

Audit and Standards Committee

16 January 2023



Time and venue:

10.00 am in the Ditchling and Telscombe Rooms, Southover House, Southover Road, Lewes, BN7 1AB.

Membership:

Councillor Julian Peterson (Chair); Councillors Adrian Ross (Vice-Chair) Christine Brett, Phil Davis, Isabelle Linington, Sean MacLeod and Christine Robinson

Quorum: 4

Published: Friday, 6 January 2023

Agenda

1 Minutes (Pages 5 - 10)

To confirm and sign the minutes of the previous meeting held on 14 November 2022 (attached herewith).

2 Apologies for absence/declaration of substitute members

3 Declarations of interest

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

4 Urgent items

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972.

5 Written questions from councillors

To deal with written questions from councillors pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).

6 Updating and Alignment of Schemes of Delegations to Officers (Pages 11 - 68)

Report of Lewes District's Monitoring Officer

7 Appointment of External Auditors from 2023-24 (Pages 69 - 74)

Report of the Chief Finance Officer

8 Quarter 3 - Treasury Management Report (To Follow)

Report of the Chief Finance Officer

9 Date of next meeting

To note that the next meeting of the Audit and Standards Committee is scheduled to be held on Monday, 20 March 2023, in the Ditchling and Telscombe Rooms, Southover House, Southover Road, Lewes, BN7 1AB, commencing at 10:00am.

Information for the public

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Public participation:

Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

Information for councillors

Disclosure of interests:

Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address:

A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that Committee or Sub-Committee.

A member must give notice of the question to the Head of Democratic Services in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

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Audit and Standards Committee

Minutes of meeting held in Ditchling and Telscombe Rooms, Southover House, Southover Road, Lewes, BN7 1AB on 14 November 2022 at 10.00 am.

Present:

Councillor Julian Peterson (Chair).

Councillors Adrian Ross (Vice-Chair), Christine Brett, Phil Davis, Isabelle Linington and Christine Robinson.

Officers in attendance:

Lee Ewan (Counter Fraud Investigations Manager), Jackie Humphrey (Chief Internal Auditor), Jennifer Norman (Committee Officer, Democratic Services) and Ola Owolabi (Deputy Chief Finance Officer - Corporate Finance).

14 Minutes

The minutes of the meeting held on 4 July 2022 were submitted and approved, and the Chair was authorised to sign them as a correct record.

15 Apologies for absence/declaration of substitute members

An apology for absence was received from Councillor Sean MacLeod.

16 Declarations of interest

There were none.

17 Urgent items

There were none.

18 Written questions from councillors

There were none.

19 External Audit progress

The Committee received a verbal update from the Deputy Chief Finance Officer (DCFO) in respect of the External Audit progress.

The DCFO reminded the Committee that at its previous meeting on 4 July 2022, the Council's External Auditor, Deloitte, had indicated that it intended to have the External Audit of the 2019/20 Statement of Accounts completed by November 2022. Due to a lack of sufficient resources, including not having enough auditors on hand, the November target completion date had not been

met by Deloitte. Council Officers were now in discussions with the External Auditor in respect of revised completion dates for the remaining outstanding audits. The revised completion dates, as set out by Deloitte, include:

- External Audit of the 2019/20 Statement of Accounts - completion date by end of December 2022;
- External Audit of the 2020/21 Statement of Accounts - completion date by end of January 2023; and
- External Audit of the 2021/22 and 2022/23 Statement of Accounts - completion date by end of Summer 2023.

Officers noted their disappointment that the expectation to clear the backlog of external audits had not been met by Deloitte.

Discussions included:

- Whether the Council had been given an invoice for any overage, as well as a timescale for completion by Deloitte. The DCFO confirmed that the Council had not yet received an invoice for any overage charges, nor had it received a timescale for completion from Deloitte. The DCFO noted that Council Officers held weekly meetings with Deloitte, during which they had continued to request an invoice for any overage charges and a timescale for the remaining audits.
- Whether Council Officers could share a detailed breakdown of any overage charges by Deloitte with the Committee. The DCFO confirmed that he would share this information with the Committee when it was received.
- Whether the Council had any issues outstanding that could be contributing to the ongoing delay in completion of the External Audit of the 2019/20 Statement of Accounts. The DCFO confirmed that the Council had no unresolved issues and that Council Officers continued to meet with Deloitte on a regular basis.

The Committee highlighted its concerns regarding the yet to be determined overage charges by Deloitte, as any additional charges would have an impact on the Council's budget. The Committee requested that Officers continued to stress the urgency in obtaining this information from Deloitte. Officers agreed.

Resolved: That the verbal update be noted.

20 Annual report on Covert Surveillance Management

The Committee received a report which provided Members with an overview of the Council's use of covert surveillance powers in 2021/22 and information on recent external inspection of surveillance governance arrangements.

The Counter-Fraud Investigations Manager (and RIPA Monitoring Officer) summarised the report, highlighting the purpose of covert surveillance and corresponding legislation, its uses, and the Council's application of covert surveillance in respect of a Crown Court prosecution regarding a Right to Buy

application.

Discussions included how the Council was notified about possible fraud being undertaken, follow up tenancy and how the Council made decisions as to when to use covert surveillance.

Resolved:

- 1) That the covert surveillance summary for September 2021 to September 2022 be noted;
- 2) That the findings of the Investigatory Powers Commissioner's Office Inspection conducted in June 2022 be noted;
- 3) That the updated Covert Surveillance and CHIS Policy be approved; and
- 4) That the updated Policy on Acquisition of Communications Data be approved.

21 The Annual Audit Letter - 2018/19 External Audit

The Committee received the report which informed Members of the Annual Audit Letter for 2018/19.

The Deputy Chief Finance Officer (DCFO) summarised the report, highlighting that it was a legal requirement for authorities to publish annual audit letters on their respective websites.

The DCFO noted that previous issues had been resolved in respect of the Annual Audit Letter 2018/19 and were signed off on 29 June 2022, and that there were no new issues to report. He clarified that the letter had been published on 12 September 2022 as part of the legal requirement, and that Officers had intended to present it to the Committee at its meeting on 12 September 2022, but the meeting had been cancelled.

Resolved: That the report be noted.

22 Treasury Management Monitoring report - Q1 and Q2

At the request of the Chair, Agenda Item 9 (Treasury Management Monitoring report Q1) and Agenda Item 10 (Treasury Management Monitoring report Q2) be taken simultaneously.

The Deputy Chief Finance Officer (DCFO) explained that due to the cancellation of the meeting on 12 September 2022, all information contained in the Treasury Management Monitoring report Q2 superseded all information contained in Q1 report, which was included for information only.

The DCFO summarised the Treasury Management Monitoring report Q2, highlighting fixed deposits, overall investment procedure, compliance with the prudential limit, and the Capital Programme.

The Committee queried whether Officers had completed work in respect of

reviewing capital expenditure, noting Members would like to review the assessment. The DCFO explained that work had started in respect of capital expenditure as part of the Council's annual budget, and that Members should expect to be presented with a new Capital Programme at the next meeting of the Full Council on 20 February 2023.

The Committee requested that a breakdown of the Levelling Up Fund Grant be provided and the Chair queried whether it could be added to the next Treasury Management Monitoring report for Q3. The DCFO agreed and confirmed that a detailed, colour-coded breakdown would be included in the Treasury Management Monitoring report Q3.

Resolved:

- 1) That it be noted that the Treasury Management activity for the period 1 April to 30 June 2022 has been in accordance with the approved Treasury Strategies; and
- 2) That it be noted that the Treasury Management activity for the period 1 July to 30 September 2022 has been in accordance with the approved Treasury Strategies.

Prior to the consideration of the next item, the Committee adjourned for a brief comfort break.

23 Internal Audit and Counter Fraud report for the financial year 2022-2023 - 1st April 2022 to 30th September 2022

The Committee considered the report which provided a summary of the activities of Internal Audit and Counter Fraud for the first half of the financial year 2022/23 from 1st April 2021 to 30th September 2022.

The Chief Internal Auditor (CIA) summarised the report, highlighting that due to the meeting cancellation of the Committee on 12 September 2022, the report for the first quarter and the second quarter had been combined, with the attached report covering the first half of the financial year.

Discussions included the work of internal audit, business continuity plans and one outstanding recommendation, the increased number of housing tenancy cases and audits of social media.

Resolved:

- 1) That the report be noted;
- 2) That the Audit Charter be adopted; and
- 3) That the Code of Ethics for External Auditors be adopted.

24 Strategic Risk Register quarterly review

The Committee received the report which summarised the outcomes of the quarterly review of the Strategic Risk Register (SRR) by the Corporate Management Team (CMT).

The Chief Internal Auditor (CIA) summarised the report, highlighting changes to the SRR as set out in Appendix A, including a new internal control which had been added.

The CIA highlighted that, due to the cancellation of the meeting of the Committee on 12 September 2022, the information contained within the attached report and appendix had been since reviewed by CMT, and it was agreed that no further updates were needed.

Discussions included change of economic environment, changes to the SRR in respect of flooding coastal defences, and reasons for the drop in revenue in the draft financial budget.

Resolved: That the report be noted.

25 Amendment to the Annual Governance Statement 2021-22

The Committee considered the report which sought Members' approval of the amended Annual Governance Statement for 2021/22.

The Chief Internal Auditor (CIA) summarised the report, explaining that when the Annual Governance Statement 2021/22 was originally brought to the Committee at its meeting on 4 July 2022, it was noted that several paragraphs had been omitted by Officers in error. The attached Annual Governance Statement 2021/22 as set out in Appendix 1, contained the amendments, which the Committee was being asked to approve.

Resolved: That the amended Annual Governance Statement 2021/22, as set out in Appendix 1, be approved.

26 Date of next meeting

That it be noted that the next meeting of the Audit and Standards Committee was scheduled to commence at 10:00am on Monday, 16 January 2023, in the Ditchling and Telscombe Rooms, Southover House, Southover Road, Lewes, East Sussex, BN7 1AB.

The meeting ended at 12.07 pm

Councillor Julian Peterson (Chair)

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Report to:	Audit and Standards Committee
Date:	16 January 2023
Title:	Updating and Alignment of Schemes of Delegations to Officers
Report of:	Monitoring Officer
Ward(s):	All
Purpose of report:	To seek the Committee's comments on the draft new Lewes Scheme and recommend it to Cabinet and Full Council.
Officer recommendation(s):	<p>(1) To review and then to recommend to Cabinet the updated and aligned Scheme of Delegations to Officers (executive functions only) set out in Appendix 1.</p> <p>(2) To review and then to recommend to Full Council the updated and aligned Scheme of Delegations to Officers (non-executive functions only) set out in Appendix 1.</p>
Reasons for recommendations:	The existing Scheme for Lewes has not been fully updated since 2015, leading to uncertainty over certain officer powers and difficulty with implementation.
Contact Officer(s):	Name: Oliver Dixon Post title: Monitoring Officer E-mail: oliver.dixon@lewes-eastbourne.gov.uk Telephone number: 01323 415881

1 Introduction

- 1.1 The Council's Scheme of Delegations to Officers forms part of the constitution, and sets out the substance and extent of powers delegated by the executive and full Council to each of the directors, assistant director, Monitoring Officer and Head of Legal Services. These delegations relate to officers' operational powers to perform their routine day to day functions.
- 1.2 Additionally, the Scheme delegates powers to Proper Officers, namely those officers designated under local government legislation to perform "proper officer" functions.
- 1.3 Since the Joint Transformation Programme in 2015, the Council (LDC) and Eastbourne Borough Council (EBC) have continued to operate under individual Schemes. The presentation and scope of each one is drafted quite differently.

1.4 This differing approach, in addition to the absence of a much-needed update, has led to inconsistencies at corporate level where directors acting across both authorities have sought clarity over the nature and extent of their delegated powers. Equally, references to 'Proper Officer' legislation require a refresh to ensure only current law is cited.

1.5 Whilst updating and alignment is the overriding objective, two individual Schemes should remain, since LDC retains exclusive functions relating to–

- (i) its development management functions on behalf of South Downs National Park Authority, and
- (ii) its management of Code of Conduct matters in relation to parish councils.

EBC retains exclusive functions relating to Devonshire Park and culture and tourism, including Eastbourne Downs Golf Club.

1.6 The two Schemes will in all other respects be identical, enabling officers to interpret and apply their powers correctly and consistently across their entire service responsibility and both authorities' geographical areas.

2 Proposal

2.1 Part of the Audit and Standards Committee remit is to consider governance amendments (including constitutional matters). In that capacity, the Committee is invited–

- (i) to review the draft version of the updated and aligned Scheme set out in Appendix 1; and
- (ii) to recommend its approval by Cabinet (executive functions) and by full Council (non-executive functions).

2.2 The Council's non-executive functions are set out in article 4.4 of the Council's constitution – see link under Background Papers (paragraph 11) below. Any functions not listed in article 4.4 are, by default, executive functions.

2.3 As indicated in paragraph 1.1, the Scheme specifies powers exercisable by officers on a routine, regular basis as part of their ordinary day to day functions. These are distinct from express delegations made by resolution of Cabinet or full Council, giving effect to a stand-alone officer report and recommendations on a specific topic.

2.4 Subject to Cabinet approving the executive delegations at its meeting on 2 February 2023, the new Scheme will come into force immediately after full Council has approved the non-executive delegations at its meeting on 20 February 2023.

2.5 EBC's Scheme will undergo the same decision-making pathway through its own audit committee (17 January), Cabinet (8 February) and Full Council (22 February).

3 Outcome expected

- 3.1 An aligned and updated Scheme should ensure lawful, valid and consistent decision making by directors and their teams across both authority areas.

4 Consultation

- 4.1 The Corporate Management Team gave in principle agreement to the above proposal on 19 October 2022.
- 4.2 Relevant Heads of Service were consulted on 28 October 2022 to ensure the wording specific to their service areas was correct. Their updates and other amendments have been incorporated into the revised Scheme at Appendix 1.

5 Business Case and alternative option(s) considered

- 5.1 The Council is under a legal duty to include in its constitution a list of powers exercisable by officers. See further at paragraph 8 below.

6 Financial appraisal

- 6.1 The cost of updating and managing an updated set of Schemes can be met by the revenue budgets of the Legal Services and Democratic Services teams.

7 Legal implications

- 7.1 Section 9P(1) of the Local Government Act 2000 requires a council operating executive arrangements to prepare and keep up to date a constitution which contains (amongst other things) “such information as the Secretary of State may direct.” Under the Local Government Act 2000 (Constitution) Direction 2000, the Secretary of State directed that councils must include in their constitution–
- a. a description of those powers of the **executive** which are exercisable by an officer of the local authority, stating the title of the officer by whom each of the powers so specified is exercisable; and
 - b. a description of those powers of the **council** which are exercisable by an officer of the local authority stating the title of the officer by whom each of the powers so specified is for exercisable.
- 7.2 Apart from the record needing to list all powers delegated to specified officers, the document format is not prescribed by statute or common law. It is in the interests of council members, officers and the public, however, that the Scheme is clear and concise. It should also be prefaced by a set of principles as to how the Scheme operates (including arrangements for amending and adding to the Scheme as necessary from time to time) and guidelines by which it should be interpreted.
- 7.3 Section 100G(4) of the Local Government Act 1972 and section 9P(3) of the Local Government Act 2000 require that local authorities make a copy of its

constitution available for inspection by members of the public at all reasonable hours. The council satisfies this obligation by publishing its constitution on its website.

Date of legal advice: 13.12.22

Legal ref: ADMIN-JOINT-OD (Governance)

8 Risk management implications

- 8.1 An aligned and updated Scheme provides a sound and proper basis on which directors can exercise powers on a delegated basis. It is no longer tenable for directors to rely on the current Scheme, given its many references to obsolete job titles, repealed legislation and lack of consistency across the shared LDC-EBC areas.
- 8.2 Officer decisions made without proper authority could provide an affected party with grounds to apply for a judicial review.

9 Appendices

- 9.1 Appendix 1 - Proposed Scheme of Delegations to Officers, aligned and updated

10 Background papers

- 10.1 The background papers used in compiling this report were as follows:
- [Lewes District Council's current Scheme of Delegations](#)
 - [Eastbourne Borough Council's current Scheme of Delegations](#)
 - [List of non-executive powers – all reserved to full Council](#)
(refer to pages B7 to B8)



Lewes District Council

Part 9

Scheme of Delegations to Officers and Proper Officer List

LEWES DISTRICT COUNCIL

CONTENTS

A – General Principles

B – Delegations to all Chief Officers

B1: to manage functions for which the Chief Officer is responsible, per Annex A

B2-42: generic delegations

C – Delegations to specific Chief Officers

D – Proper and/or Authorised Officer Functions

E – Specific authorisations for Court

F – Authorisation to enter land or premises

Annex A – Chief Officers' and Senior Managers' Areas of Responsibility

A General Principles

A1. Statutory authority permitting the Council to delegate the discharge of its functions to an officer is provided by:

- The Local Government Act 1972, section 101(a), in respect of **non-executive** functions. The power to decide which of these functions are to be delegated to an officer resides with full Council or, where full Council has authorised a committee to discharge any function, with that Committee.
- The Local Government Act 2000, section 9E(2)(b), in respect of **executive** functions. The power to decide which executive functions are to be delegated to an officer is in the sole gift of the Leader or, where the Leader has authorised the Cabinet or a Cabinet Member to discharge any function, in the gift of the Cabinet or Cabinet Member as applicable.

The Proper Officer appointments are made under the relevant provisions of 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.

A2. For the purposes of this scheme:

If the post of an officer to whom a function is delegated (or to which he/she has been appointed as a Proper Officer) is vacant, or if the post-holder is absent through sickness, on leave (of whatever type), or otherwise unavailable, then unless the Council otherwise decides:

- 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 of the 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 Director 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).

A3. Where decisions are taken by officers under delegated powers the following conditions and rules shall apply:

- 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 , 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.
- iii) 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/or expenditure without a relevant budget must be made and kept.
- iv) 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.
- v) 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 paragraph A2 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.

- vi) 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 Director or Assistant Director, further delegate the authority.
- vii) Any sub-delegation is to be recorded in writing.
- viii) A copy of any sub-delegation or its revocation shall be provided to the Head of Democratic Services within five working days. The Head of Democratic Services 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.
- ix) 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.
- x) 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.
- xi) 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.
- xii) Where an Officer is taking a 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 Head of Legal Services to the Council (e.g. termination of a contract).
- xiii) Any decision which has financial implications other than those budgeted for shall be taken in consultation with the Council's Director of Finance and Performance.
- xiv) 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.

- xv) 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.
- xvi) Decisions taken under delegated powers may need to be recorded. Rule 13 of the Access to Information Procedure 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 regulation 13(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and regulation 7 of the Openness of Local Government Bodies Regulations 2014, where a written statement of executive and non-executive officer decisions must be recorded, it is published as soon as reasonably practicable after a decision has been made.
- xvii) This Scheme of Delegation should be read in conjunction with any of the Council's business plans. These set out the general priorities for the Council's activities and are agreed by the Council on an annual basis. Chief Officers are delegated to carry out the activities described in these plans, with overview by the Council carried out through its performance management and budget monitoring framework.

A4. 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, Directors and the Director of Finance and Performance 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 Chief Executive, which shall be provided to the Head of Democratic Services 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.

A5. Interpretation

Term	Definition
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.
Chief Officer	The Chief Executive, the Directors and the Assistant Director of HR and Transformation.
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 managing the exercise.
The Council	Shall include the Council, the Leader, the Cabinet, an Individual Cabinet Member or a Committee.
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.
The Planning Acts	The Town and Country Planning Act 1990, the Town and Country Planning Act 2008, the Planning (Listed Building and Conservation Areas) Act 1990, and the Planning (Hazardous Substances) Act 1990; and, in respect of them all, any amendments as may be made from time to time and any regulations and orders made pursuant to the same.
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 at A3(vii) above, the Head of Democratic Services 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.

A6. Abbreviations

Post	Abbreviation
Chief Executive (and Head of Paid Service)	CE
Director of Regeneration and Planning	DRP
Director of Service Delivery	DSD
Director of Finance and Performance	DFP
Assistant Director of Human Resources and Transformation	ADHRT
Head of Legal Services (and Monitoring Officer)	HLS
Head of Democratic Services	HDS
Head of Electoral Services	HES

Act / Regulation or Order	Abbreviation
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	TCP(CA) Regs
Town and Country Planning (General Permitted Development) Order 2015	GPDO

B Delegations to all Chief Officers

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. Chief Officers can make any decision that can be made by a Head of Service or other Officer.

General:

No.	Delegation	Consultees	Limitations
B1.	To manage the functions for which they are responsible as set out in Annex A .		
B2.	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.		
B3.	To respond to consultations.	Relevant Cabinet Member	
B4.	To dispose of lost or uncollected property.		
B5.	To procure goods and services in accordance with Contract Procedure Rules.	DFP	
B6.	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 .		
B7.	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 .	DFP	

No.	Delegation	Consultees	Limitations
B8.	To carry out the 'Proper Officer' and “authorised Officer” functions as identified in the list set out in Section D below.		
B9.	This row is left blank.		
B10.	To carry out minor development for which planning permission is not required.		
B11.	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:

No.	Delegation	Consultees	Limitations
B12.	To do all matters in relation to the letting of contracts.		In accordance with Contract Procedure Rules
B13.	To invite and accept tenders received on any matter in accordance with Contract Procedure Rules .		
B14.	To sign contracts on behalf of the Council.		In accordance with Contract Procedure Rules

Financial:

No.	Delegation	Consultees	Limitations
B15.	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
B15 A.	To implement the substance and conditions of a grant provided by the government under s.31 of the Local Government Act 2003.		
B15 B.	To provide business grants under government schemes.		
B16.	To write off amounts as irrecoverable.	DFP/Relevant Cabinet Member	In accordance with Financial Procedure Rules
B17.	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)
B18.	To vary, in exceptional circumstances, annual fixed fees and charges, subject to any relevant Council policies.	Relevant Cabinet Member	
B19.	To determine charges for the use of relevant services and events not covered by the annual review of fees and charges.	Relevant Cabinet Member	
B20.	To take any action authorised by Financial Procedure Rules.		

No.	Delegation	Consultees	Limitations
B21	To submit bids for the Council to receive grants etc from outside bodies in accordance with the functions of the Council.	DFP	

Assets:

No.	Delegation	Consultees	Limitations
B22.	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:

No.	Delegation	Consultees	Limitations
B23.	Respond to requests under Data Protection and Freedom of Information legislation, the latter comprising the Freedom of Information Act 2000 and Environmental Information Regulations 2004.		

Emergency Powers:

No.	Delegation	Consultees	Limitations
B24.	To take any action necessary with regard to the Council's Emergency Planning functions, including authority to incur expenditure.		

Land:

No.	Delegation	Consultees	Limitations
B25.	In accordance with Council policies, to manage land,		

No.	Delegation	Consultees	Limitations
	property and other assets allocated to the functions for which they are responsible.		
B26.	To determine property matters occurring on an occasional basis and in the interests of expediency.	DFP	

Health and Safety:

No.	Delegation	Consultees	Limitations
B27.	To exercise all powers, functions, duties and responsibilities of the Council with regard to Health & Safety.		

Equalities:

No.	Delegation	Consultees	Limitations
B28.	To exercise all powers, functions, duties and responsibilities of the Council with regard to equalities.		

Legal:

No.	Delegation	Consultees	Limitations
B29.	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 HLS	
B29 A.	After consultation with the Head of Legal Services,		

No.	Delegation	Consultees	Limitations
	<p>(i) to prosecute, defend, commence or appear in any legal or other proceedings in any Court, inquiry or tribunal or before any similar body; and</p> <p>(ii) to conduct any such proceedings. All legal proceedings shall be undertaken under the name of the Head of Legal Services.</p>		
B30.	To sign, issue and serve all notices required by statute or otherwise to be given by the Council and all necessary advertisements.		

Regulatory:

No.	Delegation	Consultees	Limitations
B31.	To issue fixed penalty notices where permitted by statute in relation to the functions for which they are responsible.		
B32.	The grant, review, renewal and cancellation of authorisations under the Regulation of Investigatory Powers Act 2000 and Investigatory Powers Act 2016, in accordance with the Council's surveillance and communications data acquisition policies.		Only applies to RIPA authorised officers.
B33.	The making of ex gratia payments in cases of maladministration.	DFP	

Licences, notices etc.

No.	Delegation	Consultees	Limitations
B34.	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.
B35.	The issue and service of any notice or requisition for information concerned with matters within the functions for which he/she are responsible.		
B36.	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.		
B37.	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.		
B38.	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:

No.	Delegation	Consultees	Limitations
B39.	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:

No.	Delegation	Consultees	Limitations
B40.	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:

No.	Delegation	Consultees	Limitations
B41.	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.
B42.	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.		
B43.	In accordance with section 113(1) of the Local Government Act 1972, to place officers at the disposal of other local authorities.	The individual officer(s) to whom the disposal applies	[As a new delegation, both Cabinet and Full Council must approve for their respective functions]

C Delegations to Specific Chief Officers

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.

No.	Scope of Delegations
C1.	<p>Chief Officers and Head of Legal Services 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:</p> <ul style="list-style-type: none">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.

Chief Executive:

No	Function	Consultation	Limitation
C2.	The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, general elections or referenda.		
C3.	To take urgent action on behalf of the Council.		<p>The Leader or Deputy Leader will be kept informed if they are available.</p> <p>For the purposes of this delegation, “urgent action” means action that needs to be taken immediately or in a very short timescale to meet operational needs and cannot reasonably be deferred to allow the normal decision making process.</p>
C3A.	The grant and supervision of exemptions from political restriction.	HLS	
C3B.	To maintain a register of politically restricted posts and ancillary matters.	HLS / HDS	
C3C.	To convene and cancel meetings of the Council, the Leader, the Cabinet, Cabinet Members, Committees and all other Council bodies.	HLS / HDS	
C3D.	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 Director of Regeneration & Planning to maintain, all the parks, pleasure grounds, gardens, open spaces, commons, recreational facilities, museums, nature reserves and allotments within the Council’s control.		

C3E.	To exercise the Council's functions relating to the provision and management of cultural facilities and activities, including but not limited to the provision the hospitality and catering.		
C3F.	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.		

Chief Officers other than the Chief Executive:

No	Function	Consultation	Limitation
C4.	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.

Assistant Director HR and Transformation:

No	Function	Consultation	Limitation
C5.	To confirm the appointment of staff on the satisfactory completion of probationary period.	Relevant Chief Officer.	
C6.	To implement the Council's pay and grading procedure.	DFP.	
C7.	To implement any nationally agreed pay settlements.	DFP.	
C8.	This row is left blank		
C9.	This row is left blank		

Director of Service Delivery:

No	Function	Consultation	Limitation
C10.	To make payments of housing and Council Tax or similar benefits.		
C11.	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.		
C12.	To determine entitlement to mandatory or discretionary rate relief.	Relevant Cabinet Member	
C13.	To serve on the Valuation Officer notice of objection to any proposals for alteration of the Valuation List.		
C14.	To make proposals for the alteration of the Valuation List or for inclusion of particular properties in the Valuation List.		
C15.	To sign off Valuation Agreements.		
C16.	To determine any applications for Housing, Council Tax or similar benefits.		
C17.	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.		

No	Function	Consultation	Limitation
C17A	<p>In relation to all and any council owned housing properties:</p> <p>(i) to acquire or dispose of land, and to grant and/or modify leases, easements, licences and way-leaves of, in, or over such properties, in accordance with the limits specified in paragraphs C1 a) to e) above.</p> <p>(ii) To vary the terms and conditions of, or negotiate the surrender of, leases and licences.</p> <p>(iii) To determine as landowner or landlord, applications for licences, consents and permissions in respect of properties.</p>	Where any value exceeds the limits specified in paragraphs a) to e), the DSD may exercise the powers referred to in 17A(i) but only after consulting with the relevant cabinet portfolio holder.	<p>a) Where the payment from the other party does not exceed £50,000 (£25,000 for amenity land); or</p> <p>b) where the payment to the other party does not exceed £50,000;</p> <p>c) where the annual rent does not exceed £25,000 (except for a rent review); or</p> <p>d) where the lease term of the property does not exceed 10 years; or</p> <p>e) if an easement or way-leave, the annual fee does not exceed £1,000.</p>
C17B	To make the necessary application for permission to dispose of 5 or more HRA assets direct to the Secretary of State.		
C18.	To investigate allegations of council tax benefit fraud.		
C19.	To determine whether or not a simple caution or administrative penalty should be administered following an investigation into an alleged criminal offence	HLS	<p>There must be a full admission.</p> <p>It must be a first offence.</p> <p>It must be in the public interest.</p> <p>It must be a minor matter.</p> <p>It must not be a complex fraud or attempted fraud.</p>
C20.	To administer simple cautions and administrative penalties, following determination in accordance with paragraph C19 above.		

No	Function	Consultation	Limitation
C21.	To implement the Council's policies regarding Community Safety and the reduction of crime and disorder.		
C22.	To take appropriate enforcement action in relation to (i) any Council byelaw and (ii) any anti-social behaviour regulated by the Council under powers conferred by the Anti-social Behaviour, Police and Crime Act 2014.		
C23.	This row is left blank		
C24.	To exercise the Council's functions relating to homeless persons.		
C25.	To determine applications for appropriate Housing Grants and the taking of all steps concerned with certification of payment of the same.		
C26.	This row is left blank		
C27.	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.		
C28.	To nominate people on the Council's Housing Register to properties managed by Homes First and the Registered Social Landlords in accordance with the Council's allocations policy.		
C28A	To exercise the Council's regulatory and any associated management functions in relation to fitness and standards of housing and residential accommodation.		

No	Function	Consultation	Limitation
C28B	To exercise the Council's regulatory and any associated management functions in relation to houses in multiple occupation and private housing.		
C28C	To exercise all the Council's functions in relation to cremations, burials and all bereavement-related services.		
C28D	To collect, remove, recycle and dispose of waste and fly tipping waste to ESCC's nominated Waste Disposal Authority (WDA) site.		
C28E	To collect, remove, recycle and dispose of litter to ESCC's nominated WDA site.		
C28F	This line has been left blank		
C28G	To authorise revisions to charges in relation to the following "charged for" services: Garden Waste, Trade Waste, Bulky Waste, as well as replacement bin provision; and new refuse bins and dog and litter bins to town and parish councils.		

Director of Finance and Performance (Section 151) Officer:

No	Function	Consultation	Limitation
C29.	<p>In respect of Treasury Management:</p> <p>(i) to arrange the borrowing of money authorised by the Council and manage the Council's debt in accordance with any guidelines laid down by the Council, but this</p>		

No	Function	Consultation	Limitation
	<p>authority does not extend to matters other than the strict management of debt and does not include (for the sake of illustration only) other measures, such as interest rate swaps, any financial arrangements which are based on notional amounts of debt, or any speculative proposals of any kind;</p> <p>(ii) 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;</p> <p>(iii) to manage the investment of the funds of the Council but not in equities or any investment of a speculative nature;</p> <p>(iv) to implement and monitor a treasury management policy statement setting out the matters detailed in CIPFA's Code of Practice on Treasury Management in Local Authorities;</p> <p>(v) to have control of all money in the hands of the Council and to manage the Council's banking arrangements;</p>	<p>Relevant Cabinet Member</p>	

No	Function	Consultation	Limitation
	<p>(vi) to report, at or before the start of the financial year, to the Cabinet on the strategy for treasury management it is proposed to adopt for the coming financial year;</p> <p>(vii) to take all executive decisions on borrowing, investment or financing and to act in accordance with CIPFA's Code of Practice on Treasury Management in Local Authorities; and</p> <p>(viii) to report to the Cabinet not less than twice in each financial year on the activities of the treasury management operation and on the exercise of delegated treasury management powers. One such report shall comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.</p> <p>(ix) quarterly reporting to the Audit Committees on treasury management activities and performance.</p> <p>In the event of the Director of Finance and Performance wishing to depart in any material respect from the main principles of the CIPFA's Code, the reasons should be disclosed in a report to the Cabinet;</p>		
C30.	This row is left blank		
C31.	To deal with all matters relating to the Council's insurances including without limitation:		

No	Function	Consultation	Limitation
	<p>(i) the authorisation of the payment of increased premiums as necessary, subject to any general direction of the Cabinet or the Council, and to a report being made to the Cabinet upon the matter of insurance generally from time to time;</p> <p>(ii) the making of payments into the insurance fund.</p> <p>(iii) the making of payments in respect of any claims where the Council's insurers may be involved.</p>		
C32.	<p>To administer the functions of the Council under the Local Government and Finance Act 1992 and regulations made thereunder in connection with the collection and enforcement of the Council Tax including, without limitation, the Council's functions regarding:</p> <p>(i) determinations as to persons to be disregarded for the purposes of discount under Section 11(5) and Schedule 1 to the Act;</p> <p>(ii) the administration etc of the Council Tax under regulations made pursuant to Section 14(1) and Schedule 2 to the Act;</p> <p>(iii) the imposition of penalties under Section 14(2) and Schedule 3 to the Act;</p> <p>(iv) the enforcement of the Council Tax under regulations made pursuant to Section 14(3) and Schedule 4 to the Act;</p>		

No	Function	Consultation	Limitation
	(v) the administration of and making determinations under legislation relating to Council Tax benefits and reductions; and (vi) the authorisation of officers to levy distress on behalf of the Council pursuant to regulation 45 of the Council Tax (Administration and Enforcement) Regulations 1992		
C33.	To invest available funds on appropriate terms and in accordance with the Council's investment strategy.		
C33A.	Where annual contributions have been made to specific reserves for either repairs and maintenance to land and buildings and facilities or replacement of equipment, vehicles, plant and transport, to incur the expenditure, subject to there being sufficient funds available to meet the expenditure.		
C33B.	With the approval of the Chief Executive, to roll forward specified amounts within the revenue budget between financial years where it has not been possible to incur the expenditure within the approved financial year and where the appropriate budget is not overspent and the purpose of the expenditure is to remain the same. Any amounts rolled forward shall be reported to the next meeting of the Cabinet.		
C33C.	To administer the Council's functions in relation to the collection of non-domestic rates in accordance with the Local Government Act 1988 and all relevant regulations made thereunder.		

No	Function	Consultation	Limitation
C33D.	To exercise determinations, discretionary powers and all functions contained under the Social Security and Housing Benefit Act 1982 including any regulations and amendments thereto and any subsequent relevant legislation.		
C33E.	To maintain an adequate and effective Internal Audit Service and to be responsible for staff engaged in financial and key business plan target performance management work		
C34.	To make payment of any sums due from the Council.		
C35.	To make repayments to the Council's Pension Fund from those reserves earmarked for pension's contribution.		
C36.	To write off debts in accordance with the Council's Financial Procedure Rules.		
C37.	To investigate and report upon any allegations of fraud or dishonesty.		
C37A	For the purposes of the Regulation of Investigatory Powers Act 2000, the Investigatory Powers Act 2016 and associated codes of practice, to perform all functions required of the Council's RIPA Monitoring Officer.	Surveillance SRO	
C37B	Add functions relating to: (i) preparation and updating of the MTFS (ii) preparation of the Councils' annual budget proposal		

No	Function	Consultation	Limitation
	<p>for consideration by Cabinet</p> <p>(iii) invoicing of debtors</p> <p>(iv) preparation of proposed fees and charges for consideration by Licensing Committee and Cabinet</p> <p>(v) calculation of Council Tax Base and setting of precepts</p> <p>(vi) responsibility for financial reporting including the preparation of annual report and accounts relating to both Councils and their trading companies</p> <p>(vii) the financing of the Capital Programme;</p> <p>(viii) any other services allocated to the Director of Finance and Performance by the Chief Executive.</p> <p>(ix) quarterly reporting to Cabinet and audit committees on revenue and capital budget performance and forecast</p>		

Director of Service Delivery:

No	Function	Consultation	Limitation
C38.	To implement the Council's policies regarding Community Safety and the reduction of crime and disorder.		
C39.	To take any action to combat anti-social behaviour including the issue of fixed penalty notices.		
C40.	This row is left blank		

No	Function	Consultation	Limitation
C41.	This row is left blank		
C42.	<p>Regulatory functions.</p> <p>To exercise all the regulatory and any associated management functions for which the Council has responsibility, including but not limited to the following:</p> <ul style="list-style-type: none"> a. Amenities on the highway. b. Animal welfare and control c. Caravan Sites d. Environmental protection e. Fitness and Standards of Housing 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. l. House to house collections m. Highway management n. Licensable activities under the Licensing Act 2003 o. Lotteries 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 		

No	Function	Consultation	Limitation
	w. Registration Plates x. Residential Accommodation 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.		
C43.	This row is left blank		
C44.	This row is left blank		
C45.	All matters relating to the investigation and prosecution of matters under the Health & Safety at Work legislation.	HLS	Using duly appointed inspectors as appropriate.
C46.	To issue and serve notices pursuant to the Building Act 1984 and Building Regulations and to carry out works in default.		

Director of Regeneration and Planning:

No	Function	Consultation	Limitation
	To carry out the functions at C47 to C54 (Planning and Trees) in accordance with the Agency Agreement with the South Downs National Park Authority in respect of the Lewes District Council Area within the South Downs National Park.		

No	Function	Consultation	Limitation
	Planning		
C47.	<p>To determine applications for planning permission, to vary planning permission, listed building consent, express consent to display advertisements, hazardous substances consent and footpath diversions pursuant to the Planning Acts, including:</p> <p>a) development specified in the GPDO where express planning permission is required by reason of limitations or conditions by that order;</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 Lewes district area; and</p> <p>(d) reserved matters as defined in article 2 of the Town and Country Planning (Development Management Procedure (England) Order 2015.</p>		<p>The delegation shall not be exercised in relation to:</p> <p>a) applications comprising ‘major’ development within the meaning of the T&CP (General Permitted Development) Order, unless to refuse the application.</p> <p>b) applications for development which significantly conflicts materially with adopted policy, unless to refuse.</p> <p>c) applications requiring the Secretary of State to be notified under the Town and Country (Development Plans and Consultations)(Departures) Direction 2009, unless to refuse.</p> <p>d) applications materially affecting ancient monuments, and sites of special scientific interest, unless to refuse.</p> <p>e) where the application has been made by an elected member (or their spouse/partner) of the Council; or any direct employee (or their spouse/partner) of Lewes District Council or Eastbourne Borough Council.</p> <p>f) where the Senior Specialist Advisor dealing with the matter considers that the application should be dealt with by the Committee.</p> <p>g) where a member of the Council not more than 28 days after the validation of an application requests the</p>

No	Function	Consultation	Limitation
			<p>matter be determined by committee and that this request is based on material planning grounds and in the view of the Senior Specialist Advisor has the potential to lead to a substantive/sustainable reason(s) for refusal.</p> <p>h) where a town or parish council in the Lewes district submits an objection (or comments in support, contrary to the officer's recommendation) within any notification period relating to the application, unless the objection or comment in support is not, in the opinion of the officer, reasonable or sufficient in planning terms to justify a referral to committee, in which case officer's reasons will be recorded.</p> <p>i) where a substantial number of objections have been received on material planning grounds and in the view of the Senior Specialist Advisor have the potential to lead to a substantive/sustainable reason(s) for refusal and these objections are in opposition (contrary) to the officer's recommendation.</p>
C47A	To negotiate the terms of and authorise section 106 planning obligations, to include applications to vary existing obligations and to determine all requests for approval made pursuant to these obligations.		Unless a Member of the Council not more than 28 days after the validation of an application to vary an existing section 106 obligation requests the matter be determined by committee and that this request is formed by material planning grounds and in the view of the Senior Specialist Advisor have the potential to lead to a substantive/sustainable reason(s) for refusal.
C48.	To discharge applications for consent pursuant to the conditions and limitations imposed under the		

No	Function	Consultation	Limitation
	Planning Acts.		
C49.	This row is left blank		
C50.	To determine applications for lawful development certificates (Town and Country Planning Act 1990, sections 191 and 192).	HLS in respect of section 191 applications (existing use)	
C51.	To give, make and confirm any order or direction under the Planning Acts.	HLS	
C52.	To issue, serve, modify and withdraw any notice under the Planning Acts, to include all types of planning enforcement activity and to carry out works in default.	HLS in respect of enforcement notices and temporary stop notices	
C52A	The issue and service of a requisition for information on planning matters under the Local Government (Miscellaneous Provisions) Act 1976		
	Trees		
C53.	To make and confirm Tree Preservation Orders with or without modification (and associated applications for consent for works) and to deal with notification of works to trees in conservation areas.		Not to confirm if there are any objections, unless the objection(s) are not based on valid planning grounds and in the view of the Senior Specialist Advisor in consultation with the Chair of Planning Committee do not have the potential to lead to a substantive/sustainable reason(s) not to confirm the Order.

No	Function	Consultation	Limitation
C54.	To determine applications and to take any action under the Anti-Social Behaviour Act (2003) Part 8 (High Hedges).		
	Planning Policy		
C55.	To determine the Council's stance in respect of and respond to consultation and opinions sought concerning cross boundary and neighbouring authority planning matters, and ESCC and the South Downs National Park Authority planning applications.	Chair of Planning Committee	
C56.	To exercise all powers and duties under the Community Infrastructure Levy regulations, to include the determination of any applications for discretionary or exceptional circumstances relief from liability.		
	Building Control		
C57.	To issue, serve, modify and withdraw any notice under the Building Act 1984, including in respect of ruinous and dilapidated buildings and neglected sites (section 79).		
	Other Planning Functions		
C58.	All matters relating to the Planning (Hazardous Substances) Act 1990.		
C59.	To issue and serve notices and take any further regulatory action where required, including enforcement in consultation with the HLS, under planning, environmental and other relevant		Action must have regard to the Council's Regulatory Services Enforcement Policy

No	Function	Consultation	Limitation
	legislation applicable to the Council as local planning authority.		
C60.	To exercise the Council's powers in respect of water supply, sewerage and drainage, including land drainage.		
C61.	All matters relating to the naming and numbering of streets.	Relevant Cabinet Member and Ward Cllrs	
C62.	This row is left blank		
C63.	To exercise the Council's powers affecting the design or maintenance of highways.		
C64.	All matters relating to coastal and dredging licence applications.		Such development must be permitted by a General Permitted Development Order or have been granted planning permission.
C65.	To maintain, in partnership with the Chief Executive, the parks, pleasure grounds, gardens, open spaces, commons, recreational facilities, museums, galleries, nature reserves and allotments within the Council's control.		
C66.	All matters relating to on and off-street parking.	Relevant Cabinet Member	
C67.	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		

No	Function	Consultation	Limitation
	build provision.		
C68.	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.		
C69.	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.		
C70.	To vary the terms and conditions of, or negotiate the surrender of, leases and licences.		
C71.	To determine as landowner or landlord applications for licences, consents and permissions in respect of the Council's buildings or land.		
C72.	To determine asset of community value nominations and/or applications for compensation, pursuant to sections 87 to 108 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012; and to review successful nominations on receipt of a valid request made under section 92 of the Act.		

Head of Legal Services:

No	Function	Consultation	Limitation	Also delegated to
C73.	<p>Legal Proceedings:</p> <p>a) To determine what, if any legal action should be taken following any investigation into a criminal matter.</p> <p>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.</p> <p>c) To defend or settle any proceedings brought against the Council.</p> <p>d) To take any action incidental or inclusive to or which would facilitate any action under this paragraph.</p> <p>e) To advise the relevant Chief Officer who is contemplating administering a formal caution to a person that has admitted an offence.</p> <p>f) To determine whether or not any legal proceedings should be taken in any particular case or set of circumstances.</p>		Except in relation to Health & Safety at Work in relation to a), b), c) and f).	
C74.	To appoint and instruct external legal service providers where necessary, by reason of technical or specialist competence, rights of audience, resource availability or otherwise.			
C75.	To settle any claims where the Council's Insurers may be involved.	DFP		
C76.	To negotiate and enter into planning or other agreements regulating or controlling the use of			

No	Function	Consultation	Limitation	Also delegated to
	development of land.			
C77.	To make minor amendments in planning or other agreements regulating or controlling the use or development of land.			
C78.	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.			
C79.	To carry out or authorise the carrying out of works in default under any statutory provisions including but not limited to notices concerning ruinous and dilapidated buildings and neglected sites (Building Act 1984, Section 79).			
C80.	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	
C81.	To seal any document.	Relevant CO		
C82.	To negotiate and agree the terms of any contract.			
C83.	To sign any contract on behalf of the Council.			
C84.	To authorise the attendance of officers at Court under any statutory provision.			
C85.	To authorise service of any statutory requisition for information as to interests in land.			

No	Function	Consultation	Limitation	Also delegated to
C86.	To execute any legal document on behalf of the Council.			
C87.	All matters relating to consultations with Sussex Police and other bodies in relation to anti-social behaviour.			
C88.	All matters relating to the consecration of land.			
C89.	To issue, serve, suspend or withdraw any notices in respect of any matter for which the Council has power to act.			
C90.	To carry out any and all functions of Senior Responsible Officer in connection with Part 2 of the Regulation of Investigatory Powers Act 2000, Part 3 of the Investigatory Powers Act 2016 and any related secondary legislation, as specified by the codes of practice issued under those Acts.			
C90A	<p>To exercise the following functions for the management and administration of assets of community value (ACV) pursuant to Part 5, chapter 3, of the Localism Act 2011 and associated secondary legislation:</p> <ol style="list-style-type: none"> 1. To conduct reviews of the Council's decisions to include land/buildings in the Council's ACV list; 2. To conduct reviews of the Council's decisions in respect of ACV owners' claims for compensation; and <p>To put in place all necessary procedures and processes to support the functions numbered 1 and 2 above.</p>			

No	Function	Consultation	Limitation	Also delegated to
C91.	To take all and any measures necessary to exercise high standards of client care, regulatory compliance relevant to the solicitors profession, and practice management, whether by applying for and maintaining a recognised legal practice mark such as Lexcel or by adopting equivalent standards.			
C92.	To formulate and implement a general undertakings policy and an undertakings policy for property transactions, to enable legally qualified members of the Legal Practice to give undertakings on behalf of the Council in appropriate circumstances and subject to any limitations or other controls set out in the policies.			

Monitoring Officer (MO):

No	Function	Consultation	Limitation	Also delegated to
C93.	Pursuant to sections 28(6) and (7) of the Localism Act 2011, to decide, in relation to members of the Council and members of town and parish councils in the Lewes district, whether to investigate allegations of member misconduct.	Independent Persons appointed by the Council.		
C94.	Establish, maintain and publish the register of interests in accordance section 29(1) of the Localism Act 2011.			
C95.	To grant dispensations for relief of interest restrictions	Independent Persons appointed by the Council if appropriate.		

D Proper and/or Authorised Officer Functions

No	Act	Function	Officer	Deputy
D1.	All legislation prior to 1 st April 1972	Proper Officer in relation to references to Treasurer or Borough Treasurer	DFP	DDFP
D2.	All legislation prior to 1 st April 1972	Proper Officer in relation to declarations and certificates with regard to securities	DFP	DDFP

Local Government Act 1972:

No	Act	Function	Officer	Deputy
D3.	Section 83(3)	Declarations of acceptance of office of Councillors	CE	HDS
D4	Section 84(1)(a)	Receipt of resignations of Councillors	CE	HDS
D5.	Section 88(2)	Convene a meeting of the Council to fill a vacancy of Chair of the Council	CE	HDS
D6.	Section 89(1)(b)	Receive from electors Notices of Casual Vacancies of Councillors	CE	HES
D7.	n/a			
D8.	Section 100B(2)	Excluding from the public reports which are not likely to be considered in open session	HLS	HDS
D9.	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	HLS / HDS	
D10.	Section 100D	Compilation of list of background documents	Director or actual author of report for Director	

No	Act	Function	Officer	Deputy
D11.	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	HLS / HDS	
D12.	Section 115(2)	For receipt of monies due to the Council from Officers	DFP	
D13.	Section 146(1)(a)	Statutory Declaration regarding change of name of the Authority in connection with the Companies Act 2006.	HLS	
D14.	Section 191(2)	Applications under the Ordnance Survey Act 1841	DSD	
D15.	Section 210	In respect of powers with regard to Charities	HLS	
D16.	Section 225	Deposit of documents in accordance with Standing Orders of either House of Parliament, Enactment or Statutory Instrument	HLS	
D17.	Section 229	To certify photographic copies of documents to be a true copy.	HLS	
D18.	Section 234	To sign notices, orders or other documents authorised or required by or under any enactment.	HLS	
D19.	Section 236	To send copies of Byelaws to any parish and/or community councils to which it applies	HLS	
D20.	Section 238	Certification of printed copies of Byelaws	HLS	
D21.	Section 248	To keep roll of persons admitted to the Freedom of the Borough	CE	HDS
D22.	Parts IV and Schedule 12	Signing and serving of summonses to attend meetings of the Council.	CE	HDS
D23.	Schedule 14 Paragraph 25(7)	To certify copies of resolutions applying or disapplying provisions of the Public Health Act 1875 to 1925	HLS	

Local Government Miscellaneous Provisions Act 1976:

No	Act	Function	Officer	Deputy
D24.	Section 41	To certify copies of resolutions, orders, reports or minutes of the Council or any predecessor authority	CE	HLS

Local Government & Housing Act 1989:

No	Act	Function	Officer	Deputy
D25.	Section 2	To receive a list of politically restricted posts	CE	DCE
D26.	Section 4	Designation as Head of Paid Service	CE	DCE
D27.	Section 5	Designation as Monitoring Officer	HLS	HDS

Representation of the People Act 1983:

No	Act	Function	Officer	Deputy
D28.	Section 8	Appointed as Electoral Registration Officer	CE	HES
D29.	Section 35	Returning Officer at Borough Elections	CE (appointed by the Council when post-holder changes)	HES
D30.	Section 52	Appointed as Deputy Electoral Registration Officers	DCE and HES	HES
D31.	Sections 82 and 89	To receive declaration of election expenses and holding of documents for public inspection	CE	DCE

Local Government (Committees and Political Groups) Regulations 1990:

No	Act	Function	Officer	Deputy
D32.	Regulation 8	Receipt of Notice of Political Groups	CE	DCE
D33.	Regulation 10	Receipt of Notice of cessation of membership of Political Group	CE	DCE
D34.	Regulation 13	To accept wishes of Political Groups in respect of proportionality	CE	DCE
D35.	Regulation 14	To notify Political Groups of allocations	CE	DCE

Local Government Act 1974:

No	Act	Function	Officer	Deputy
D37.	Part 3	Local Government Ombudsman	CE	HLS

Local Authorities (Referendum) (Petitions and Directions) Regulations 2000:

No	Act	Function	Officer	Deputy
D39.	Whole	Proper Officer function	CE	HLS / HES

Local Authorities (Conduct of Referendums) (England) Regulations 2007:

No	Act	Function	Officer	Deputy
D40.	Whole	Proper Officer function	CE	DCE / HES

Public Health Act 1936

No	Act	Function	Officer	Deputy
D41.	Section 79	Removal of noxious matter	DSD	
D42.	Section 84	Verminous Articles	DSD	
D43.	Section 85	Verminous People	DSD	

National Assistance Act 1948:

No	Act	Function	Officer	Deputy
D44.	Section 47	Removal of people in need	DSD	Officers of Health Authority etc authorised under S 113 (1A) of the Local Gov Act 1972

Public Health Act 1961:

No	Act	Function	Officer	Deputy
D45.	Section 37	Verminous Articles	DSD	

Public Health (Control of Disease) Act 1984

No	Act	Function	Officer	Deputy
D46.	Whole Act	Infectious Diseases and Dead Bodies	DSD	

Public Health (Infectious Diseases) Regulations 1988

No	Act	Function	Officer	Deputy
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D47.	All	Infectious Diseases	DSD	
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Food Safety Act 1990

No	Act	Function	Officer	Deputy
D48.	All	Food Safety	DSD	

Any other legislative provisions for which arrangements are not specifically made under this Scheme of Delegations:

No	Act	Function	Officer	Deputy
D49.	All	Proper/Authorised etc. Officer functions or similar	CE	DCE

E Specific authorisations for Court

E1 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 Head of Legal Services.
 - b. pursuant to the Local Government Act 1972 section 223 in respect of rating or council tax matters:
 1. The Director of Service Delivery
 2. Officers of the Council authorised in writing so to appear by the Director of Service Delivery
 - c. pursuant to Part I of the Health and Safety at Work etc Act 1974
 1. Director of Service Delivery
 2. Officers of the Council so authorised in writing to appear by the Director of Service Delivery and/or in accordance with the legislation.
 - d. pursuant to the Insolvency Rules 1986 Part 9 (examination of persons concerning company and individual insolvency)
 1. The Director of Service Delivery
 2. Officers of the Council so authorised in writing to appear by the Director of Service Delivery

F Authorisation to enter land or premises

F1 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.

F2 All purposes:

- a. Chief Executive
- b. Deputy Chief Executive
- c. Directors
- d. Director of Finance and Performance
- e. Operational Lead – Emergency Planning

F3 Environmental Health, Housing etc

The following are authorised to enter land or premises for the following function:

No	Function	Officer	Deputy
a.	Animal Welfare and Control	Director of Service Delivery and Director of Regeneration & Planning and such other Officers as shall be delegated to in writing by them from time to time	
b.	Caravan Sites	Director of Service Delivery and Director of Regeneration & Planning and such other Officers as shall be delegated to in writing by them from time to time	
c.	Environmental Protection	Director of Service Delivery and Director of Regeneration & Planning and such other Officers as shall be delegated to in writing by them from time to time	
d.	Food Safety and Hygiene	Director of Service Delivery and Director of Regeneration & Planning and such other Officers as shall be delegated to in writing by them from time to time	
e.	Health and Safety at Work	Director of Service Delivery and Director of Regeneration & Planning and such other Officers as shall be delegated to in writing by them from time to time	
f.	Housing	Director of Service Delivery and Director of Regeneration & Planning and such other Officers as shall be delegated to in writing by them from time to time.	
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		

No	Function	Officer	Deputy
p.	Environmental Protection		
q.	Gambling Act 2005		
r.	Street Closures		
s.	Cremations and Burials		

F4 Planning

The following are authorised to enter land or premises for the following function:

No	Function	Officer	Deputy
a.	The Town and Country Planning Act 1990, Sections 178, 196A, 196B, 214B, 214C, 324 and 325A	Director of Regeneration and Planning and such other Officers as shall be delegated to in writing by him/her from time to time	
aa	Order made under the Plant Health Act 1967, including but not limited to those relating to Dutch Elm Disease	Director of Regeneration and Planning 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 and 88A	Director of Regeneration and Planning 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, 36A, 36B and 36C	Director of Regeneration and Planning 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, sections 74 and 77(5)	Director of Regeneration and Planning and such Officers as may be delegated to in writing by him/her from time to time	
e.	Local Government (Miscellaneous Provisions) Act 1976, sections 23 and 24	Director of Regeneration and Planning and such other Officers as shall be delegated to in writing by him/her from time to time.	
f.	Hedgerows Regulations 1997, regulations 12 and 13	Director of Regeneration and Planning and such other Officers as shall be delegated to in writing by him/her from time to time.	

No	Function	Officer	Deputy
g.	Community Infrastructure Levy Regulations 2010, regulation 109	Director of Regeneration and Planning and such other Officers as shall be delegated to in writing by him/her from time to time.	

F5 Building Control

The following are authorised to enter land or premises pursuant to the following power:

No	Function	Officer	Deputy
a.	Building Act 1984, section 95	The Director of Regeneration and Planning and such Officers as may be delegated to in writing by him/her from time to time.	

F6 Local Taxation

The following are authorised to enter land or premises pursuant to the following power:

No	Function	Officer	Deputy
a.	Collection of Local Taxes	The Director of Service Delivery and such Officers as may be delegated to in writing by him/her from time to time	

F7 Land Drainage and Sewerage Undertaking

The following are authorised to enter land or premises pursuant to the following function:

No	Function	Officer	Deputy
a.	Water Industry Act 1991	The Director of Service Delivery and Director of Regeneration and Planning and such Officers as may be delegated to in writing by them from time to time.	
b.	Land Drainage Act 1991	The Director of Service Delivery and Director of Regeneration and Planning and such Officers as may be delegated to in writing by them from time to time.	

ANNEX A

Chief Officers and Monitoring Officer's areas of responsibility:

Chief Executive (and Head of Paid Service)	<i>Strategic leadership and the delivery of quality services. Legal and Democratic Services, Member Services, devolution and governance.</i> <i>Tourism, events, marketing, sports, seafront, cultural centre and the Devonshire Park facilities</i>
Director of Service Delivery	<i>Service delivery, including but not limited to Customer First, Neighbourhood First, Environment First, Homes First, Eastbourne Homes Ltd, bereavement services and waste services.</i>
Director of Regeneration & Planning	<i>Planning First (planning policy and development control), property development, regeneration, energy and sustainability, business planning and performance, Corporate Plan, procurement, asset management, strategic partnerships, voluntary sector, community engagement, community safety, community grants, youth strategy and equality.</i>
Assistant Director of HR and Business Transformation	<i>Human Resources, organisational development, Chief Executive's Office, internal and external communications, information and communications technology (ICT), business improvement and transformation, information management, and civil contingencies.</i>
Director of Finance and Performance (Section 151 officer)	<i>Accountancy, internal audit, counter-fraud, purchasing and payments, general income & system support.</i>
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. All arrangements related to the maintenance and promotion of high standards of conduct among Councillors and arrangements for dealing with complaints about Councillor conduct.</i>

Report to:	Audit and Standards Committee
Date:	16 January 2023
Title:	Appointment of External Auditors from 2023/24
Report of:	Chief Finance Officer
Ward(s):	All
Purpose of report:	To present the Committee with the outcome of the process to appoint an external auditor for the Council with effect from 1 April 2023.
Officer recommendation(s):	The Committee to note the appointment of Grant Thornton (UK) LLP as the Council's new external auditors for five years from 1st April 2023.
Reasons for recommendations:	The Council has a statutory responsibility to appoint an external auditor to audit its accounts.
Contact Officer(s):	Name: Ola Owolabi Post title: Deputy Chief Finance Officer E-mail: ola.owolabi@lewes-eastbourne.gov.uk Telephone number: 01273 485083

1. Introduction

- 1.1 The Council's current arrangements for an external audit with Deloitte (UK) LLP will come to an end following the audit of the 2022/23 statement of accounts. The Council is therefore required to appoint an external auditor to undertake the 2023/24 accounts and subsequent years. The Local Audit and Accountability Act 2014 (the Act) requires the Council to appoint an external auditor to audit its accounts for a financial year not later than 31 December in the preceding year.
- 1.2 On the 16 December 2021, the Government published information on a new package of measures to support the improved timeliness of local audits. This set out the background to the deterioration in performance in hitting audit deadlines by local bodies and a series of actions which are designed to abate the decline.
- 1.3 On 22 September 2021 PSAA invited all eligible bodies to become opted-in authorities (for the purposes of External Auditor arrangements) for the five consecutive financial years commencing 1 April 2023 (the compulsory appointing period).
- 1.4 The Committee at its meeting on 17 January 2022 recommended to the Full Council that approval was given to the submission of the form of acceptance notice to the PSAA to opt into the national auditor appointment arrangements for the audit years 2023/24 to 2027/28. A decision to become an opted-in authority was taken in accordance with the Regulations at the Full Council meeting on 21 February 2022.

2. Council External Auditor from 1 April 2023

- 2.1 Public Sector Audit Appointments Limited (PSAA) is an independent company limited by guarantee incorporated by the Local Government Association. PSAA is responsible for appointing an auditor for the five-year period to relevant principal local government bodies that opt into its national scheme, and to set scales of fees, and charging fees, for the audit of accounts of relevant bodies. Overseeing the delivery by its appointed auditors of consistent, high-quality, and effective external audit services to opted-in bodies.
- 2.2 On 17 October 2022, the Council received communication from PSAA, consulting on the Council's proposed auditor appointment from 2023/24 and the intention to appoint Grant Thornton (UK) LLP as the Council auditor for five years from 2023/24, with the appointment commencing on 1 April 2023. This represents a change from the existing appointed auditor - Deloitte LLP.
- 2.3 On behalf of the Council, the Director of Finance and Performance (Chief Finance Officer – S151 Officer) made a representation to the PSAA on the proposed appointment on 14 November 2022, and confirmed that the Council was satisfied/supportive of the proposed appointment of Grant Thornton (UK) LLP as the Council's external auditor for a period of five years from 1 April 2023.
- 2.4 PSAA on 19 December 2022 formerly confirmed the appointment of Grant Thornton LLP as the Council's external auditor to audit its accounts for five years, from 2023/24. The communication is attached as Appendix A for information.
- 2.5 Following the confirmation of appointment, the Council will need to engage with Grant Thornton to ensure a smooth transition between the existing and new auditors.

3. Grant Thornton (UK) LLP

- 3.1 Grant Thornton (GT) UK LLP is the largest supplier of local government audit. The public sector audit has played a significant role within the firm for over 30 years and GT remain committed to the success of the sector. The UK Public Sector Assurance team employs 440 people, including 29 Key Audit Partners and specialists in financial reporting, audit quality, and Value for Money.
- 3.2 The team is dedicated to public audit work in local government and the NHS, with contracts with PSAA, Audit Scotland and over 100 health bodies. The Public Sector Assurance team is a regular commentator on issues facing the sector and oversees the firm's thought leadership, such as its series of publications on grants and public interest reports.

4. Financial/Resource Implications

- 4.1 The proposed external audit fees will be provided once known; 2023/24 fee information will be available by 30 November 2023 as required by the Appointing Person Regulations, as the costs will depend on proposals from the audit firms. The bid prices will reflect a significant increase compared to the PSAA previous procurement in 2017. The audit industry has faced major challenges in the

intervening period. In addition, local audit faces several distinctive difficulties which have resulted in a less competitive market.

4.2 In Autumn 2023 PSAA will consult on the proposed scale of audit fees payable by bodies in respect of the audit of 2023/24 accounts. At this stage, the advice to bodies is to anticipate a major reset of total fees for 2023/24 involving an increase of the order of 150% on the total fees for 2022/23. The actual total fees will depend on the amount of work required.

4.3 PSAA appreciates that the extent of this likely increase in audit fees will pose a significant funding challenge for local bodies already facing a daunting range of financial pressures and PSAA has raised this concern with DLUHC (Department for Levelling Up, Housing and Communities) for consideration.

5. Risk Management Implications

5.1 The Council has adopted a sector led approach, through PSAA, to the appointment of the new external auditor to ensure a successful transition to the new arrangements in a timely and efficient manner.

6. Equality Analysis

6.1 This is a routine report for which detailed Equality Analysis is not required to be undertaken.

7. Legal Implications

7.1 The Local Audit and Accountability Act 2014 (Part 3) gives powers to appoint auditors. In July 2016, the Secretary of State for Housing Communities and Local Government specified PSAA as an appointing person for principal local government and police bodies for audits from 2018/19, under the provisions of the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015. The implications arising therefrom in relation to the audit of the council's accounts are set out in the report.

8. Appendix:

8.1 Appendix A – PSAA confirmation of auditor appointment from 2023/24.

9. Background Papers:

9.1 None

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Lewes District Council – email confirmation of auditor appointment from 2023/24

From: Appointing Person 2023 AP2@psaa.co.uk
Sent: 19 December 2022 12:55
To: Homira Javadi
Cc: Julian Peterson; Robert Cottrill
Subject: Lewes District Council – confirmation of auditor appointment from 2023/24

Dear Mrs Javadi,

Formal communication to the chief finance officer of Lewes District Council to confirm the auditor appointment from 2023/24.

Auditor appointment

PSAA is responsible for appointing an auditor from 2023/24 to eligible bodies that have chosen to opt into its national auditor appointment arrangements.

I wrote to you on 17 October 2022 to consult you on the proposed appointment of Grant Thornton UK LLP as the external auditor of Lewes District Council from 2023/24.

Following that consultation I am now writing to confirm the appointment of Grant Thornton UK LLP as external auditor of Lewes District Council for five years from 2023/24 to 2027/28.

This appointment is made under regulation 13 of the Local Audit (Appointing Person) Regulations 2015 and was approved by the PSAA Board at its meeting on 16 December 2022.

Next steps

I have passed your contact details to the appointed firm, and they will contact you about the arrangements for the audit in due course. In the meantime, if you have any questions about the appointment, please contact us by email at auditorappointments@psaa.co.uk.

Yours sincerely

Tony Crawley, Chief Executive, PSAA

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