

Appendix 1

(Date of draft: 15.08.23 – clean)

Lewes District Council Constitution
Part 9 – Scheme of Delegations
Updated – *[Insert date]*



Lewes District Council

Part 9

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

LEWES DISTRICT COUNCIL

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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.

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- iv) In the case of the Officer who carries the role of Monitoring Officer, the delegation shall be exercisable by the Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.
- v) In the case of a Head of Service, the delegation shall be exercisable by the Chief Executive, Deputy Chief Executive or a 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

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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, 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) Each delegated power includes authority, after consultation with the Council's senior legal officer, for:
 - (a) the prosecution, defence, institution of or appearance in any legal or other proceedings in any Court, inquiry or tribunal or before any similar body; and
 - (b) the conduct of any such proceedings. All legal proceedings shall be undertaken under the name of the Council's senior legal officer.

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- xiv) 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.
- xv) 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.
- xvi) 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.
- xvii) 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.
- xviii) 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.

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- 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.
- v) The Monitoring Officer may at any time make minor technical or presentational amendments to this Scheme to reflect changes in legislation, policy, or Chief Officer titles and remits. Amendments of a substantive nature must, after consideration by the Senior Managers Forum and the Corporate Management Team, be referred to the Constitution Working Group for consideration and to formulate a recommendation to Audit and Governance Committee.

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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 and any of the Directors. |
| 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(viii) 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. |

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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 |
| Director of Tourism, Culture and Organisational Development | DTCOD |
| Head of Legal Services | 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 |

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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 | |

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| 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. | To carry out minor development for which planning permission is not required. | | |
| B10. | 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 |
|------------|--|-------------------|---|
| B11. | To do all matters in relation to the letting of contracts. | | In accordance with Contract Procedure Rules |
| B12. | To invite and accept tenders received on any matter. | | In accordance with Contract Procedure Rules |
| B13. | To sign contracts on behalf of the Council. | | In accordance with Contract Procedure Rules |

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Financial:

| No. | Delegation | Consultees | Limitations |
|-----------|---|-----------------------------|---|
| B14. | 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. | To implement the substance and conditions of a grant provided by the government under s.31 of the Local Government Act 2003. | | |
| B16. | To provide business grants under government schemes. | | |
| B17. | To write off amounts as irrecoverable. | DFP/Relevant Cabinet Member | In accordance with Financial Procedure Rules |
| B18. | 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) |
| B19. C | To vary, in exceptional circumstances, annual fixed fees and charges, subject to any relevant Council policies. | Relevant Cabinet Member | |
| B20. C | To determine charges for the use of relevant services and events not covered by the annual review of fees and charges. | Relevant Cabinet Member | |

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| No. | Delegation | Consultees | Limitations |
|------------|---|-------------------|--------------------|
| B21. | To take any action authorised by Financial Procedure Rules. | | |
| B22. | 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 |
|------------|---|-------------------|---|
| B23. | 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 |
|------------|---|-------------------|--------------------|
| B24. | 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 |
|------------|---|-------------------|--------------------|
| B25. | To take any action necessary with regard to the Council's Emergency Planning functions, as required under the Civil Contingencies Act 2004 and the Council's other emergency plans, including authority to incur expenditure. | | |

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| No. | Delegation | Consultees | Limitations |
|------------|---|-------------------|--------------------|
| B26. | In accordance with Council policies, to manage land, property and other assets allocated to the functions for which they are responsible. | | |

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 | |

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| No. | Delegation | Consultees | Limitations |
|------------|--|-------------------|--------------------|
| B30. | After consultation with the Head of Legal Services, (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 (ii) to conduct any such proceedings. All legal proceedings shall be undertaken under the name of the Head of Legal Services. | | |
| B31. | 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 |
|------------|--|-------------------|--|
| B32. | To issue fixed penalty notices where permitted by statute in relation to the functions for which they are responsible. | | |
| B33. | 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. | | Applies to RIPA authorising officers only. |
| B34. | The making of ex gratia payments in cases of maladministration. | DFP | |

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Licences, notices etc.

| No. | Delegation | Consultees | Limitations |
|-----------|--|------------|--|
| B35. C | 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. |
| B36. C | The issue and service of any notice or requisition for information concerned with matters within the functions for which he/she are responsible. | | |
| B37. C | 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. | | |
| B39. | 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. | | |
| B40. | 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 |
|------|---|------------|-------------|
| B41. | 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 . | | |

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Regulation etc:

| No. | Delegation | Consultees | Limitations |
|------|--|------------|-------------|
| B42. | 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 |
|------|---|--|---|
| B43. | 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. | | In respect of applications from ill health retirement, and applications from former employees to have their LGPS pensions released on compassionate or exceptional grounds, directors may proceed only in consultation with DTCOD and Council appointed Occupational Health Team. |
| B44. | 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. | | |
| B45. | 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 | Where the disposal relates to a high profile matter or one of strategic importance, the Chief Officer should give due consideration to consulting the relevant Cabinet member. |

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C Delegations to Specific Chief Officers, the Head of Legal Services and the Monitoring Officer

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, the Head of Legal Services and the Monitoring Officer 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"><li data-bbox="338 595 1995 667">a) Powers where an individual officer is required by law to hold a relevant qualification and he/she does not hold that qualification.<li data-bbox="338 715 1984 786">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.<li data-bbox="338 834 1957 866">c) Any situation where an individual Officer is prevented, for whatever proper reason, from exercising such power.<li data-bbox="338 914 2161 986">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.<li data-bbox="338 1034 1081 1066">e) Powers to authorise civil or criminal proceedings. |

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Chief Executive:

| No | Function | Consultation | Limitation |
|----------|--|--------------|---|
| C2. C | 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>This power may be exercised only where all efforts, so far as reasonably practicable, have been made to inform the Leader or Deputy Leader in advance.</p> <p>Where it is not practicable to inform the Leader or Deputy Leader in advance, the Chief Executive should do so at the earliest feasible time thereafter.</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> |
| C4. | The grant and supervision of exemptions from political restriction. | HLS | |
| C5. | To maintain a register of politically restricted posts and ancillary matters. | HLS / HDS | |
| C6. | To convene and cancel meetings of the Council, the Leader, the Cabinet, Cabinet Members, Committees and all other Council bodies. | HLS / HDS | |

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Chief Officers other than the Chief Executive:

| No | Function | Consultation | Limitation |
|-----|--|--------------|--|
| C7. | In the absence of the Chief Executive, to take urgent action on behalf of the Council. | | The relevant Chief Officer(s) will, where reasonably practicable, inform the Leader or Deputy Leader in advance. |

Director of Tourism, Culture and Organisational Development:

| No | Function | Consultation | Limitation |
|------|--|-------------------------|------------|
| C8. | To confirm the appointment of staff on the satisfactory completion of probationary period. | Relevant Chief Officer. | |
| C9. | To implement the Council's pay and grading procedure. | DFP. | |
| C10. | To implement any nationally agreed pay settlements. | DFP. | |
| C11. | 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. | | |

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Updated – [Insert date]

Director of Service Delivery:

| No | Function | Consultation | Limitation |
|------|---|-------------------------|------------|
| C12. | To make payments of housing and Council Tax or similar benefits. | | |
| C13. | 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. | | |
| C14. | To determine entitlement to mandatory or discretionary rate relief. | Relevant Cabinet Member | |
| C15. | To serve on the Valuation Officer notice of objection to any proposals for alteration of the Valuation List. | | |
| C16. | To make proposals for the alteration of the Valuation List or for inclusion of particular properties in the Valuation List. | | |
| C17. | To sign off Valuation Agreements. | | |
| C18. | To determine any applications for Housing, Council Tax or similar benefits. | | |
| C19. | 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. | | |

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| No | Function | Consultation | Limitation |
|------|--|---|---|
| C20 | <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> | <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> | <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; or</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> |
| C21 | <p>To make the necessary application for permission to dispose of 5 or more HRA assets direct to the Secretary of State.</p> | | |
| C22. | <p>To investigate allegations of council tax benefit fraud.</p> | | |
| C23. | <p>To determine whether or not a simple caution or administrative penalty should be administered following an investigation into an alleged criminal offence</p> | <p>HLS</p> | <p>There must be a full admission. It must be a first offence. It must be in the public interest. It must be a minor matter. It must not be a complex fraud or attempted fraud.</p> |
| C24. | <p>To administer simple cautions and administrative penalties, following determination in accordance with paragraph C23 above.</p> | | |

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| No | Function | Consultation | Limitation |
|------|---|--------------|------------|
| C25. | To implement the Council's policies regarding Community Safety and the reduction of crime and disorder. | | |
| C26. | 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, such enforcement to include the issuing of fixed penalty notices. | | |
| C27. | To exercise the Council's functions relating to homeless persons. | | |
| C28. | To determine applications for appropriate Housing Grants and the taking of all steps concerned with certification of payment of the same. | | |
| C29. | 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. | | |
| C30. | 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. | | |
| C31. | To exercise the Council's regulatory and any associated management functions in relation to fitness and standards of housing and residential accommodation. | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation |
|------|---|--------------|------------|
| C32. | To exercise the Council's regulatory and any associated management functions in relation to houses in multiple occupation and private housing. | | |
| C33. | To exercise all the Council's functions in relation to cremations, burials and all bereavement-related services. | | |
| C34. | To collect, remove, recycle and dispose of waste and fly tipping waste to ESCC's nominated Waste Disposal Authority (WDA) site. | | |
| C35. | To collect, remove, recycle and dispose of litter to ESCC's nominated WDA site. | | |
| C36. | 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 Service Delivery:

| No | Function | Consultation | Limitation |
|------|--|--------------|------------|
| C37. | 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, to maintain all the parks, pleasure grounds, gardens, open spaces, commons, recreational facilities, museums, nature | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation |
|-----------|--|--------------|------------|
| | reserves and allotments within the Council’s control. | | |
| C38. C | 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. | | |
| C39. C | Regulatory functions. To exercise all the regulatory and any associated management functions for which the Council has responsibility, including but not limited to the following: <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 | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation |
|-----------|---|--------------|---|
| | <ul style="list-style-type: none"> s. Leisure Boats t. Private Hire Vehicles drivers and operators u. Public Health v. Public Safety 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. | | |
| C40. C | All matters relating to the investigation and prosecution of matters under the Health & Safety at Work legislation. | HLS | Using duly appointed inspectors as appropriate. |
| C41. C | To issue and serve notices pursuant to the Building Act 1984 and Building Regulations and to carry out works in default. | | |

Director of Finance and Performance (Section 151) Officer:

| No | Function | Consultation | Limitation |
|------|---|--------------|------------|
| C42. | In respect of Treasury Management: (i) to arrange the borrowing of money authorised by the Council and manage the Council's debt in accordance | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation |
|----|--|--------------------------------|--|
| | <p>with any guidelines laid down by the Council, but this 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> | <p>In the event of the Director of Finance and Performance wishing to depart in any material respect from the main principles of CIPFA’s Code of Practice, the reasons should be disclosed in a report to Cabinet.</p> |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation |
|------|--|--------------|--|
| C | <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 CIPFA’s Code of Practice, the reasons should be disclosed in a report to Cabinet.</p> |
| C43. | <p>To deal with all matters relating to the Council's insurances including without limitation:</p> <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> | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation |
|------|--|--------------|------------|
| | (iii) the making of payments in respect of any claims where the Council’s insurers may be involved. | | |
| C44. | <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> <p>(v) the administration of and making determinations under legislation relating to Council Tax benefits and reductions; and</p> <p>(vi) the authorisation of officers to levy distress on behalf of the Council pursuant to regulation 45 of the Council</p> | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation |
|------|---|--------------|------------|
| | Tax (Administration and Enforcement) Regulations 1992 | | |
| C45. | To invest available funds on appropriate terms and in accordance with the Council's investment strategy. | | |
| C46. | 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. | | |
| C47. | 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. | | |
| C48. | 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. | | |
| C49. | 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. | | |
| C50. | To maintain an adequate and effective Internal Audit | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation |
|------|--|--|------------|
| | Service and to be responsible for staff engaged in financial and key business plan target performance management work | | |
| C51. | To make payment of any sums due from the Council. | | |
| C52. | To make repayments to the Council's Pension Fund from those reserves earmarked for pension's contribution. | | |
| C53. | To write off debts in accordance with the Council's Financial Procedure Rules. | | |
| C54. | To investigate and report upon any allegations of fraud or dishonesty. | | |
| C55 | 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. | HLS in his/her capacity as Senior Responsible Officer for the Council's functions under RIPA 2000 and the IPA 2016 | |
| C56 | Functions relating to: (i) preparation and updating of the Medium Term Financial Strategy (ii) preparation of the Councils' annual budget proposal for consideration by Cabinet | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation |
|----|---|--------------|------------|
| | <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 Regeneration and Planning:

| No | Function | Consultation | Limitation |
|-----------|--|--------------|--|
| | To carry out the functions at C57 to C65 (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. | | |
| | Planning | | |
| C57. C | To determine applications for planning permission, to vary planning permission, listed building consent, express consent to display advertisements, | | The delegation shall not be exercised in relation to: a) applications for development which significantly |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation |
|----|---|--------------|--|
| | <p>hazardous substances consent and footpath diversions pursuant to the Planning Acts, including:</p> <p>i) development specified in the GPDO where express planning permission is required by reason of limitations or conditions by that order;</p> <p>ii) determinations in connection with prior notification procedure under the GPDO;</p> <p>iii) 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>(iv) reserved matters as defined in article 2 of the Town and Country Planning (Development Management Procedure (England) Order 2015.</p> | | <p>conflicts materially with adopted policy, unless to refuse.</p> <p>b) 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>c) applications materially affecting ancient monuments, and sites of special scientific interest, unless to refuse.</p> <p>d) 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>e) where the Senior Specialist Advisor dealing with the matter considers that the application should be dealt with by the Committee.</p> <p>f) where a member of the Council not more than 28 days after the validation of an application requests the 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>g) 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</p> |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation |
|-------------------|--|--|--|
| | | | <p>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>h) 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> |
| <p>C58. C</p> | <p>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.</p> | | <p>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.</p> |
| <p>C59. C</p> | <p>To discharge applications for consent pursuant to the conditions and limitations imposed under the Planning Acts.</p> | | |
| <p>C60. C</p> | <p>To determine applications for lawful development certificates (TCPA, sections 191 and 192).</p> | <p>HLS in respect of section 191 applications (existing use)</p> | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation |
|-----------|--|--|---|
| C61. C | To give, make and confirm any order or direction under the Planning Acts. | HLS | |
| C62. C | 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 | |
| C63. C | The issue and service of a requisition for information on planning matters under the Local Government (Miscellaneous Provisions) Act 1976 | | |
| | Trees | | |
| C64. C | 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 Tree Preservation Orders 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. |
| C65. C | To determine applications and to take any action under the Anti-Social Behaviour Act (2003) Part 8 (High Hedges). | | |
| | Planning Policy | | |
| C66. C | 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 | Chair of Planning Committee | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation |
|-----------|---|--------------|---|
| | Downs National Park Authority planning applications. | | |
| C67. C | 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 | | |
| C68. C | 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 Regulatory Functions | | |
| C69. C | All matters relating to the Planning (Hazardous Substances) Act 1990. | | |
| C70. C | 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 legislation applicable to the Council as local planning authority. | | Action must have regard to the Council's Regulatory Services Enforcement Policy |

Appendix 1

(Date of draft: 15.08.23 – clean)

| | | | |
|-----------|---|--|---|
| C71. | To exercise the Council's powers in respect of water supply, sewerage and drainage, including land drainage. | | |
| C72. | All matters relating to the naming and numbering of streets. | Relevant Cabinet Member and Ward Cllrs | |
| C73. C | To exercise the Council's powers affecting the design or maintenance of highways. | | |
| C74. | 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. |
| C75. | 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. | | |
| C76. | All matters relating to on and off-street parking. | Relevant Cabinet Member | |
| C77. | To manage the improvement, refurbishment and maintenance of the Council's non-housing property portfolio where not specifically the responsibility of other officers, this to include all tasks related to new build provision. | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| | | | |
|------|--|--|--|
| C78. | 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. | | |
| C79. | 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. | | |
| C80. | To vary the terms and conditions of, or negotiate the surrender of, leases and licences. | | |
| C81. | To determine as landowner or landlord applications for licences, consents and permissions in respect of the Council's buildings or land. | | |
| C82. | 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. | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

Lewes District Council Constitution
Part 9 – Scheme of Delegations
Updated – [Insert date]

Head of Legal Services:

| No | Function | Consultation | Limitation | Also delegated to |
|------|---|--------------|--|-------------------|
| C83. | <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, including instruction of Counsel and appearance in any Court, or any Inquiry, Tribunal or other forum on behalf of the Council.</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> | | <p>Except in relation to Health & Safety at Work in relation to a), b), c) and f).</p> | |
| C84. | <p>To appoint and instruct external legal service providers where necessary, by reason of technical or specialist competence, rights of audience, resource availability or otherwise.</p> | | | |
| C85. | <p>To settle any claims where the Council's Insurers may be involved.</p> | <p>DFP</p> | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation | Also delegated to |
|------|--|--------------|--|-------------------|
| C86. | To negotiate and enter into planning or other agreements regulating or controlling the use of development of land. | | | |
| C87. | To make minor amendments in planning or other agreements regulating or controlling the use or development of land. | | | |
| C88. | 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. | | | |
| C89. | 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). | | | |
| C90. | 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 | |
| C91. | To seal any document. | Relevant CO | | |
| C92. | To negotiate and agree the terms of any contract. | | | |
| C93. | To sign any contract on behalf of the Council. | | | |
| C94. | To authorise the attendance of officers at Court under any statutory provision. | | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation | Also delegated to |
|-------|--|--------------|------------|-------------------|
| C95. | To authorise service of any statutory requisition for information as to interests in land. | | | |
| C96. | To execute any legal document on behalf of the Council. | | | |
| C97. | All matters relating to consultations with Sussex Police and other bodies in relation to anti-social behaviour. | | | |
| C98. | All matters relating to the consecration of land. | | | |
| C99. | To issue, serve, suspend or withdraw any notices in respect of any matter for which the Council has power to act. | | | |
| C100. | 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. | | | |
| C101. | <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 | | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation | Also delegated to |
|-------|---|--------------|------------|-------------------|
| | to put in place all necessary procedures and processes to support the functions numbered 1 and 2 above. | | | |
| C102. | 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. | | | |
| C103. | 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 |
|-------|--|---|------------|-------------------|
| C104. | 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 that a member has failed to comply with the Code of Conduct. | Independent Persons appointed by the Council. | | |
| C105. | Establish, maintain and publish the register of interests in accordance section 29(1) of the Localism Act 2011. | | | |

Appendix 1

(Date of draft: 15.08.23 – clean)

| No | Function | Consultation | Limitation | Also delegated to |
|-------|--|--|------------|-------------------|
| C106. | 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 | DFP | Deputy DFP |
| D2. | All legislation prior to 1 st April 1972 | Proper Officer in relation to declarations and certificates with regard to securities | DFP | Deputy DFP |

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. | Section 100B(2) | Excluding from the public reports which are not likely to be considered in open session | HLS | HDS |

Appendix 1*(Date of draft: 15.08.23 – clean)*

| No | Act | Function | Officer | Deputy |
|-----------|-------------------|--|--|---------------|
| D8. | 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 | |
| D9. | Section 100D | Compilation of list of background documents | Director or actual author of report for Director | |
| D10. | Section 100F(2) | Deciding whether documents for inspection contain exempt information under relevant paragraph of Schedule 12A which is not required to be open to inspection by Members of the Council | HLS / HDS | |
| D11. | Section 115(2) | For receipt of monies due to the Council from Officers | DFP | |
| D12. | Section 146(1)(a) | Statutory Declaration regarding change of name of the Authority in connection with the Companies Act 2006. | HLS | |
| D13. | Section 191(2) | Applications under the Ordnance Survey Act 1841 | DSD | |
| D14. | Section 210 | In respect of powers with regard to charities | HLS | |
| D15. | Section 225 | Deposit of documents in accordance with Standing Orders of either House of Parliament, Enactment or Statutory Instrument | HLS | |
| D16. | Section 229 | To certify photographic copies of documents to be a true copy. | HLS | |
| D17. | Section 234 | To sign notices, orders or other documents authorised or required by or under any enactment. | HLS | |
| D18. | Section 236 | To send copies of Byelaws to any parish and/or community | HLS | |

Appendix 1*(Date of draft: 15.08.23 – clean)*

| No | Act | Function | Officer | Deputy |
|-----------|-----------------------------|---|----------------|---------------|
| | | councils to which it applies | | |
| D19. | Section 238 | Certification of printed copies of Byelaws | HLS | |
| D20. | Section 248 | To keep roll of persons admitted to the Freedom of the Borough | CE | HDS |
| D21. | Parts IV and Schedule 12 | Signing and serving of summonses to attend meetings of the Council. | CE | HDS |
| D22. | 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 |
|-----------|------------|--|----------------|---------------|
| D23. | 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 |
|-----------|------------|---|----------------|---------------|
| D24. | Section 2 | To receive a list of politically restricted posts | CE | Deputy CE |
| D25. | Section 4 | Designation as Head of Paid Service | CE | Deputy CE |
| D26. | Section 5 | Designation as Monitoring Officer | HDS | HLS |

Appendix 1

(Date of draft: 15.08.23 – clean)

Representation of the People Act 1983:

| No | Act | Function | Officer | Deputy |
|------|--------------------|--|--|--------|
| D27. | Sections 8 and 52 | Appointed as Electoral Registration Officer (s.8). Power to appoint Deputy Registration Officer (s. 52) | CE | HES |
| D28. | Section 35 | Returning Officer at District Elections | CE (appointed by the Council when post-holder changes) | HES |
| D29. | 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 |
|------|---------------|--|---------|--------|
| D30. | Regulation 8 | Receipt of Notice of Political Groups | CE | DCE |
| D31. | Regulation 10 | Receipt of Notice of cessation of membership of Political Group | CE | DCE |
| D33. | Regulation 13 | To accept wishes of Political Groups in respect of proportionality | CE | DCE |
| D34. | Regulation 14 | To notify Political Groups of allocations | CE | DCE |

Local Government Act 1974:

| No | Act | Function | Officer | Deputy |
|------|--------|----------------------------|---------|--------|
| D35. | Part 3 | Local Government Ombudsman | CE | HLS |

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

| No | Act | Function | Officer | Deputy |
|------|-------|-------------------------|---------|-----------|
| D36. | Whole | Proper Officer function | CE | HLS / HES |

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

| No | Act | Function | Officer | Deputy |
|------|-------|-------------------------|---------|-----------|
| D37. | Whole | Proper Officer function | CE | DCE / HES |

Public Health Act 1936

| No | Act | Function | Officer | Deputy |
|------|------------|---------------------------|---------|--------|
| D38. | Section 79 | Removal of noxious matter | DSD | |
| D39. | Section 84 | Verminous Articles | DSD | |
| D40. | Section 85 | Verminous People | DSD | |

National Assistance Act 1948:

| No | Act | Function | Officer | Deputy |
|------|------------|---------------------------|---------|--|
| D41. | Section 47 | Removal of people in need | DSD | Officers of Health Authority etc authorised under S 113 (1A) of the Local Gov Act 1972 |

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Public Health Act 1961:

| No | Act | Function | Officer | Deputy |
|------|------------|--------------------|---------|--------|
| D42. | Section 37 | Verminous Articles | DSD | |

Public Health (Control of Disease) Act 1984

| No | Act | Function | Officer | Deputy |
|------|-----------|-------------------------------------|---------|--------|
| D43. | Whole Act | Infectious Diseases and Dead Bodies | DSD | |

Public Health (Infectious Diseases) Regulations 1988

| No | Act | Function | Officer | Deputy |
|------|-----|---------------------|---------|--------|
| D44. | All | Infectious Diseases | DSD | |

Food Safety Act 1990

| No | Act | Function | Officer | Deputy |
|------|-----|-------------|---------|--------|
| D45. | 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 |
|------|-----|---|---------|--------|
| D46. | All | Proper/Authorised etc. Officer functions or similar | CE | DCE |

(Date of draft: 15.08.23 – clean)

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:
 - (i) Legal Assistants
 - (ii) Trainee Solicitors
 - (iii) 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:
 - (i) The Director of Service Delivery
 - (ii) 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
 - (i) Director of Service Delivery
 - (ii) 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)
 - (i) The Director of Service Delivery
 - (ii) Officers of the Council so authorised in writing to appear by the Director of Service Delivery

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F Authorisation to enter land or premises

F1 General:

- a. This authorisation authorises those Officers named in paragraphs F2-7 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

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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 | | |

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| 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. | |

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| 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. | |

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Lewes District Council Constitution
Part 9 – Scheme of Delegations
Updated – [Insert date]

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> |
| Director of Service Delivery | <i>Service delivery, including but not limited to Customer First, Neighbourhood First, Environment First, Homes First, bereavement services and waste services.</i> |
| Director of Regeneration & Planning | <i>Planning First (planning policy and development control), property development, regeneration, energy and sustainability, Corporate Plan, procurement, asset management, strategic partnerships, voluntary sector, community engagement, community safety, community grants, youth strategy and equality.</i> |
| Director of Tourism, Culture and Organisational Development | <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. Tourism, events, marketing, sports, seafront and culture.</i> |
| Director of Finance and Performance (Section 151 officer) | <i>Accountancy, internal audit, counter-fraud, purchasing and payments, general income & system support, business planning and performance.</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> |