.			
76.	To settle any claims where the Council's Insurers	CFO		

	may be involved.			
77.	To negotiate and enter into planning or other agreements regulating or controlling the use of development of land			
78.	To make minor amendments in planning or other agreements regulating or controlling the use or development of land.			
79.	To issue, serve, modify, or withdraw any enforcement action or notices under the Planning Acts, the Building Acts, the Environmental Protection Acts and any other such regulatory legislation enforced by the Council etc.			SHI.
80.	To carry out or authorise the carrying out of works in default under any statutory provisions (including Notices concerning ruinous and dilapidated buildings and neglected sites (Building Act 1984, Section 79).			
81.	To give, make and confirm any Order or Direction under the Planning Acts including Tree Preservation Orders (and associated applications for consent for works) and notification of works to trees in conservation areas.		Not to confirm if there are any objections	SHI
82.	To seal any document.	Relevant CO		
83.	To monitor the Council's use of the powers available to it under the Regulation of Investigatory Powers Act 2000.	DCE		
85.	To negotiate and agree the terms of any contract.			

86.	To sign any contract on behalf of the Council.			
87.	To authorise the attendance of officers at Court under any statutory provision.			
88.	To authorise service of any statutory requisition for information as to interests in land.			
89.	To execute any legal document on behalf of the Council.			
90.	All matters relating to consultations with Sussex Police and other bodies in relation to Anti Social Behaviour.			
91.	All matters relating to the consecration of land.			
92.	To issue, serve, suspend or withdraw any notices in respect of any matter for which the Council has power to act.			
93.	To decide whether to investigate allegations of misconduct in accordance with section 28(6)(7) of the Localism Act 2011 and in accordance with agreed procedures.	Independent Persons appointed by the Council Standards Panel if appropriate.		
94.	Establish, maintain and publish the register of interests.			
95.	To grant dispensations for relief of interest restrictions	Independent Persons appointed by the Council Standards Panel if appropriate.		

Senior Head of Leisure and Tourism				
96.	To exercise the Council's functions relating to the provision and management of recreational facilities.			
97.	To manage, including the authority to agree usage (and, where appropriate, agree temporarily reduced charges for usage where such reduction is in the financial and/or overall interests of the Council) and, in partnership with the Senior Head of Development and Environment to maintain, all the parks, pleasure grounds, gardens, open spaces, commons, recreational facilities, museums, nature reserves and allotments within the Council's control.			
98.	To exercise the Council's functions relating to the provision and management of cultural facilities and activities.			
99.	All matters relating to pleasure boats, boatman's licences, fisherman's agreements and all such other matters related to the Council's powers and duties in relation to the coast, rivers and harbours.			
D	Proper and/or Authorised Officer Functions			
No	Act	Function	Officer	Deputy
1.	All legislation prior to 1 st April 1972	Proper Officer in relation to references to Treasurer or Borough Treasurer	CFO	
2.		Proper Officer in relation to declarations and certificates with regard to securities	CFO	

	Local Government Act 1972			
3.	Section 83(3)	Declarations of acceptance of office of Councillors	CE	HCD
4	Section 84(1)(a)	Receipt of resignations of Councillors	CE	LC
5.	Section 88(2)	Convene a meeting of the Council to fill a vacancy of Chair of the Council	CE	HCD
6.	Section 89(1)(b)	Receive from electors Notices of Casual Vacancies of Councillors	CE	HCD
7.	Section 96	Receiving details of and recording Members' interests	DCE	HCD
8.	Section 100B(2)	Excluding from the public reports which are not likely to be considered in open session	LC	HCD
9.	Section 100C(2)	Where part or the whole of the report has been exempt the Proper Officer shall make a written summary of the proceedings or a part to provide a record without disclosing the exempt information	HCD	
10.	Section 100D	Compilation of list of background documents	Senior Head or actual author of report for Senior Head	
11.	Section 100F(2)	Deciding whether documents for inspection contain exempt information under relevant paragraph of Schedule 12A which are not required to be open to inspection by Members of the Council	HCD	
12.	Section 115(2)	For receipt of monies due to the Council from Officers	CFO	
13.	Section 146(1)(a)	Statutory Declaration regarding change of name of	LC	

		the Authority in connection with Companies		
14.	Section 191(2)	Applications under the Ordnance Survey Act 1841	SHI	
15.	Section 210	In respect of powers with regard to Charities	HCD	
16.	Section 225	Deposit of documents in accordance with Standing Orders of either House of Parliament, Enactment or Statutory Instrument	LC	HCD
17.	Section 229	To certify photographic copies of documents to be a true copy	LC	HCD
18.	Section 234	To sign notices, orders or other documents authorised or required by or under any enactment	LC	HCD
19.	Section 236	To send copies of Byelaws to any parish and/or community councils to which it applies	LC	HCD
20.	Section 238	Certification of printed copies of Byelaws	LC	HCD
21.	Section 248	To keep roll of persons admitted to the Freedom of the Borough	CE	
22.	Parts IV and Schedule 12	Signing and serving of summonses to attend meetings of the Council	CE	
23.	Schedule 14 Paragraph 25(7)	To certify copies of resolutions applying or disapplying provisions of the Public Health Act 1875 to 1925	HCD	
	Local Government Miscellaneous Provisions Act 1976			
24.	Section 41	To certify copies of resolutions, orders, reports or minutes of the Council or any predecessor authority	DCE	
	Local Government & Housing Act 1989			

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25.	Section 2	To receive a list of politically restricted posts	CE	DCE
26.	Section 4	Designation as Head of Paid Service	CE	DCE
27.	Section 5	Designation as Monitoring Officer	LC	
	Representation of the People Act 1983			
28.	Section 8	Appointed as Electoral Registration Officer	CE	
29.	Section 35	Returning Officer at Borough Elections	CE (appointed by the Council when post-holder changes)	
30.	Section 52	Appointed as Deputy Electoral Registration Officers	DCE and HCD	
31.	Section 82 & 89	To receive declaration of election expenses and holding of documents for public inspection	CE	DCE
	Local Government (Committees and Political Groups) Regulations 1990			
32.	Regulation 8	Receipt of Notice of Political Groups	CE	DCE
33.	Regulation 10	Receipt of Notice of cessation of membership of Political Group	CE	DCE
34.	Regulation 13	To accept wishes of Political Groups in respect of proportionality	CE	DCE
35.	Regulation 14	To notify Political Groups of allocations	CE	DCE
36.	Local Authority (Members Interest) Regulations 1992	To maintain a list of Members interests and keep it open to public for inspection	DCE	HCD
	Local Government Act 1974			

37.	Part 3	(Local Government Ombudsman)	DCE	HCD
	Local Government Act, 2000			
38.	Section 34	Proper Officer function	DCE	DCE
	Local Authorities (Referendum) (Petitions and Directions) Regulations 2000			
39.	Whole	Proper Officer function	DCE	HCD
40.	Local Authorities (Conduct of Referendums) (England) Regulations 2007	Proper Officer function	DCE	HCD
	Public Health Act 1936			
41.	Section 79	Removal of noxious matter	SHI	
42.	Section 84	Verminous Articles	SHI	
43.	Section 85	Verminous People	SHI	
	National Assistance Act 1948			
44.	Section 47	Removal of people in need	SHI	Officers of Health Authority etc authorised under S 113 (1A) of the Local Gov Act 1972
	Public Health Act 1961			
45.	Section 37	Verminous Articles	SHI	
	Public Health (Control of Disease) Act 1984			
46.	Whole Act	Infectious Diseases and Dead Bodies	SHI	

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	Public Health (Infectious Diseases) Regulations 1988			
47.	All	Infectious Diseases	SHI	
	Food Safety Act 1990			
48.	All	Food Safety	SHI	
	Any other legislative provisions for which arrangements are not specifically made under this Scheme of Delegations			
49.	All	Proper/Authorised etc. Officer functions or similar	CE	DCE
No	Act		Function	Officer
E	Specific authorisations for Court:			
1.	Officers authorised to represent the Council in Court etc			
A	Every Solicitor, Barrister or Legal Executive employed or engaged by the Council shall be authorised to appear on its behalf before any Court, Tribunal or other Hearing before which they have a Right of Audience and to exercise the powers given by the relevant professional body.			
B	The following Post Holders are authorised to appear on behalf of the Council and to conduct proceedings in Court and these are additional to the powers delegated by the Scheme of Delegation to Officers and the rights to appear in Court given to Solicitors, Barristers and Legal Executives:			
	a.	pursuant to the Local Government Act 1972 Section 223 and the County Courts Act 1984 Section 60 (in respect of possession matters) and for any purpose for which the Council is empowered to authorise Officers to appear on its behalf:		
	1.	Legal Assistants		
	2.	Trainee Solicitors		
	3.	Other suitably experienced and/or qualified Officers specifically authorised in writing so to appear by the Lawyer to the Council.		
	b.	pursuant to the Local Government Act 1972 Section 223 in respect of Rating or Council Tax matters:		

	1. 2.	The Senior Head of Community Officers of Eastbourne Borough Council authorised in writing so to appear by the Senior Head of Community			
	c. 1. 2.	pursuant to Part I of the Health and Safety at Work etc Act 1974 Senior Head of Infrastructure Officers of Eastbourne Borough Council so authorised in writing to appear by the Senior Head of Infrastructure and/or in accordance with the legislation			
	d. 1. 2.	pursuant to the Insolvency Rules 1986 Part 9 (examination of persons concerning company and individual insolvency) The Senior Head of Community Officers of Eastbourne Borough Council so authorised in writing to appear by the Senior Head of Community			
F	Authorisation to enter land or premises				
	1.	General:			
	a.	This authorisation authorises those Officers named in paragraphs 2-7 to enter land or premises for or in connection with their duties and pursuant to the functions mentioned.			
	b.	The authority to enter land or premises shall be exercisable subject to any statutory constraints.			
	c.	A reference to any Act shall include reference to any amendment or re-enactment and any subordinate legislation.			
	d.	In the event that a post ceases to exist or the name of the post is changed or the responsibilities of that post are transferred to another post temporarily or permanently then the authority given by this authorisation shall be exercisable by the officer in whose area of responsibility the previous			

		responsibilities now reside.			
	e.	The right to enter given by paragraphs 2-7 below shall extend to the exercise of the power to make inspections, to provide samples and to examine and seize goods as and if appropriate			
	f.	A person authorised to enter land may take with him or her or such other persons and equipment as may be necessary			
	g.	This authorisation entitles the person authorised to enter land to seek a warrant to enter			
	h.	The authorisation of an Officer to enter land shall be taken as this appointment of that Officer among other things for that purpose			
2.	All purposes				
	a.	Chief Executive			
	b.	Deputy Chief Executive			
	c.	Senior Heads			
	d.	Chief Finance Officer			
	e.	Emergency Planning Officer			
3.	Environmental Health, Housing etc				
	The following are authorised to enter land or premises for the following function:				
		Function	Officer		
	a.	Animal Welfare and Control	Senior Head of Community Senior Head of Infrastructure and Senior Head of Development and such other Officers as shall be delegated to in writing by them from time to time		
	b.	Caravan Sites			
	c.	Environmental Protection			
	d.	Food Safety and Hygiene			
	e.	Health and Safety at Work			
	f.	Housing			
	g.	Licensing Act 2003			
	h.	Pest Control			
	i.	Public Health			

	j.	Public Safety				
	k.	Scrap Metal Dealers				
	l.	Shop Acts				
	m.	Street Trading				
	n.	Sunday Trading				
	o.	Public Health				
	p.	Environmental Protection				
	q.	Gambling Act 2005				
	r.	Street Closures				
	s.	Cremations and Burials				
4.	Planning					
	The following are authorised to enter land or premises for the following function:					
		Function	Officer			
	a.	The Town and Country Planning Act 1990, Sections 178, 196A, 196B, 324 and 325	Senior Head of Development, Senior Head of Infrastructure and such other Officers as shall be delegated to in writing by him/her from time to time			
	b.	Planning (Listed Buildings and Conservation Areas) Act 1990, Section 88	Senior Head of Development, Senior Head of Infrastructure and such Officers as may be delegated to in writing by him/her from time to time			
	c.	Planning (Hazardous Substances) Act 1990, Section 36	Senior Head of Development, Senior Head of Infrastructure and such Officers as may be delegated to in writing by him/her from time to time			
	d.	Anti-Social Behaviour Act 2003, Part 8	Senior Head of Development, Senior Head of Infrastructure and such Officers as may be delegated to in writing by him/her from			

			time to time			
5.	Building Control					
	The following are authorised to enter land or premises pursuant to the following power					
		Function	Officer			
	a.	Building Act 1984, Section 95	The Senior Head of Development, Senior Head of Infrastructure and such Officers as may be delegated to in writing by him/her from time to time			
6.	Local Taxation					
	The following are authorised to enter land or premises for the following function					
		Function	Officer			
	a.	Collection of Local Taxes	The Senior Head of Community and such Officers as may be delegated to in writing by him/her from time to time			
7.	Land Drainage and Sewerage Undertaking					
	The following are authorised to enter land or premises for the following function					
		Function	Officer			
	a.	Water Industry Act 1991	Senior Head of Community and Senior Head of Infrastructure and such Officers as may be delegated to in writing by them from time to time			
	b.	Land Drainage Act 1991	Senior Head of Community and Senior Head Infrastructure and Environment and such Officers as may be delegated to in writing by them from time to time			

Chief Officers and Senior managers' areas of responsibility

Chief Executive (and Head of Paid Service)	<i>Strategic leadership and the delivery of quality services.</i>
Deputy Chief Executive	<i>Corporate and core support services including ICT and Asset management: Financial services; Human resources; Strategy and democracy; Legal and monitoring services; Customer services.</i>
Senior Head of Community	<i>Partnership activities promoting and safeguarding community health and safety; Strategic housing, needs and homelessness; Housing benefits and benefit fraud; Council tax collection and management; Private sector housing and related grants; Community development and related grants; Bereavement services; Voluntary sector liaison and youth development.</i>
Senior Head of Development	<i>Corporate activities for strategic, developmental and policy; Corporate property management of the Asset portfolio; Facilities; Economic development and regeneration.</i>
Senior Head of Tourism & Leisure	<i>Strategic tourism; Partnership activities including management of leisure and catering services contract; Marketing strategy and operational work, including TIC; Towner Cultural Centre and museums; Events design, planning, delivery and evaluation; Eastbourne Theatres; Devonshire Park facilities management and maintenance; Sports centres and associated leisure provision.</i>
Senior Head of Infrastructure	<i>Corporate enforcement activities for community health and safety; Planning services; Building control; cleansing; refuse and recycling, downland trees, parks and gardens, general maintenance; Engineering functions and any liaison or consultation with the highway authority on highways management issues; car parks; customer services; information and communications technology (ICT).</i>
Chief Finance Officer (Section 151 officer)	<i>Accountancy, internal audit, purchasing and payments, general income & system support.</i>
Lawyer to the Council (and Monitoring Officer)	<i>The Assurance that all actions and decisions taken by the Officers and Members of the Council are lawful and that the interests of the Council are legally protected and enhanced.</i>

REPRESENTATION ON OUTSIDE AND OTHER BODIES 2014/2015



(*N.B. Where there is a change to the 2013/14 appointment/nomination or a new appointment the name is asterisked)

(Please note that at the time of publication, details of certain changes to be made by the Liberal Democrat Group were awaited. The listings below largely reflect their current memberships. Notification of any changes will be circulated at the meeting.)

Organisation	Council's Representative(s)
3VA (Voluntary Action Eastbourne), observer.	Mrs Beryl Teso
Age Concern	Miss Olive Woodall and Cllr Pat Hearn (Board Member)
BHT Advice Eastbourne (formerly Eastbourne Housing Aid and Legal Centre)	Cllr Alan Shuttleworth
British Destinations (Annual Conference)	Relevant Cabinet Member (Cllr Carolyn Heaps) or nominee
British Destinations (nomination to Policy Committee if election arises)	Relevant Cabinet Member (Cllr Carolyn Heaps) or nominee
Cavendish Sports Centre Joint Liaison Committee	Cllrs David Elkin and Carolyn Heaps
Citizens Advice Bureau	Cllr John Ungar
Community Environment Partnership for Eastbourne	Relevant Cabinet Member (Cllr Steve Wallis) and relevant Shadow Cabinet member (*Cllr Patrick Warner) (or their respective nominees)
Community Safety Partnership	<i>See separate listing for this partnership and its linked groups and forums at end of this schedule.</i>
Cultural Involvement Group	Cllrs Jim Murray and Harun Miah
Disability Involvement Group	Council's Disability Champion (Cllr Coles)

East Sussex Children's Services Scrutiny Committee	2 year term appointment rotated among districts and boroughs. Currently Cllr Gill Mattock (until 2014).
East Sussex Credit Union Board of Directors	Cllr Mike Thompson (To act as an observer without voting rights)
East Sussex Gypsy and Traveller Forum	Relevant Cabinet Member (Cllr Steve Wallis) and relevant Shadow Cabinet member (or their respective nominees). Opposition nominee is *Cllr Barry Taylor.
East Sussex Gypsy and Traveller Members' Group	Relevant Cabinet Member (Cllr Steve Wallis) or nominee
East Sussex Health and Wellbeing Board	Cllr Troy Tester Two voting members rotate between districts and boroughs on an annual basis (Currently Eastbourne and Hastings)
East Sussex Health Overview and Scrutiny Committee (co-opted member) (N.B. law requires nomination to be a member of the Council's Scrutiny Committee)	Cllr John Ungar
East Sussex Joint Waste Committee (Must be Cabinet members)	Relevant lead Cabinet members (Cllrs Gill Mattock and Steve Wallis) (Substitutes: Cllrs Margaret Bannister and David Tutt)
East Sussex Strategic Forum (Supporting People)	Relevant Cabinet Member or nominee. Nominee is Cllr John Ungar
East Sussex Strategic Partnership	Relevant Cabinet Member (Cllr David Tutt) or nominee. Council is represented by the Chief Executive
East Sussex Strategic Planning Member Group	Cllr Steve Wallis
Eastbourne Amalgamated Charities (Trustees)	Council nominated trustees: Mr B R Etheridge (until 31 May 2015) Councillor Janet Coles (until 31 May 2017)
Eastbourne and Wealden YMCA Youth Activities Steering Group	Cllr Jim Murray
Eastbourne and District Enterprise Agency Limited (EDEAL)	Cllr David Tutt (or nominee)

Eastbourne Cultural Communities Network (ECCN)	Cllr Jim Murray
Eastbourne Education Business Partnership	Mr Robert Cottrill (Council's Chief Executive)
Eastbourne Housing Forum	Relevant Cabinet Member (Cllr Margaret Bannister) or nominee
Eastbourne Housing Partnership	Relevant Cabinet Member (Cllr Margaret Bannister) and relevant Shadow Cabinet member (Cllr Annabelle West).
Eastbourne Leisure Trust	Cllr Jim Murray (N.B. observer/adviser without voting rights.)
Eastbourne Open Bowling Tournament Management Committee	Mrs Irene Sims
Eastbourne Seniors Club (appointment of trustee)	The Mayor or his nominee. The Mayor's nominee is Cllr Janet Coles
Eastbourne Strategic Partnership	Relevant Cabinet Member (Cllr David Tutt) or nominee
Eastbourne Youth Forums (Junior and Senior)	Relevant Cabinet Member (Cllr Margaret Bannister) or nominee
Equality and Fairness Steering Group	Relevant Cabinet Member or nominee (Cllr Margaret Bannister is the nominee)
Friends of Redoubt / Fortress Access Group	Cllr Janet Coles
Hampden Park Sports Centre Joint Liaison Committee	Cllrs Pat Hearn and Jim Murray
Healthy Eastbourne Board	Relevant Cabinet Member (Cllr Margaret Bannister) or nominee
Local Government Association	Leader of the Council (with voting rights), plus Deputy Leader and Opposition Leader (or their respective nominees); all of whom should be Cabinet or Shadow Cabinet members
Local Government Association – East Sussex Branch	Leader and Deputy Leader of the Council

Local Government Association Coastal Issues Special Interest Group	Relevant Cabinet Member (Cllr Carolyn Heaps) or nominee
Local Government Association Urban Commission	Relevant Cabinet Member (Cllr Margaret Bannister) or nominee
Local Government Association Rural Commission	Leader of the Council or nominee
Royal Project (in support of the Royal Hippodrome Theatre)	Council nominated trustee: Cllr Mike Thompson
ROOM (nomination to South East Regional Executive Committee)	Cllr Barry Taylor to be nominated in event of election arising
Salvation Army Eastbourne Steering Group	Cllr Margaret Bannister
South Downs National Park Authority	*Cllr Gill Mattock
Sussex Police and Crime Panel	Cllr John Ungar (until May 2015) (Cllr Margaret Bannister is the named substitute)
South East Employers	Relevant Cabinet Member (Cllr Troy Tester) or nominee. (Cllr David Tutt is the named substitute)
South East England Councils	Relevant Cabinet Member or nominee. Nominee is Cllr Gill Mattock (with Cllr David Tutt as substitute)
Sussex Downs College	Cllr Stanley in the event that the college seek a nomination from the Council.
Sussex Area Environment Group (Environment Agency)	Cllr Steve Wallis to be nominated in event of vacancy arising.
Taxi and Private Hire Forum	All members of the Licensing Committee are invited to attend.
University of Sussex Court	The Mayor and Chief Executive

COMMUNITY CENTRE MANAGEMENT COMMITTEES

Hampden Park	Cllr Jim Murray (N.B. Understood that Cllr Hearn normally attends)
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Langney	Cllrs Alan Shuttleworth (Langney ward) and David Tutt (St Anthony's ward)
Old Town	Cllr Carolyn Heaps
The Trees	Cllrs Colin Murdoch and Pat Hearn
Regency Park	Cllr Steve Wallis

COUNCILLOR REPRESENTATION ON THE EASTBOURNE COMMUNITY SAFETY PARTNERSHIP AND LINKED GROUPS AND FORUMS

Partnership Group	Representation	Councillor(s)
Community Safety Partnership Main Board	Portfolio holding Cabinet Member or nominee	Cllr Margaret Bannister
Joint Action Group (JAG)	Leader of the Council, Portfolio holding Cabinet Member, Opposition Leader and Opposition Shadow Cabinet spokesperson or respective nominees.	Cllrs David Tutt, Carolyn Heaps, *Annabelle West and Gordon Jenkins
Neighbourhood Watch Committee	One Member from either Group	Cllr Margaret Bannister
Overseas Students Advisory Committee	Two Councillors, one from each Group	Cllr Neil Stanley and Tom Liddiard
Nightwatch	One Member from either Group	Cllr Margaret Bannister
Shopwatch	One Member from either Group	Cllr Margaret Bannister
Neighbourhood Panels	Ward Councillors are invited to attend	

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