

## **Scheme of Delegation: Responsibility for Functions**

**Part 3**, the Scheme of Delegation: Responsibility for Functions, explains who within the Council has powers to exercise various powers and duties. This covers the member-level areas of decision-making and sets out an officer scheme of delegation. The terms of reference (including membership and remit) for each member-level Committee, Panel and Joint Committee are found within this section. There is an index at the start of this section.

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## **Part 3**

# **Scheme of Delegation: Responsibility for Functions**

## **Introduction**

### **Purpose**

1. The County Council is required to show how it has arranged for its functions to be carried out. It has allocated its functions by means of a Scheme of Delegation which is described here.
2. Functions are either executive or non-executive. Non-executive functions are delegated to non-executive committees. All other functions are executive functions and are delegated either to the Cabinet, individual cabinet members, officers or joint arrangements with other local authorities and public bodies.
3. The scheme is adopted with the intent that there should be a simplification of the decision-making processes of the County Council and accordingly it should be interpreted widely and not narrowly.

### **County Council functions**

4. The County Council exercises the following functions:
  - (a) adopting the Constitution
  - (b) overseeing the Constitution and changing in particular the following parts which are reserved specifically to the County Council:
    - Standing Orders
    - Scheme of Delegation
  - (c) receiving recommendations from the Cabinet on, and agreeing, the Policy Framework, including the Council Plan, and the annual revenue budget and capital programme
  - (d) deciding an executive function where there is a proposal to depart from the Policy Framework or annual revenue budget and capital programme
  - (e) Electing the Chairman and Vice-Chairman of the County Council and appointing the Leader
  - (f) agreeing or changing the Constitution and terms of reference of committees and making appointments to committees, including the chairmen and vice-chairmen (with the exception of the scrutiny committees), on the recommendation of the group leaders
  - (g) adopting the Scheme of Members' Allowances
  - (h) confirming the appointment of the Head of Paid Service (Chief Executive) and the designation of the roles of Monitoring Officer and of Chief Financial Officer.

- (i) Considering granting a dispensation to a member who is at risk of disqualification from membership of the Council due to non-attendance
- (j) such other matters as the law requires to be dealt with by the County Council.

5. Policy Framework

The Policy Framework means the following plans and strategies:

- Corporate or County Council Plan
- Annual Revenue Budget and Capital Programme
- Sustainable Community Strategy
- Development Plan Documents
- Local Transport Plan.

6. Types of Meeting

There are three types of County Council meeting:

- (a) The Annual Meeting
- (b) Ordinary meetings
- (c) Extraordinary meetings.

The procedural rules for how each type of County Council meeting operates can be found in Standing Orders in Part 4 Section 1.

**Executive Functions - delegation**

7. Executive functions delegated by the County Council to the Cabinet are set out in Appendix 1. General and specific delegations to individual cabinet members are set out in Appendix 2. Functions delegated to officers are set out in Appendix 3 and the delegation codes of practice are in Appendix 4.

**Non-Executive Functions**

8. Non-executive functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended have been delegated to non-executive committees or to officers in accordance with this Scheme of Delegation. The terms of reference of non-executive committees are set out in Appendix 5.
9. Those functions where the County Council has a choice as to whether they are treated as executive or non-executive functions have been delegated to non-executive committees, to officers, or to the Executive in accordance with this Scheme of Delegation.

**Scrutiny Functions**

10. The County Council has established scrutiny committees to undertake the overview and scrutiny functions required by Section 21 of the Local Government Act 2000, Part 12 of the National Health Service Act 2006 and Part 3 of the Police and Justice Act 2006.

## Definitions

- 11.1. For the purposes of this scheme a function of the County Council means any activity which the County Council may lawfully perform under statute or common law.
- 11.2. Functions of the County Council are divided between:
  - 11.2.1. Executive functions which are all those functions of the County Council which are not non-Executive functions.
  - 11.2.2. Non-Executive functions which are those functions listed in Appendix 5 together with any further functions which are required by statute to be non-Executive functions or which the County Council decides shall be non-Executive functions in exercise of a statutory discretion.
- 11.3. Executive functions fall into two categories:
  - 11.3.1. Functions which are reserved by law or this scheme to the County Council ("Policy Framework").
  - 11.3.2. Delegated functions which may be
    - 12.1.2.1. reserved to the full Cabinet ("Cabinet function"); or
    - 12.1.2.2. delegated to officers outright ("Officer functions") as described in Appendix 3 to this scheme; or
    - 12.1.2.3. the remaining Executive functions ("Cabinet Member matters").
  - 11.3.3. For the purpose of this scheme, the definitions in Part 1 apply.
- 11.4. This scheme delegates to the Cabinet, to committees, or to officers the County Council's functions within the description set out in the appendices to this scheme together with the powers and duties within those functions under all present and future legislation, and all powers incidental to those functions including those under Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000.
- 11.5. The functions delegated by the Scheme are as follows
  - Appendix 1 - Executive Functions
  - Appendix 2 - Cabinet Members
  - Appendix 3 - Officer Functions
  - Appendix 4 - Delegation Codes of Practice
  - Appendix 5 - Non-Executive Committees
  - Appendix 6 - Standards Committee
  - Appendix 7 - Governance Committee
  - Appendix 8A - Performance and Finance Scrutiny Committee
  - Appendix 8B - Health and Adult Social Care Scrutiny Committee
  - Appendix 8C - Children and Young People's Services Scrutiny Committee
  - Appendix 8D - Communities, Highways and Environment Scrutiny Committee

- 11.6. The functions delegated by this Scheme may be further delegated
  - 11.6.1. In the case of a Cabinet function, by the Cabinet to a cabinet member or officer
  - 11.6.2. In the case of a cabinet member matter by that cabinet member to an officer
  - 11.6.3. In the case of the functions described in Appendix 3, by the officer named in that appendix to another officer defined by their role, provided that such delegation is recorded in writing, signed by the delegating officer and the officer receiving the delegated authority and that all such onward delegations are reviewed at least annually.
- 11.7. In this Scheme a delegation shall not prevent
  - 11.7.1. the County Council from exercising any non-executive function delegated to a committee or officers
  - 11.7.2. the Cabinet from exercising any executive function delegated to cabinet members or officers
  - 11.7.3. Cabinet members from exercising any executive functions delegated to officers.

- 12.1.1. The right of a scrutiny committee to consider a proposal within the Policy Framework, or any addition or amendment to it.
- 12.1.2. The powers of a scrutiny committee to preview, call in or review other executive functions.

- 12.1.3. A requirement of the Cabinet to consult
  - 12.1.3.1. The Planning and Rights of Way Committee on the parts of the Structure and Local Plans relevant to that Committee's function.
  - 12.1.3.2. The Performance and Finance Scrutiny Committee on the Annual Audit Letter.
  - 12.1.3.3. The Governance Committee on any proposed changes to the Constitution.
- 12.1.4. The requirement of the Governance Committee to consult the Executive on any proposed changes to the Constitution in making recommendations to County Council.
- 12.2. All delegated functions within this scheme must be exercised
  - 12.2.1. in accordance with all parts of the Constitution
  - 12.2.2. to comply with the Policy Framework and other formally approved policies and plans
  - 12.2.3. within approved budgetary provision
  - 12.2.4. in accordance with arrangements for recording decisions made
  - 12.2.5. having regard to advice received from the appropriate Director or Assistant Director or his or her staff on professional and technical aspects of the matter in question.
- 12.3. This scheme does not delegate:
  - 12.3.1. any matter reserved by law or by this scheme to the County Council;
  - 12.3.2. to an officer, any matter which by law may not be delegated to an officer;
  - 12.3.3. any matter which is specifically excluded from delegation by this scheme or by resolution of the County Council.
- 12.4. The delegation of any function delegated by this scheme either expressly or in accordance with paragraph 11.4 may be revoked by or reserved to the delegator at any time.
- 12.5. Directors and Assistant Directors must keep an up to date record of delegations to the officers within their area of responsibility, and should provide the Director of Law and Assurance with a copy.



## **Executive Functions**

1. Subject to the following paragraphs all executive functions of the County Council are delegated to the Cabinet. The County Council is the Fire and Rescue Authority for the County of West Sussex and has allocated executive responsibilities for that statutory function as set out below.
2. The following schemes, plans, strategies or matters comprise the Policy Framework and must be determined by the County Council on recommendation by the Cabinet and where appropriate the relevant non-Executive committee.
  - 2.1 Corporate Plan (the Council Plan)
  - 2.2 Annual Revenue Budget and Capital Programme
  - 2.3 Sustainable Community Strategy
  - 2.4 Development Plan Documents
  - 2.5 Local Transport Plan.
3. In addition, the following matters must be determined by the County Council:
  - 3.1 The Constitution including the Scheme of Members' Allowances.
  - 3.2 Such other major policy matters as shall for the time be reserved to itself by the County Council.
  - 3.3 Any matter for the time being reserved to the County Council by law and not included in this list including the power to promote or oppose local or personal Bills.
  - 3.4 The draft of any matter referred to in 2.1 to 2.5 above where that matter has to be approved by the relevant Secretary of State, together with any variations or amendments required by the Secretary of State.

## **Cabinet Functions**

4. The Cabinet collectively will consider policy framework matters for recommendation to Council and shall determine those matters as shown in the Forward Plan of key decisions by the Cabinet. There is a presumption that a decision will be scheduled for collective decision unless allocated to an individual cabinet member. The Leader, in consultation with the **Cabinet**, shall identify those decisions which are to be taken by an individual **cabinet member**, including when public health contingency arrangement requires the use of a virtual meeting.
5. The Cabinet shall decide to which outside bodies the County Council should make member appointments and advise the Director of Law and Assurance who will maintain a list of such bodies and shall appoint members to outside

bodies which precept on the County Council.

6. The Cabinet will meet in public on dates and times published in advance. A schedule of monthly meetings of Cabinet will be issued showing the proposals in the Forward Plan of key decisions which are to be considered at each meeting. Meetings may be cancelled for lack of business or for some other substantial reason. Where it is necessary to use the public health contingency arrangements, the Cabinet will meet virtually in public to consider business but decisions will be taken by individual cabinet members following recommendations by the Cabinet.
7. The published schedule shall be updated from time to time to include any aspect of the executive functions of the Cabinet which are to be considered, including those matters of collective responsibility described in Appendix 2.
8. The cabinet member holding the relevant portfolio shall, at meetings of the Cabinet, introduce any item for consideration or decision by the Cabinet.
9. The chairman of each scrutiny committee shall be invited to attend any meeting of the Cabinet and shall have a right to speak for up to three minutes to convey or represent the views of that committee on any agenda item relevant to the terms of reference of the committee.
10. The leaders of each of the minority groups of the Council shall be invited to attend any meeting of the Cabinet and may speak for up to three minutes on any item for decision on the agenda.
11. In accordance with the provisions of Standing Order 3.20, other members may make a request to the Leader to attend and speak.
12. At the conclusion of representations and comments from cabinet and all other members the cabinet member or Leader will sum up the position and the Cabinet will take a decision on the proposal or otherwise resolve the agenda item.

## **Cabinet Members**

### **Cabinet Member matters**

1. Where executive functions are not reserved to the County Council or to Cabinet or delegated to officers, they are cabinet member matters in accordance with the portfolios as follows:
  - 1.1 The Director of Law and Assurance in consultation with the Leader shall determine the appropriate cabinet members in cases of uncertainty. Any cabinet member matter shall be determined by the cabinet member shown, unless identified for determination by Cabinet within the Forward Plan of key decisions.

### **Leader**

- 1.2 The Leader is a member elected to the office of Leader by the County Council. The Leader holds office until:
  - (a) he or she resigns from the office; or
  - (b) a decision by the County Council following a specific motion on the appointment of Leader; or
  - (c) he or she ceases to be a member; or
  - (d) until the next post quadrennial election meeting of the County Council

whichever is the earliest.

### **Cabinet Members**

- 1.3 Only members of the County Council may be appointed to the Cabinet. The Cabinet may not co-opt members and substitute members are not permitted to be members of the Cabinet. Neither the Chairman nor Vice-Chairman of the County Council may be appointed to the Cabinet and members of the Cabinet (including the Leader) cannot be members of a scrutiny committee or of a scrutiny task and finish group.
- 1.4 The term of office for cabinet members is determined by the Leader.

### **Register of Cabinet Members**

- 1.5 Register:

<b>Name</b>	<b>Electoral Division</b>	<b>Portfolio</b>
Paul Marshall	Storrington	Leader
Duncan Crow	Tilgate & Furnace Green	Community Support, Fire and Rescue

<b>Name</b>	<b>Electoral Division</b>	<b>Portfolio</b>
Joy Dennis	Hurstpierpoint & Bolney	Highways and Transport
Jeremy Hunt	Chichester North	Finance and Property
Amanda Jupp	Billingshurst	Adults Services
Jacque Russell	East Grinstead South & Ashurst Wood	Children and Young People, Learning and Skills (Lead member for Children)
Bob Lanzer	Maidenbower & Worth	Public Health and Wellbeing
Deborah Urquhart	Angmering & Findon	Environment and Climate Change (and Deputy Leader)
Steve Waight	Goring	Support Services and Economic Development

- 1.6 Cabinet members may be supported by advisers and by cross-party executive task and finish groups, which provide advice to a cabinet member on service-related matters. The terms of reference and the membership of an executive task and finish group are decided by the cabinet member and published to all members. Task and finish groups will operate for a time-limited period set by the cabinet member. The output of their work will be available to all members save in exceptional cases.
2. The following areas of responsibility are included in the matters which may be determined by a cabinet member.
  - 2.1 To consider draft reports to the Cabinet with the relevant directors, assistant directors or heads of service and, in the case of Fire and Rescue Service matters, the Chief Fire Officer.
  - 2.2 To determine how expenditure on services should be used.
  - 2.3 To determine the commissioning plans related to the services within their portfolio.
  - 2.4 To appoint, determine the appropriate arrangement for and to set the terms of reference of any executive task and finish group.
  - 2.5 To maintain a dialogue with the Business Planning Group of any scrutiny committee. The cabinet member may request that a scrutiny committee undertakes work to assist the development of service.
  - 2.6 Approving the commencement of procurements of services, supplies and works which come within the scope and definition of a key decision if not delegated to an officer.
  - 2.7 To agree annual reports.
  - 2.8 To approve Portfolio Service Plans.
  - 2.9 The monitoring of the budget for particular services.

- 2.10 To determine policies for particular services, which are consistent with the Policy Framework.
  - 2.11 To agree responses to external consultation papers unless delegated to an officer.
  - 2.12 To make appointments to outside bodies within the list approved by the Cabinet except those which fall to the Cabinet.
3. The following describes the allocation of executive functions among members of the Cabinet:

### **Collective Responsibilities**

3.1 The collective responsibilities of the Cabinet are as follows:

- ❑ Co-ordinating priorities and policies across the County Council
- ❑ Assurance and performance management of the delivery of the Council Plan and budget (revenue and capital), including assurance that corporate risks are effectively managed
- ❑ Development and review of the Council Plan and the budget, policies and programmes to achieve it
- ❑ Ensuring value for money and co-ordinating external bidding
- ❑ Climate Change Strategy
- ❑ The West Sussex Economy Plan
- ❑ Co-ordinating communications and lobbying
- ❑ Customer service and providing a focus for community leadership
- ❑ Ensuring co-ordinated and effective partnership working
- ❑ Representing and promoting the reputation of the County Council
- ❑ Ensuring sound democratic systems, effective scrutiny and local member engagement
- ❑ Fire and Rescue Authority functions except where delegated to the relevant cabinet member or Chief Fire Officer.

The Cabinet shall meet to debate matters of corporate importance, significant cross-portfolio matters and other matters of significance for the County Council's responsibilities for the people of West Sussex as it may determine and shall take decisions on areas of collective responsibility or in relation to decisions within individual portfolios as indicated in the Forward Plan of key decisions.

All decisions about finance, property and support services are taken in consultation with the relevant cabinet member or as part of collective decision making.

A number of the specific responsibilities for particular cabinet members, as set out below, will be discharged in consultation with the Leader or another cabinet member as specified.

### **Leader of the Council**

3.2 The following functions are allocated to the Leader of the Council:

- to chair meetings of the Cabinet and oversee the preparation of business for its consideration
- to indicate to the Chief Executive and directors the priorities and programmes of the Cabinet and majority party, and their likely reaction to proposed policies or projects
- to be the principal political spokesman for the County Council at internal and external meetings
- to decide matters on behalf of another cabinet member if he or she is unwell, out of the county, has a personal interest in a matter under consideration, or is otherwise unable to act, or in the Leader's absence, to nominate the Deputy Leader or another cabinet member to do so
- to have responsibility for the following portfolio areas:
  - ❑ Strategic Political Direction
  - ❑ Policy and Strategy
  - ❑ Communications and lobbying activity
  - ❑ Partnerships including SE7 and CCN
  - ❑ Economy (supported by cabinet members on some specifics)

### **Deputy Leader of the Council**

- 3.3 To undertake the functions of the Leader of the Council in the absence of the Leader where the business cannot await the return of the Leader due to urgency or to the compelling interests of the Council or when specifically requested by the Leader to do so, within the scope and limitation set out below.

Acts as the Leader in key partnership roles in relation to the Economy Portfolio.

#### **Scope:**

- To chair meetings of the Cabinet.
- To act for the Leader at meetings of the Council or any of its committees, sub-committees or other member meetings which the Leader is expected or required to attend.
- To act for the Leader at any external meetings or meetings with partners or other scheduled events to which the Leader is requested or invited to attend.
- To make, when urgently required, appointments to the Council's Executive or decisions related to such appointments and the allocation of cabinet portfolios.
- To take executive decisions relating to the Leader's portfolio or on matters reserved to the Leader or which would otherwise fall to the Leader.

**Limitation:**

- Not to take any decision on the Council's business, or to attend any meeting on behalf of the Leader, and not to receive information on any matter, which has been identified by the Leader as the responsibility of another member or members of the Executive.

**Adults Services**

3.4 The following functions are allocated to the Cabinet Member:

- ❑ Adults' Social Care services
- ❑ Safeguarding
- ❑ Health integration
- ❑ NHS Partnerships (working with Cabinet colleagues)
- ❑ Voluntary and Community Sector
- ❑ Domestic Abuse

**Children and Young People, Learning and Skills (Lead member for Children)**

3.5 The following functions are allocated to the Cabinet Member:

**Children and Young People:**

- ❑ Children's Social Care and Safeguarding
- ❑ Youth Services
- ❑ Youth Justice
- ❑ Early Help Services
- ❑ Children's Health – Public Health
- ❑ Education, Schools and Adult Skills

**Learning and Skills**

- ❑ Adult Skills and Learning, Further and Higher Education, apprentices
- ❑ Post 16 Skills partnership
- ❑ Schools including schools place planning, Schools Forum and schools Capital Programme
- ❑ Special Educational Needs

**Community Support, Fire and Rescue**

3.6 The following functions are allocated to the Cabinet Member:

**Support to Communities:**

- ❑ Libraries and Archives
- ❑ Registration Services
- ❑ Coroner and Mortuary
- ❑ Community Safety and Police Liaison
- ❑ Trading Standards
- ❑ Refugees, Gypsy, Roma and Travellers

- ❑ Community Engagement and Support
- ❑ Linked with Parish and Town Councils
- ❑ Voluntary Sectors

#### **Fire and Rescue:**

- ❑ Fire & Rescue Service
- ❑ Emergencies and Resilience

### **Environment and Climate Change (and Deputy Leader)**

3.7 The following functions are allocated to the Cabinet Member:

- ❑ Climate Change/Carbon Net Zero
- ❑ Waste and Recycling Strategy
- ❑ Energy
- ❑ South Downs National Park and AONBs
- ❑ Coast and Countryside and Rural Economy
- ❑ Minerals and Strategic Planning
- ❑ Flood prevention
- ❑ Rights of Way

### **Finance and Property**

3.8 The following functions are allocated to the Cabinet Member:

- ❑ Finance including Revenue and Capital Programme
- ❑ Ex-officio Chairman of the Pensions Committee (a non-Executive function)
- ❑ Treasury and Investment Management
- ❑ Property, Assets and Facilities Services
- ❑ Procurement
- ❑ To act as the decision-maker for the Council through the shareholder group for the Council's arm's length property development company

All decisions involving finance and property to be taken in consultation with this Cabinet Member

### **Highways and Transport**

3.9 The following functions are allocated to the Cabinet Member:

- ❑ Highways
- ❑ Transport Planning
- ❑ Strategic Transport (including engagement with Transport for the South East)
- ❑ Transport and Infrastructure including support for Public Realm and Town Centre Regeneration
- ❑ Railway and Public Transport Liaison
- ❑ All aspects of Cycling



## **Public Health and Wellbeing**

3.10 The following functions are allocated to the Cabinet Member:

- ❑ Public Health (in consultation with the Cabinet Members for Adult Services and Children and Young People for relevant business)
- ❑ Wellbeing in the community
- ❑ Health partnerships

## **Support Services and Economic Development**

3.11 The following functions are allocated to the Cabinet Member:

- ❑ Business Planning and effective business infrastructure and corporate resources
- ❑ Human Resources
- ❑ Legal Services
- ❑ Democratic and Member Services
- ❑ IT and Information
- ❑ Digital/Broadband
- ❑ Communications Services
- ❑ Economy and representations (working with Leader)

## **Executive Task and Finish Groups**

- 4.1 These are established by a cabinet member and comprise up to seven members (cross party) who will provide advice to a cabinet member in relation to the development of service planning, commissioning plans and the sourcing options for service provision, or such other service-related proposal as the cabinet member decides.
- 4.2 The terms of reference and the membership shall be decided by the cabinet member and published to all members.
- 4.3 Groups shall operate for a time-limited period set by the cabinet member. Any report shall be available for all members. Groups may call upon such officer advice and support as may be required.

## **All-Member Service Planning Sessions (SPS)**

- 5.1 A meeting to which all members of the Council will be invited and which will be used to enable all members to comment on, make representations about and otherwise influence the planning and the commissioning of services, to include budget planning and sourcing options, and which will take place in a timely way so that such plans can be made in the light of the outcome of the session. The conclusions reached at those sessions to be made available to all members.
- 5.2 The relevant officers from the Leadership Group shall be available to assist the development of plans.

## Officers

- (a) **General.** The County Council employs staff (referred to as officers) it considers necessary to carry out the functions of the County Council. Their responsibilities and the delegation of functions to enable them to discharge those responsibilities are set out here.
- (b) **Senior and Statutory Officers.** The County Council employs officers for the following specific posts which carry statutory or specific responsibilities as designated by the County Council.

Post	Functions and Areas of Responsibility
Chief Executive	<p>Head of Paid Service – Providing corporate and operational leadership to officers, acting as line manager to the leadership team and as the final decision maker for the officer group. Responsible for changes to the scheme of officer delegation within the scope of delegation set by the Governance Committee. The role is also accountable to the County Council for staff organisation and development.</p> <p>The Chief Executive is also responsible for internal and external communications and information.</p>
Director of Adults and Health	To discharge the functions as Director of Adults Social Services (DASS) and to have lead responsibility for all functions relating to adults' social care and safeguarding and partnership work and joint commissioning with the NHS and line management for the Director of Public Health.
Director of Children, Young People and Learning	The statutory functions as Director of Children's Services (DCS), children and young people's social care, early childhood, youth services, youth offending and all functions relating to schools, education and skills.
Director of Place Services	To have lead responsibility for the Council's functions in relation to communities, economy, property and capital assets, highways and transport, infrastructure, strategic planning, environment, aviation, waste strategy, trading standards, libraries and archives, coroner support, registration service and ceremonies.
Director of Public Health	Public health services and commissioning of public health services, reporting to the Director of Adults and Health.

<b>Post</b>	<b>Functions and Areas of Responsibility</b>
Chief Fire Officer	Fire and Rescue Services, Emergency Planning
Director of Finance and Support Services	The statutory functions of chief financial officer, audit, finance, procurement and contracts, IT and information services.
Director of Law and Assurance	The statutory functions of Monitoring Officer and solicitor to the Council, legal services, democratic services, scrutiny and data protection. Strategic and Corporate Policy advice, Corporate partnerships and partner liaison, performance and insight.
Director of Human Resources and Organisational Development	Human Resources, workforce strategy, organisational development support.

- (c) **Statutory officers.** The County Council has designated the following posts:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Director of Finance and Support Services	Chief Financial Officer
Director of Law and Assurance	Monitoring Officer
Head of Democratic Services	Designated Scrutiny Officer

### **Functions of the Monitoring Officer**

- (a) **Maintaining the Constitution.** The Monitoring Officer is responsible for advising the County Council on the Constitution and issues relating to the governance of the Council.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting the Head of Paid Service and the Chief Financial Officer, the Monitoring Officer is required to report to the County Council (or the Cabinet in relation to an Executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness. Such a report has the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer contributes to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

- (d) **Proper Officer for Access to Information.** The Monitoring Officer ensures that material for committees and for decisions, together with the reasons for decisions and all reports and background papers, are made publicly available and is responsible for the system of record keeping for all the County Council's decisions and administrative actions.
- (e) **Providing advice.** The Monitoring Officer provides advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and compliance with the constitution and Policy Framework to all members and officers.

### **Functions of the Chief Financial Officer**

- (a) **Ensuring financial prudence of decision-making.** After consulting the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer reports to the County Council (or to the Cabinet in relation to an Executive function) and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the County Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Financial Officer is responsible for the administration of the financial affairs of the County Council.
- (c) **Providing advice.** The Chief Financial Officer provides advice on the scope of powers and authority to take decisions by members and officers, on maladministration, financial impropriety, financial probity and compliance with the Council's Financial Regulations, Standing Orders and Policy Framework.

### **Functions of the Designated Scrutiny Officer (Head of Democratic Services)**

- (a) **to promote** the role of the authority's overview and scrutiny committees;
- (b) **to provide support** to the authority's overview and scrutiny committees and the members of those committees;

### **Officer Functions**

#### **1. Scope and arrangements for officer delegations**

- 1.1 The scope of functions delegated to officers is determined by the County Council. They are set out in the table below. The Chief Executive may allocate and amend the allocation of officer delegations within this scope at any time. Amendments shall be notified to members.
- 1.2 The table below describes the functions that have been delegated to which officer and explains when those functions may be exercised severally by different officers or should be exercised jointly, or in consultation with

another officer or with an elected member. The areas of responsibility are listed alphabetically and divided into service (part 1) and corporate (Part 2) business.

- 1.3 The named officer may make arrangements for the onward delegation of any of their functions to another officer within their service and shall keep a written record of such onward delegation and any changes to it but will not lose accountability for the proper discharge of that function.
- 1.4 'Proper Officer' functions are those which are required by legislation to be discharged by a designated or 'proper' officer. Those functions are set out at the end of the table below by reference to the relevant legislative requirement.
- 1.5 Where an officer board or panel is established and given responsibility for a project or area of Council business that board will not have delegated responsibility for decisions. They can be discharged by a named officer who may chair or be a member of such a board or officer panel, acting in accordance with this scheme of delegation.

## **2. Officer and Member decision-making**

- 2.1 Any decision within the scope of the functions delegated below may be taken by the officer named or an officer to whom the function has been further delegated. Any function which has not been delegated must be taken by the relevant cabinet member or Committee or by the County Council in accordance with the Scheme of Delegation.
- 2.2 All officer decisions must be recorded and the record retained for audit purposes. That record must include the following (which also form part of the prescribed template for published decisions referred to in 2.3 below).
  - The scope and effect of the decision
  - The date of the decision and the date it takes effect
  - The resource (including staff) and relevant budget implications
  - The consultation or advice taken into account
  - The risk assessment applied
  - The relevant statutory and policy considerations applied (to include the Public Sector Equality Duty where relevant)
- 2.3 Where a decision qualifies as a key decision and it is proposed that the decision is taken by an officer the following requirements shall be met:
  - The decision must be published in advance in the Forward Plan in compliance with the rules relating to the Forward Plan.
  - The decision must be notified to members and will be subject to possible call-in. The decision will only take effect once the call-in deadline has passed and the decision has not been called-in.
  - The decision will use the format as for a cabinet member decision and will be processed and published by Democratic Services.
- 2.4 In relation to non-executive decisions that would otherwise be taken by one of the Council's non-executive committees the scope of the exercise of officer

powers shall be set by the relevant committee or as set out in the terms of reference of that committee or within the table below.

- 2.5 In relation to executive decisions the following shall be reserved for decision by the appropriate cabinet member except where the cabinet member has specifically delegated the decision to an officer or has given written authority for the decision to be taken by the officer.
- (a) the matter is politically sensitive (i.e. expected to be led by the political executive rather than an officer as it requires political judgment rather than technical or operational considerations).
  - (b) the decision is to adopt or amend a corporate or service level policy not specifically allocated to an officer for decision.
  - (c) the proposal has or will have a significant impact on the scope or form of a service provided to residents.
  - (d) The decision is to initiate a procurement process or consultation exercise which relates to a matter of significance for the scope or form of a service provided to residents.
  - (e) where, following discussion with the relevant cabinet member, the cabinet member reserves the decision to him or herself.
- 2.6 Officers holding general responsibility for functions within their area of service shall discharge all operational technical and professional decisions and shall be responsible for taking decisions that are required to give operational effect to corporate, strategic and policy decisions taken by the cabinet member or relevant Committee subject to the provisions of 2.5 above. Operational responsibilities shall comprise:
- (a) Determining the staff resources required within the service budget and how such resources shall be deployed and managed.
  - (b) Determining and delivering the plans and actions required to provide the service and deliver service outcomes and objectives.
  - (c) Managing the budget allocated to the service and ensuring all appropriate action is taken to ensure a balanced budget outcome.
  - (d) Taking all commissioning and procurement decisions to deliver or support the delivery of the service in accordance with Standing Orders on Procurement and Contracts.
  - (e) Managing or ensuring the management of all contracts and other procured resources used to deliver the service.
  - (f) Ensuring all corporate policies and procedures are complied with.
- 2.7 Officers proposing to take executive decisions should ensure that the relevant cabinet member is aware of and briefed in relation to the matter so that the authority to take the decision is clear. Where a proposed decision is of particular interest to a specific area of the County the officer will notify and consult the relevant local member(s) before taking the decision.
- 2.8 In the table below, where a function is delegated to an assistant director, the Director to whom that assistant director reports shall be considered to have the same delegated authority for the matters described.

## Officer Scheme of Delegation

### Part 1 Service-related Functions

#### A. Adults

Section /No.	Function	Officer	Form of shared delegation
1	To exercise, subject to any exceptions and conditions set out elsewhere in this Scheme of Delegation, all of the Social Services functions of the County Council as are set out in Schedule 1 of the Local Authority Social Services Act 1970, the Mental Capacity Act 2005, the Mental Health Act 1983 and Schedule 20 of the National Health Service Act 2006 insofar as those relate to adults and those functions discharged jointly with or on behalf of NHS bodies in accordance with arrangements made under Part III of the National Health Service Act 2006.	Director of Adults and Health	
2	To exercise all powers including the issuing of notices, the taking of any formal steps, the making of any appointments and the awarding of any grant or financial payment as may be conferred by any of the above provisions insofar as those are not delegated elsewhere by this Scheme of Delegation.	Director of Adults and Health	
3	<p>The exercise of the above shall be subject to the following exceptions:</p> <ul style="list-style-type: none"><li>a. the institution or conduct of any legal proceedings shall be reserved to the Director of Law and Assurance.</li><li>b. the making of any grant or financial payment shall be limited to the financial limits for any specific provisions as may be defined by the Cabinet Member for Adults Services.</li><li>c. the issuing of any notices or formal orders under any of the statutory provisions shall be taken in</li></ul>		

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	consultation with the Director of Law and Assurance.		
4	To exercise discretion in making an assessment in appropriate cases of charges for residential accommodation provided under the Care Act 2014.	Director of Adults and Health	Jointly with Director of Finance and Support Services and Director of Law and Assurance
5	In assessing the contribution residents should make towards the cost of their accommodation in residential nursing homes:  a. to decide whether assets have been knowingly disposed of in order to avoid charges and, in that event, whether to recover monies. b. whether to disregard the value of a former dwelling where it is considered reasonable to do so.	Director of Finance and Support Services	Jointly with Director of Adults and Health  and Director of Law and Assurance
6	To discharge all of the Council's functions under the Care Act 2014 and relevant Mental Health and Mental Capacity Acts relating to applications to the Court of Protection and related matters including the management of assets as receiver.	Director of Adults and Health	Jointly with Director of Finance and Support Services
7	To waive charges for the home care service when it is considered appropriate to do so.	Director of Adults and Health	Jointly with Director of Finance and Support Services
7A	To authorise requests for price variations in line with the terms and conditions of the Care and Support at Home Framework in consultation with the Strategic Finance Business Partner and subject to the cost being affordable.	Director of Adults and Health	



<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
8	To enter into contracts with statutory, community and voluntary sector organisations for the design and delivery of discretionary services.	Director of Adults and Health	
9	To discharge the functions which oversee and guide the services for the safeguarding of vulnerable adults and the operation of the Adults' Safeguarding Board to include the operation of services to address domestic violence.	Director of Adults and Health	

## **B. Archives**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
10	To manage protect and maintain the archives that are in the possession or control of the County Council and to carry out the operation of the Archives Service for West Sussex.	Assistant Director (Communities)	

## **C. Children\***

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
Note	<p>In relation to all Children's Services the Council's statutory Director of Children's Services (DCS) is the Director of Children, Young People and Learning. That post carries responsibility for all statutory services relating to children. Those that, for operational purposes, have been onward delegated to another Director are set out below.</p> <p>*Definition of 'child': for the purpose of this Scheme of Delegation the definition of child(ren) means any person under the age of 18 but shall include any young person up to the age of 19 in the case of education and up to the age of 24 to whom any of</p>	Director of Children, Young People and Learning (statutory Director of Children's Services)	As set out below in sections T and U (for matters relating to schools and learning)

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	the council's powers and duties should be provided or made available as a direct consequence of the person's previous involvement with council before reaching the age of 18.		
11	<p>To exercise, subject to any exceptions and conditions set out in this Scheme of Delegation, the Social Services functions of the County Council as defined in Schedule 1 of the Local Authority Social Services Act 1970 insofar as those functions relate to children, and all of the functions set out in Section 18 (2) of the Children Act 2004 (as amended).</p> <p>The exercise of these powers shall be subject to the following exceptions:</p> <ul style="list-style-type: none"> <li>• the institution or conduct of any legal proceedings shall be reserved to the Director of Law and Assurance.</li> <li>• the making of any grants or financial awards shall be subject to any financial limit or criteria defined by the Cabinet Member for Children and Young People, Learning and Skills and to such requirements as may be set by the Director of Finance and Support Services.</li> <li>• the issuing of any notices or formal orders for which provision is made in any of the statutory powers shall be undertaken in consultation with the Director of Law and Assurance.</li> </ul>	Director of Children, Young People and Learning	
12	To oversee the effectiveness of the strategy for and to manage the delivery of all services relating to children as defined in the Adoption and Children Act 2002 and in particular discharge the functions of the Council as an adoption agency.	Director of Children, Young People and Learning	
13	The operation of services which oversee and guide the services of safeguarding of children and the independent reviewing service for looked after children and the	Director of Children, Young People and Learning	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	operation of the Local Safeguarding Children's Board and to include the operation of services to address domestic violence.		
14	To exercise the powers set out in relevant legislation in relation to those who are or may be disqualified from working with or undertaking activities in connection with children.	Director of Children, Young People and Learning	In consultation with Director of Human Resources and Organisational Development
15	To make grants or other discretionary payments to persons or organisations for youth or community purposes connected with children in the county, or curricular or extra-curricular support for school pupils subject to any requirements set by the Director of Finance and Support Services.	Director of Children, Young People and Learning	
16	To undertake with any other local authority, public authority or trust within the National Health Service joint arrangements (including the provision of staff) in relation to any area of responsibility for which the County Council holds current powers and duties under any primary legislation insofar as those arrangements relate to children.	Director of Children, Young People and Learning	
17	To take all necessary steps to invest and administer any real or personal property obtained from the estates of deceased parents of children in care, in accordance with the Trustee Investments Act 1961 and to do likewise in respect of any funds received by the County Council on behalf of a child in care by way of any compensation or settlement or award of damages from legal proceedings and any other relevant statutory provisions, acting on behalf of the County Council as Trustee for the benefit of the relevant children.	Director of Children, Young People and Learning	Jointly with Director of Finance and Support Services and in consultation with the Director of Law and Assurance

#### **D. Coroner**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
18	To discharge the County Council's responsibilities for facilitating the discharge of the functions of the Coroner for West Sussex and for the provision of support for the administration of the Coroner's Office.	Assistant Director (Communities)	
19	To make arrangements for the appointment of the Coroner for the County.	Director of Law and Assurance	

#### **E. Countryside**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
20	To discharge the functions of the County Council in respect of countryside matters including the management of Rights of Way and nature reserves under the control of the County Council. To discharge the statutory responsibilities of the Council set out in the Countryside and Rights of Way Act.	Assistant Director (Highways, Transport and Planning)	
21	To act as the 'appointed officer' under the Dutch Elm Disease Orders and to administer the issue and enforcement of Dutch Elm Disease Orders.	Assistant Director (Highways, Transport and Planning)	

#### **F. Economic Development**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
22	To take decisions relating to the use or allocation of funds allocated to individual projects for economic growth within the County, following consultation with the Cabinet Member for Support Services and Economic Development and within funds allocated within the budget or capital programme.	Director of Place Services	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
23	To provide the services of accountable body in relation to the Local Economic Partnership (Coast to Capital LEP) in relation to the financial, legal and governance operations of the LEP.	Director of Finance and Support Services	Severally with Director of Law and Assurance

## **G. Emergency Resilience**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
24	All powers and duties under Section 138 of the Local Government Act 1972, as amended, and the Civil Contingencies Act 2004 including to authorise the incurring of expenditure for emergency purposes.	Chief Fire Officer and the Chief Executive	In consultation with Director of Finance and Support Services in relation to spending commitments
25	To discharge the responsibilities for responding to and managing the strategic and operational responses needed to deal with emergency events and incidents within the County or to which the County Council is required to respond and to ensure that there are arrangements in place for decisions to be taken on the Council's behalf to facilitate the Council's response to emergencies.	Chief Executive	All Directors and designated Assistant Directors shall be available to discharge the function of 'Duty Director' to respond to urgent incidents

## **H. Energy**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
26	To develop and implement the Council's energy policy and to develop and implement projects for supporting sustainable energy generation and use across the County and in relation to County Council buildings.	Assistant Director (Environment and Public Protection)	

## I. Fire and Rescue and Public Safety

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
27	To carry out the County Council's duties under the Fire and Rescue Services Act 2004, the Regulatory Reform (Fire Safety) Order 2005, the Safety of Sports Grounds Act 1975, the Fire Safety and Safety at Places of Sport Act 1987, and all current statutes and regulations relating to fire safety and fire prevention.	Chief Fire Officer	
28	To have all powers of enforcement under such legislation including powers of entry to premises and the initiation of legal proceedings including prosecutions.	Chief Fire Officer	Jointly with Director of Law and Assurance
29	To determine when a charge will be made for the services of the Fire and Rescue Service when attending a special service call.	Chief Fire Officer	
30	To oversee and take such steps as are required to ensure the discharge of the County Council's responsibility for collaborative working as required by the Policing and Crime Act 2017.	Chief Fire Officer	
31	To ensure the County Council discharges its obligations in relation to the prevention of crime and disorder and associated responsibilities in accordance with the Crime and Disorder Act 1998.	Assistant Director (Environment and Public Protection)	
32	To approve emergency contracts and procurement of goods or services linked to on-going operational fire and rescue incidents.	Chief Fire Officer	In consultation with Director of Finance and Support Services

## **J. Flood and Water Management**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
33	To discharge the responsibilities of the County Council as lead local flood authority under the Flood and Water Management Act 2010.	Assistant Director (Highways, Transport and Planning)	
34	To discharge all powers of enforcement with respect to the statutory duties and powers under the Land Drainage Act 1991.	Assistant Director (Highways, Transport and Planning)	In consultation with Director of Law and Assurance
35	To liaise with district and borough councils in connection with any aspect of flood management which has been delegated to such Councils by the County Council and to ensure the effective discharge of such delegated functions.	Assistant Director (Highways, Transport and Planning)	

## **K. Health/NHS Liaison (and see Public Health below)**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
36	To discharge all of the powers and functions of the Authority in relation to arrangements to be made with NHS bodies as provided for in the National Health Service Act 2006 (and any successor legislation). This shall include the preparation and negotiation of formal agreements for service integration, the joint provision or joint commissioning of services or the pooling of budgets and to include the provision and deployment of staff. It shall also include relevant procurement arrangements and proposals for charging for services.	Director of Adults and Health	
37	To oversee the responsibilities of the County Council for liaison with voluntary sector social care and health organisations.	Director of Adults and Health	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
38	To oversee the development and implementation of plans for co-operative arrangements and joint service development or integration with the NHS.	Director of Adults and Health	
39	To support and advise the Health and Wellbeing Board for West Sussex.	Director of Adults and Health	Jointly with Director of Public Health
40	To develop and maintain the Joint Strategic Needs Assessment for the County Council in liaison with the Clinical Commissioning Groups for West Sussex.	Director of Public Health, and the Directors of Children, Young People and Learning and of Adults and Health jointly	

## **L. Highways - Roads**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
41	To assert and protect the rights of the public to the use and enjoyment of highways under Section 130 of the Highways Act 1980.	Assistant Director (Highways, Transport and Planning)	
42	<p>To discharge all of the functions of the County Council as Highway Authority as set out in the Highways Act 1980 to include in particular:</p> <ul style="list-style-type: none"> <li>• To adopt private streets under Section 228 Highways Act 1980.</li> <li>• To administer the Advance Payments Code.</li> <li>• To issue, revoke, amend, suspend or otherwise vary licences, notices and consents and grant permissions relating to the street scene environment and to enter into formal agreements with the district or borough councils for the delegation of these licensing powers.</li> </ul>	Assistant Director (Highways, Transport and Planning)	



<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
42A	To review the commuted sums in the Commuted Sums for Maintaining Infrastructure Assets in association with Section 278 and Section 38 Highway Agreements policy (1 April 2019) on a biannual basis and, where appropriate, to uplift them to take account of any increases in maintenance costs.	Director of Place Services	
43	All powers of enforcement with respect to the statutory duties and powers under the Highways Act 1980.	Assistant Director (Highways, Transport and Planning)	Jointly with Director of Law and Assurance
44	To declare land/property as surplus to highway requirements.	Director of Place Services	In consultation with Assistant Director (Highways' Transport and Planning)
45	To respond to consultations for stopping up or diversion orders under the Town and Country Planning Act 1990.	Assistant Director (Highways, Transport and Planning)	Jointly with Director of Law and Assurance
46	The making of agreements for the creation, maintenance, improvement and adoption of highways (including bridges).	Assistant Director (Highways, Transport and Planning)	Jointly with Director of Law and Assurance
47	To prescribe building and improvement lines and to consent to the erection of buildings in advance of such lines.	Assistant Director (Highways, Transport and Planning)	
48	To take decisions on non-trunk road classifications and Primary Route Network revisions in accordance with the approved operating procedure.	Assistant Director (Highways, Transport and Planning)	
49	To revoke New Street Orders made under the Highways Act 1959.	Assistant Director	In consultation

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
		(Highways, Transport and Planning)	with Director of Law and Assurance
50	To grant a street works licence under Section 50 New Roads and Street Works Act 1991.	Assistant Director (Highways, Transport and Planning)	
51	To inspect and control undertakers' works in the highway.	Assistant Director (Highways, Transport and Planning)	
52	The installation, maintenance and removal of all traffic signs (including road markings) within the highway.	Assistant Director (Highways, Transport and Planning)	
53	To enter into traffic signal maintenance agreements, subject to the requirements of Standing Orders on Procurement and Contracts.	Assistant Director (Highways, Transport and Planning)	
54	Road safety work, including education, publicity and training, subject to the requirements of Standing Orders on Procurement and Contracts.	Assistant Director (Highways, Transport and Planning)	

**M. Highways - Traffic Regulation (see also the Highways and Transport Delegation Code of Practice (Appendix 4))**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
55	<p>Except where such powers are reserved to the Cabinet Member for Highways and Transport:</p> <p>to advertise and, where no objections are received or sustained:</p> <ul style="list-style-type: none"> <li>to make permanent traffic regulation orders, speed limit</li> </ul>	Assistant Director (Highways, Transport and Planning)	Severally with Director of Law and Assurance and subject to consultation with local member(s)

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	<p>orders, cycle track orders, revocation orders, and implement the associated works.</p> <ul style="list-style-type: none"> <li>• to make consolidation orders.</li> <li>• to make amendments, including extensions, to parking places orders and implement the associated works.</li> <li>• to implement traffic calming measures.</li> <li>• to establish, alter or remove pedestrian crossings (listed in the annual programme and developer funded).</li> </ul>		
56	To apply to the Magistrates' Court to stop up/divert the highway under Part VIII of the Highways Act 1980 or to appoint an agent to do so where appropriate.	Assistant Director (Highways, Transport and Planning)	Severally with Director of Law and Assurance
57	To advertise and make temporary traffic regulation orders (including for special events), temporary speed limit orders and notices to control traffic.	Assistant Director (Highways, Transport and Planning)	Severally with Director of Law and Assurance
58	To advertise and make traffic regulation orders and to consider and determine traffic management matters, including parking schemes, pedestrian crossings, stoppings up, road safety and traffic calming measures in both cases where no more than five objections have been received and provided that the relevant local member(s) has been notified and subject to the right of a local member to have the matter referred to the Cabinet Member for Highways and Transport.	Assistant Director (Highways, Transport and Planning)	Severally with Director of Law and Assurance
59	To determine, adjust from time to time, and recover costs in relation to highway works, licences, traffic regulation orders etc., subject to such fees being set at a level to recover the full cost of the service.	Assistant Director (Highways, Transport and Planning)	In consultation with Director of Finance and Support Services

## N. Highways - Transport

Section /No.	Function	Officer	Form of shared delegation
60	To issue minibus permits under the Transport Act 1985.	Assistant Director (Highways, Transport and Planning)	
61	To award passenger transport contracts, including public, schools and adult transport, where the total contract value does not exceed an annual per-contract value of £350,000, subject to the requirements of Standing Orders on Procurement and Contracts.	Assistant Director (Highways, Transport and Planning)	
62	To purchase and maintain bus-stop poles and bus shelters, subject to the requirements of Standing Orders on Procurement and Contracts.	Assistant Director (Highways, Transport and Planning)	
63	Dealing with minor variations of road service licences.	Assistant Director (Highways, Transport and Planning)	
64	The provision and distribution of public passenger transport timetables and timetable cases.	Assistant Director (Highways, Transport and Planning)	
65	To administer the West Sussex Permit Scheme under the Traffic Management Act 2004 and associated regulations.	Assistant Director (Highways, Transport and Planning)	

## O. Libraries

Section /No.	Function	Officer	Form of shared delegation
66	To discharge the statutory duties of the County Council in relation to the provision of a library service in	Assistant Director (Communities)	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	accordance with the Public Libraries and Museums and Act 1964.		
67	The administration and operation of the Library Service in West Sussex.	Assistant Director (Communities)	
68	To let space within library buildings for temporary use by persons, groups or bodies in line with a policy for such lettings as may be approved from time to time and to make charges for such use as are reasonable.	Assistant Director (Communities)	
69	To approve any temporary closures of public libraries for periods not exceeding six working days.	Assistant Director (Communities)	

**P. Planning ((see also the Delegation Code of Practice for Development Management at Appendix 4))**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
70	To submit all planning applications to which the regulations under the Town and Country Planning General Regulations 1992 apply.	Assistant Director (Property and Assets)	
71	To respond to consultations by borough and district councils regarding their own development or the development of land of which they wish to dispose, where the proposal does not accord with the Development Plan and/or the County Council intends to object.	Assistant Director (Highways, Transport and Planning)	In consultation with the cabinet member and local member(s)
72	To respond to consultations by borough and district councils regarding non-strategic Development Plan documents.	Assistant Director (Highways, Transport and Planning)	
73	To exercise the Council's planning functions with regard to Areas of Outstanding Natural Beauty.	Assistant Director (Highways, Transport and Planning)	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
74	To make planning obligations regulating the development or use of land under Section 106 and 106A of the Town and Country Planning Act 1990 and other enabling powers.	Assistant Director (Highways, Transport and Planning)	In consultation with Director of Law and Assurance
75	To make a Direction restricting development under paragraph 4 of the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418) for a particular area or areas.	Assistant Director (Highways, Transport and Planning)	In consultation with Director of Law and Assurance
76	To make a Direction restricting minerals exploration and removal under paragraph 7 of the Town and Country Planning (General Permitted Development) Order 1995.	Assistant Director (Highways, Transport and Planning)	In consultation with Director of Law and Assurance
77	To undertake duties relating to determinations of planning applications under Sections 69 and 92 of the Town and Country Planning Act 1990 and the provisions of the Town and Country Planning (Development Management Procedure) Order 2010 and any directions made thereunder.	Assistant Director (Highways, Transport and Planning)	
78	To approve and issue all public notices and all advertisements required under Article 8 of the Town and Country Planning (Development Management Procedure) Order 2010.	Assistant Director (Highways, Transport and Planning)	
79	To make Tree Preservation Orders under Sections 197-214D of the Town and Country Planning Act 1990 and associated regulations.	Assistant Director (Highways, Transport and Planning)	
80	To implement a decision in principle by the Planning and Rights of Way Committee to refuse planning permission for an application under Regulation 3 of the Town and Country Planning General Regulations 1992 or to grant consent subject to conditions, if after further investigation and discussion under Standing Order 6.08	Assistant Director (Highways, Transport and Planning)	In consultation with Chairman of the Planning and Rights of Way Committee and the cabinet member

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	it is concluded that the decision is justified.		wishing to implement a decision
81	To exercise the functions of the County Council in relation to developments by statutory undertakers.	Assistant Director (Highways, Transport and Planning)	
82	<p>Where there are no substantive material objections and either (i) the matter is not contrary to the Development Plan or (ii) the matter may be contrary to the Development Plan but material considerations outweigh the Development Plan provisions:</p> <p>a. to determine applications in respect of temporary development of a minor nature, to vary a planning condition, to retain buildings or works temporarily, or to extend the time by which the development must be completed or to renew a time expired permission</p> <p>b. to determine applications for the approval of reserved matters pursuant to an outline planning permission or matters reserved by condition upon a full planning permission</p> <p>c. to determine amendments to working schemes and to monitoring schemes following the completion of a landfill site; and</p> <p>d. to determine any other County Matter application.</p>	Assistant Director (Highways, Transport and Planning)	
83	To discharge and/or monitor compliance with conditions attached to a planning permission granted by the County Council.	Assistant Director (Highways, Transport and Planning)	
84	To approve requests for permission to undertake vibroseis surveys for oil and gas, subject to the conditions which have been imposed by the Planning	Assistant Director (Highways,	In consultation with Director

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	and Rights of Way Committee, after consulting appropriate borough, district and town or parish councils and County Council members and the Chairman or Vice-Chairman of the Planning Committee and Rights of Way.	Transport and Planning)	of Law and Assurance
85	To appear and give evidence at a planning appeal where the planning application concerned was not determined by the County Council as Planning Authority.	Assistant Director (Highways, Transport and Planning)	
86	To determine in respect of County Matter applications whether or not an Environmental Statement is required under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and to provide advice to borough and district councils in non-County Matter applications.	Assistant Director (Highways, Transport and Planning)	
87	To determine in respect of any planning permission granted whether a proposed variation is major or minor and if not major to authorise such variation.	Assistant Director (Highways, Transport and Planning)	
88	To grant planning permission in respect of development proposals under Regulation 3 of the Town and Country Planning General Regulations 1992, where there are no substantive material objections, unless the application is accompanied by an Environmental Statement.	Assistant Director (Highways, Transport and Planning)	
89	To issue all decision notices arising from planning applications under Regulation 3 of the Town and Country Planning General Regulations 1992 and in respect of County Matter applications.	Assistant Director (Highways, Transport and Planning)	
90	To respond to all consultations by district planning authorities under Schedule 1 of the Town and Country Planning Act 1990 (subject to a	Assistant Director (Highways,	



<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	member's right to have the matter referred to the Cabinet Member for Highways and Transport).	Transport and Planning)	
91	To authorise the execution of urgent works under Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Assistant Director (Highways, Transport and Planning)	
92	To submit applications under Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 to the Secretary of State for Transport, Local Government and the Regions for determination.	Assistant Director (Highways, Transport and Planning)	
93	To authorise the investigation of all breaches of planning control under the Town and Country Planning Act 1990.	Assistant Director (Highways, Transport and Planning)	
94	To issue enforcement notices, stop notices, and breach of condition notices and under Sections 172 to 190 of the Town and Country Planning Act 1990 and temporary stop notices under Section 171E of the Town and Country Planning Act 1990.	Assistant Director (Highways, Transport and Planning)	In consultation with Director of Law and Assurance
95	To serve a completion notice under Section 94 of the Town and Country Planning Act 1990.	Assistant Director (Highways, Transport and Planning)	In consultation with Director of Law and Assurance
96	To authorise entry onto land under Section 196A of the Town and Country Planning Act 1990.	Assistant Director (Highways, Transport and Planning)	
97	To discharge the responsibilities of the County Council under the Caravan Sites and Control of Development Act 1960 (not including the management of such sites).	Assistant Director (Highways, Transport and Planning)	
98	To authorise investigations of breaches of Regulations made under	Assistant Director	In consultation

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	Section 54 of the Clean Neighbourhoods and Environment Act 2005, including the power of entry into premises.	(Highways, Transport and Planning)	with Director of Law and Assurance
99	To require information as to interests in land under Section 330 of the Town and Country Planning Act 1990.	Director of Law and Assurance	
100	To issue planning contravention notices under the Town and Country Planning Act 1990.	Director of Law and Assurance	
101	To apply for an injunction restraining a breach of planning control under Section 187B of the Town and Country Planning Act 1990.	Director of Law and Assurance	
101A	To determine applications for certificates of lawfulness for existing or proposed use.	Assistant Director (Highways, Transport and Planning)	In consultation with Director of Law and Assurance

## **Q. Public Health**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
102	<p>To discharge the statutory responsibilities for public health within the county and in particular those set out in the Health and Social Care Act 2012:</p> <ul style="list-style-type: none"> <li>a. To lead the delivery of public health services within West Sussex in accordance with the requirements of the National Health Service Act 2006, the NHS Plan and the NHS Operating Framework.</li> <li>b. To prepare and ensure the publication of an annual report on public health in West Sussex.</li> <li>c. To establish and ensure the effective working of a local Healthwatch.</li> </ul>	Director of Public Health	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
103	To meet the Council's obligations for liaison with and support to the Health Protection Agency.	Director of Public Health	
104	To discharge the responsibilities for social care research and information in relation to public health and wellbeing.	Director of Public Health	
105	To discharge the responsibility for co-operation and joint working with other organisations, to include the voluntary sector, in relation to public health within West Sussex.	Director of Public Health	Jointly with Directors of Adults' Services and Children's Services

## **R. Registration Services**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
106	To discharge all of the functions of the County Council pursuant to the Registration Services Act 1953 and to arrange for the appointment of superintendent registrars and registrars of births and deaths.	Assistant Director (Communities)	
107	Subject to the Regulation, Audit and Accounts Committee's terms of reference, to exercise all the powers and duties of the County Council under the Marriages (Approved Premises) Regulations 1995, as amended.	Assistant Director (Communities)	
108	To determine and adjust the fees charged by the County Council under the Marriages (Approved Premises) Regulations 1995, as amended, subject to such fees being set at a level to recover the full cost of the service.	Assistant Director (Communities)	In consultation with Director of Finance and Support Services
109	To employ additional part-time staff on a self-financing basis for the purpose of implementing the Marriages (Approved Premises) Regulations 1995, as amended.	Assistant Director (Communities)	

**S. Rights of Way (see also the Rights of Way Delegation Code of Practice (Appendix 4))**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
110a	<p>To exercise the functions of the County Council as highway authority in respect of the public rights of way network as follows:</p> <ul style="list-style-type: none"> <li>• to authorise temporary diversion of footpaths and bridleways under the provisions of Section 135 and 135A of the Highways Act 1980.</li> <li>• to authorise the making good of any damage or removal of obstruction pursuant to Sections 138 and 149 of the Highways Act 1980 and to give consent to the planting of trees, shrubs etc. in the highway under Sections 96 and 142 of the Highways Act 1980.</li> <li>• to authorise maintenance work on public rights of way and</li> <li>• to authorise placing structures and apparatus within the limits of the highway.</li> <li>• to deal with applications for the erection of stiles and gates or other works on footpaths and bridleways under Section 147 of the Highways Act 1980.</li> <li>• the control of buildings or works constructed over or under rights of way (and vehicle crossings over public paths) under Section 169 of the Highways Act 1980.</li> </ul>	Assistant Director (Highways, Transport and Planning)	Severally with Director of Law and Assurance
110b	To apply to the Magistrates' Court to stop up or divert the highway under Part VIII of the Highways Act 1980 or to appoint an agent to do so where appropriate.	Assistant Director (Highways, Transport and Planning)	Subject to consultation with local members and severally with Director of Law and Assurance
110c	To investigate, make, and confirm (or decline) all public path orders under the Highways Act 1980 and Town and Country Planning Act 1990, which shall include but not be limited to	Assistant Director (Highways, Transport and Planning)	Severally with Director of Law and Assurance

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	public path extinguishment orders, public path diversion orders, public path creation agreements and public path creation orders which orders can be made as combined orders under Section 53A of the Wildlife and Countryside Act 1981.		
110d	To respond to consultations by borough and district councils in respect of their proposals to make any rights of way orders, including the making of any formal objection.	Assistant Director (Highways, Transport and Planning)	
110e	To consider and accept or decline proposals for new dedicated and permissive paths and to process dedication and permissive path agreements under the Highways Act 1980.	Assistant Director (Highways, Transport and Planning)	Severally with Director of Law and Assurance
111	To keep the definitive map and statement under continuous review and make orders modifying the definitive map and statement in consequence of evidence falling within Section 53 or Section 53A of the Wildlife and Countryside Act 1981.	Director of Law and Assurance	
112	To make preliminary assessments of definitive map modification applications.	Director of Law and Assurance	
113	To determine definitive map modification orders (making and confirmation), where no significant evidence in conflict has been received.	Director of Law and Assurance	In consultation with the local member and Chairman of the Planning and Rights of Way Committee
114	The determination of village green applications, where no significant evidence in conflict has been received.	Director of Law and Assurance	In consultation with local member and Chairman of the Planning and Rights of

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
			Way Committee
115	To determine applications to amend the commons and village green registers.	Director of Law and Assurance	In consultation with local member and Chairman of the Planning and Rights of Way Committee
116	To keep a register of prescribed information with respect to applications under Section 53 (5) of the Wildlife and Countryside Act 1981.	Director of Law and Assurance	
117	To authorise events under Sections 33 and 34, Road Traffic Act 1988.	Assistant Director (Highways, Transport and Planning)	In consultation with Director of Law and Assurance
118	To serve notices and authorise all consequential action arising therefrom, under Part IX of the Highways Act 1980 and the Rights of Way Act 1990 in order to assert and protect the rights of the public to the use and enjoyment of any public right of way.	Director of Law and Assurance	In consultation with Assistant Director (Highways, Transport and Planning)
119	To abandon opposed or unopposed public path extinguishment orders and public path diversion orders under the Highways Act 1980, the Acquisition of Land Act 1981 and the Town and Country Planning Act 1990.	Director of Law and Assurance	In consultation with Chairman of the Planning and Rights of Way Committee
120	To keep a register pursuant to Section 121B of the Highways Act 1980 with respect to applications under Sections 118ZA, 118C, 119ZA and 119C of the Act (path extinguishments or diversions).	Director of Law and Assurance	
121	To keep a register of information with respect to maps, statements and	Director of Law and Assurance	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	declarations pursuant to Section 31A of the Highways Act 1980.		
122	To prepare a map and statement by way of a consolidation of the definitive maps and statements pursuant to Section 57A of the Wildlife and Countryside Act 1981.	Director of Law and Assurance	
123	To enter agreements with respect to means of access pursuant to Section 35 of the Countryside and Rights of Way Act 2000 and to provide access in the absence of agreement pursuant to Section 37 of the Countryside and Rights of Way Act 2000.	Director of Law and Assurance	In consultation with Chairman or Vice-Chairman of the Planning and Rights of Way Committee

## **T. Schools**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
124	To exercise, subject to any exceptions and conditions set out in this Scheme of Delegation the functions of the County Council under the Education Acts currently in force insofar as they affect children, parents of school pupils, staff, teachers, schools, educational and childcare establishments.	Director of Children, Young People and Learning	These functions are delegated onward to the Assistant Director (Education and Skills)
125	All of the statutory functions in relation to children with special educational needs	Director of Children, Young People and Learning	On to the Assistant Director (Education and Skills)
126	To exercise the functions of planning and commissioning in relation to the statutory responsibilities for learning and skills for those aged 16 to 19 and, in relation to those aged 16 to 25 with learning difficulties or disabilities.	Director of Children, Young People and Learning	On to the Assistant Director (Education and Skills)

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
127	To develop policy for and secure the provision of adult education programmes within the County.	Director of Children, Young People and Learning	On to the Assistant Director (Education and Skills)
128	<p>In relation to the organisation or management of schools, the following:</p> <ul style="list-style-type: none"> <li>a. to determine the dates of school terms and holidays</li> <li>b. to make admission arrangements for maintained schools, and manage the Scheme of Co-ordination of admissions for schools and academies</li> <li>c. any decisions not delegated to or otherwise being the legal responsibility of schools in relation to financial management or decisions concerning staff and teacher entitlements</li> <li>d. to withdraw delegated powers excluding financial decisions (which is delegated to the Director of Finance and Support Services) from the Governing Body of any school</li> <li>e. to determine eligibility for assistance with transport for pupils of statutory school age in schools and academies and post-16 students in further education establishments, schools and academies.</li> </ul>	Director of Children, Young People and Learning	On to the Assistant Director (Education and Skills) In consultation with Director of Finance and Support Services (in relation to c. and d.)
128A	<ul style="list-style-type: none"> <li>a. To make nominations for the County Council to governing bodies of maintained schools in the area with the exception of those schools in respect of which the Cabinet Member for Children and Young People, Learning and Skills intends to make such appointments in the exercise of a statutory power of intervention in respect of the school's performance.</li> <li>b. To make appointments to temporary governing bodies of maintained schools in the area, including temporary parent</li> </ul>	Assistant Director (Education and Skills)	In consultation with local member



<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	<p>governors, temporary LEA governors, temporary community governors and temporary partnership governors.</p> <p>c. To make appointments or nominations for the County Council to governing bodies of academies in accordance with either the funding agreement with the relevant government department or instrument of governance, as appropriate.</p> <p>[Note: Where relevant appointments to independent schools and other institutions delivering education and to pupil referral units are made by the Cabinet Member for Children and Young People, Learning and Skills.]</p>		

## **U. Schools Finance and Planning**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
129	To withdraw powers of financial delegation from the governing body of any maintained school.	Director of Children, Young People and Learning	Jointly with the Director of Finance and Support Services and in consultation with Assistant Director (Education and Skills)
130	To develop proposals for new schools, alterations to, amalgamations and school closures, and to undertake statutory consultation in respect of individual schools or groups of schools.	Director of Children, Young People and Learning	On to the Assistant Director (Education and Skills) And in consultation with Assistant Director (Property and Assets)

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
131	To exercise the functions of the local authority in the provision of free school meals and accommodation for the consumption of meals, unless funding has been delegated to governing bodies to make their own provision for meals.	Director of Children, Young People and Learning	On to the Assistant Director (Education and Skills)
132	To exercise the functions of the local authority in planning the provision of sufficient school places and the development of school buildings to meet basic need.	Director of Children, Young People and Learning	On to the Assistant Director (Education and Skills)

## **V. Trading Standards/Public Analyst**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
133	To exercise all enforcement powers in connection with the statutory and regulatory powers related to consumer protection contained in a register to be kept and updated regularly by the Assistant Director (Environment and Public Protection) and to appoint individual officers to act and to discharge the powers of the Council included in the register and to issue any credentials required as evidence of the said officers' authority to act. The power to issue and to undertake prosecutions shall be exercised only by or with the authority of the Director of Law and Assurance.	Assistant Director (Environment and Public Protection)	Jointly with Director of Law and Assurance
134	To issue, revoke, amend, suspend or otherwise vary licences, registration and notices, permits referred to in the legislative provisions listed in the register maintained under 133, subject to any aggrieved applicant having a right of appeal to a panel established by the Regulation, Audit and Accounts Committee.	Assistant Director (Environment and Public Protection)	
135	To approve the fees chargeable relating to Weights and Measures legislation, the Manufacture and	Assistant Director (Environment	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	Storage of Explosives Regulations 2014 and the Petroleum (Consolidation) Regulations 2014 and to approve a reduced fee where it is appropriate to do so.	and Public Protection)	
136	To maintain registers of notices falling within the ambit of the Environment and Safety Information Act 1988.	Assistant Director (Environment and Public Protection)	
137	To appoint one or more persons as Public Analyst under the Food Safety Act 1990 and an Agricultural Analyst under the Agriculture Act 1970.	Assistant Director (Environment and Public Protection)	
138	To appoint Inspectors under the Weights and Measures Act 1985.	Assistant Director (Environment and Public Protection)	

## **W. Waste**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
139	To exercise the County Council's powers and duties associated with the management and recycling of waste and as Waste Disposal Authority and in particular to discharge the powers and duties of the council set out in the Environmental Protection Act 1990 and associated Regulations and in any replacement or supplementary legislation relating to these functions.	Assistant Director (Environment and Public Protection)	The institution or conduct of legal proceeding is delegated to the Director of Law and Assurance
140	To oversee joint working with district and borough councils for the development and effective management and co-ordination of waste collection and disposal services.	Assistant Director (Environment and Public Protection)	

## Part 2 Corporate Matters

### 2A Anti-Fraud and Corruption

Section /No.	Function	Officer	Form of shared delegation
140A	Operation and enforcement of the Anti-Bribery and Corruption and Anti-Money Laundering Policies and the resources and systems to ensure prevention of fraud and the investigation of allegations of fraud. Making non-material/minor changes to the policies.	Director of Finance and Support Services	

### 2B Assets, Buildings and Facilities Management (see also Property)

Section /No.	Function	Officer	Form of shared delegation
141	To manage and maintain the buildings and property owned by or under the control or occupation of the County Council.	Assistant Director (Property and Assets)	
142	To maintain a register of all of the capital assets owned occupied or under the control of the County Council and to oversee plans for the use, management and control of all such assets.	Assistant Director (Property and Assets)	
143	To provide or secure such services as may be required to ensure the most effective and cost-effective use of County Council buildings.	Assistant Director (Property and Assets)	
143A	To procure and maintain the programme of fleet and asset renewal across the Council (including for the Fire and Rescue Service).	Chief Fire Officer	
144	To ensure the effective security for all premises and buildings under the ownership or control of the Council.	Assistant Director (Property and Assets)	
145	To carry out or approve the carrying out of minor improvements or alterations to office accommodation together with the upkeep of grounds,	Assistant Director (Property and Assets)	In consultation with Director of Finance and

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	maintenance of premises, and to approve overtime of caretakers, cleaners and other ancillary staff.		Support Services
146	To authorise the letting of the Council Chamber and committee rooms to suitable persons, bodies and organisations and, where a charge is to be made, to determine the appropriate scale.	Director of Law and Assurance	

## **2C Communications and Information**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
147	To oversee and manage internal and external communications by the Council, including the Council's web sites and social media arrangements and relations and engagement with publishing media.	Chief Executive	
148	To oversee and manage arrangements for communication, consultation and engagement with residents and other interested persons through which their views on Council policies, proposals and plans may be considered.	Chief Executive	

## **2D Customer Relations and Complaints**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
149	To manage the development and implementation of facilities, systems and methods of communication and transactions that enable the most effective delivery of services to residents and those in need of the Council's services.	Assistant Director (Communities)	
150	To oversee the implementation of the Council's corporate complaints policy and to ensure that complaints about the actions of the Council are responded to effectively and to	Assistant Director (Communities)	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	account to the Standards Committee for implementation of and compliance with the policy.		
151	To authorise payments or other settlements under the Local Government Act 2000 with regard to complaints of maladministration as determined by the Local Government Ombudsman.	Director of Law and Assurance	
152	To manage the handling of complaints of maladministration and the exercise of powers by the Local Government Ombudsman under the Local Government Act 1974 in relation to the County Council.	Director of Law and Assurance	

## **2E Equality**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
153	To ensure compliance with the Council's Equality Policy and the public sector equality duty in so far as it concerns the Council as a provider of services to the public and to ensure compliance with all current anti-discrimination and equal opportunities legislation in relation to decisions actions or proposals made by the County Council.	Chief Executive, all Directors and all Assistant Directors	
154	To implement and monitor the Equality Policy as it applies to the County Council as employer, in respect of its duties under any relevant anti-discrimination or equal opportunities legislation.	Director of Human Resources and Organisational Development	
155	To establish and maintain appropriate access to all the County Council's facilities and services in order to ensure compliance with the public sector equality duty.	Assistant Director (Property and Assets)	With all Directors and Assistant Directors

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
156	To provide or secure arrangements to facilitate the provision of information and services provided by the County Council to all who have a right of access in accordance with the Council's Equality Policy.	All Directors and Assistant Directors	

## **2F Finance**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
157	To exercise the County Council's powers and duties with reference to financial management including borrowing, lending, investment and audit within the framework and in accordance with the requirements of Financial Regulations.	Director of Finance and Support Services	
158	To make amendments to the Treasury Management Strategy between its annual reviews, in consultation with the Treasury Management Panel.	Director of Finance and Support Services	
159	Responsibility for maintaining an adequate and effective audit service.	Director of Finance and Support Services	
160	To approve proposals for virement where Directors wish to transfer provision from one budget head to another except where: <ul style="list-style-type: none"> <li>a. it would change the stated policy of the County Council set out in the Policy Framework or other policies and plans approved by cabinet members.</li> <li>b. it would have a continuing effect which would require additional resources in future years.</li> <li>c. it would have a detrimental effect on key performance measures.</li> </ul>	Director of Finance and Support Services	In consultation with Cabinet Member for Finance and Property/ relevant cabinet member
161	To write off irrecoverable amounts of debt of less than £15,000 (at 1 April 2017). (The level to be reviewed	Director of Finance and	Jointly with Director of

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	every two years with effect from 1 April).	Support Services	Law and Assurance
162	To give such consents or waivers as may be appropriate under Standing Orders on Procurement and Contracts.	Director of Finance and Support Services	Jointly with Director of Law and Assurance
163	To manage the approved budget allocated to those services for which they are responsible and in accordance with Financial Regulations.	All Directors and Assistant Directors	
164	To accept a tender for an approved procurement which is within the limits set out in paragraph 4.1 of Standing Orders on Procurement and Contracts (Acceptance of Tenders).	All Directors and Assistant Directors	In consultation with Director of Finance and Support Services and Director of Law and Assurance

## **2G Finance – Expenses etc.**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
165	To implement any rates of financial loss, travelling and subsistence allowances for members and rates of financial loss for non-elected members.	Director of Finance and Support Services	
166	To approve higher subsistence rates for members for an absence overnight from the usual place of residence, whilst on approved duties, where appropriate and provided approval is sought in advance.	Director of Law and Assurance	

## **2H Finance – Capital**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
167	To approve the application to capital projects of capital receipts and	Director of Finance and	In consultation



<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	consequent adjustments in the capital programme.	Support Services	with Cabinet Member for Finance and Property
168	<p>To take decisions relating to the approved capital programme and its implementation in accordance with the formal governance processes set out in the officer 'handbook', whilst remaining within the overall capital programme as approved, subject to the following limits:</p> <ul style="list-style-type: none"> <li>a. Where the level of investment or variation (including virement within the relevant portfolio) is no greater than £250,000 or no more than 5% of the total project cost (if higher); or</li> <li>b. Where, not fitting within the above, the level of investment or variation (including virement within or across portfolios) is no greater than £500,000 or no more than 10% of the total project cost (if higher) the Cabinet Member will be consulted before the decision is made; and <ul style="list-style-type: none"> <li>i. Where the decision has not previously been marked by the relevant cabinet member for decision by the cabinet member; or</li> <li>ii. Where the matter has been the subject of previous cabinet member decision delegating further decisions to the Director; and</li> <li>iii. Where the relevant Director, in discussion with the cabinet member, does not consider the matter to be politically sensitive and so the use of officer delegation would be appropriate.</li> </ul> </li> </ul>	Director of Place Services	In consultation with Director of Finance and Support Services

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	Where a scheme is subject to more than one change in any financial year these will be considered cumulatively for these arrangements.		
168A	<p>To approve block allocations from existing funding within the capital programme and the Economic Growth Reserve and to deliver the Economic Growth Plan Action Plan objectives and associated actions, usually annually (any reserve funds allocated to a block that are not used in year to be returned to the Reserve for future allocation).</p> <p>Note: The Cabinet Member for Support Services and Economic Development can agree additional allocations in year as match funding for external bids.</p>	Director of Place Services	In consultation with Cabinet Member for Finance and Property and the Cabinet Member for Support Services and Economic Development

## **2I Governance and Constitution**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
169	To oversee the Constitution and ensure that it meets the Council's requirements for effective governance.	Director of Law and Assurance	
170	To update Part 1, Part 2 and Section 1 of Part 3 of the Constitution, in consultation with the Chairman of the Governance Committee.	Director of Law and Assurance	
171	<p>Petitions:</p> <p>To determine, in accordance with Standing Orders 3.38 to 3.43, in consultation with the relevant cabinet member, and in the case of a petition which might qualify for debate at Council, the Chairman, and, whether a petition meets the criteria for acceptance and to determine how it</p>	Chief Executive	Severally with Director of Law and Assurance

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	will be considered by the County Council.		
172	To make appointments to the West Sussex Valuation Tribunal.	Director of Law and Assurance	

## **2J Governance – senior appointments etc**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
173	To make arrangements in consultation with the Chairman of the Council in the case of the Chief Executive and the Chairman of the Council and the Chief Executive in the case of another officer post for a member panel to appoint a senior officer where required by Standing Orders (under Standing Order 8.11).	Director of Law and Assurance	Director of HR and Organisational Change where there is no Director of Law and Assurance.
174	To make arrangements for an officer panel which may or may not include elected members to be established to appoint to any of the posts which report directly to the Chief Executive unless covered by 173 above).	Chief Executive	Jointly with Director of Law and Assurance and Director of Human Resources and Organisational Development
175	To make arrangement in consultation with the Chairman of the Council, for a panel to consider disciplinary action under Standing Order 8.17.	Director of Law and Assurance	Director of Human Resources and Organisational Development where the matter concerns the Director of Law and Assurance.
176	In relation to the appointment of the independent Chairman of the Pension Advisory Board, to draw up a short list of nominees for consideration by the Governance Committee.	Director of Finance and Support Services	Jointly with the Director of Law and Assurance

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
177	To approve the co-option of persons who are not members of the Pension Advisory Board to serve on sub-committees as non-voting members, for a period of time or for a specific task, where this would add skills, knowledge or experience.	Director of Finance and Support Services	Jointly with Director of Law and Assurance
178	To appoint an acting Director or to a post which reports directly to the Chief Executive on an interim basis.	Chief Executive	
179	To appoint on an interim basis an Assistant Director or head of service or to appoint a person to act to that role.	Chief Executive for Directors and relevant Director for Assistant Directors	Relevant Director or Assistant Director in relation to Heads of Service and in consultation with Director of Human Resources and Organisational Development
180	To select and appoint an independent person to carry out an investigation into a grievance by a Director or a postholder which reports directly to the Chief Executive.	Chief Executive	Jointly with Director of Law and Assurance and in consultation with Director of Human Resources and Organisational Development

## **2K Health and Safety**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
181	To ensure that the County Council is fully compliant with all statutory requirements related to Health and Safety at work, has an effective policy in place and that the policy is properly implemented.	Chief Executive	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
182	To manage the implementation of the Council's Health and Safety at Work policy and to ensure that all officers are aware of and discharge their responsibilities under the policy.	Director of Human Resources and Organisational Development	
183	To make ex-gratia payments not exceeding £500 to any member of his or her staff (including teachers) or any volunteer duly authorised on behalf of the County Council to work for or with services within his or her group arising from claims under the Health and Safety at Work Policy.	All Directors	

## **2L Human Resources/Staff Matters**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
184	To act as the head of the paid service and to oversee relevant negotiations with the recognised trade unions in relation to terms and conditions of service.	Chief Executive	
185	To oversee the management and delivery of all advice, support, information and procedures related to the management of staff and all functions to facilitate their management.	Director of Human Resources and Organisational Development	
186	To maintain and make necessary alterations to the list of politically restricted posts under the Local Government and Housing Act 1989.	Director of Law and Assurance	
187	(politically restricted posts) In consultation with the Director concerned, to give a certificate of opinion for the purpose of Section 3(3)(b) of the Local Government and Housing Act 1989 as to whether the duties of a post fall within the criteria set out in Section 2(3) of the Act.	Director of Law and Assurance	
188	To select Boards of Appeal and Member Panels from the membership	Director of Law and Assurance	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	of the Staff Appeals Panel and from other appeals panels on a rota basis, according to the annual schedule of Boards of Appeal, using best endeavours to ensure that there is at least one minority group member on each Board.		
189	To select Investigation Panels when required from the membership of the Staff Appeals Panel on a rota basis, using his or her best endeavours to ensure that there is at least one minority group member on each Panel.	Director of Law and Assurance	
190	To make a recommendation on an annual basis to the Cabinet Member for Finance and Property of the amount to be made available for any annual pay adjustment. The Cabinet Member for Finance and Property to approve the amount to be made available on the basis of affordability and County Council performance subject to the report of such action for information via The Bulletin.	Chief Executive	In consultation with Director of Finance and Support Services and Director of Human Resources and Organisational Development
191	To apply the annual index for the local pay settlement for senior managers.	Chief Executive	In consultation with Director of Human Resources and Organisational Development
192	To set the multiplier for the redundancy scheme (the report of such action for information to the Governance Committee).	Chief Executive with Director of Human Resources and Organisational Development	In consultation with Cabinet Members for Support Services and Economic Development and Finance and Resources
193	To negotiate the pay protection terms for the pay protection policy (subject to the report of such action for	Chief Executive	Jointly with Director of Human

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	information to the Governance Committee).		Resources and Organisational Development and consulting Cabinet Member for Support Services and Economic Development
194	To take any necessary action to ensure that departments and directorates can maintain efficiency where particular problems about gradings and recruitment and retention of staff arise.	Director of Human Resources and Organisational Development	Severally with Chief Executive
195	To assess the starting salary for unqualified teachers in schools without delegated financial management depending upon their qualifications, experience and any other factors in each case.	Director of Human Resources and Organisational Development	Jointly with Director of Finance and Support Services and Assistant Director (Education and Skills)
196	To hold regular meetings with the representative of the West Sussex branch of UNISON for the purpose of negotiation in relation to staff terms and conditions of service for all staff covered by the National Joint Council for Local Government Services, to exchange information, discuss matters of concern, resolve differences and resolve disputes.	Chief Executive	Jointly with Director of Human Resources and Organisational Development
197	To keep the Governance Committee informed in relation to any matters of significance relating to staff terms and conditions of service.	Chief Executive	
198	To exercise the powers in Section 3A of the Local Government and Housing Act 1989 (Grant and supervision of exemptions from political restriction: England).	Chief Executive	Severally with Director of Law and Assurance

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
199	To approve any changes to the wording of the Pay Policy Statement relating to changes to legislation.	Director of Human Resources and Organisational Development	Director of Law and Assurance
200	To give approval to extend the normal 12-month period following the end of relevant reserve forces leave for 'cancelling notice' to be submitted requesting that the service should not be treated as relevant reserve forces service.	Chief Executive	With Director of Human Resources and Organisational Development
201	To appear on behalf of the County Council before Employment Tribunals.	Director of Human Resources and Organisational Development	Severally with Director of Law and Assurance
202	To manage, review and apply the County Council's Human Resources Strategy and policies and advise Directors on the appropriate pay and conditions for the appointment of staff.	Director of Human Resources and Organisational Development	In consultation with Chief Executive
203	The operation of:  The Mortgage Advance Scheme The Mortgage Guarantee Scheme The Bridging Loan Scheme	Director of Finance and Support Services	
204	To make appointments including interim appointments to existing posts where a vacancy has arisen and adequate funding is available in the service budget to meet the cost.	All Directors and all Assistant Directors	In cases of appointments of Heads of Service or above jointly with Director of Human Resources and Organisational Development
205	To make appointments to new posts which are shown in the service budget and for which financial provision has been made on a salary grade that shall be determined by the Director of Human Resources and Organisational	All Directors and all Assistant Directors	With Director of Human Resources and Organisational Development



<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	Development following the application of the relevant job evaluation scheme.		
206	<p>Subject to the County Council's Human Resources guidelines and procedures for the time being in force the appointment (to include the determination of the specific terms and conditions on which an employee holds office), discipline, suspension and dismissal of staff (except for Directors) employed in the services for which the Director or Assistant Director is responsible and the deletion of posts within the establishment.</p> <p>The Chief Executive has nominated all Directors to act on her behalf in accordance with The Local Authorities (Standing Orders) (England) Regulations 2001.</p>	All Directors and all Assistant Directors	
207	To suspend an officer in the service for which they are responsible in accordance with the prescribed policy.	All Directors and all Assistant Directors	In consultation with Director of Human Resources and Organisational Development
208	To place staff at the disposal of other local authorities pursuant to Section 113 of the Local Government Act 1972.	All Directors and all Assistant Directors	

## **2M Insurance Arrangements**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
209	To arrange insurance cover in all appropriate cases and recommend appropriate levels of internal funding of risks (Financial Regulation C 2.1.4).	Director of Law and Assurance	Jointly with Director of Finance and Support Services

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
210	To inform the Director of Law and Assurance of any matter which may necessitate notice to the County Council's insurers or would result in a claim on internal insurance provision and shall consult the Director of Law and Assurance respecting the terms of any indemnity which the County Council is requested to give.	All Directors and all Assistant Directors	
211	To negotiate all insurance claims with insurance companies as required and to negotiate, settle or deal with such claims as may be agreed from time to time with the County's insurers to be handled by the County Council directly.	Director of Law and Assurance	

## **2N IT, Data and Information Management (including Freedom of Information)**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
212	<p>To act as the Council's Data Protection Officer so as to ensure the effective and lawful management of data under the control of the County Council in accordance with Data Protection legislation and the County Council's Data Protection policies and to ensure compliance with the policies and all Data Protection legislation In Particular to manage and give assurance for the effectiveness of:</p> <ul style="list-style-type: none"> <li>• The policies and procedures relating to data processing and retention by the Council</li> <li>• Compliance with the Data Protection Principles</li> <li>• Policies and arrangements for dealing with requests from individuals as data subjects</li> <li>• Policies and arrangements for sharing data with other persons or organisations</li> </ul>	Director of Law and Assurance	In consultation with the designated Chief Information Officer who also acts as the Council's Senior Information Risk Owner (SIRO) and shall report to the Director of Finance and Support Services

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	<ul style="list-style-type: none"> <li>The publication of data controlled by the Council to meet legal obligations</li> <li>Liaison with the Information Commissioner's Office.</li> </ul>		
212A	<p>To discharge the responsibilities of Caldicot Guardian in relation to the oversight and risk management of health and social care personal information:</p> <p>For Adults</p> <p>For Children</p>	<p>Assistant Director (Adults Improvement)</p> <p>Director of Children and Young People and Learning</p>	
213	To define, co-ordinate and manage procedures to ensure compliance with information security obligations, security accreditations, data protection and freedom of information requests.	Director of Finance and Support Services	Jointly with Director of Law and Assurance
214	To oversee the operation of procedures and the application of policies to ensure compliance with the Freedom of Information Act to include arrangements for dealing with requests for information and its publication.	Assistant Director (Communities)	Jointly with Director of Law and Assurance
215	To ensure compliance with data protection and freedom of information policies and requirements and the proper security of information held in computer and other files and records for the time being in force which are related to their area of service responsibility.	All Directors and all Assistant Directors	
216	To ensure the provision of advice for and to determine any reviews or appeals in respect of the discharge of the County Council's obligations	Director of Law and Assurance	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	relating to data protection and freedom of information.		
217	To oversee the management and delivery of IT services and operations and of all services which support the control of information and data management.	Director of Finance and Support Services	
218	To establish the necessary standards and requirements to co-ordinate the application of information and communications technologies for the County Council.	Director of Finance and Support Services	
219	To manage voice and data communication and collaboration systems, including telephone, e-mail, social media and file sharing.	Director of Finance and Support Services	
220	To establish the necessary standards and requirements to co-ordinate and manage the capture, storage, retrieval, use and disposal of information and data.	Director of Finance and Support Services	Jointly with Director of Law and Assurance
221	To dispose of by sale surplus information technology resources.	Director of Finance and Support Services	

## **20 Legal Matters and Proceedings**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
222	To cause the Common Seal of the County Council to be affixed to and/or to sign all necessary documents required in respect of powers delegated to the officers.	Director of Law and Assurance	
223	To witness and authenticate the affixing of the Common Seal to documents.	Director of Law and Assurance	
224	To execute any appropriate legal documents and to issue licences and to take all necessary action relating	Director of Law and Assurance	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	thereto arising out of the exercise of any function or the performance of any power delegated by the County Council.		
225	To approve and issue all public notices required by statute or Standing Order to be given by the County Council and all advertisements required by statute or Standing Order to be inserted in any newspaper or journal (other than staff advertisements and those relating to the issue and advertisement of public notices under Article 8 of the Town and Country Planning (Development Management Procedure) Order 2010).	Director of Law and Assurance	
226	To authorise the appropriate officers of the County Council to execute and enforce any legislation in respect of which the County Council exercises duties and powers and to institute proceedings or to appear before any court or tribunal.	Director of Law and Assurance	
227	<p>To take such steps as may be necessary in connection with legal proceedings on behalf of the County Council, including:</p> <ul style="list-style-type: none"> <li>a. the institution or defence of any legal proceedings (including prosecutions) before any Court or Tribunal.</li> <li>b. to appear on behalf of the County Council before any Court or Tribunal in any proceedings instituted by, or on behalf of, or against the County Council.</li> <li>c. to lodge or respond to any consequent appeals and to settle any proceedings subject to a subsequent report being made to a cabinet member or non-Executive committee where appropriate.</li> </ul>	Director of Law and Assurance	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	<p>d. to appeal to any County Council proceedings.</p> <p>e. the settlement of claims not covered by insurance subject to a report being made to the appropriate cabinet member in any case exceeding £10,000.</p>		
228	To make applications or submissions to the Charity Commissioners in respect of any charity which the County Council administers under the Charities Act 1993.	Director of Law and Assurance	
229	To take any enforcement action pursuant to the provisions of the Children Act 1989 including the issuing of any notices or institution of any proceedings.	Director of Law and Assurance	In consultation with Director of Children, Young People and Learning
230	To exercise all functions in relation to Education referred to in Sections 437 to 447 inclusive of the Education Act 1996 and the Children Act 1989.	Director of Law and Assurance Instructed by the Director of Children, Young People and Learning	In consultation with Assistant Director (Education and Skills)
231	To sign any agreement under the National Health Service Act 2006 subject to the Director of Adults and Health and the Director of Finance and Support Services and Procurement having satisfied themselves with regard to respectively the care and financial arrangements.	Director of Law and Assurance	

## **2P Members and Electoral Matters**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
232	To authorise members of the County Council to inspect any lands or premises which the County Council have the right or duty to inspect.	Director of Law and Assurance	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
233	To carry out the duties of Returning Officer, under Section 35 of the representation of People Act 1983 and to appoint others to carry out these duties in relation to County Council elections.	Director of Law and Assurance	
234	To determine any questions as to the division of county electoral divisions into polling districts, under Section 31 of the Representation of People Act 1983, for the purposes of elections of district councils.	Director of Law and Assurance	
235	To declare a member division vacancy if it falls within the cases set out in Section 86 of the Local Government Act 1972.	Director of Law and Assurance	
236	To give public notice of a casual vacancy under Section 87 of the Local Government Act 1972.	Director of Law and Assurance	
237	To determine fees and conditions for the supply of copies of, or extracts from, elections documents under Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (SI 1986/2214) and Rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (SI 1986/2215).	Director of Law and Assurance	
238	To implement any maximum rates of financial loss, travelling and subsistence allowances for members and rates of financial loss for non-elected members.	Director of Law and Assurance	
239	To confirm as an approved duty for the purpose of the Members' Allowances Scheme the attendance of members at external courses (where necessary after consultation with the Leader or relevant cabinet member, and with the relevant scrutiny committee chairman or Minority Group Leader, as appropriate), including residential courses and seminars.	Director of Law and Assurance	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
240	To arrange or facilitate accommodation facilities and services for members of the County Council attending residential courses and seminars for duties that have been approved.	Director of Law and Assurance	
241	To hold and maintain the list approved by the Cabinet of outside bodies to which the County Council, Cabinet, cabinet members may make appointments.	Director of Law and Assurance	
242	To draft and settle indemnities for members who sit on outside bodies, subject to the limitations of the Local Authorities (Indemnities for Members and Officers) Order 2004, as amended from time to time, in accordance with the instructions of the Governance Committee.	Director of Law and Assurance	

## **2Q Member Conduct**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
243	To oversee all actions and investigations required by the Member Code of Conduct and to discharge the requirements relating to member training and the enforcement of the Code of Conduct as set by the Standards Committee.	Director of Law and Assurance	
244	To receive and manage complaints about the conduct of elected members and to determine whether such complaints should be dealt with under the Code of Conduct procedures set out in the terms of reference of the Standards Committee or a more suitable route and to exercise discretion to resolve complaints informally where appropriate.	Director of Law and Assurance	
245	To select, after consultation with the Chairman of the Standards Committee, Panels from the	Director of Law and Assurance	



<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	membership of the Standards Committee to initially assess and hear complaints against members to include at least one minority party member of the Standards Committee, being selected on a rota basis but based on availability and ensuring an even distribution of workload.		
245A	To consider requests from any member for a dispensation from the requirements of section 31(4) Localism Act 2011 in relation to involvement in Council business when the member may have a personal or prejudicial interest.	Director of Law and Assurance	

## **2R Outside Bodies**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
246	To appoint members of staff to represent the County Council on approved outside bodies.	Chief Executive	Jointly with Director of Law and Assurance

## **2S Pensions – Local Government Pension Scheme Employer Role**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
247	Approval of arrangements for early retirements, subject to adequate budget provision.	Chief Executive	Jointly with Director of Finance and Support Services and Director of Human Resources and Organisational Development
247A	To take decisions relating to the exercise of all discretions and matters relating to individual officers under the currently published policy of	Director of Human Resources and Organisational Development	In consultation with Director of Finance and

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	discretions under the Local Government Pension Scheme.		Support Services
248	To approve a reduction in the value of a member's pension and to recover any financial loss following termination of employment on the grounds of a fraudulent offence or grave misconduct.	Director of Finance and Support Services	
249	To consider an extension of time limit to pay contributions following an authorised leave of absence on reduced or no pay.	Director of Finance and Support Services	
250	To convert scheme Additional Voluntary Contributions into membership credit.	Director of Finance and Support Services	
251	To 'switch on' the 85-year rule in exceptional or on compassionate grounds for pre-1 April 2014 benefits.	Director of Finance and Support Services	In consultation with Cabinet Member for Finance and Property and Director of Human Resources and Organisational Development
252	To waive the actuarial reduction on pre-1 April 2014 benefits on compassionate grounds.	Director of Finance and Support Services	With Director of Human Resources and Organisational Development

## **2T Pensions – Fire & Rescue**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
253	All routine matters arising under the Firefighters', New Firefighters' Pension Scheme and Firefighters' Pension Scheme 2015.	Chief Fire Officer	In consultation with Director of Finance and Support Services

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
254	To apply the provisions of the Grey Book relating to the sick leave scheme for firefighters and to approve the medical discharge of a firefighter under the terms of the Firefighters', New Firefighters' Pension Scheme and Firefighters' Pension Scheme 2015.	Chief Fire Officer	In consultation with Director of Finance and Support Services
255	To transfer previous pension into the Local Government Pension Scheme and Firefighters' Pension Scheme 2015.	Chief Fire Officer	Jointly with Director of Finance and Support Services
256	To take decisions relating to the exercise of all discretions and matters relating to individual officers under the currently published policy of discretions under the Fire Fighters' Pension Scheme, New Firefighters' Pension Scheme and Firefighters' Pension Scheme 2015.	Chief Fire Officer	In consultation with Director of Finance and Support Services

## **2U Pensions – School Teachers**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
257	To approve individual cases of schoolteachers for discretionary enhancement of early retirement benefits and to agree the amount.	Director of Finance and Support Services	In consultation with Director of Human Resources and Organisational Development

## **2V Pensions – Local Government Pension Scheme (Administration Authority)**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
258	To take any necessary action between the meetings of the Pensions Committee to implement the policy determined by the Committee in consultation with the chairman of the Committee.	Director of Finance and Support Services	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
259	To admit to the West Sussex County Council Pension Fund those organisations which are eligible for scheduled employer status under the Local Government Pension Scheme Regulations where the County Council has no discretion to refuse admission.	Director of Finance and Support Services	
260	To consider and determine requests for admission to the West Sussex County Council Pension Fund by those admission bodies that meet the definition in the Local Government Pension Scheme Regulations.	Director of Finance and Support Services	
260A	To consider and determine whether to terminate an admission agreement and the management of exiting employers.	Director of Finance and Support Services	
261	All routine matters arising under the Local Government Superannuation Acts, the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and the Local Government Compensation Regulations and Discretionary Payments Regulations, and all other pension schemes.	Director of Finance and Support Services	
261A	To take decisions relating to the exercise of all discretions and matters under the currently published Administering Authority Discretions Policy.	Director of Finance and Support Services	In consultation with senior officers for such advice as may be required
261B	<p>To prepare determine and implement the following policies or procedures in connection with the administration of the scheme:</p> <ul style="list-style-type: none"> <li>• Administration Strategy</li> <li>• Breaches policy</li> <li>• Communications Policy</li> <li>• IDR (Internal Dispute Resolution Procedure)</li> </ul>	Director of Finance and Support Services	Jointly with the Director of Law and Assurance

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	<ul style="list-style-type: none"> <li>Privacy Notice</li> </ul>		
262	To combine previous pension benefits to current period of scheme membership.	Director of Finance and Support Services	
263	To agree to recover outstanding employee pension contributions by deductions from pension benefits.	Director of Finance and Support Services	
264	To decide on the appropriate course of action if there is any doubt as to the payment of a pension death grant to personal representatives or anyone appearing to be beneficially entitled to the estate without need for grant of probate/letters of administration.	Director of Finance and Support Services	Jointly with Director of Law and Assurance
265	To determine how and to whom benefits may be paid if the recipient is incapable of managing their affairs by reason of mental disorder or otherwise.	Director of Finance and Support Services	Jointly with Director of Law and Assurance
266	To decide on the appropriate course of action if there is any doubt as to whom a death grant is paid.	Director of Finance and Support Services	Jointly with Director of Law and Assurance
267	To transfer previous pension into the Local Government Pension Scheme.	Director of Finance and Support Services	
268	To hear and determine any pension appeal or dispute requiring resolution in accordance with the relevant statutes and regulations for the time being in force in relation to all pension schemes for which the County Council acts as employer or administrator.	Director of Law and Assurance	
268A	To write off irrecoverable LGPS Pension Fund amounts of debt of less than £15,000. (The level to be reviewed every two years with effect from 1 April).	Director of Finance and Support Services	(Jointly with Director of Law and Assurance)

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
268B	To authorise financial transactions on behalf of the WSCC Pension Fund.	Director of Finance and Support Services	

## **2W Performance and Business Planning**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
269	To undertake, monitor and deliver the management of corporate and business performance information and support the implementation of measures for improving performance.	Director of Law and Assurance	
270	To manage the collation and use of data needed to assist corporate performance monitoring and business planning for all services.	Director of Law and Assurance	

## **2X Permissions**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
271	To grant approval to applications for permission to use the County coat of arms except where the granting of such approval is likely to be contentious in which case the matter is to be referred to the Chairman of the Council.	Director of Law and Assurance	

## **2Y Procurement Support**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
272	To provide advice guidance and to undertake such processes as may be required to ensure the most effective procurement of services, goods works and all other contractual arrangements required for the efficient operation of the County Council's business.	Director of Finance and Support Services	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
273	To ensure compliance with the County Council's Standing Orders on Procurement and Contracts by all Directors and Assistant Directors.	Director of Finance and Support Services	Jointly with Director of Law and Assurance

## **22 Property**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
274	To approve values up to a maximum of £500,000 for land and property identified for disposal.	Assistant Director (Property and Assets)	Jointly with Director of Finance and Support Services
275	With respect to sales under the right to buy in the Housing Act 1985:  a. to sell at valuation subject to any statutory discount where the right to buy is established and  b. to serve any notices under the Act.	Assistant Director (Property and Assets)	In consultation with Director of Law and Assurance and Director of Finance and Support Services
276	To approve settlement of smallholding tenants' claims for compensation in excess of the current limit of delegated powers in paragraph D.	Assistant Director (Property and Assets)	In consultation with Director of Law and Assurance and consulting Cabinet Member for Finance and Property
277	To let or take lettings of (i) land or buildings where the rental will not exceed £30,000 p.a. and the term will not exceed 14 years or the tenancy is periodic and (ii) land and buildings where the rental does not exceed £6,000 p.a. and the term will exceed 14 years. (a)	Assistant Director (Property and Assets)	
278	To negotiate and settle revised rentals under rent review provisions in leases or tenancies and revised payments for	Assistant Director	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	maintenance or services in leases or tenancies. (b)	(Property and Assets)	
279	To negotiate and settle surrenders of leases or tenancies by or to the County Council within the financial and other limits in paragraph (a) as subsequently amended by paragraph (b) above.	Assistant Director (Property and Assets)	
280	To negotiate and settle terms for the acquisition of and acquire land and property up to a limit of £500,000 in respect of each acquisition and where the acquisition does not raise matters of policy or principle. (c)	Assistant Director (Property and Assets)	In consultation with Director of Law and Assurance and with Cabinet Member for Finance and Property
281	To approve for payment such items of compensation as removal expenses, disturbance and/or injurious affection claims, fees and costs where statutorily payable, up to a limit of £60,000. (d)	Assistant Director (Property and Assets)	In consultation with Director of Finance and Support Services and Director of Law and Assurance
282	To dispose of land and property declared surplus by the Cabinet Member for Finance and Property (in consultation with the relevant cabinet member) and not required by another service of the County Council or other appropriate public body up to a limit of £500,000 in respect of each disposal. (e)	Assistant Director (Property and Assets)	In consultation with Cabinet Member for Finance and Property and Assistant Director (Education and Skills)
283	If any of the matters marked (a) to (e) above is of an urgent nature to approve terms where:  a. the Assistant Director has negotiated terms for the letting of land or buildings where the rentals and terms exceed the limits specified in paragraph (a).	Assistant Director (Property and Assets)	After consultation with Cabinet Member for Finance and Property in accordance with the urgent action



<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	<p>b. the Assistant Director has negotiated terms for the surrender of leases or tenancies and such terms are above the limits specified in paragraph (b).</p> <p>c. the Assistant Director has negotiated terms for the acquisition of land and property above the limit specified in paragraph (c).</p> <p>d. the Assistant Director has negotiated terms for the payment of such items of compensation as removal expenses, disturbance and/or injurious affection claims, fees and costs, where statutorily payable above the limits specified in paragraph (d).</p> <p>e. the Assistant Director has negotiated terms for the disposal of land declared surplus by the Cabinet Member for Finance and Property and the property is not required by another service of the County Council or other appropriate public body and such terms are above the limits specified in paragraph (e).</p>		procedure and in consultation with Director of Finance and Support Services and Director of Law and Assurance
284	To approve assignments, underlettings, transfer of licences and to consent to planning and other applications where consent as owners is required in respect of use, alterations and additions or otherwise.	Assistant Director (Property and Assets)	
285	To make proposals and objections to proposals for the amendment of valuation lists regarding any property in which the County Council has an interest.	Assistant Director (Property and Assets)	
286	To negotiate and settle terms for the acquisition of and to acquire land and property for investment or development purposes in line with the	Assistant Director (Property and Assets)	In consultation with Director of Finance and

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	policy on strategic estate management within such financial limit as may be set by the Cabinet Member for Finance and Property in respect of each acquisition, in accordance with the capital programme and where the acquisition does not raise matters of policy or principle and in consultation with the Cabinet Member for Finance and Property.		Support Services, with Cabinet Member for Finance and Property and subject to a record of such decisions made and land and property acquired being maintained for report to the Performance and Finance Scrutiny Committee as may be required
286A	To discharge the responsibilities of officers of the County Council's arm's length property company.	Director of Law and Assurance, Assistant Director (Property and Assets), Deputy Chief Finance Officer	Acting together
286B	To advise the shareholder group of the County Council's arm's length property company.	Chief Executive, Director of Place Services, Director of Finance and Support Services	Acting together
287	To appoint consultants from the approved panel as necessary to assist in carrying out the asset management and investment programmes, subject to the requirements of Standing Orders on Procurement and Contracts.	Assistant Director (Property and Assets)	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
288	To appoint engineering consultants for maintenance, minor capital projects and revenue improvements.	Assistant Director (Property and Assets)	In consultation with Director of Law and Assurance
289	To negotiate fees at not less than cost when undertaking work for other bodies.	Assistant Director (Property and Assets)	
290	To take any action to discourage or remove persons occupying and to prevent the illegal occupation of highway and other County Council land subject to the institution or conduct of any legal proceedings which shall be reserved to the Director of Law and Assurance.	Assistant Director (Property and Assets) with Assistant Director (Highways, Transport and Planning) for highway land	In consultation with Director of Law and Assurance
291	To accept notices served on the County Council under Sections 137 and 150 of the Town and Country Planning Act 1990 or to serve counter-notices.	Director of Law and Assurance	
292	To accept or reject applications requesting enfranchisement under the terms of the Leasehold Reform Act 1967.	Director of Law and Assurance	
293	To accept notices of termination of leases and to accept and serve any statutory notices under the Landlord & Tenant Act 1954.	Director of Law and Assurance	
294	To take such action as may be necessary for the termination of tenancies and/or recovery of rent or enforcement of other obligations.	Director of Law and Assurance	
295	To take any action and institute any proceedings necessary to recover or defend possession of land including interests in land owned or leased by the County Council.	Director of Law and Assurance	

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
296	In appropriate cases, as put forward by the Assistant Director (Property and Assets) to approve the use of alternative forms of building contract.	Director of Law and Assurance	
297	To secure and manage the sites provided by the County Council for the accommodation of gypsies, Roma and travellers in so far as they are under County Council control.	Assistant Director (Property and Assets)	
298	To secure that County Council-maintained school premises conform to prescribed standards and meet sufficiency and suitability criteria.	Assistant Director (Property and Assets)	

## **2AA Risk Management**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
299	To approve the corporate risk management strategy.	Chief Executive	
300	To manage and secure compliance with the corporate risk management policy and to manage arrangements for effective risk management by the County Council.	Director of Finance and Support Services	With Director of Law and Assurance
300A	To ensure the proper governance of corporate risk management.	Director of Law and Assurance	

## **2BB Urgent Action**

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
301	If, in his or her opinion, any matter is of an urgent nature, after consultation with the appropriate Director/Assistant Director and consultation with the appropriate cabinet member, to take any necessary action in furtherance of the functions of the County Council.	Chief Executive	Severally by Director of Law and Assurance

<b>Section /No.</b>	<b>Function</b>	<b>Officer</b>	<b>Form of shared delegation</b>
	In the event of the cabinet member being unavailable for consultation, the Leader shall be consulted.		

## Proper Officers Functions Designated by the County Council

### Local Government Act 1972

Section	Subject	Proper Officer
83	Declarations of acceptance of office	Director of Law and Assurance
84	Receiving written notice of members' resignations from office	Director of Law and Assurance
88(2)	Convening County Council meeting for election to vacant office of Chairman	Director of Law and Assurance
89(1)(b)	Receiving notice from two local government electors of casual vacancy in office of member	Director of Law and Assurance
96	Receiving and recording notice of prejudicial interest	Director of Law and Assurance
100B(2)	Deciding whether part or whole copies of reports should be excluded from public inspection before a meeting if the meeting is likely not to be open to the public	Director of Law and Assurance
100B(7)(c)	Deciding whether copies of documents already supplied to members in connection with an agenda item, other than those defined in S100B(7)(a) and (b) of the Act, shall also be supplied to the press	Director of Law and Assurance
100C(2)	Preparing a written summary of proceedings of the whole or part of a meeting which will provide members of the public with a reasonably fair and coherent record of such proceedings, when exempt information has been excluded from the minutes which are open to inspection	Director of Law and Assurance
100D(1)(a)	Compiling a list of background papers for a report or part of report for a meeting	Appropriate Director responsible for preparation of the report
100D(5)(a)	Identifying the background papers which disclose facts or matters on which a	Appropriate Director

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
	report (or an important part of a report) is based	
100F(2)	Identifying which documents contain exempt information not available for members	Director of Law and Assurance
115(2)	Receiving money due from officers to the County Council	Director of Finance and Support Services
146(1)	Specifying securities and verifying change of name and identity of local authority	Director of Finance and Support Services
151	Responsibility for the administration of the County Council's financial affairs	Director of Finance and Support Services
191(2)	Receiving applications from Ordnance Survey for assistance	Director of Law and Assurance
225(1)	Receiving and retaining deposited documents	Director of Law and Assurance
229(5)	Certifying photographic copies of documents for the purposes of legal proceedings	Director of Law and Assurance
S234	Signing any public notices, orders or other documents on behalf of the authority and any advertisements	Director of Law and Assurance
S236	Sending copies of byelaws to districts	Director of Law and Assurance
S238	Certification of copy of byelaws	Director of Law and Assurance
Schedule 12 Part I paragraph 4(2)(b)	Signing summonses to meetings	Director of Law and Assurance
Schedule 12 Part I para-graph 4(3)	Receiving written notice that a member wants the summons for meetings of the County Council to be sent to an address other than the member's place of residence	Director of Law and Assurance
Schedule 29 paragraph	Appointing interim superintendent registrars or interim registrars of births	Director of Place Services

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
41(3)(4) and (5)	<p>and deaths pursuant to S9(1) and (2) of the Registration Service Act 1953</p> <p>Exercising powers provided by the local scheme of organisation of the Registration Service pursuant to Section 13(2)(h) and 13(3)(b) of the Registration Service Act 1953</p> <p>Prescription by the Registrar General of duties under the Registration Acts of proper officers pursuant to Section 20 of The Registration Service Act 1953</p>	

### **Local Government Act 1974**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
S30(S)	Giving public notice of receipt of a report by a local commissioner	Director of Finance and Support Services

### **Highways Act 1980**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
S59	Issuing certificates associated with the recovery of expenses due to extraordinary traffic	Assistant Director (Highways, Transport and Planning)
S96	Signing consents to plant in the highway	Assistant Director (Highways, Transport and Planning)
S115B&E	Approving and issuing public notices for the installation of public seats and notice boards in the highway	Assistant Director (Highways, Transport and Planning)
S142	Signing licences for plant in the highway	Assistant Director (Highways, Transport and Planning)
S205	Preparation of a street works specification, an estimate of works expenses, and a provisional apportionment to comprise the particulars to submit for approval where the authority is satisfied that a private street should be made up under the Private Street Works Code	Assistant Director (Highways, Transport and Planning)



<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
S210	Certifying and keeping on deposit documents giving details of amendments to the specification, apportionment, etc	Assistant Director (Highways, Transport and Planning)
S211	Making the final apportionment associated with street works	Assistant Director (Highways, Transport and Planning)
S295	Issuing a notice requiring owners to remove materials from non-maintainable streets in which works are due to take place	Assistant Director (Highways, Transport and Planning)
S321	Authentication of notices, consents, approvals, orders, demands, licences, certificates or other documents	Director of Law and Assurance
Schedule 9, paragraph 4	Signing plans showing proposed prescribed improvement or building lines	Director of Law and Assurance

### **Representation of the People Act 1983**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
S35	Carrying out the duties of Returning Officer and appointing others to carry out these duties	Director of Law and Assurance
S67	Giving public notice of the appointment of an Election Agent	Director of Law and Assurance
S131	Providing accommodation for holding election count	Director of Law and Assurance

### **Road Traffic Regulation Act 1984**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
S14(2)	Signing any public notice under Section 14 (2) of the Road Traffic Regulation Act 1984	Assistant Director (Highways, Transport and Planning)

### **Local Government Finance Act 1988**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
S116(1)	Responsibility for notifying the external auditor of arrangements for a meeting to	Chief Executive

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
	consider a report from the Chief Financial Officer under this Act	

### **Local Government and Housing Act 1989**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
S2	Holding of the list of posts that are politically restricted within the definition in sub-sections (2) and (3) of Section 2 of the Act	Director of Law and Assurance
S15 – 17	Receiving notice of formation of political group or of changes in membership of political group; the name of the group; the name of the group's leader and deputy; and group's nominations of members to sit on committees etc	Director of Law and Assurance
S19	Receiving notice of members' interests and maintaining a register for public inspection	Director of Law and Assurance

### **Food Safety Act 1990**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
S49(3)	Signing any document authorised or required to be given, made or issued by the Food Authority	Director of Law and Assurance

### **Town and Country Planning Act 1990: Town and Country Planning (Development Management Procedure) Order 2010**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
Article 8	Signing any public notice or advertisement under Article 8 of the Town and Country Planning (Development Management Procedure) Order 2010	Director of Place Services

**The Local Government Act 2000 Section 22: Access to Information etc  
Local Authorities (Executive Arrangements) (Access to Information)  
(England) Regulations (SI 2012/2089)**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
Regulation 12	Producing a written statement of Executive decisions made at meetings	Director of Law and Assurance
Regulation 13	Producing a written statement of Executive decisions made by individual members	Director of Law and Assurance
Regulation 14	Making a copy of written statements of Executive decisions and associated reports available for inspection by the public	Director of Law and Assurance
Regulation 17	Making available for inspection a list of background papers	Director of Law and Assurance

**The Local Government Act 2000: Section 34: Local Authorities  
(Referendums) (Petitions and Directions) Regulations 2000 (SI 2000/760)**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
S34	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Director of Law and Assurance

**The Local Government Act 2000**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
21ZA(2)(a), (b) and (c)	<p>Promoting the role of the authority's overview and scrutiny committees</p> <p>Providing support to those committees and their members</p> <p>Providing support and guidance to members and officers in relation to the functions of those committees</p>	The Statutory Scrutiny Officer (Head of Democratic Services) appointed by the Director of Law and Assurance

### **Children Act 2004**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
S18	Responsibilities for designated functions relating to children's social care, education and health	Director of Children, Young People and Learning

### **Localism Act 2011**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
S33	Considering requests for dispensation from the restrictions of s.31(4) Localism Act 2011 in relation to pecuniary or prejudicial interests	Director of Law and Assurance

### **Public Service Pensions Act 2013**

<b>Section</b>	<b>Subject</b>	<b>Proper Officer</b>
S4	To manage and advise the County Council in the discharge of the responsibilities of the County Council as Scheme Manager in relation to the Local Government Pension Scheme	Director of Finance and Support Services and the Director of Law and Assurance
S4	To manage and advise the County Council in the discharge of the responsibilities of the West Sussex Fire and Rescue Authority as Scheme Manager in relation to the Firefighters' Pension Schemes	Chief Fire Officer

# Delegation Codes of Practice

## Development Management - Delegation Code of Practice

The proposed framework in which the powers delegated to the Assistant Director (Highways, Transport and Planning) relating to the determination of applications for planning permission and the County Council's response to consultations by district and borough councils, and the South Downs National Park Authority (SDNPA) is to operate as set out in the Code of Practice below which provides the safeguards for the process of delegation. It should be remembered that officers will have discretion to determine a matter but will aim to err on the side of caution in deciding whether to exercise that discretion.

### Notification

- (i) In the case of any new application for planning permission (i.e. a County Matter, or a Regulation 3 application), each member of the County Council will receive notification by a schedule included in The Bulletin which will also indicate where possible whether the application is to be determined under delegated powers. The list will indicate the local member, and in the case of applications having a wider significance, adjoining division members. The application will not be determined for a period of 21 days from the date of notification in The Bulletin.
- (ii) In the case of a consultation (i.e. District Regulation 3 or Regulation 4 consultation, or strategic consultation under Schedule 1 of the Town and Country Planning Act 1990) each member of the County Council will receive notification by a schedule included in The Bulletin which will also indicate where possible whether the consultation is to be determined under delegated powers. The list will indicate the local member, and in the case of applications having a wider significance, adjoining division members. The consultation will not be determined for a period of 10 days from the date of notification in The Bulletin.
- (iii) In the case of enforcement action the local member will be notified by e-mail.

### Members' Views

Any member wishing to express a view must do so to the Assistant Director (Highways, Transport and Planning)'s nominated officer as stated on the notification within the appropriate period (10 or 21 days) and the member's view will then be taken into account in reaching a decision. If a member expresses a view contrary to the view of the Assistant Director (Highways, Transport and Planning) that the consultation or application should be determined under delegated powers, that acts as a veto barring the delegation, unless otherwise agreed with the member, after discussion of the issues involved. In those circumstances applications for planning permission must be determined by the Planning and Rights of Way Committee and consultations will be referred to the Cabinet Member for Highways and Transport. If a member wishes to exercise a veto in this way, it must be communicated to the Assistant Director (Highways, Transport and Planning) within the appropriate notification period (10 or 21 days).

## **Objections**

In respect of applications for planning permission by the County Council under Regulation 3, where, as a result of the consultation process, a statutory consultee objects in writing to a proposal, or there are written substantive material objections from members of the public the delegation is barred.

## **Conformity with County Council Policies**

Delegated authority decisions will only be made in accordance with the County Council's stated policies. Recommendations on applications that would depart from this requirement must be reported to the Planning and Rights of Way Committee or, in the case of consultations, to the Cabinet Member for Environment and Climate Change.

## **Monitoring**

All decisions on planning applications, other than consultations, determined under delegated powers will be reported every six months to the Planning and Rights of Way Committee so that such delegated decisions can be monitored.

## **Rights of Way - Delegation Code of Practice (Stopping Up Orders, Public Path Orders, Definitive Map Modification Orders, Town and Village Green Applications and corrections to Common Land and Town and Village Green Registers)**

### **Public Path Orders**

The proposed framework in which the powers delegated to the Assistant Director (Highways, Transport and Planning) in consultation with the Director of Law and Assurance relating to stopping up orders under Part VIII of the Highways Act 1980 and public path orders (which in this case means all public path orders pursuant to the Highways Act 1980, permissive path agreements and dedication agreements) is to operate as set out below which provides the safeguards for the process of delegation. It should be remembered that officers will have discretion to determine a matter but will aim to err on the side of caution in deciding whether to exercise that discretion.

### **County Council Public Path Orders and Stopping Up Orders**

#### **i. Notification**

New proposal(s) will be reported in The Bulletin. The list will indicate the local member and, in the case of applications having a wider significance, adjoining division members. The proposal will not be decided for a period of 21 days from the date of notification in The Bulletin.

Any local member (or adjacent division member where appropriate) wishing to express a view must do so to the Assistant Director (Highways, Transport and Planning)'s nominated officer as stated on the notification within the 21-day period and the member's view will then be taken into account in reaching a decision. If a member disagrees with the view of the Assistant Director, in relation to the delegation, and this is within the 21-day period, the matter will be referred to the Planning and Rights of Way Committee for determination. If the causes of disagreement can be resolved through discussion, the delegated action can proceed.

#### **ii. Objections from district and parish councils, Sussex Police and interested user groups**

In respect of proposal(s) where, as a result of the consultation process, a borough, district, town or parish council, Sussex Police or a prescribed user group objects in writing to the application, the delegation is barred.

#### **iii. Objections from the public**

In respect of proposal(s) where, as a result of the consultation process, there remain outstanding substantive comments from members of the public, the delegation is barred.

### **Local district/borough councils and the South Downs National Park Public Path Orders**

#### **i. Notification**

Consultations on proposal(s) to change the network will be reported in the

Bulletin and the consultation proposal will not be decided for a period of 10 days from the date of notification in the Bulletin. Any member wishing to express a view must do so to the Assistant Director (Highways, Transport and Planning)'s nominated officer as stated on the notification within the 10-day period. If a member disagrees with the view of the Assistant Director, in relation to the delegation, and this is within the 10-day period, the County Council will lodge a holding objection with the authority dealing with the proposal and the matter will be reported to the next meeting of the Planning and Rights of Way Committee for consideration.



## **Definitive Map Modification Orders (DMMO)/Town and Village Green (TVG) Applications and Corrections to Common Land/TVG Registers**

The proposed framework in which the powers delegated to the Director of Law and Assurance relating to definitive map modification order applications, village green applications and applications to amend the commons and village green registers is to operate as set out below, providing safeguards for the process of delegation. It should be remembered that officers will have discretion to determine a matter but will aim to err on the side of caution in deciding whether to exercise that discretion.

### **Local Member Notification**

New applications for DMMO, TVG and to amend the Commons/TVG registers will be notified to the local member for information by email within two weeks of acceptance of a valid application.

### **Significant evidence in conflict**

There are strict legal tests associated with such applications and relevant evidence will be needed. Objections are often received which must be discounted, for example where the objection is that a route is not suitable for use. Such objections would be discounted even if large in number or from other local authorities or prescribed user groups. In other cases there may be significant credible evidence in conflict. A significant conflict in credible evidence provided in support or against an application bars the delegation and the determination then rests with the Planning and Rights of Way Committee. Where there is uncertainty the officers will undertake the necessary report, setting out whether the legal tests have been met and explaining the evidence in conflict and a discussion will take place with the Chairman of the Planning and Rights of Way Committee and the local member about whether the delegation should be barred.

### **No significant evidence in conflict received**

Where no significant evidence in conflict has been received the matter shall be determined by officers. The officer's report will be signed off as a delegated decision.

### **Report of Delegated decisions**

All decisions on applications determined under delegated powers will be reported every six months to the Planning and Rights of Way Committee for the Committee so that such delegated decisions can be monitored.

## **Highways and Transport - Delegation Code of Practice**

The proposed framework in which the powers delegated to the Assistant Director (Highways, Transport and Planning) relating to the determination of applications for Traffic Regulation Orders and other traffic regulation matters, and to applications for stopping up orders under Part VIII of the Highways Act 1980 is to operate as set out in the Code of Practice below which provides the safeguards for the process of delegation. It should be remembered that officers will have discretion to determine a matter, but will aim to err on the side of caution in deciding whether to exercise that discretion.

### **Notification**

- (i) In the case of any determination of traffic regulation orders, speed limit orders, cycle track orders, experimental orders, parking places orders and revocation orders, traffic management matters, including parking schemes, pedestrian crossings, road safety and traffic calming which, following advertisement, have received five or fewer objections or representations from those affected, local member(s), and in the case of applications having a wider significance, adjoining division members, will receive notification by a schedule included in The Bulletin. The order will not be determined for a period of 10 days from the date of notification in The Bulletin.
- (ii) In the case of any application for stoppings up under the Highways Act 1980 which, following consultation, have received no objections or representations from those affected, local member(s), and in the case of applications having a wider significance, adjoining division members, will receive notification by a schedule included in The Bulletin. The order will not be determined for a period of 10 days from the date of notification in The Bulletin.

### **Members' Views**

Any local member wishing to express a view must do so to the Assistant Director (Highways, Transport and Planning)'s nominated officer as stated on the notification within the appropriate period (10 days) and the member's view will then be taken into account in reaching a decision. If a member expresses a view contrary to the view of the Assistant Director (Highways, Transport and Planning) that the matter should be determined under delegated powers, that acts as a veto barring the delegation, unless otherwise agreed with the member, after discussion of the issues involved. In those circumstances matters must be determined by the Cabinet Member for Highways and Transport. If a member wishes to exercise a veto in this way, it must be communicated to the Assistant Director (Highways, Transport and Planning) within the appropriate notification period (10 days).

### **Objections**

Proposals for traffic regulation orders and other traffic management matters which have received more than five objections or representations from those affected will be considered by the Cabinet Member for Highways and Transport.

## **Conformity with County Council Policies**

Delegated authority decisions will only be made in accordance with the County Council's stated policies.

## **Monitoring**

All decisions on traffic regulation orders and other traffic regulation matters determined under delegated powers will be reported regularly to the Cabinet Member for Highways and Transport so that such delegated decisions can be monitored.

# Non-Executive Functions Delegated to Committees

## Planning and Rights of Way Committee

### Constitution

Thirteen members of the County Council. Quorum is four.

**Note:** Members of this Committee are required to undertake training as specified by the relevant Director or lead service officer, prior to being able to take part in meetings of the Committee.

### Terms of Reference

To exercise the following functions relating to town and country planning:

1. To exercise the statutory non-executive powers and duties of the County Council pursuant to the Town and Country Planning Act 1990, the Highways Act 1980 and the New Roads and Street Works Act 1981 and the Planning and Compulsory Purchase Act 2004, the Planning and Compensation Act 1991 and the Environment Act 1995.
2. To determine applications for planning permission in respect of County Matters – minerals and waste under Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.
3. To determine applications for planning permission by the County Council under Section 316 of the Town and Country Planning Act 1990 and of the Town and Country Planning General Regulations 1992 (SI 1992/1492).
4. To determine applications for planning permission for development already carried out under Section 73A of the Town and Country Planning Act 1990.
5. To decline to determine an application for planning permission under Section 70A of the Town and Country Planning Act 1990.
6. To make planning obligations regulating the development or use of land under section s106 and section 106A of the Town and Country Planning Act 1990 and other enabling legislation.
7. To determine an application for a certificate of appropriate alternative development under Section 17 of the Land Compensation Act 1961.
8. To determine an application for a certificate of lawful use or development under Sections 191-194 of the Town and Country Planning Act 1990.
9. To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject, under paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act

1991 (c.34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act.

10. To grant or refuse planning permission for development without complying with conditions to which previous planning permission is subject, under Section 73 of the Town and Country Planning Act 1990.
11. To serve a planning contravention notice, temporary stop notice, breach of condition notice or stop notice, under Sections 171C, 171E, 187A and 183(1) of the Town and Country Planning Act 1990.
12. To issue an enforcement notice under Section 172 of the Town and Country Planning Act 1990 and to seek injunctions to restrain breaches of planning control under Section 187B of the Town and Country Planning Act 1990.
13. To serve completion notices under Section 94 of the Town and Country Planning Act 1990.
14. To appoint members of the County Council to outside bodies which relate to the non-Executive functions of the Committee.
15. To exercise functions relating to sea fishers under Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38).
16. To advise the Executive on such aspects of the Development Plan as relate to the Committee's functions.
17. To exercise the power under Section 102 of the Town and Country Planning Act 1990 in relation to the requirement to discontinue the use of land.
18. To exercise the power to acquire a listed building in need of repair under Section 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
19. To seek an injunction in relation to a listed building under Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
20. To determine applications for hazardous substances consent and related powers under Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
21. To authorise investigations of breaches of Regulations made under section 54 of the Clean Neighbourhoods and Environment Act 2005, including the power of entry into premises.
22. To authorise the entry onto land under section 196A of the Town and Country Planning Act 1990.

To exercise the following functions in relation to rights of way:

23. To exercise the statutory non-executive powers and duties of the County Council in relation to public rights of way (which includes, but is not limited to, public footpaths, bridleways, byways open to all traffic and restricted byways).

24. To exercise the statutory non-executive powers and duties of the County Council in relation to commons and town or village greens.

To exercise the following functions in relation to town and country planning and rights of way:

25. To review and adjust delegations to officers within the functions delegated to the Committee.
26. To delegate powers, when appropriate and on the recommendation of the Director of Law and Assurance, to another local authority and to be able, subsequently, to review, amend or withdraw that delegation.
27. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b).

## **Regulation, Audit and Accounts Committee**

### **Constitution**

Seven members of the County Council and up to two non-voting co-opted independent members. Quorum is three members of the Council. The Chairman will be a minority group member in accordance with Standing Order 2.13.

The non-voting co-opted independent members should have experience of audit and financial management, preferably with knowledge of local authorities and will be appointed by the Committee on the recommendation of the Chairman and Vice-Chairman of the Committee. The term of office is four years, renewable twice with the agreement of the Committee.

### **Role**

The Committee's purpose is to provide oversight of the Council's systems of governance and risk management and its arrangements for financial control and compliance. Its role is to ensure there is sufficient assurance for governance, risk and control to provide confidence that arrangements are effective.

The Committee has oversight of internal and external audit helping to ensure there are adequate arrangements in place for internal and external challenge and public accountability.

CIPFA provides guidance on the role and work of Audit Committees which can be made available to County Councillors on request.

### **Terms of Reference**

#### **Audit Functions**

1. To undertake the County Council's responsibilities to ensure an adequate and effective system of internal audit under the Accounts and Audit Regulations 2015.
2. To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
3. To approve the internal audit work programme.
4. To monitor the effectiveness of the County Council's external audit arrangements, including liaison between internal and external audit.
5. To monitor the implementation of recommendations and actions arising from the findings of audit work.
6. To consider the external auditor's letter, relevant reports, and reports to those charged with governance. To maintain an overview of reports to the County Council from other external agencies to see that these are considered and acted upon by the appropriate body within the County Council so far as necessary.

7. To commission work from internal and external audit in line with the Committee's role.
8. To recommend to the County Council the approach, in line with legal requirements, for the appointment of the external auditor for the Council and, in consultation with the Chairman of the Pensions Committee, for the West Sussex Pension Fund.

### **Accounts Functions**

9. To consider and approve the annual statement of accounts, income and expenditure and balance sheet, or record of payments and receipts as required under the Accounts and Audit Regulations 2015 and the Local Government Pension Scheme (Administration) Regulations 2008 as amended.

### **Treasury Management Functions**

10. To receive quarterly compliance reports on treasury management performance against planned parameters.
11. To consider the wider issues of managing treasury risk including borrowing in the context of interest rate forecasts and the needs of the capital programme.

### **Corporate Functions**

12. To advise the County Council on proposed revisions to the County Council's Standing Orders on Procurement and Contracts, Financial Regulations and Risk Management Procedures.
13. To oversee the production of the County Council's Annual Governance Statement, to recommend its adoption and to monitor the delivery of its action plan.
14. To monitor the effective development of risk management, including annually agreeing the Council's risk approach as detailed in the Risk Management Strategy.
15. To monitor and approve any changes to the County Council's anti-fraud and corruption strategy and Anti-Money Laundering Policy.

### **Regulatory Functions**

16. To oversee and consider reports on the discharge of the County Council's regulatory functions and related statutory responsibilities in so far as these may fall outside the responsibility of the County Council's Executive.
17. To exercise the powers and duties of the County Council in relation to the approval of premises for the solemnisation of marriages and formation of civil partnerships under the Marriages (Approved Premises) Regulations 1995 as amended (delegated to the Assistant Director (Communities)).



18. To exercise the requirement under Regulation 9 of the Marriages and Civil Partnership (Approved Premises) Regulations 2005 to hear and determine formal representations from applicants who have had an application refused or revoked and have requested a review to the Proper Officer for Registration. This power to be exercised by any three members of the Committee appointed by the Director of Law and Assurance after consultation with the Chairman of the Committee.
19. To make, amend, revoke or re-enact byelaws under any provision of any enactment (including a local Act), whenever passed, and Section 14 of the Interpretation Act 1978 (c.30).
20. To exercise the powers and duties of the County Council in relation to Petroleum Storage Certificates (delegated to the Assistant Director (Environment and Public Protection)).
21. To exercise the powers and duties of the County Council in relation to the Manufacture and Storage of Explosives Regulations 2014 (delegated to the Assistant Director (Environment and Public Protection), including for any public hearing required).
22. To issue permits for operation of mini-buses under Section 19 Transport Act 1985 (delegated to the Assistant Director (Highways, Transport and Planning)).
23. To license the employment of children under Part II of the Children and Young Persons Act 1933 (c.33), byelaws made under that Part and Part II of the Children and Young Persons Act 1963 (c.37) (delegated to the Assistant Director (Education and Skills)).
24. To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds under Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27) (delegated to the Chief Fire Officer).
25. To issue, cancel or amend or replace safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act 1975 (delegated to the Chief Fire Officer).
26. To receive and consider reports on the County Council's exercise of the powers available under the Regulation of Investigatory Powers Act 2000.

#### **Other**

27. To refer matters of concern to the appropriate forum for consideration, such as another committee of the County Council.
28. To review and adjust delegations to officers within the functions delegated to the Committee.
29. To delegate powers, when appropriate and on the advice or recommendation of the Director of Law and Assurance, to another local authority including a borough or district council and to be able, subsequently, to review, amend or withdraw that delegation.

30. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43(b).

**Standards Committee****Constitution**

Nine members of the County Council, including the Chairman and Vice-Chairman of the Council who are ex-officio Chairman and Vice-Chairman respectively. Quorum is three.

**Terms of Reference**

1. To promote and maintain high standards of conduct by members and co-opted members.
2. To consider complaints against any member relating to alleged breaches of the Code of Practice on Probity in Planning and the Codes of Conduct for members and officers, to make findings of fact and decisions in respect of the action to be taken and, where necessary, to make recommendations to the County Council.
3. To deal with allegations that a member or co-opted member has failed or may have failed to comply with the Code of Conduct, in accordance with the relevant provisions of the Localism Act 2011 and any relevant regulations ("the regulations").
4. To establish sub-committees to undertake the initial assessment of allegations and to conduct hearings in accordance with the procedure set out hereunder.
5. To hear appeals against the decisions of Hearings Sub-Committees which will be in the form of a complete re-hearing.
6. In cases regarded as appropriate to grant an indemnity or partial indemnity to a member for or make a contribution towards costs reasonably incurred in respect of:
  - (a) a hearing before the Hearings Sub-Committee for determination, after an investigation arranged by the Monitoring Officer; or
  - (b) a hearing of an appeal against a finding of the Hearings Sub-Committee which results in a hearing before the Standards Committee

But in any case, only to the extent that the member is found not to have breached the Code of Conduct.

7. To consider the implications for the County Council and the proper conduct of its business of the application of the Code of Conduct and to advise and bring forward modifications to the Code as appropriate.
8. To assist members to observe the Code of Conduct.

9. To oversee the implementation of the Code including, in particular, the training of members on the Code and on matters of conduct.
10. To advise the County Council on any aspects of Standing Orders relating to conduct, or otherwise on propriety including the Code of Practice on Probity in Planning, Protocol on Relationships between Members and Officers, IT Policy for Equipment Supplied to Members, Code of Practice on Publicity, Guidance on Propriety and Official Conduct for Officers and Whistle Blowing Policy.
11. To receive for resolution any issue as to the discharge of responsibilities by any member arising from the outcome of a Disclosure and Barring Service check relating to that member and to appoint a panel of members from the Committee to determine the matter.
12. To have responsibility for reviewing monitoring and advising upon the County Council's complaints procedure including the Council's exercise of its powers to settle any claims for maladministration.
13. To appoint an independent investigating officer to investigate any charges of misconduct by the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.
14. To review and adjust delegations to officers within the functions delegated to the Committee.
15. To delegate powers, when appropriate and on the recommendation of the Director of Law and Assurance, to another local authority including a borough or district council and to be able, subsequently, to review, amend or withdraw that delegation.
16. To make arrangements for the appointment of at least one independent person to advise the Committee, particularly on investigations into allegations that a member has breached the code of conduct, and to advise any individual member of the County Council who is the subject of a complaint under the Code of Conduct.
17. To consider a petition under the Petitions Scheme in accordance with Standing Order 3.43 (b).
18. To receive reports from and review the recommendations of the Local Government and Social Care Ombudsman in any instance where it is proposed that the recommendations are not accepted and to make a final decision on the County Council's response.

## **Investigation of Allegations**

### **Assessment Sub-Committee**

A sub-committee comprising three members of the Standards Committee. The sub-committee will be appointed by the Director of Law and Assurance after consultation with the Chairman, from members of the Standards Committee subject to members' availability and ensuring the make-up of the sub-committee includes at least one minority member, and, as far as possible, an even distribution of workload. The sub-committee will be discharged once its work is completed.

### **Terms of Reference**

To make an initial assessment of a specific allegation that a member or co-opted member has failed or may have failed to comply with the Code of Conduct and determine whether:

- (a) to refer the allegation to the Monitoring Officer for investigation or other action; or
- (b) to take no action in respect of the allegation.

### **Pre-assessment Activity and Report**

Upon receipt of an allegation against a member, the Monitoring Officer shall consider whether it is one which needs to be dealt with under this procedure, or whether it is more suitable to be dealt with under the County Council's general complaints procedure or protocols in which case he may arrange for it to be handled accordingly. The Monitoring Officer shall have discretion to seek to resolve disputes or complaints informally at any stage, including involving group leaders where appropriate to achieve conciliation.

To assist the sub-committee the Monitoring Officer shall undertake or secure such pre-assessment enquiries as he considers necessary and shall provide the sub-committee with a report summarising the allegation made and including:

- (a) whether it is within the jurisdiction of the committee;
- (b) the paragraph(s) of the Code of Conduct to which the allegation may relate;
- (c) any further information likely to assist the sub-committee.

The Independent Person (a person appointed by the County Council to advise the Standards Committee and its sub-committee, particularly on individual cases) will be consulted on the allegation and whether it could amount to a breach of the Code of Conduct. His or her views will be included in the Monitoring Officer's report and he or she may be invited to attend the meeting of the sub-committee.

**Provided that** neither the pre-assessment enquiries conducted by the Monitoring Officer nor the work of the Assessment Sub-Committee shall be carried out in such a way as to amount to an investigation of the allegation.

The Monitoring Officer shall, at the earliest opportunity, notify the member subject

to the complaint that a complaint has been made.

### **Initial Tests**

In assessing any allegation brought before it, the Assessment Sub-Committee must first determine whether it passes the following tests:

- (a) that the allegation is a complaint against one or more named members or co-opted members of the County Council;
- (b) that the named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- (c) that the allegation, if proven, may amount to a breach of the Code of Conduct under which the member was operating at the time of the alleged misconduct.

If the allegation fails to meet one or more of these requirements it cannot be investigated as a breach of the Code, and the sub-committee will inform the complainant, through the Monitoring Officer, that no further action will be taken.

### **Assessment Criteria**

In assessing allegations in accordance with its terms of reference the Assessment Sub-Committee shall address all relevant considerations and may ask itself whether:

- (a) there is enough information to enable the sub-committee to determine what action should be taken in respect of the allegation (and it may resolve to take no further action pending receipt of further information);
- (b) the allegation concerns someone who is no longer a member of the County Council but is a member of another authority (in which case the sub-committee may resolve to refer the allegation to the other authority);
- (c) the allegation has already been the subject of an investigation or other action (in which case the sub-committee may resolve that further action would be inappropriate);
- (d) so much time has passed since the events giving rise to the allegation that there would be little benefit in taking action now (in which case the sub-committee may resolve that further action is unwarranted);
- (e) the allegation is too trivial to warrant further action (in which case the sub-committee may resolve accordingly);
- (f) whether the allegation appears to be malicious, politically or personally motivated and not sufficiently serious to warrant further action (in which case the sub-committee may resolve accordingly).

[NB - The Assessment Sub-Committee will only consider referring allegations made anonymously for investigation or other action if they include corroborative evidence and where the gravity of the allegation warrants it]

## **Initial Assessment Decision**

The Assessment Sub-Committee will normally complete its assessment of an allegation and reach a decision on the action to be taken as early as possible but within 20 working days of the allegation being received by the Monitoring Officer. If it is apparent that there is likely to be any substantial delay in the sub-committee completing its work the Monitoring Officer shall advise the person making the allegation and the member who is the subject of the allegation and shall tell them when the assessment is likely to be completed.

Upon completion of its assessment, the sub-committee may decide:

- (a) to refer the allegation to the Monitoring Officer for investigation, or (subject to consultation with the Monitoring Officer), for action other than investigation\* and to receive a report on the outcome within three months or such earlier time as the sub-committee may decide. In the case of investigation, the Monitoring Officer will appoint an officer other than himself or herself to investigate;
- (b) that no action is required in respect of the allegation;
- (c) whether the complainant's request for confidentiality in any notification to the subject of the complaint should be respected.

[\*NB – "Action other than investigation" means arranging for any member against whom an allegation is made to attend a training course; arranging for that member and the person making the allegation to engage in a process of conciliation; and/or such other appropriate actions such as recommending changes to the procedures of the County Council if they have given rise to the complaint. If the Assessment Sub-Committee, after consultation with the Monitoring Officer, chooses this option, the Monitoring Officer shall invite the member concerned, and the party making the allegation, if appropriate, to confirm their willingness to co-operate.]

In any case, the sub-committee shall notify its decision to the person making the allegation and the member who is the subject of it within two working days.

If the sub-committee decides that no action is required the notification shall give the sub-committee's reasons for the decision.

If the sub-committee decides to refer the allegation to the Monitoring Officer its notification of that decision should not give reasons for the decision, but it will normally include a summary of the allegation.

## **Access to Meetings and Decision Making**

Meetings of the Assessment Sub-Committee convened to assess allegations will usually include confidential personal information and, in such cases, will not be open to the public or press.

Written summaries of the proceedings of the sub-committees will be produced and made available for inspection if this would not be in breach of any duty of confidence or data protection principle.

## **Withdrawal of Allegations**

If a person who has made an allegation to the Monitoring Officer that a member or co-opted member has failed or may have failed to comply with the Code of Conduct wishes to withdraw the allegation, the Monitoring Officer shall have discretion to allow the withdrawal, without prior consideration by the Assessment Sub-Committee, if he considers it appropriate, except in the case of an allegation of a serious nature. Where requests are considered by the Assessment Sub-Committee, in deciding whether to accede to the request, the sub-committee shall have regard to all relevant considerations including whether:

- (a) the public interest in taking some action on the allegation outweighs the wishes of the person making it;
- (b) the allegation is such that it can be investigated or subjected to other action without the participation of the person making it;
- (c) there is an identifiable underlying reason for the withdrawal request such that the request should be declined (e.g. information to suggest that the person making it may have been pressured to withdraw it).

## **Confidentiality**

A member will usually be informed as to who has made an allegation against them. Exceptionally, however, the Assessment Sub-Committee may accede to a request for confidentiality by the person making the allegation. The sub-committee will consider any such request alongside its consideration of the substance of the allegation. In deciding whether to accede to the request, the sub-committee shall have regard to all relevant considerations including whether:

- (a) the person making the allegation has a reasonable belief that they will be at risk of harm if their identity is disclosed;
- (b) that person is an officer who has a reasonable belief that they will be adversely affected in their employment if their identity is disclosed;
- (c) that person suffers from a serious medical condition (of which medical evidence has been provided) and there are medical risks associated with their identity being disclosed.

If the Assessment Sub-Committee decides that there are reasonable grounds for acceding to the request it will also consider whether it is possible to investigate the allegation without disclosing the identity of the person making it.

If the sub-committee refuses to accede to the request, it may give the person making the allegation the opportunity to withdraw it unless the sub-committee concludes that the public interest in proceeding with the investigation outweighs the wishes of the person making the allegation to have their identity withheld.



## **Local Hearing of Allegations**

### **Hearings Sub-Committee**

A sub-committee comprising at least three members of the Standards Committee. The sub-committee will be appointed by the Director of Law and Assurance to undertake a particular hearing, after consultation with the Chairman, from members of the Standards Committee subject to members' availability and ensuring the make-up of the sub-committee includes at least one minority member, and, as far as possible, an even distribution of workload. The sub-committee will be discharged once its work has been completed.

### **Procedure for Local Determination of Allegations of Member Misconduct by the Standards Committee or Appointed Sub-Committee**

The following procedure shall apply to any hearing held by a Hearings Sub-Committee or, in the case of an appeal in accordance with paragraph 32, the Standards Committee to consider a report referred to it by the Monitoring Officer. Where an appeal is limited to certain outcomes only (such as the penalty imposed) the procedure will be adapted accordingly and with the agreement of the member.

### **Interpretation**

1. 'Member' means the member of the County Council who is the subject of the allegation unless stated otherwise. It also includes the member's nominated representative where relevant.
2. 'Investigator' means the investigating officer, and his or her nominated representative.
3. 'Legal adviser' means the officer responsible for providing legal advice to the Committee or sub-committee. This may be the Monitoring Officer, another legally qualified officer of the County Council, or someone appointed for this purpose from outside the County Council.
4. "Committee" means the Committee or any of its sub-committees.
5. "Independent Person" means a person appointed by the County Council to advise the Standards Committee and its sub-committees, particularly on individual cases. A different Independent Person may have advised the member during the investigation process.

### **Representation**

6. The member may be represented or accompanied during the meeting by a solicitor, counsel, or, with the permission of the Committee, another person.

### **Legal Advice**

7. The Committee may take legal advice from its legal adviser at any time during the hearing or while it is considering what action to take. The substance of any legal advice given to the Committee will be shared with the member and the investigator and any representative if they are present.

## **Introductions**

8. The Chairman will introduce the members and everyone involved and will explain how the Committee is going to conduct the hearing.

## **Preliminary Procedural Issues**

9. The Committee will resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.
10. The Committee will consider any request for an adjournment and, if relevant, take any decision on whether to proceed in the absence of the member.

## **Process of Hearing and Finding of Facts**

11. The Committee will consider whether or not there are any significant disagreements about the facts contained in the investigator's report.
12. If there is no disagreement about the facts, the Committee will move on to the next stage of the hearing.
13. If there is a disagreement, the investigator (if present) will be invited to make representations to support the relevant findings of fact in the report and may call any necessary supporting witnesses to give evidence. The Committee may give the member an opportunity to challenge any evidence put forward by or question any witness called by the investigator.
14. The member will then have the opportunity to make representations to support his or her version of the facts and may call any necessary witnesses to give evidence.
15. At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the investigator to challenge any evidence put forward by or question witnesses called by the member. It may also question the Independent Person.
16. If, during the course of a hearing, the Committee feels that it needs additional evidence, it can adjourn and request the Monitoring Officer to provide such further information or commission further investigation, but the Committee can only do so once on any one matter.
17. If the member disagrees with any relevant finding of fact in the investigator's report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the investigator is not present, the Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the member's explanation for not raising the issue at an earlier stage, the Committee will then either:
  - (a) continue with the hearing, relying on information in the investigator's report;

- (b) allow the member to make representations about the issue, and invite the investigator to respond and call any witnesses as necessary; or
  - (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if they are not already.
- 18. The parties will then withdraw to allow the Committee to consider the representations and evidence in private.
- 19. Upon the Committee's return, the Chairman will announce its findings of fact.

**Did the member fail to follow the Code of Conduct?**

- 20. The Committee will then consider whether or not, based on the facts it has found, the member failed to follow the Code of Conduct.
- 21. The member will be invited to give reasons why the Committee should not decide that he or she failed to follow the Code.
- 22. The Committee will then consider any oral or written representations from the investigator.
- 23. The Committee may, at any time, question anyone involved on any point raised in their representations, including the Independent Person.
- 24. The member will be invited to make any final relevant points but without introducing new information.
- 25. The parties will withdraw to allow the Committee to consider the representations.
- 26. Upon its return, the Chairman will announce the Committee's decision as to whether or not the member has failed to follow the Code of Conduct.

**If the member has not failed to follow the Code of Conduct**

- 27. If the Committee decides that the member has not failed to follow the Code, the Committee will move on to consider whether it should make any recommendations to the County Council.

**If the member has failed to follow the Code of Conduct**

- 28. If the Committee decides that the member has failed to follow the Code, it will consider any verbal or written representations from the investigator and the member as to:
  - (a) whether or not the Committee should set a penalty;
  - (b) what form any penalty should take.
- 29. The Committee may question the investigator and member, and take legal advice, to make sure it has the information it needs in order to make an informed decision. It may also seek advice from the independent person.

30. The parties will withdraw to allow the Committee to consider whether or not to impose a penalty on the member and, if so, what the penalty should be.
31. Upon the Committee's return, the Chairman will announce its decision.
32. If the member has been found to have breached the Code they will have the right to appeal against the findings and/or against any penalty in form of a re-hearing by the Standards Committee. Members of the original Hearings Sub-Committee will be excluded from sitting on the Standards Committee when the appeal is heard.

### **Recommendations to the County Council**

33. After considering any oral or written representations from the investigator, the Committee will consider whether or not it should make any recommendations to the County Council, with a view to promoting high standards of conduct amongst members.

### **Access to Meetings and Decision Making**

34. Meetings of the Committee convened to determine allegations of member misconduct will usually include confidential personal information and, in such cases, will not be open to the public or press.
35. The Committee will announce its decision on the day and provide a short written decision on that day. It will also issue a full written decision shortly after the end of the hearing. The decision will be published on the County Council's web site and in such other way as the Committee may decide.

### **Retention of Papers**

36. All papers relating to the investigation and any hearing of an allegation under this procedure shall be retained by the Monitoring Officer until the end of a period of six years from the date of the hearing or other conclusion of the investigation.
37. Written summaries of the proceedings of the Committee will be produced and made available for inspection if this would not be in breach of any duty of confidence or data protection principle.

**Governance Committee****Constitution**

Nine members of the County Council, including the Chairman and Vice-Chairman of the Council who are ex-officio Chairman and Vice-Chairman respectively. Quorum is three.

**Terms of Reference**

1. To oversee the effectiveness of the political structure of the Council
2. Without in any way limiting the scope of paragraph 1 above, to consider specifically any disputes which arise as to whether or not the Executive may make a final decision or whether that power is vested in the County Council alone.
3. To advise the County Council on amendments to the Constitution.
4. To receive regular reports from the Chairman of the Member Development Group regarding the work of the Group, member development activities and member training and development priorities and plans, via a standing item on the Committee's agenda.
5. To advise the County Council on any matters in connection with the Members' Allowances Scheme.
6. To monitor the attendance of members at meetings of the County Council and its committees on an annual basis within the context of member development and the effectiveness of the political structure.
7. To exercise the powers and duties of the County Council in relation to elections and local government boundaries under Section 35 of the Representation of the People Act 1983 (c.2).
8. To consider any issues relating to indemnification of and/or securing of insurance cover for members and officers.
9. To make arrangements for the discharge of the County Council's function as Scheme Manager and the exercising of the powers and duties of the County Council in its capacity as Administering Authority in relation to the Local Government Superannuation Acts and Regulations made thereunder and in particular to arrange for the discharge of those responsibilities through a formally constituted committee to be named the Pensions Committee.
10. To determine the standard terms and conditions on which all staff hold office (including procedures for their dismissal).
11. To approve changes to the Scheme of Delegation relating to functions delegated to the Chief Executive and the overall range of functions delegated to senior officers.
12. To approve the arrangements for a meeting of the Appointing Committee for the purposes of Standing Order 8.11 (the appointment of senior officers),

and Standing Order 8.19 (appeals against disciplinary proceedings including dismissal) concerning the Chief Executive and posts reporting directly to the Chief Executive and grievances by the Chief Executive.

13. To approve the arrangements for a meeting of the Appeal Committee for the purposes of disciplinary action under Standing Order 8.18.
14. To make arrangements for but not to hear disciplinary proceedings (including dismissal) against the Chief Executive and grievance proceedings by the Chief Executive. The constitution and terms of reference for Member Panels and the Investigation Panels are set out below.
15. To make arrangements for but not to hear appeals against decisions of the Executive including staff appeals and school and college transport appeals. The Constitution and terms of reference for appeals panels are set out below.
16. To delegate authority for the approval of special severance payments on the termination of employment in accordance with statutory guidance and to establish a Special Severance Payments Panel when required in line with such guidance.
17. In relation to the Pension Advisory Board to:
  - (a) Approve the job description and remuneration of and oversee the appointment of the independent Chairman of the Pension Advisory Board;
  - (b) Review the tenure of membership of a Board member in the event of consistent non-attendance on the advice of the Director of Law and Assurance;
  - (c) Remove a member of the Board during a term of appointment for reasons other than their ceasing to be eligible.
18. To approve the Business Plan and budget of the Pension Advisory Board.
19. To receive an annual report from the Staff Appeals Panel covering a summary of its work, any lessons learned from hearings by Member Panels and Boards of Appeal in the previous year, the results of cases (including any subsequent Tribunal applications and hearings) and recommendations for the future.
20. To receive and consider any recommendations from meetings between the Chief Executive and the West Sussex branch of UNISON in relation to staff terms and conditions of service.
21. To receive from the Chief Executive and consider for resolution any issues concerning staff terms and conditions which are the subject of discussion between the Chief Executive and the West Sussex branch of UNISON and which their discussions have not been able to resolve and prior to any referral of such matter to an external body for mediation or resolution.
22. To appoint members of the County Council to outside bodies which relate to the non-Executive functions of the Committee (South East Employers).

23. To review and adjust delegations to officers within the functions delegated to the Committee.
24. To delegate powers, when appropriate and on the recommendation of the Director of Law and Assurance, to another local authority including a borough or district council and subsequently to review, amend or withdraw that delegation.
25. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b).

## **Appeals Panel**

### **Constitution**

The Appeals Panel comprises 18 members of the County Council, not being members of the Cabinet, from which will be drawn up to four members to hear those investigations and cases and Appeals listed in paragraphs 14 and 15 of the terms of reference of the Governance Committee.

**Note:** Members of the Panel are required to undertake training as specified by the relevant Director or lead service officer, prior to being able to take part in meetings.

## **School Transport Appeal Panel**

### **Constitution**

A panel comprising not less than three nor more than five members of the Appeals Panel. The Director of Law and Assurance shall select the membership of each Panel from among the eligible members of the Appeals Panel on a rota basis using his or her best endeavours to ensure that there is at least one minority group member on each Panel. The Panel shall appoint a chairman for each meeting.

### **Terms of Reference**

1. To hear and adjudicate upon any school or college transport appeal requiring to be heard by members.

## **Investigation Panels**

### **Constitution**

A Panel comprising not less than three members of the Appeals Panel and no member with direct involvement in the issue. The Director of Law and Assurance (or his or her Deputy in a matter concerning the Monitoring Officer) shall select the membership of each Panel from among the eligible members of the Appeals Panel on a rota basis using his or her best endeavours to ensure that there is at least one minority group member on each Panel. The Panel shall appoint a chairman for each meeting.

### **Terms of Reference**

1. To commission an investigation in response to a request from the Director of Law and Assurance (or his or her Deputy in a matter concerning the Monitoring Officer) for the purpose of disciplinary proceedings against the Chief Executive, the Monitoring Officer or the Chief Finance Officer.
2. To receive the report of any investigation and to determine whether a disciplinary hearing in relation to the relevant officer should take place and, if



so, to refer the matter to the Director of Law and Assurance or (if the matter concerns the Monitoring Officer) the Deputy Monitoring Officer.

3. To determine, confirm an earlier determination or consider the extension of a determination, that the officer subject to the investigation be suspended pending the outcome of the investigation.

**Note:**

The investigation may be carried out by a Designated Independent Person appointed by the appropriate Secretary of State if available.

## **Member Panel**

### **Constitution**

A Panel comprising not less than three nor more than five members of the Appeals Panel. When the Panel meets to consider disciplinary proceedings it must include a member of the Cabinet. The Director of Law and Assurance (or the Deputy Monitoring Officer where the matter concerns the Director of Law and Assurance) shall select the membership of each Panel from among the eligible members of the Appeals Panel on a rota basis using his or her best endeavours to ensure that there is at least one minority group member on each Panel. The Panel shall appoint a chairman for each meeting.

### **Terms of Reference**

1. To hear disciplinary proceedings (including considering dismissal) against the Chief Executive, the Director of Law and Assurance or the Director of Finance and Support Services. In the event of a decision to dismiss one of these officers the decision must be ratified by the full Council (any appeal to be heard prior to referral).
2. To hear grievance proceedings by the Chief Executive.
3. To hear grievance proceedings by any officer reporting to the Chief Executive.
4. In any case where the Panel proposes to recommend the dismissal of the officer, to make a recommendation to the County Council. The recommendation may not be considered by the Council prior to the convening and outcome of a meeting of the Independent Panel. Any appeal lodged shall be heard prior to the convening of the Independent Panel.

## **Staff Appeals - Board of Appeal**

### **Constitution**

A Panel comprising three or four members. The Director of Law and Assurance (or his or her deputy if the matter concerns the Director of Law and Assurance) shall select the membership of each Board of Appeal from among the eligible members of the Appeals Panel on a rota basis using his or her best endeavours to ensure that

there is at least one minority group member on each Board. The Board shall appoint a chairman for each meeting. Quorum is three members.

### **Terms of Reference**

1. To hear and adjudicate upon any staff appeal requiring to be heard by members, including appeals against dismissal and the final stage of an officer grievance where an appeal is authorised but with the exception of any other form of hearing specifically provided for elsewhere in the terms of reference of another committee or sub-committee of the County Council, or other body.
2. To hear appeals against the outcome of disciplinary proceedings before a Member Panel (including dismissal) against the Chief Executive, Monitoring Officer or Chief Finance Officer under the procedures set out in Standing Orders.
3. To hear grievance appeals from the outcome of hearings by a Member Panel and brought by the Chief Executive or an officer reporting direct to the Chief Executive under the procedures set out in Standing Orders.
4. To present an annual report to the Governance Committee covering a summary of its work, any lessons learned from hearings in the previous year, the results of cases (including any subsequent Tribunal applications and hearings) and recommendations for the future.
5. To make such recommendations as it thinks fit, on any matter arising out of an appeal, to the Governance Committee (in respect of the procedure or arrangements for appeals) and the relevant cabinet member, Chief Executive or Director in respect of the relevant service.
6. In any case where the Panel hears an appeal against the decision of a Member Panel to recommend the dismissal of the Chief Executive, Chief Finance Officer or Monitoring Officer and does not uphold the appeal, to make a recommendation to the County Council. Such recommendation may not be considered by the Council prior to the convening of and the consideration of a report from the Independent Panel.

### **Independent Panel**

A panel comprising two or three independent persons who have been appointed to advise the Standards Committee pursuant to s.28(7) Localism Act 2011 or have been appointed by another local authority for that purpose. The Panel must be appointed at least 20 days before it is to meet. The Panel will be selected by the Director of Law and Assurance (or the Deputy Monitoring Officer if the matter concerns the Monitoring Officer).

### **Terms of Reference**

1. To consider the outcome of a disciplinary hearing or an appeal against a disciplinary hearing relating to the Chief Executive, the Monitoring Officer or the Chief Financial Officer where there is a recommendation for dismissal.

2. To give advice, views and recommendations on the proposal and to prepare a report for consideration by the County Council before the Council may consider the proposal.

## **Appointing Committee**

### **Constitution**

Six members of the County Council including the Chairman of the Council (who is ex-officio Chairman). The Committee may include one or more members of the Cabinet and will include representatives of the minority parties to reflect the principles of proportionality and the wishes of those parties in respect of their nominees. When the Appointing Committee meets to consider the appointment of the Chief Executive (Head of Paid Service) it must include a member of the Cabinet. Subject to these requirements being met, quorum is three.

### **Terms of Reference**

1. To appoint to any of the senior officer posts as prescribed in and in accordance with procedures set out in Standing Orders.
2. To appoint a Chief Executive (Head of Paid Service), subject to the approval of the County Council, as set out in Standing Orders.

## **Pensions Committee**

### **Constitution**

A sub-committee of the Governance Committee comprising seven members of the County Council and three representative members. The Cabinet Member with responsibility for the Finance portfolio will be ex-officio Chairman of the Committee.

Quorum: Five members, the majority of whom must be members of the County Council

#### **Note:**

The three representative members will comprise the following:

- One representing the borough and district councils
- One representing the scheduled bodies
- One representing members.

It is not part of the Administering Authority's remit to administer the selection process for the borough and district, scheduled body or employee members sitting on the Pensions Committee or to ensure their attendance at meetings, unless they wish to do so, but instead to determine what sectors or groups are to be invited to sit on the Pensions Committee and to make places available.

However, as far as possible, employer representatives should have a democratic mandate in addition to the mandate from their governing body or equivalent.

The term of office of representative members will be four years or, where applicable, the equivalent to the length of the election cycle of the body of which they are an elected member. This can be extended following reselection up to a maximum of three terms. Reselection will be at the invitation or discretion of the Chairman, with advice from the Director of Finance and Support Services and the Director of Law and Assurance. If a Committee member is appointed to serve on the Pension Advisory Board they will cease to be eligible to be a member of the Committee and will be deemed to have resigned.

The Chairman of the Pensions Committee will be the Council's main representative on the ACCESS Joint Committee.

**Note:** Members of this Committee are required to undertake training as specified by the relevant Director or lead service officer, prior to being able to take part in meetings of the Committee.

### **Terms of Reference**

To exercise the powers and duties of the County Council in its capacity as Administering Authority in relation to the Local Government Superannuation Acts and Regulations made thereunder including to be responsible for:

1. Appointment of professional and specialist investment advisers and managers on a consultancy basis.

2. Consideration of the recommendations of the advisers and managers including the Fund's investment strategy.
3. Determination of the Pension Fund's investment strategy and oversight of the delivery of the strategy.
4. Consideration of and response to the recommendations of the LGPS ACCESS Joint Committee.
5. Consideration of and response to key scheme governance, funding and administration issues, including responses to statutory consultations.
6. Monitoring the Fund's performance.
7. Ensuring that arrangements are in place for consultation and communication with stakeholders as necessary.
8. Establishing member groups to review aspects of investment strategy or to undertake work on key themes and to report back to the Committee.
9. Consideration of the work of the Regulation, Audit and Accounts Committee with regards to the Pension Fund accounts, internal and external auditors' reports, development and operation of risk management and approval of changes to anti-fraud and corruption strategy.
10. To appoint a substitute representative for the ACCESS Joint Committee.
11. Determination of all statutory policy documents as listed below and to consider from time to time those delegated to officers for review or amendment.

Policy matters for determination by the Committee:

- Administering Authority Discretions
- Funding Strategy Statement
- Governance Policy and Compliance Statement
- Investment Strategy Statement
- Treasury Management Strategy Statement

Policy matters delegated to officers which are to be reviewed as required by the Committee:

- Administration Strategy
- Breaches policy
- Communications Policy
- Internal Dispute Resolution Procedure
- Privacy Notice

12. To consider the Annual Report in connection with the administration of the scheme.

**Note:**

1. Standing Orders relating generally to committees shall apply to the Pensions Committee, subject to a quorum of five members, the majority of whom must be County Council members.
2. To meet quarterly or as required.
3. Members of the Pensions Committee are required to acquire and maintain an appropriate level of expertise, knowledge and skills as set out by CIPFA in order to remain members of the Committee.

## **Electoral Review Panel**

### **Constitution**

An advisory panel to the Governance Committee comprising ten members of the County Council, appointed based on their experience and interest and including at least one from each district. Quorum is three.

### **Terms of Reference**

1. To advise the Governance Committee on responses to the Local Government Boundary Commission for England on its Periodic Electoral Review of West Sussex Districts and their constituent parish councils.
2. To advise the Governance Committee on responses to consultations from borough and district councils on the Periodic Electoral Review of West Sussex Districts.
3. To advise the Governance Committee in connection with the periodic electoral review of West Sussex County Council.
4. To advise the Governance Committee on responses to the Parliamentary Boundary Commission for England regarding consultations prior to changes to boundaries for Parliamentary constituencies or any other electoral arrangements.
5. To advise the Governance Committee on responses to consultations from borough and district councils on community governance reviews where they may affect County Council division boundaries.
6. To advise the Governance Committee on recommendations to the Local Government Boundary Commission for England for a County Council division boundary to be amended as a consequence of a change resulting from a community governance review.

## **Member Development Group**

### **Constitution**

An advisory body to the Governance Committee on all aspects of member roles and the training and development needed by members to undertake their work on the County Council.

#### **Note:**

Members of the Group will be appointed by the Governance Committee after consultation with Group Leaders and will reflect the principles of proportionality (current size 10 members, quorum is three).

The County Vice-Chairman and a cabinet member nominated by the Leader will be ex-officio members.

The Chairman will be elected by the Group.

### **Terms of Reference**

1. To be the custodian of all aspects of the member role and its development.
2. To be proactive in making plans and proposals for member development as part of the corporate planning process, to address all emerging issues and work-streams of importance to the membership.
3. To have ownership of the annual training and development programme for the membership, so as to enable members to undertake their roles effectively and to ensure that training and development are aligned to member priorities.
4. To consider and prioritise topics for learning and development for all members ensuring that arrangements meet member expectations and requirements.
5. To monitor and review the effectiveness of the member development programme to inform the planning and prioritisation of the programme.
6. To have ownership of the all-member survey, to be undertaken at regular intervals, to provide intelligence on all aspects of the member role, capacity, support and training needs and to use the findings to inform the training and development programme.
7. To have ownership of the induction programme and materials for the new Council following elections, with priority areas being highlighted through the group's on-going work and member feedback and to evaluate the success of the programme and ensure that learning points inform future programmes.
8. To oversee expenditure against the member training budget.
9. To oversee the Council's participation in the Councillor Development Charter and Charter Plus and to monitor the effectiveness of all aspects of the



Charter.

### **Reporting Arrangements**

The Chairman shall provide a regular report to the Governance Committee regarding the work of the Group, member development activities and member training and development priorities and plans, via a standing item on the Committee's agenda.

### Scrutiny Committees

Scrutiny committees complement the work of the Cabinet and cabinet members, acting as a democratic check and balance to executive decision-making. They monitor the plans and decisions of the Cabinet and can 'call-in' and scrutinise proposals which have not yet been implemented. They may also choose to or be invited by the Cabinet to advise on emerging proposals and the development of policy. There are five scrutiny committees:

- Performance and Finance Scrutiny Committee (see terms of reference at Appendix 8A)
- Health and Adult Social Care Scrutiny Committee (see terms of reference at Appendix 8B)
- Children and Young People's Services Scrutiny Committee (see terms of reference at Appendix 8C)
- Communities, Highways and Environment Scrutiny Committee (see terms of reference at Appendix 8D)
- Fire and Rescue Service Scrutiny Committee (see terms of reference at Appendix 8E)

Each committee shall undertake scrutiny of the Cabinet portfolio areas set out in the table below (full details of [Cabinet portfolio responsibilities](#) are contained in Appendix 2).

Each scrutiny committee shall have no more than 12 County Council members with the exception of the Performance and Finance Scrutiny Committee which will have 15 members to include the other scrutiny committee chairmen where compliant with rules on political proportionality. This will be followed by confirmation of their appointment to the Performance and Finance Scrutiny Committee at the next meeting of the County Council. The members of each scrutiny committee shall be appointed, having taken into account the following guiding principles:

- That the member has an interest in the business of the Committee.
- That the member is able to devote the time needed to undertake the work of the Committee.
- That the member remains free to serve on scrutiny or executive task and finish Groups.
- Four of the members of the Performance and Finance Scrutiny Committee shall be the four members who are at any time the chairmen of the other four scrutiny committees, providing that this can be accommodated in line with political proportionality for that committee.

Scrutiny Committee	Area of scope for scrutiny
Performance and Finance	Leader's portfolio Finance and Property portfolio Support Services and Economic Development portfolio

<b>Scrutiny Committee</b>	<b>Area of scope for scrutiny</b>
Health and Adult Social Care	Adults' Services portfolio Public Health and Wellbeing portfolio relating to both adults and children  Review and scrutiny of the planning, provision and operation of health services in West Sussex (The health functions of the Health and Adult Social Care Scrutiny Committee arise under Part I of the Health and Social Care Act 2001)
Children and Young People's Services	Children and Young People's Services portfolio (apart from public health for children) Learning and Skills portfolio
Communities, Highways and Environment	Environment and Climate Change portfolio Community Support, Fire and Rescue portfolio (apart from Fire and Rescue and Emergency Planning) Highways and Transport portfolio Crime and Disorder functions of the Crime and Disorder (Overview and Scrutiny) Regulations 2009
Fire & Rescue Service Scrutiny Committee	Community Support, Fire and Rescue portfolio (apart from Communities), including Emergency Planning

### **Business Planning Groups**

Each scrutiny committee, except for the Fire and Rescue Service Scrutiny Committee, shall have a business planning group comprising the Chairman and Vice-Chairman of that Committee and three other members. Two of the five members shall be minority group members. The chairman of the scrutiny committee shall be the chairman of the business planning group and the vice-chairman of the scrutiny committee shall be the vice-chairman of the Group.

The business planning group shall oversee the planning of the Committee's business using the '[Scrutiny Business Planning Guide and Checklist](#)'.

The business planning group(s) shall discuss with the relevant cabinet member(s) their plans for undertaking work relating to the planning of services or their commissioning and how that work is best carried out.

The business planning group shall have responsibility for deciding whether an area of work is considered by a scrutiny task and finish group, for deciding to establish a task and finish group and for defining its outline terms of reference. The Fire and

Rescue Service Scrutiny Committee will carry out the establishment of task and finish groups itself.

### **Scrutiny Task and Finish Groups**

Each scrutiny committee may choose to establish from its members or from the whole non-executive membership a cross-party group that will be given the task of undertaking detailed work which falls within its area of scope for scrutiny. The scrutiny committee business planning group will decide the size and membership of the task and finish group and its outline terms of reference. It will also decide how the outcome of the work of the group will be reported - to the Committee or direct to the cabinet member.

A task and finish group shall comprise no more than seven members (cross party), but it may co-opt such other persons as the task and finish group considers appropriate to the task in hand.

The chairman of the task and finish group shall be appointed by the members of the task and finish group unless there is an urgent need to progress the initial work, in which case the business planning group will appoint the chairman.

Where the work is related to the business of more than one scrutiny committee a task and finish group may be established to undertake the work. The outline terms of reference and reporting lines will be agreed by the relevant scrutiny committee business planning groups co-ordinated by the relevant scrutiny committee chairmen.

**Performance and Finance Scrutiny Committee**

**Constitution**

15 members of the County Council. Quorum is four.

**Terms of Reference**

1. To consider policies and the effectiveness of their delivery relevant to the Scrutiny Committee's area of scope for scrutiny.
2. To consider the effectiveness of the Council's arrangements and systems for the management of contracts relevant to the Committee's area of scope and for the scrutiny of the achievement of such commissioning outcomes as have been determined.
3. To undertake the scrutiny of the performance of the Council's services against the agreed outcomes, objectives and measures; including the scrutiny of how effectively relevant corporate and service risks are managed.
4. To review or preview proposed decisions of the Executive (including officers) within the Committee's area of scope for scrutiny, including call-in.
5. To consider matters referred to the Scrutiny Committee by the Executive.
6. To consider the annual budget and performance framework on a strategic basis at each meeting (rather than the detail of individual portfolios which are the preserve of the individual scrutiny committees) and to scrutinise the annual Treasury Management Strategy and performance in delivering it.
7. To consider a programme of work which the Committee believes is in the interests of the County Council for it to review.
8. To be responsible for the resolution of any disputes as to where a piece of scrutiny work should be placed between the scrutiny committees.
9. To contribute to an Annual Scrutiny Report on scrutiny activity during the previous year and endorse the Annual Scrutiny Report for publication.
10. To identify major items of work undertaken by scrutiny committees to be reported to meetings of the County Council for debate, with the intention that no more than one item will be reported to any one meeting of the County Council.
11. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b) and to consider a request for a review of the County Council's response to a petition in accordance with the Petitions Scheme.
12. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the

report to the relevant cabinet member for consideration.

13. To establish cross cutting task and finish groups as needed for the better discharge of the business of scrutiny and to undertake cross-cutting work in relation to its own areas of responsibilities.
14. To encourage members to lead on specific topics within the Committee's remit, as agreed by the Committee.

**Health and Adult Social Care Scrutiny Committee****Constitution**

12 members of the County Council and seven members comprising one from each of the borough and district councils (voting on health matters only) and one Local HealthWatch representative (non-voting). Quorum on health matters is five members of which at least three should be members of the County Council. Quorum on adult social care matters is three members of the County Council.

**Terms of Reference**

1. To consider policies and the effectiveness of their delivery relevant to the Scrutiny Committee's specific area of scope for scrutiny.
2. To consider and align its business in the context of the Council's ambitions and objectives in the Council Plan relevant to its area of scope for scrutiny.
3. To discharge the statutory Health Scrutiny functions on behalf of the County Council (see also paragraphs 11 to 19 below).
4. To undertake the scrutiny of the performance of the Council's services against the outcomes objectives and measures including the scrutiny of how effectively relevant corporate and service risks are managed.
5. To review or preview proposed decisions of the Executive (including officers) within the Committee's area of scope for scrutiny, including call-in.
6. To consider matters referred to the Scrutiny Committee by the Executive.
7. To consider a programme of work which the Committee believes is in the interests of the County Council for it to review.
8. To identify major items of work undertaken by scrutiny committees to be reported to meetings of the County Council for debate, with the intention that no more than one item will be reported to any one meeting of the County Council.
9. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b) and to consider a request for a review of the County Council's response to a petition in accordance with the Petitions Scheme.
10. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the report to the relevant cabinet member for consideration.
11. To review and scrutinise any matter relating to the planning, provision and operation of health services in the geographical area covered by West Sussex County Council, the health of the people of West Sussex and matters of general concern affecting the determinants of health for the community of

the West Sussex area.

12. To set up appropriate procedures in accordance with the relevant statutory framework to facilitate the conduct of health review and scrutiny in West Sussex, in consultation with the district and borough councils in West Sussex and with the local NHS bodies.
13. To make reports and recommendations to local NHS bodies and to West Sussex County Council or any borough or district council in West Sussex on any health matter reviewed or scrutinised by it.
14. To respond to consultation by any local NHS body with reference to any proposal for a substantial development of the health service in the area of West Sussex or for a substantial variation in the provision of such service with the exception of urgent proposals as defined in Regulation 23 (2) of the Local Authority (Public health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and to make comments by the due date specified by the local NHS body referring the matter.
15. To delegate health scrutiny powers to, appoint members to and agree terms of reference of a joint committee when there is an intention by a local NHS body to consult on a substantial variation or development to health services that extends beyond West Sussex.
16. To report to the NHS body(ies) or to the Secretary of State in writing in any case where the Committee is not satisfied that
  - (a) consultation on any proposal has been adequate in relation to content or time allowed; or
  - (b) that the reasons given by the local NHS body for failing to consult because of urgency are not adequate.
17. To report to the Secretary of State in writing on any such proposals as are referred to above which it considers would not be in the interests of the health service in the area of West Sussex.
18. To take such other steps as may be appropriate including requiring the attendance of officers of local NHS bodies and other relevant people to attend the Committee and take steps to obtain appropriate information and explanations as may be appropriate to enable the Committee to discharge its functions effectively.
19. To delegate health scrutiny powers to one or more West Sussex borough and district councils whether or not they are acting jointly with the County Council when exercising its health scrutiny powers or to another county or unitary, borough or district council. To agree the terms of reference for any delegation and, in the case of any joint committee, to appoint members from the Committee.
20. To make such recommendations to the County Council as it sees fit as to the constitution of the Committee within the statutory framework.



21. To encourage members to lead on specific topics within the Committee's remit, as agreed by the Committee.

**Note:**

A local NHS body is any body or organisation which provides, or arranges for the provision of, or performs any management function in relation to, NHS services to persons residing within West Sussex.

### Children and Young People's Services Scrutiny Committee

#### Constitution

12 members of the County Council and four nominated members (voting). Quorum on education matters is four of which at least three should be members of the County Council. Quorum on social care matters is three members of the County Council.

#### Note:

The four nominated (voting on education matters only) members on the Children and Young People's Services Scrutiny Committee will comprise the following representatives:

- Two parent governors
- One from the Church of England Diocese of Chichester
- One from the Roman Catholic Diocese of Arundel and Brighton

The term of membership of parent governor representatives will be four years. Where a 'casual' vacancy is filled, the new representative will be appointed for the remainder of the term.

#### Terms of Reference

1. To consider policies and the effectiveness of their delivery relevant to the Scrutiny Committee's specific area of scope for scrutiny.
2. To consider and align its business in the context of the Council's ambitions and objectives in the Council Plan relevant to its area of scope for scrutiny.
3. To undertake the scrutiny of the performance of the Council's services against the outcomes objectives and measures including the scrutiny of how effectively relevant corporate and service risks are managed.
4. To review or preview proposed decisions of the Executive (including officers) within the Committee's area of scope for scrutiny, including call-in.
5. To consider matters referred to the Scrutiny Committee by the Executive.
6. To consider a programme of work which the Committee believes is in the interests of the County Council for it to review.
7. To identify major items of work undertaken by scrutiny committees to be reported to meetings of the County Council for debate, with the intention that no more than one item will be reported to any one meeting of the County Council.
8. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b) and to consider a request for a review of the County Council's response to a petition in accordance with the Petitions

Scheme.

9. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the report to the relevant cabinet member for consideration.
10. To encourage members to lead on specific topics within the Committee's remit, as agreed by the Committee.

### **Communities, Highways and Environment Scrutiny Committee**

#### **Constitution**

12 members of the County Council. Quorum is three.

#### **Terms of Reference**

1. To consider policies and the effectiveness of their delivery relevant to the Scrutiny Committee's specific service area.
2. To consider and align its business in the context of the Council's ambitions and objectives in the Council Plan relevant to its area of scope for scrutiny.
3. To undertake the scrutiny of the performance of the Council's services against the outcomes objectives and measures including the scrutiny of how effectively relevant corporate and service risks are managed.
4. To review or preview proposed decisions of the Executive (including officers) within the Committee's area of scope for scrutiny, including call-in.
5. To consider matters referred to the Scrutiny Committee by the Executive.
6. To consider a programme of work which the Committee believes is in the interests of the County Council for it to review.
7. To identify major items of work undertaken by scrutiny committees to be reported to meetings of the County Council for debate, with the intention that no more than one item will be reported to any one meeting of the County Council.
8. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b) and to consider a request for a review of the County Council's response to a petition in accordance with the Petitions Scheme.
9. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the report to the relevant cabinet member for consideration.
10. To hold an annual meeting to scrutinise the work of the County Council and partner organisations in tackling crime and disorder.
11. To encourage members to lead on specific topics within the Committee's remit, as agreed by the Committee.

**Fire & Rescue Service Scrutiny Committee**

**Constitution**

7 members of the County Council. Quorum is three.

**Terms of Reference**

1. To consider policies and the effectiveness of their delivery for the County Council's responsibilities as Fire and Rescue Authority for the County.
2. To plan and carry out its business in the context of the Council's ambitions and objectives associated with needs and aspirations of the community in relation to fire and rescue functions and associated responsibilities.
3. To undertake the scrutiny of the performance of the Council's fire and rescue services against the outcomes objectives and measures, including the scrutiny of how effectively relevant corporate and service risks are managed.
4. To consider developing policies, proposals or decisions of the Executive in relation to fire and rescue responsibilities.
5. To review or preview proposed decisions of the Executive (including officers) within the Committee's area of scope for scrutiny, including call-in.
6. To consider matters referred to the Committee by the Executive .
7. To consider a programme of work which the Committee believes is in the interests of the County Council to review.
8. To identify major items of work undertaken by scrutiny committees to be reported to meetings of the County Council for debate, with the intention that no more than one item will be reported to any one meeting of the County Council.
9. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b) and to consider a request for a review of the County Council's response to a petition in accordance with the Scheme.
10. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the report to the relevant cabinet member for consideration.
11. To encourage members individually or in a group to lead on specific topics within the Committee's remit, as agreed by the Committee.

### Fostering Panels

#### Constitution

At least one elected member of the County Council.

**Note:** Members of the Panel are required to undertake training as specified by the relevant Director or lead service officer, prior to being able to take part in meetings of the Panel.

#### Terms of Reference

1. To consider and give advice on applications under the Fostering Services Regulations 2002.

### Treasury Management Panel

#### Constitution

An advisory panel to the Director of Finance and Support Services comprising five members of the County Council, including the Cabinet Member for Finance and Property. Quorum is two.

**Note:** Members of the Panel, including the Chairman, will be appointed by the Council on the recommendation of the Cabinet Member for Finance and Property from among those best qualified to serve on the Panel.

#### Terms of Reference

To be consulted by and express an opinion to the Director of Finance and Support Services on:

- which investment counterparties best match the County Council's attitude to risk.
- the time limit for any investments placed.
- the suitability of potential new investment avenues (for instance, money market funds or gilts).
- the overall development of the Treasury Management Strategy.

Quorum: Two member

## Corporate Parenting Panel

### Our Vision:

- To act in the best interests, and promote the physical and mental health and well-being, of our children and young people.
- To encourage our children and young people to express their views, wishes and feelings and to challenge each other if their voices are not actively listened to and acted on.
- To listen, hear and do something when our children and young people tell us things.
- To make sure our children and young people know how to access, and make the best use of, services provided by us as a local authority and partners.
- To promote high aspirations, and seek to secure the best outcomes, for our children and young people.
- For our children and young people to be safe, and have stability in their home lives, relationships and education or work; and to prepare our children and young people for adulthood and independent living.
- This will make sure that our children and young people are not placed at significant disadvantage when compared with the support any child or young person may receive from their family.

### Our Aspiration





## Constitution

A multi-agency advisory panel to the Council with seven members of the County Council appointed from those with the most relevant experience but including the Cabinet Member for Children and Young People, Learning and Skills and at least one minority group member. At least two County Council members of the Panel will also be members of the Children and Young People's Services Scrutiny Committee. The Chairman of the Panel will liaise with the members on the Foster Panel at least every six months to receive any feedback that is relevant to the Panel. The Chairman may also invite a Foster Panel representative/s to a Corporate Parenting Panel meeting for relevant agenda items.

The core membership of the Panel is set out below. The Panel can decide to invite representatives from across the Council and partner agencies as required, depending on agenda items.

### Core Membership:

- Seven elected members including Cabinet Member for Children and Young People, Learning and Skills
- Children in Care Council (CiCC) and Care Leavers Advisory Board (CLAB) representatives – at least three from across the two groups
- Foster Carer
- Adopter
- WSCC Director of Children's Services
- WSCC Assistant Director (Corporate Parenting)
- Strategic leads for Health (WSCC & NHS – designated nurse)
- WSCC Strategic lead – Voice and Participation
- WSCC Strategic lead for Education (Head of Virtual School)
- WSCC Area team representation (Service lead for Corporate Parenting, Children with Disabilities, Children's Services Commissioning and other area service leads as required)
- WSCC Quality Assurance Service Manager
- WSCC Conference and Reviewing Officer
- District and Borough Officer representative

The Chairman of the Panel is the Cabinet Member for Children and Young People, Learning and Skills, the Vice-Chairman to be appointed by the Leader. The Chairmen of the CiCC and CLAB will be Co-Chairmen of the Corporate Parenting Panel. The quorum is four elected members (including the Chairman or Vice-Chairman), three CiCC/CLAB members and one Director or Assistant Director.

The Panel shall meet no less often than four times a year, with thematic workshops to be held between main Panel meetings if required.

Meetings will be held in private. Reports and minutes for the Panel will be reported in a confidential manner. A summary of the work of the Panel will be available to elected members and an Annual Report will be reported to full Council each year.

The agenda and supporting papers for the Panel meetings will be circulated to Panel members two weeks in advance of each meeting.

The Panel will set up sub-groups to carry out work on specific areas in relation to outcomes for our children and young people including, but not limited to, journey to independence, education, health and wellbeing, children with disabilities and

children seeking asylum. These groups will report on their work to each Panel meeting. Each sub-group will include lead officers, an elected member and a representative from CiCC/CLAB. Each elected member will be assigned to a special interest area, based on their area of expertise, and attend the sub-groups relating to that area. Special Interest areas include:

- Adoption and Fostering
- Education, Employment and Training
- Health (physical and mental wellbeing)
- Children placed out of county
- Children we care for and asylum-seeking children
- Care experienced young people
- Edge of care and residential

### **Purpose**

- To act as a consultative panel for the Council and other professionals, to raise awareness of the Council's universal corporate parenting responsibilities and duties.
- To oversee the progress of our children and young people including all health and wellbeing needs (education, physical and mental health).
- To monitor the delivery of our 'Aspiration' and how we are ensuring our children and young people have the power to develop and influence the service.
- To ensure that all children, young people have a positive experience and that the strategy enhances their outcomes.
- To encourage all partners to work together (support and challenge each other) in the best interests of our children and young people.
- For frontline teams to be active members of the panel.
- To lead cultural and behavioural change to promote better outcomes for our children and young people, ensuring everyone is on a level playing field and is approached openly and honestly.
- To engage and hold all agencies to account (including; Children in Care Council (CiCC), County Council, District and Borough Councils, Education, Health, Children and Adolescent Mental Health Services (CAMHS), Children's Social Care and voluntary organisations) for their role in the delivery of services to our children and young people.

### **Remit of the Corporate Parenting Panel**

The Panel will:

1. Take responsibility for exploring the quality of services for our children and young people and produce an annual report.
2. To have a clear line communication with the full council and scrutiny (via the chairmen of the Panel) on matters of interest or those that require escalation.
3. Explore the priority needs for services for our children and young people, as a panel and make recommendations to the appropriate forums as required.
4. Celebrate successes of what has been achieved between panel meetings, what this has led to and the impact this has had on the lived experiences of our children and young people.
5. Maintain high values, treating all children and young people as if they were your own family, and make a positive difference, improving the outcomes for our children and young people and those who use our services (both statutory and non-statutory responsibilities).

6. Produce a blog/newsletter with our children and young people after each meeting and share this with all other professionals and elected members.
7. Hold thematic workshops when required to focus on specific priorities/issues.
8. Ensure that the Panel maintains oversight of the County Council's placement strategy, understands placements and resources availability for children (both in and out of county) and how they are being used.
9. When actions are identified, these will be assigned to a specific person(s) to take forward and then reported back to the panel.
10. Receive feedback on the learning from children safeguarding practice reviews.

The Panel won't:

- Oversee specific pieces of work for individual children, acknowledging that area teams are responsible for this. However, the Panel will take responsibility for any themes that are identified and act on these immediately for a child.
- Be the main vehicle for the voice of our children and young people, this will be the responsibility of the Children in Care Council and Care Leavers Advisory Board. The Panel will however regularly listen, respect and act on the views of children and young people.

### **Safeguarding Adults Member Reference Group**

#### **Constitution**

Three members, cross-party (one majority and two minority group members) to be appointed by the Cabinet Member for Adults Services on recommendations from Group Leaders; members to have a real interest in the subject of adult safeguarding. Quorum is two.

To be convened and to meet only as required (in liaison with the Head of Safeguarding) by the member appointed to the West Sussex Adult Safeguarding Engagement Sub-Group, who shall act as Chairman of the Reference Group.

#### **Terms of Reference**

- To discuss matters or cases of concern referred to them by the Head of Safeguarding.
- To invite carers, relatives or service users to discuss their experience.
- To have facilitated discussions with service providers.
- To make reports or recommendations for consideration by the Cabinet Member for Adults Services or to the West Sussex Adult Safeguarding Board.
- To invite the Health and Wellbeing Board or the Health and Adult Social Care Scrutiny Committee to consider issues relevant to their respective areas of business.

### Independent Remuneration Panel

#### Constitution

Five independent members. Quorum is three.

#### Note:

The term of office of the members of the Independent Remuneration Panel will be four years. Subject to the agreement of the County Council, members of the Panel will be able to serve a maximum of three consecutive terms, i.e. 12 years in total. The appointment of members of the Panel will be phased to ensure continuity of experience on the Committee. Members of the Panel will be appointed by the County Council following interviews carried out by the Chairman and Vice-Chairman of the Standards Committee assisted by the Director of Law and Assurance.

#### Terms of reference

To make recommendations to the County Council via the Governance Committee on any of the following functions:

1. Recommendations as to the level of basic allowance that should be payable to the County Council's elected members.
2. Recommendations about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the level of such an allowance.
3. Recommendations about the duties for which travelling and/or subsistence allowances can be paid and as to the level of these allowances.
4. Recommendations as to whether a co-optees' allowance can be paid and as to the level of such an allowance.
5. Recommendations as to whether the County Council's allowances scheme should include an allowance in respect of the expenses for arranging for the care of children and dependents and, if it does make such a recommendation, the level of this allowance and the means by which it is determined.
6. Recommendations as to whether any allowance should be backdated to the beginning of the financial year in the event of the scheme being amended.
7. Recommendations as to whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run.
8. Recommendations as to which members of the County Council, if any, are to be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972.

9. If pensions are to be paid to elected members, recommendations on whether basic allowance and/or special responsibility allowances should be treated as amounts in respect of which such pensions are payable.

### West Sussex Health and Wellbeing Board

#### Purpose of the West Sussex Health and Wellbeing Board

Health and Wellbeing Boards are central to the objective of an integrated approach to health and social care.

Established and hosted by local authorities, health and wellbeing boards bring together the NHS, Public Health, Adult Social Care and Children's Services, other partners, including elected representatives and Local Healthwatch to plan how best to meet the health and wellbeing needs of their local population and tackle local inequalities in health.

The West Sussex Health and Wellbeing Board (HWB) is established to meet the requirements of the Health and Social Care Act 2012 and The Health and Care Act 2022. It is a strategic board which brings together elected members, leaders from the NHS, local authorities, Voluntary Sector and other partners to work together to:

- Improve the health and wellbeing of the residents of West Sussex
- Reduce health inequalities of the residents of West Sussex
- Promote the integration of health and social care services in West Sussex
- Promote joint working across health and care organisations
- Set the strategic direction to improve the health and wellbeing of people locally

#### Members:

##### West Sussex County Council

- Cabinet Members whose portfolio responsibilities include:
  - Public Health
  - Health and Adults' Services
  - Children and Families Services

Note: the relevant Senior Adviser may attend in place of the Cabinet Member

- Directors with commissioning responsibility for:
  - Public Health
  - Adults' Services
  - Children's Services
  - Community Development

##### West Sussex District and Borough Councils:

Three representatives- elected members or council officers, from different district and borough councils from the north and south of the county (representing both

urban and rural areas) nominated by the districts and boroughs.

### **NHS Integrated Care Board:**

Three Representatives of NHS Sussex – Chief Delivery Officer, Executive Lead and Clinical Lead

### **Voluntary Sector:**

Three representatives from the Voluntary Sector nominated by the Voluntary Sector through arrangements made by relevant organisations across the county, consisting of two voting representatives plus a non-voting 'open seat' to give expert/subject specialist advice to the two core members, as and when required.

### **Healthwatch:**

One representative

### **NHS Providers:**

One representative from each of:

- NHS Sussex Partnership Foundation Trust
- NHS Sussex Community Trust
- University Hospitals Sussex NHS Foundation Trust
- Surrey and Sussex Healthcare NHS Trust

### **Observers with speaking rights (Non-Voting):**

One from:

- West Sussex Health and Adult Social Care Scrutiny Chairman
- Sussex Police and Crime Commissioner or nominated representative
- Chairman of Safeguarding Adults Board (SAB)
- Chairman of Local Safeguarding Children's Partnership (LSCP)

### **Terms of Reference**

1. To provide strategic, system-wide Leadership to promote health and wellbeing and reduce health inequalities in West Sussex.
2. To provide a forum for local democratic and public accountability of the NHS, Public Health, social care for adults and children and other commissioned services that the Health and Wellbeing Board agrees are directly related to improving health and wellbeing and reducing health inequalities in West Sussex.
3. To promote integration, trust and partnership working between the NHS and local government and other local partners through joint working with commissioners and providers of services that impact on health and the wider determinants of health and wellbeing.
4. To jointly develop and approve the Joint Strategic Needs Assessment (JSNA) and ensure it is a key evidence base to inform strategic decisions of the Health and Wellbeing Board and its constituent organisations.



5. To develop and agree a Joint Health and Wellbeing Strategy (JHWS) for West Sussex and to review the effectiveness and scope of integration across the health and social care system in the county.
6. Support and contribute to the work of the Sussex Health and Care Assembly (the Integrated Care Partnership) to ensure it builds on and aligns with the priorities and goals of the Joint Local Health and Wellbeing Strategy and JSNA, particularly through the development and implementation of the Integrated Care Strategy for Sussex.
7. To establish a relationship with other partnerships such as the parties to Joint Commissioning Arrangements, district-level wellbeing partnerships, Safeguarding Boards/Partnerships and the Safer West Sussex Partnership.
8. To consider the effectiveness of health partnership arrangements so as to ensure there is no duplication of activity in relation to areas of shared responsibility.
9. To propose recommendations regarding the work of the Health and Wellbeing Board to constituent member organisations and those they represent.
10. To direct issues to and receive reports from the County Council's Health and Adult Social Care Scrutiny Committee and the Sussex Health and Care Assembly where relevant to the work of those bodies.
11. To review the commissioning plans of the NHS Integrated Care Board and provide an opinion on whether these contribute to the delivery of the Joint Health and Wellbeing Board Strategy and the Integrated Care Strategy.
12. To provide advice, assistance or other support as the Board thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006 (arrangements between NHS bodies and local authorities for joint service provision, commissioning arrangements and pooled budgets).
13. To undertake and keep up to date the Pharmaceutical Needs Assessment.
14. To carry out any other function that may be delegated to the County Council under section 196(2) of the Health and Social Care Act 2012.
15. To provide an opinion on whether the County Council is discharging its duty to have a regard to the JSNA and the JHWS in the exercise of its functions.
16. To review and approve any other plans or strategies that are required either as a matter of law or policy to be approved by the Board.

### **Accountability**

The Board is a committee of the local authority and for the purposes of any enactment is to be treated as if it were a committee appointed by that authority under section 102 of the Local Government Act 1972. It is accountable for its statutory functions to the statutory bodies which are required to nominate representatives to it.

## **Conduct of Meetings**

The Health and Wellbeing Board will meet in public and its agenda and minutes made public accordingly.

## **Quorum**

The Board is quorate when there are five members of the Board present and at least one representative from each of:

- West Sussex County Council (Elected Member, Chairman or nominated Deputy)
- NHS Sussex Integrated Care Board
- West Sussex County Council Director

Where a meeting is inquorate those members in attendance may meet informally but any decisions shall require appropriate ratification at the next quorate board meeting before they take effect.

## **Chairman/Chairing the meetings**

The Chairman of the Health and Wellbeing Board will be one of the County Council's Cabinet Members to be appointed by the County Council.

## **Voting**

In any circumstance where a decision is required the Chairman shall strive to ensure a consensus is achieved. If a vote has to be taken, in the event of equality of votes, the Chairman shall have a second or casting vote. All members of the Health and Wellbeing Board will be entitled to vote apart from Observers.

## **Terms of Reference Review**

The terms of reference will be reviewed by the Board annually and when required to ensure the Board remains fit for purpose and is able to respond to changes affecting partner organisations and partnership arrangements.

### Waste Projects Joint Committee

#### Purpose

To exercise delegated executive authority and to provide political oversight for the planning, implementation and delivery of specific joint projects for waste management and disposal within the area of a district or borough within the county using such funds as have been made available for the project and to meet the jointly agreed aims of the project.

#### Constitution

Two members of the County Council, to include the cabinet member with responsibility for waste services.

Two members of the relevant District or Borough Council, to include the Executive Member or relevant Committee chair with responsibility for waste services

The quorum of the meeting will be two members, one from each authority. All decisions must be unanimous or otherwise with the agreement of the two Councils.

#### Terms of Reference

1. To exercise on behalf of both Councils the functions of the Councils in relation to the specified waste project being jointly pursued by the Councils in partnership.
2. To take decisions in relation to the aims and outcomes for the specified waste project and to give direction to the relevant officers for the delivery of the project.
3. To monitor and provide oversight to the performance of the project against the project aims and outcomes.
4. To allocate funds from the budget agreed between the Councils for the delivery of the project.

#### Governance

The Joint Committee will meet at a frequency suited to the needs of the project and at locations the councils agree.

The members will be appointed by the respective Cabinet or Executive Member of the councils or by virtue of their designated executive role or by the relevant Committee with responsibility for waste services.

The meetings will be in public and agendas and minutes will be made public accordingly, except where confidential or exempt information is to be discussed.

Scrutiny will be through joint scrutiny arrangements to be agreed by the councils by reference to settled joint scrutiny procedures. The relevant scrutiny committees of each council may request information on the project for consideration.

The Joint Committee will draw upon such administrative resources from either council as may be required for the effective management of business.

### **Parking & Traffic Regulations Outside London Adjudication Joint Committee**

#### **Constitution**

A joint committee set up under section 101 and 102 of the Local Government Act 1972 comprising one representative of each of the Parking Authorities appointed in accordance with law and with their own constitutional arrangements.

#### **Terms of Reference**

The primary objectives of the Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC) are to provide:

1. A fair parking adjudication service for appellants including visible independence of adjudication from the authorities in whose areas they are working.
2. Consistency of adjudication across the service.
3. A cost effective and equitable adjudication service for all local authorities party to the arrangements.
4. Flexibility to deal with a wide range of local authorities with varying levels of demand for adjudication.

#### **Functions of the Parking and Traffic Regulations Outside London Adjudication Joint Committee**

1. To appoint (re-appoint and dismiss), subject to the Lord Chancellor's consent, (and that of the Lord Chief Justice as required) Adjudicators for the purposes of Part 6 of the Traffic Management Act 2004.
2. To appoint a Proper Officer and Deputy.
3. To provide or make arrangements for the provision of accommodation and administrative staff for the Adjudicators.
4. To determine after consultation with the relevant participating authority where the Adjudicators are to sit.
5. To commission and receive an annual report upon the Adjudication Service from the Adjudicators.
6. To make and publish an annual report to the appropriate national authority as appropriate on the discharge by the Adjudicators of their functions.
7. To defray all the expenses of the adjudication process and in particular expenses in relation to the remuneration of adjudicators.

8. To establish and approve annual budgets and receive annual accounts and regular monthly reports on associated expenditure.
9. To undertake such other functions as are reasonably incidental to the efficient operation of the adjudication process.
10. Such other associated functions as the participating authorities may lawfully arrange for the PATROLAJC to perform as they from time to time consider appropriate.

### **Local Enterprise Partnership Joint Committee**

#### **Constitution**

The Leaders of the 16 local authorities in the Coast to Capital Local Enterprise Partnership (LEP) Area and the Chairman of the South Downs National Park.

#### **Notes:**

The Joint Committee will be chaired by one of the Leaders on a rotating basis. Each member of the Joint Committee will be entitled to vote at the meetings. Voting will be on a show of hands and will be on a simple majority of votes cast.

#### **Terms of Reference**

- To agree the Strategic Economic Plan and its revisions and amendments as proposed to the Joint Committee by the Coast to Capital LEP Board.
- To provide strategic advice to the Coast to Capital LEP Board on the economic development and growth priorities for the Coast to Capital Area.

### West Sussex Joint Scrutiny Steering Group

#### Constitution

The Chairmen of the West Sussex County Council scrutiny committees and the Chairmen of the Overview and Scrutiny Committees of the West Sussex borough and district councils, or in the case of a Council operating the committee system, the chairman of a committee.

#### Note:

Chairmanship of the Steering Group should be reviewed by the Steering Group annually, on the basis that where the Chairman is a County Council Overview and Scrutiny Chairman, the Vice-Chairman will be one of the borough or district council Overview and Scrutiny Committee Chairmen (and vice versa).

#### Terms of Reference

1. To consider key areas of potential overlap/duplication arising from the individual outline work programmes of the participating authorities' overview and scrutiny committees.
2. To agree where those issues should continue to be looked at individually, and whether scrutiny could be co-ordinated and/or information shared across authorities – to avoid duplication of effort, where possible.
3. To agree what issues should be scrutinised jointly and help the co-ordination of overview and scrutiny committees' work programmes.
4. To agree how joint scrutiny should be carried out, and the outline terms of reference for any task group appointed (i.e. the Steering Group would not usually carry out the scrutiny itself).



### **Pension Advisory Board of the West Sussex Pension Fund**

1. This document sets out the terms of reference for the Local Pension Board of the West Sussex Local Government Pension Fund (referred herein as the Pension Advisory Board) as required by the Public Service Pensions Act 2013.

### **Scheme Management**

2. The Scheme Manager is defined in Section 4 of the Public Service Pensions Act 2013 as the individual scheme administering authorities in England and Wales. For the purpose of the West Sussex Pension Scheme this is the West Sussex County Council. Its functions are discharged in accordance with the Council's scheme of delegation by:
  - Governance Committee (delegated to the Pensions Committee)
  - Officers (Director of Finance and Support Services and the Director of Law and Assurance)

### **The Pension Advisory Board**

3. The role of the Pension Advisory Board is to:
  - Assist West Sussex County Council as Scheme Manager;
    - To secure compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme and any statutory pension scheme that is connected with it;
    - To secure compliance with requirements imposed in relation to the scheme and any connected scheme by the Pensions Regulator;
    - In such other matters as the scheme regulations may specify.
4. The Pension Advisory Board will ensure the Scheme Manager effectively and efficiently complies with the Code of Practice on the governance and administration of public service pension schemes issued by the Pensions Regulator. The Board will also ensure that it complies with the knowledge and understanding requirements in the Pensions Regulator's Code of Practice.
5. The Pension Advisory Board is accountable to the Pensions Regulator, National Scheme Advisory Board and Scheme Manager. The National Scheme Advisory Board will advise the Responsible Authority (in the case of the LGPS the Department of Levelling Up, Housing and Communities (DLUHC)) and the Scheme Manager (in this case West Sussex County Council). The Pensions Regulator will report to the Responsible Authority (again, DLUHC) but will also be a point of escalation for whistle blowing or similar issues (supplementary to the whistle blowing policy and anti- fraud and corruption policy operated by the Scheme Manager which operate to include all of the functions of the Council as Scheme Manager and its advisers).
6. The principal functions of the Pension Advisory Board shall include:
  - Seeking assurance that due process is followed with regard to Pensions

- Committee decisions.
- Considering the integrity and soundness of Pensions Committee decision making processes.
- Seeking assurance that administration performance is in compliance with the Administration Strategy
- Considering the effectiveness of communication with employers and members including the Communication Strategy
- Considering and commenting on Internal Audit recommendations.
- Consideration of External Auditor reports.

Any complaint or allegation of breach of due process brought to the attention of the Pension Advisory Board shall be dealt with in accordance with the Code of Practice as published by the Pensions Regulator.

## **Frequency of Meetings and Notice of Meetings**

7. The Pension Advisory Board shall meet sufficiently regularly to discharge its duties and responsibilities effectively. There will be no fewer than four meetings a year (one of which will be the Annual General Meeting).
8. The Director of Law and Assurance shall give notice to all Pension Advisory Board members of every meeting of the Pension Advisory Board including the date, location and time of the meeting and shall ensure that a formal record of the Pension Advisory Board proceedings is maintained.
9. Papers will be provided at least one week before the formal Pension Advisory Board meeting.
10. All agendas and non-confidential Pension Advisory Board papers and minutes of meetings will be published on the West Sussex Pension Fund website.
11. The Pension Advisory Board may classify some papers and minute notes as Part II on the basis of confidentiality or for Data Protection reasons. All Pensions Committee Part II papers will be classified as Pension Advisory Board Part II (confidential).

## **Membership**

### **Members**

12. The Pension Advisory Board shall consist of 7 members and be constituted as follows:

<b>No.</b>	<b>Constituency</b>	<b>Definition / Constraints</b>	<b>Voting</b>
3	Employer	<p>Must represent all employers within the scheme</p> <p>This must be a named individual on behalf of an employer and not an employer with a variable representative</p>	Yes

No.	Constituency	Definition / Constraints	Voting
		Must represent an employer within the West Sussex Local Government Pension Scheme	
3	Scheme members	To cover all members of the scheme (active, deferred, pensioners)  Must be a member of the West Sussex Local Government Pension Scheme	Yes
1	Independent	To act as Chairman	No

### **Term of Office**

13. The term of office for employer and scheme member representatives is four years and will be on a phased basis. This can be extended following reselection up to a maximum of three terms. Reselection will be at the invitation or discretion of the Chairman, with advice from the Director of Finance and Support Services and the Director of Law and Assurance.
14. Pension Advisory Board members must meet key attendance and training requirements to retain their membership during this period.
  - A member must attend at least two meetings per year.
  - The training plan produced by the Director of Finance and Support Services must be complied with by every member.
  - The Pension Regulator's Code of Practice must be complied with.
15. In the event of consistent non-attendance by any Board member, then the tenure of that membership should be reviewed by the Governance Committee on advice from the Director of Law and Assurance.
16. If a Pension Advisory Board member leaves employment with the employer they are representing or changes their employment status their position on the Pension Advisory Board will be reviewed as in paragraph 15. As representatives can also be elected members, this will also apply if the representative ceases to be an elected member. To avoid a conflict of interest, no officer or councillor of West Sussex (as the administering authority) who is responsible for the discharge of any function under the Regulations, may be a member of the Pension Advisory Board.
17. If a Pension Advisory Board member becomes aware of a potential conflict of interest involving themselves or another Pension Advisory Board member or prospective member, they should ensure that the Director of Law and Assurance is aware of this. Such interests shall be registered and the register held by the Director of Law and Assurance. Members shall be bound by the provisions of sections 30 to 32 of the Localism Act 2011 in relation to the rules on personal or pecuniary interests.
18. Other than ceasing to be eligible as set out above, a Board member may only be removed from office during a term of appointment by the decision of the Governance Committee. If a Board member is appointed to serve on the

Pensions Committee they will cease to be eligible to be a member of the Board and will be deemed to have resigned.

19. If an employer or scheme member representative wishes to resign they must write to the Chairman and the Director of Law and Assurance giving at least one month's notice.
20. If the Chairman wishes to resign he or she must write to the Governance Committee and the Director of Law and Assurance giving at least three months' notice.

### **Selection of Employer and Scheme Member Representatives**

21. The members of the Board other than the Chairman shall be appointed by the Chairman with advice from the Director of Finance and Support Services and the Director of Law and Assurance. Nominations will be invited with a view to maximising the opportunity for all scheme members and employers to participate in nominating or seeking nomination for the other panel appointments. All regular communications, such as pensions newsletters and the website will be used to promote the opportunity and invite participation in nomination and approval of candidates through an open and transparent process.

### **Chairman**

22. The Chairman will be an independent member. A job description approved by the Governance Committee will be used to identify the candidate best suited to the role. The independent Chairman cannot vote, in accordance with the regulations. The following provisions will apply:
  - the term of office for the Independent Chairman is for four years;
  - subject to agreement of the Governance Committee, on advice from the Director of Finance and Support Services and the Director of Law and Assurance, the Independent Chairman will be able to serve a maximum of two consecutive terms before the opportunity is re-advertised.
  - appointments shall be made from a short list of nominees drawn up by the Director of Finance and Support Services and the Director of Law and Assurance following suitable advertisement of the opportunity. They will make an appointment following consultation with the Chairman and Vice-Chairman of the Governance Committee who shall be kept advised of progress with the recruitment. This will include a meeting prior to the interviews. The incumbent Chairman would be eligible for consideration for the post.
  - amendments to the Independent Chairman's job description will be approved by the Governance Committee.
  - the appointment of the Independent Chairman is phased with other members of the Board to ensure continuity of experience on the Board.

23. It will be the role of the Chairman to

- Settle with officers the agenda for a meeting of the Board
- Manage the meetings to ensure that the business of the meeting is completed
- Ensure that all members of the Board show due respect for process and that all views are fully heard and considered
- Strive as far as possible to achieve a consensus as an outcome
- Ensure that the actions and rationale for decisions taken are clear and properly recorded.

### **Substitutions**

24. Personal attendance is expected of Board members at all meetings; no substitution is allowed.

### **Co-Opted Members**

25. The Board may, with the approval of the Director of Finance and Support Services, co-opt persons who are not members of the Board to serve on sub-committees, for a period of time or for a specific task, where this would add skills, knowledge or experience. The co-opted members cannot vote.

26. Notwithstanding the appointment of co-opted members, the majority of sub-committee shall comprise employer and scheme member representatives, represented in equal number.

### **Quorum**

27. Three of the members of the Pension Advisory Board, including at least one employer and one scheme member representative, will be a quorum for Board meetings to discharge business. Advisors and co-opted persons do not count towards the quorum.

### **Knowledge and Skills**

28. Every member of the Pension Advisory Board must be conversant with:

- The legislation and associated guidance of the Local Government Pension Scheme (LGPS).
- Any document recording policy about the administration of the LGPS which is for the time being adopted by the West Sussex Pension Fund.

29. Every member of the Pension Advisory Board must have knowledge and understanding of –

- The law relating to pensions; and
- Any other matters as prescribed in the Regulations.

30. It is for individual Pension Advisory Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Board. Members of the Pension Advisory Board must be able to demonstrate their knowledge

and understanding and must comply with the Pension Regulator's Code of Practice.

31. Pension Advisory Board members will undertake a personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses in accordance with guidance issued by the Director of Finance and Support Services.
32. It is essential that Pension Advisory Board members refresh and keep their knowledge up to date and must comply with the training policy adopted by the Board on advice from the Director of Finance and Support Services.
33. Pension Advisory Board members are required to maintain a written record of relevant training and development and this must be published by the Board and the Scheme Manager.

### **Standards of Conduct**

34. The role of the Pension Advisory Board members requires the highest standards of conduct and therefore the 'seven principles of public life' will be applied to all Pension Advisory Board members. The Code of Conduct of the West Sussex County Council will apply to the Board's members. The County Council's Standards Committee will monitor and act in relation to the application of the Code.

### **Advisers to the Board**

35. The Board may be supported in its role and responsibilities through the appointment of independent advisors, subject to any applicable Regulation and Legislation from time to time in force, consult with such advisors to the Board and on such terms as it shall see fit to help better perform its duties.
36. Notwithstanding the Pensions Committee responsibility to appoint professional and specialist investment advisers and managers on a consultancy basis, The Board shall ensure that the performances of the advisers so appointed are reviewed on a regular basis.

### **Budget and Business Plan**

37. The Board will prepare a Business Plan and Budget each year to be approved by the Governance Committee.

### **Board Review Process**

38. The Board will undertake each year a formal review process to assess how well it and its sub-committees are performing with a view to seeking continuous improvement in the Board's performance.

### **Expense Reimbursement**

39. Remuneration for board members will be limited to a refund of actual expenses incurred in attending Board meetings and training. The Chairman's

remuneration will be agreed on appointment and approved by the Governance Committee.

40. Advisers will be remunerated dependent on individual arrangements.

### **Publication of Pension Advisory Board Information**

41. Up to date information will be posted on the West Sussex Pension Fund website showing:
- Names and information of the Pension Advisory Board members
  - How the scheme members and employers are represented on the Pension Advisory Board
  - Responsibilities of the Pension Advisory Board as a whole
  - Full terms of reference and policies of the Pension Advisory Board and how they operate
  - Pension Advisory Board appointment process
  - Specific roles and responsibilities of individual Pension Advisory Board members.

### **Pension Board of the West Sussex Fire and Rescue Authority**

#### **Terms of reference**

##### **Statement of purpose**

1. The purpose of the Board is to assist West Sussex Fire and Rescue Authority in its role as a scheme manager of the Fire Fighters' Pension Scheme. Such assistance is to:
  - (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
  - (b) ensure the effective and efficient governance and administration of the Scheme. To this end, the Board may:
    - Assist with improvements to customer service
    - Monitor performance against indicators
    - Review the risk register
    - Monitor training needs
    - Assist with the development of improved administration and governance structures and policies.

##### **Duties of the Board**

2. The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty, Board members:
  - (a) Should act always in the interests of the scheme and not seek to promote the interests of any stakeholder group above another.
  - (b) Should be subject to and abide by the West Sussex Fire and Rescue Authority Code of Conduct.

#### **Membership**

The Board will comprise an equal number of employer and member representatives with a minimum requirement of no less than four in total.

##### **Member representatives**

3. Three scheme member representatives shall be appointed to the Board. The term 'member representative' includes active members, deferred members and pensioner members.
4. Member representatives shall either be members of the scheme administered by West Sussex Fire and Rescue Authority or have experience of representing pension scheme members in a similar capacity.



5. Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
6. Member representatives will be appointed to the Board as follows:
  - The FBU will appoint one member
  - The RFU will appoint one member
  - One other member representative

### **Employer representatives**

7. Three employer representatives shall be appointed to the Board.
8. Employer representatives shall be office holders or senior employees of West Sussex Fire and Rescue Authority or have experience of representing scheme employers in a similar capacity. Office holders or employees of West Sussex Fire and Rescue Authority with delegated responsibility for discharging the scheme manager function of West Sussex Fire and Rescue Authority may not serve as employer representatives.
9. Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
10. Employer representatives shall be appointed by West Sussex Fire and Rescue Authority in a manner which it considers best promotes the purpose of the Board.

### **Other people in attendance at Pension Board meetings**

11. The Board may invite expert officers to attend meetings to provide information to the Board.
12. Any such people in attendance at meetings will not have voting rights and shall have regard to the best interests of the purpose of the Board.

### **Appointment of Chair**

13. West Sussex Fire and Rescue Authority shall appoint the Chair.
14. The Chair will have the casting vote in any votes and will lead the meetings.
15. The Chair may appoint a Deputy Chair who will lead meetings in the absence of the Chair.

### **Notification of appointments**

16. On appointment to the Board, West Sussex Fire and Rescue Authority shall publish the name of the appointees, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

## **Conflicts of interest**

17. All members of the Board must declare to West Sussex Fire and Rescue Authority on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board.
18. On appointment to the Board and following any subsequent declaration of potential conflict West Sussex Fire and Rescue Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of West Sussex Fire and Rescue Authority and the requirements of the Pensions Regulator's codes of practice on conflict of interest for Board members.

## **Knowledge and understanding (including Training)**

19. Knowledge and understanding must be considered in light of the role of the Board to assist West Sussex Fire and Rescue Authority in line with the requirements outlined in the Duties of the Board.
20. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board members. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
21. Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
22. Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

## **Term of office**

23. The term of office for Board members will be three years. Members may only serve for a maximum of three terms of office (9 years).
24. Board membership may be terminated prior to the end of the term of office due to:
  - (a) A member representative appointed on the basis of their membership of the scheme no longer being a member of the scheme.
  - (b) A member representative no longer being a member of the body on which their appointment relied.
  - (c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied.

- (d) The representative no longer being able to demonstrate their capacity to attend and prepare for meetings or to participate in required training.

## **Meetings**

- 25. The Board shall as a minimum meet twice per year. Meetings shall normally take place between the hours of 9.00 am and 5.00 pm.
- 26. The Chair of the Board with the consent of the Board membership may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

## **Quorum**

- 27. The total number of members required to be present for a meeting to be quorate is 3 plus the Chair or Deputy Chair.

## **Voting**

- 28. The Chair shall determine when consensus has been reached.
- 29. Where consensus is not achieved this should be recorded by the Chair.
- 30. In support of its core functions the Board may make a request for information to the Chief Fire Officer and Deputy Chief Fire Officer, in their capacity as Scheme Managers for the Pension schemes, with regard to any aspect of the scheme manager function. Any such request should be reasonably complied with in both scope and timing.
- 31. In support of its core functions the Board may make recommendations to the Chief Fire Officer and Deputy Chief Fire Officer, in their capacity as Scheme Managers for the Pension schemes, with regard to any aspect of the scheme manager function which should be considered and a response made to the Board on the outcome within a reasonable period of time.

## **Interpretation**

- 32. In these terms 'the Scheme' means the Firefighters' Pension Scheme.
- 33. In these terms 'regulations' include the Firefighters' Pension Scheme 1992, as amended, the Firefighters' Pension Scheme 2006, as amended, the Firefighters' Pension Scheme Regulations 2014 as amended, the Pension Regulators Codes of Practice as they apply to the scheme manager and pension board and any other relevant legislation applying to the Scheme.

**Appointment Processes**

**Member representatives**

1. One representative shall be appointed by the FBU.
2. One representative shall be appointed by the RFU.
3. The third member shall be elected following a nomination process. In the event that no member is appointed following this process, an additional member of the Board shall be appointed; the process for which will be agreed by the Fire Authority and the representative bodies.
4. Any nomination should include information as to how the nominee meets the requirements of the role as set out in the terms of reference and how their appointment would be in the best interests of the purpose of the Board.
5. Nominations shall be communicated to all deferred and pensioner members by email along with information about the voting process.
6. The one nominee with the most votes shall be appointed to the Board.

**Employer representatives**

1. The Authority will appoint three employer representatives. These may be from:
  - (a) Group Managers
  - (b) Area Managers
  - (c) The Assistant Chief Fire Officer.

### Local Government Pension Scheme ACCESS Joint Committee

#### Constitution of the Joint Committee

##### Part 1 Membership

1. The Joint Committee shall consist of one elected councillor appointed by each Council. The member so appointed must, at the time of the appointment, be an elected councillor serving as a member of the Committee of a Council which discharges the functions of that Council as pension administering authority.
2. Each Council may appoint a substitute. Any substitute must meet the eligibility requirements in paragraph 1. The substitute may attend any meeting of the Joint Committee or any of its sub-Committees in place of that authority's principal member if notice that the substitute will attend is given to the Secretary of the Joint Committee by the Council concerned.
3. Where a substitution notice is in effect with respect to a particular member at a particular meeting, the substitute shall be a full member of the Joint Committee for the duration of the meeting in place of the principal member.
4. Each Council may remove its appointed member and appoint a different member by giving written notice to the Secretary to the Joint Committee.
5. Each appointed member shall be entitled to remain on the Joint Committee for so long as the Council appointing them so wishes but shall cease to be a member if he or she ceases to meet the eligibility criteria in paragraph 1 or if that Council removes the appointed member.
6. Any casual vacancies will be filled as soon as reasonably practicable by the Council from which such vacancy arises by giving written notice to the Secretary to the Joint Committee or his or her nominee.
7. The Joint Committee may co-opt any other person whom it thinks fit to be a non-voting member of the committee. The Joint Committee may from time to time make rules as to:
  - 7.1 Registration and declaration of interests by co-opted members.
  - 7.2 Standards of behaviour required to be observed by co-opted members when acting as such.
8. The Chairman of the Joint Committee will be appointed from time to time by the members of the Joint Committee. Subject to paragraph 5, the Chairman of the Joint Committee shall hold that office until another member is appointed. The appointment of the Chairman shall take place every two years, beginning with the Commencement Date with subsequent appointments falling not later than the first meeting of the Joint Committee following the annual meetings of the Councils in the relevant years.

9. The Vice-Chairman of the Joint Committee will be appointed from time to time by the members of the Joint Committee. Subject to paragraph 5, the Vice-Chairman of the Joint Committee shall hold that office until their replacement is appointed. The appointment of the Vice-Chairman shall take place every two years, beginning with the Commencement Date with subsequent appointments falling not later than the annual meetings of the councils in the relevant years.
10. The Joint Committee may appoint such sub-committees from among its membership as it thinks will help it to enable it to fulfil its remit. The Joint Committee may delegate its responsibilities to such sub-committees. Sub-Committees may co-opt non-voting members.
11. The Joint Committee may set up working groups to advise it on matters within its remit. Such working groups may be formed of members or officers of the constituent councils or any other third party as the Joint Committee sees fit. Such working groups are advisory only and the Joint Committee may not delegate its responsibilities to such working groups.
12. Each member of the Joint Committee and any Sub-committee shall comply with any relevant code of conduct of their Council when acting as a member of the Joint Committee.
13. The Chairman may direct the Secretary to call a meeting and may require any item of business to be included in the summons.
14. Any 5 members of the Joint Committee may by notice in writing require the Chairman to call a meeting to consider a particular item of business and if the Chairman fails to do so within 20 working days of receipt of the notice then those 5 members may direct the Secretary to call a meeting to consider that business.
15. The Committee may, if the law permits, arrange for attendance at meetings via video conferencing. Any such attendance shall be in accordance with the law and any other requirements imposed by the Joint Committee from time to time.

## **Part 2 Proceedings**

### **16. Time and Place of Meetings**

16.1 The Joint Committee will meet at least four times each year. All meetings of the Joint Committee will take place at a suitable venue and at a time to be agreed by the Councils.

16.2 Any Section 151 Officer or Monitoring Officer is entitled to attend all parts of all meetings of the Joint Committee or of any sub-committee appointed by the Joint Committee.

### **17. Notice of and Summons to Meetings**

The Secretary to the Joint Committee will give notice to the public of the time and place of any meeting in accordance with Part VA of the Local

Government Act 1972. At least five clear days before a meeting, the Secretary to the Joint Committee will send a summons by email and if a member so requests by post to every Member at their last known address. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

## **18. Chairing of Joint Committee**

The Vice-Chairman shall preside in the absence of the Chairman. If there is a quorum of members present but neither the Chairman nor the Vice-Chairman is present at a meeting of the Joint Committee, the other members of the Joint Committee shall choose one of the members of the Joint Committee to preside at the meeting.

## **19. Quorum**

19.1 The quorum of a meeting will be at least 8 members who are entitled to attend and vote.

19.2 If there is no quorum present at the start of the meeting the meeting may not commence. If, after 1 hour from the time specified for the start of the meeting, no quorum is present then the meeting shall stand adjourned to another time and date determined by the Secretary.

## **20. Voting**

### **20.1 Majority**

Each elected member shall have one vote. Co-opted members will not have a vote. Any matter will be decided by a simple majority of those members of the Councils represented in the room at the time the question is put. In the event of equality of votes the person presiding at the meeting will be entitled to a casting vote under paragraphs 39(1) and 44 of Schedule 12 of the Local Government Act 1972.

### **20.2 By Substitutes**

The member appointed as a substitute shall have the same voting rights as the member for whom he or she is substituting. Where notice of substitution has been given for a particular meeting the principal member may not vote unless the notice of substitution is withdrawn before the start of the meeting.

### **20.3 Show of hands**

The Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **20.4 Recording of individual votes**

The minutes of the meeting shall record how a member of the Committee voted on a particular question if, at the time that the vote is taken or immediately thereafter, that member asks the Secretary or his or her representative at the meeting to record his vote.

## **21. Minutes**

22.1 The Secretary to the Joint Committee shall arrange for written minutes to be taken at each meeting of the Joint Committee and shall present them to the Joint Committee at its next meeting for approval as a correct record. At the next meeting of the Joint Committee, the Chairman shall move that the minutes of the previous meeting be signed as a correct record. If this is agreed, the Chairman of the Joint Committee shall sign the minutes.

22.2 Draft minutes or a summary of the decisions taken at the meeting and a note of the actions arising shall be circulated to the Committee and to each Council by email no later than 7 days after the date of the meeting.

22.3 Minutes of the meeting shall be published by the Host Authority to the extent required by Part VA of the Local Government Act 1972.

## **22. Access for elected members of the Councils**

Any elected member of the Councils who is not a member of the Joint Committee may speak at a meeting of the Joint Committee if the Chairman of the Joint Committee invites him or her to do so but an elected member of the Councils who is not a member of the Joint Committee shall not be entitled to vote at a meeting of the Joint Committee.

## **23. Public Access**

Meetings of the Joint Committee shall be open for members of the public to attend unless the Joint Committee determines that it is necessary to exclude members of the public in accordance with Part VA of the Local Government Act 1972 or the Joint Committee determines that it is necessary to close the meeting to the public because of a disturbance.

23.1 Copies of the agenda for meetings of the Joint Committee and any reports for its meetings shall be open to inspection by members of the public at the offices of the Councils with the exception of any report which the Secretary to the Joint Committee determines relates to items which in his or her opinion are likely to be considered at a time when the meeting is not to be open to the public.

24. If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will arrange for their removal from the meeting room and will suspend the meeting until the member of the public has left or been removed.

25. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.



## 26. **Overview and Scrutiny**

26.1 Each Council has overview and scrutiny committees which have the right to scrutinise the operation of the Joint Committee and the Joint Committee and the Host Authority will co-operate with reasonable requests for information from any of the Councils' overview and scrutiny committees.

26.2 The decisions of the Joint Committee are not subject to call-in.

## 27. **Regulation of Business**

27.1 Any ruling given by the Chairman as to the interpretation of this constitution with respect to the regulation of proceedings at a meeting shall be final.

27.2 Subject to the law, the provisions of this Constitution and the terms of any contract, the Joint Committee may decide how it discharges its business.

## **Terms of Reference**

### **Part 1 – Operating the Pool and Taking Advice**

1. The Joint Committee shall consult with and consider the advice of the Section 151 Officers Group (and, where requested, the Monitoring Officers and from appropriate professional advisers) in discharging its functions, recording, if appropriate, where such advice is not followed and the rationale for not doing so. It may decide to procure such professional advisers on such terms as it thinks fit. Accordingly, any procurement of advisers must comply with the constitution of the Council designated to undertake the procurement and that Council will enter into a contract with the appointed adviser on behalf of the Councils.
2. The Joint Committee shall decide which functions shall be performed by the ASU.
3. The Joint Committee shall at all times have regard to the principles set out in Schedule 1.

### **Part 2 Functions in relation to the Operator(s)**

1. **Specifying Operator services:** Deciding, in consultation with the Councils, the specification of services and functions that each Operator will be required to deliver including the sub-funds and classes of investments required to enable each Council to execute its investment strategy.
2. **Procuring an Operator:** agreeing the method and process for the procurement and selection of one or more Operators.

3. **Appointing an Operator:** Making a recommendation to the Councils as to the identity of each Operator and the terms upon which each Operator is to be appointed.
4. **Reviewing the Performance of an Operator:** Keeping the performance of each Operator under review and making arrangements to ensure that the Joint Committee is provided with regular and sufficient reports from the ASU to enable it to do so including but not limited to:
  - 4.1 the performance of an Operator against its contractual requirements and any other performance measures such as any Service Level Agreement (SLA) and key performance indicators (KPIs) and officer recommendations on any remedial action;
  - 4.2 sub-fund investment performance;
  - 4.3 investment and operational costs including the annual review of investment manager costs;
  - 4.4 performance against the strategic business plan agreed by the Councils.
5. **Managing the Operator:** The Joint Committee shall:
  - 5.1 Make recommendations to the Councils on the termination or extension of the Operator Agreements;
  - 5.2 Make decisions about any other action to be taken to manage the Operator Agreement including the giving of any instruction or the making of any recommendation to the relevant Operator including but not restricted to recommendations on investment managers (within any regulatory constraints that may apply); and
  - 5.3 Make recommendations to the councils about appropriate arrangements to replace an Operator Agreement on its termination.

### **Part 3 Functions in relation to management of Pool Assets**

6. The Joint Committee shall make recommendations to the Councils on the strategic plan for transition of assets that are to become Pool Assets.

### **Part 4 Functions Concerning Pool Aligned Assets**

7. The Joint Committee shall make recommendations to the Councils about Pool Aligned Assets in accordance with this Agreement or any other delegation to the Joint Committee by the Councils.
8. Specifying services of Pool Aligned Assets Provider(s): Deciding, in consultation with the Councils, the specification of Services which any Pool Aligned Assets provider will be required to deliver including the sub-funds and classes of investments required to enable each Council to execute its investment strategy.

9. Procuring a Pool Aligned Assets Provider: Agreeing the method and process for the procurement and selection of one or more Pool Aligned Assets Providers.
10. Appointing Pool Aligned Assets Providers: Making a recommendation to the Councils as to the identity of each Pool Aligned Assets Provider and the terms upon which each Pool Aligned Assets Provider is to be appointed.
11. Reviewing the Performance of a Pool Aligned Assets Provider: Keeping the performance of each Pool Aligned Assets Provider under review and making arrangements to ensure that the Joint Committee is provided with regular and sufficient reports from the ASU to enable it to do so including but not limited to:
  - 11.1 The performance of a Pool Aligned Assets Provider against its contractual requirements and any other performance measures such as any Service Level Agreement (SLA) and key performance indicators (KPIs) and officer recommendations on any remedial action;
  - 11.2 Investment performance of the Pool Aligned Assets Vehicle(s) or sub-funds, as appropriate;
  - 11.3 Investment and operational costs including the annual review of investment manager costs;
  - 11.4 Performance against the strategic business plan agreed by the Councils.

## **Part 5 Functions concerning Business Planning and Budget**

12. Having taken account of any advice from the Section 151 Officers Group (or, where relevant, recording the rationale for not following such advice) the Joint Committee shall do the following:
13. Make recommendations to the Councils about the annual strategic business plan for the Pool.
14. Determine the budget necessary to implement that plan and meet the expenses of undertaking the Specified Functions (insofar as they will not be met by individual transaction costs paid by Councils to the Operator) in accordance with Schedule 5.
15. Keep the structures created by this Agreement under review from time to time and make recommendations to the Councils about:
  - 15.1 the future of the Pool;
  - 15.2 any changes to this Agreement; and
  - 15.3 as to the respective merits of continuing to procure operator services by means of a third party or by creation of an operator owned by the Councils.

## **Part 6 – Functions concerning communications**

16. The Joint Committee may agree a protocol for communications in respect of the Pool with third parties, including the LGPS Scheme Advisory Board, other LGPS administering authorities, press relevant government departments.

## **Part 7 – Review of this Agreement**

17. The Joint Committee is required to undertake a review of this Agreement:
  - 17.1 to be completed 18 months before the expiry of each and every Operator Contract including as a result of the exercise of any option to terminate the Operator Contract;
  - 17.2 whenever a Council gives notice of withdrawal under clause 12 of this agreement; and
  - 17.3 at such times as a Council may request under clause 11 (Variation of Agreement).

### **Property Joint Venture Partnership – Wholly Owned Arm’s Length Company – Edes Estates Ltd**

The County Council has established a limited liability company wholly owned by the County Council to act on behalf of the County Council in all commercial matters concerning the operation of the Council’s joint venture partnership in relation to land under the control of the County Council.

The company shall at all times act as an independent legal entity and in accordance with all legal and financial obligations applicable to such companies at the time.

The Board of the company shall comprise senior officers of the Council in accordance with designations set out in the Council’s scheme of delegation.

The County Council, as the sole owner of the company, shall discharge its functions as owner through a shareholder group comprising the Cabinet Member for Finance and Property advised by senior officers.

The company shall act at all times in accordance with its Articles of Association which have been prepared to ensure that the company acts in accordance with the aims and objectives set for the company by the County Council as a partner in the Council’s joint venture partnership.

The company’s accounts and all of its actions shall be overseen by the shareholder group which shall be accountable to the County Council.

### Sussex Police and Crime Panel - Constitutional Documents

The Panel is a joint Committee under section 101 and 102 of the Local Government Act 1972. Each of the 15 borough, county, district, and unitary authorities across Sussex shall appoint one member as its representative on the Panel and may nominate a single named substitute member. The term of office will be determined by a member's own local authority and membership of the Panel ceases if that member ceases to be a member of the appointing local authority. Two independent persons will also be co-opted to the Panel. Their term of office shall be one year, renewable up to five years by the Panel. After this time the positions will be re-advertised. There is no maximum term of office for any member or co-opted member of the Panel. The Panel shall have the ability to appoint substitute independent co-opted members. Any substitute independent co-opted member will be subject to the same terms of recruitment, appointment and membership as applies for full independent co-opted members.

The 15 local authorities making up the Sussex Police and Crime Panel and adopting these constitutional arrangements are:

Adur District Council  
Arun District Council  
Brighton and Hove City Council  
Chichester District Council  
Crawley Borough Council  
Eastbourne Borough Council  
East Sussex County Council  
Hastings Borough Council  
Horsham District Council  
Lewes District Council  
Mid Sussex District Council  
Rother District Council  
Wealden District Council  
West Sussex County Council  
Worthing Borough Council

In the event that an authority fails to appoint a member by the required deadline, appointment of a member of that authority shall fall to the Secretary of State for the Home Department.

### Terms of Reference

The Panel will hold the elected Police and Crime Commissioner to account and will seek to work in a constructive manner with the post holder with a view to supporting the effective exercise of his/her functions within Sussex.

1. To review and make reports or recommendations on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner which the Commissioner must take into account, and to publish the reports or recommendations.

2. To review, put questions to the Police and Crime Commissioner at a public meeting, and make reports or recommendations (as necessary) on the Commissioner's annual report, and to publish the reports or recommendations.
3. To hold a public confirmation hearing and review, make reports and recommendations (as necessary) in respect of proposed senior appointments (Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner) made by the Police and Crime Commissioner and to publish the reports or recommendations.
4. To hold a public confirmation meeting to review and make reports on the proposed appointment of the Chief Constable including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports.
5. Upon receiving written notification from the Commissioner of his/her intention to call upon the Chief Constable to retire or resign to make recommendations to the Commissioner as to whether or not such resignation or retirement should be called for.
6. To consult the Chief Inspector of Constabulary (where necessary) and hold a private meeting which the Chief Constable and Commissioner may attend to make representations about the requirement to resign or retire and to publish the recommendations made to the Commissioner.
7. To review and make reports and recommendations (as necessary) on the proposed precept including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports or recommendations.
8. To review or scrutinise decisions or proposals made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the Commissioner's functions, which may be in the form of reports or recommendations to the Commissioner which must be published.
9. To fulfil functions in relation to complaints about the Commissioner on conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
10. To appoint an Acting Police and Crime Commissioner if necessary, where the Commissioner is incapacitated, resigns or is disqualified or suspended.
11. To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom, the Channel Islands or Isle of Man with an offence that carries a maximum term of imprisonment exceeding two years.
12. To delegate, to the extent that it wishes to do so and so far as permitted by law, areas of work to a sub-committee or working group.

13. To require the Commissioner and his or her staff to attend meetings to give evidence in accordance with statute when deemed necessary for the Panel to discharge its functions.
14. Following a requirement made by the Panel for the Commissioner to attend a meeting, it may request the attendance of the Chief Constable at that meeting to answer questions which the Panel feels are necessary for the discharge of its functions.
15. To require the Commissioner to respond in writing within a specific timescale to any report or recommendation made by the Panel to the Commissioner.
16. To undertake any other such functions as are conferred upon the Panel by the Police Reform and Social Responsibility Act 2011 and any subsequent regulations made under the Act.

## **Panel Arrangements**

### Resources

1. All Home Office funding for the Panel will be received and administered by the Host Authority.
2. Any authority wishing to take on or relinquish the role of Host Authority must give at least six months' notice to the Panel, to expire on either 1 April or 1 October in any given year.
3. The total costs of running the Panel shall be contained within the Home Office funding although any local authority may provide additional funding or other resources to support the work of the Panel.
4. An annual budget report shall be submitted to the Panel by the host authority.
5. Constitutional and other specialist support will be provided by the host authority, together with creation and maintenance of a website, issuing press releases (with the agreement of the Chairman), and administration of the payroll for member allowances. Additional services can be commissioned as needed, subject to funding being available. All constituent local authorities will be encouraged to provide a link from their websites to the Panel website.
6. The host authority will be responsible for the payment of travelling expenses of members, either the price of a second class public transport ticket (receipts must be provided) or a car mileage rate at the level paid by the host authority to its own members for travel expenses. Additional expenses and allowances may be payable by a member's own authority. The Proper Officer of the host authority may, with the agreement of the Panel Chairman, authorise any Panel member to attend relevant conferences or training courses and for this to be paid for at the subsistence rates available from the host authority, within available funding.
7. The host authority will provide an attendance list at each meeting or informal meeting of the Panel or any sub-committees or working groups. All



members should sign the register when attending and this will be used to evidence travel expense claims.

8. The host authority will organise at least one training session on an annual/two yearly basis, to coincide with appointments to the Panel and will provide advice and guidance to any new member appointed.
9. Meetings may be held in any part of Sussex but will usually be held at 10.30 a.m. at County Hall, Lewes. Meetings will be webcast when funding allows.
10. The host authority will be responsible for ensuring that agendas, summons and papers are sent out that comply with the requirements of the Local Government Act 1972. The notice of meeting and summons will be signed by the Proper Officer of the host authority.
11. The presumption is that all formal items will be considered in public except for those that meet the Part II confidentiality criteria of Schedule 101A of the Local Government Act 1972. Part I reports, agendas and minutes will be published on the dedicated webpage provided by the host authority, to which other authorities are invited to provide a link.
12. The press and public may be excluded from any part of a meeting when the Panel passes a resolution to that effect, when it considers that exempt information may be given or discussed and that it considers the public interest in keeping the information out of the public domain greater than the public interest in disclosing it. A Part I summary of any such discussions shall be included in the minutes.
13. Members are under an obligation not to disclose any confidential or exempt information that they obtain as a member of the Panel when it has been made clear to them that the information is not in the public domain.
14. Reports to the Panel must make reference to statutory or legal provisions to which the Panel must have regard.

#### Additional Local Authority Members

15.
  - a. Subject to the agreement of the Home Secretary, Brighton and Hove City Council - as a unitary authority - shall be granted one additional co-opted local authority seat on the Panel to address geographical imbalance. The nomination of a member for this seat by Brighton and Hove City Council shall, so far as possible, support the Panel in meeting the balanced appointment objective. This member will have a one-year period of office.
  - b. Subject to the agreement of the Home Secretary, an additional local authority member may be appointed from each of the county councils on the agreement of the Panel, to address any perceived imbalance in political proportionality. This will be considered at the annual meeting. Such members will have a one-year period of office.

16. Constituent authorities will strive to maintain political proportionality of the Panel as far as is practicable and will review the proportionality of all members of the 15 authorities on an annual basis, taking account of local authority elections across Sussex.
17. An additional appointed local authority member can be removed from office through a majority vote of the Panel present, provided the member has been given no less than four weeks' notice of the proposal and has the opportunity to make representations to the Panel.
18. If an additional appointed member ceases to be a member of the Panel, the Panel will seek a replacement member from the same local authority for the remainder of the term.

#### Independent Co-opted members

19. Two independent co-opted persons will be co-opted for a one-year term, which can be renewed by the Panel annually for up to five years before the position must be re-advertised. They will have full voting rights. They may not be members of the constituent authorities of the Panel. They will be appointed through public advert and interviews conducted by members of the Panel within arrangements agreed by the Panel.
20. An independent co-opted member can be removed from office through a majority vote of the Panel present, provided the member has been given no less than four weeks' notice of a proposal to remove and provided the member has an opportunity to make representations about the proposal.
21. If an independent co-opted member ceases to be a member through removal, resignation or some other means, the Panel will seek a replacement member through the process as described in paragraph 18 above. The new appointment will be for the remainder of the term.

#### Standards

22. Members, including independent co-opted members, will be bound by the code of conduct of the host authority.

#### Urgent Action

23. If, in the view of the host authority's Proper Officer, a decision within the Panel's remit is sufficiently urgent that it cannot wait for the next meeting of the Panel and it is not in the public interest that the matter should be delayed, then the host authority's Proper Officer may decide the matter in consultation with Chairman of the Panel. The action taken will be reported to the next meeting of the Panel. This paragraph does not empower the Proper Officer to take any decision on a matter which is reserved by law to the Panel.
24. A register shall be maintained by the host authority of every decision taken under paragraph 22 above.

## **Rules of Procedure**

### **Chairmanship**

1. A Chairman and a Vice-Chairman will be elected annually, at the annual meeting in June. Nominations will be made at the meeting and voting will take place by a show of hands. A secret ballot can be requested by three members.
2. A Chairman can be removed from office through a majority vote of no confidence called by any member of the Panel.
3. Any vacancy occurring in the Chairmanship or Vice-Chairmanship through removal or resignation can be filled at any meeting of the Panel and will be effective until the next annual meeting of the Panel.
4. In the absence of both Chairman and Vice-Chairman, a Chairman for a single meeting will be appointed by a simple majority of votes.

### **Decision-making**

5. All decisions will be made by a simple majority of votes of members present unless otherwise specified by statute, the Panel Arrangements or these Rules of Procedure. The Chairman of the meeting will have a second or casting vote in the event of a tied vote. All other Panel members will have one vote. Voting will be by a show of hands.
6. Any member can ask for the way in which they voted to be recorded in the minutes.
7. A recorded vote shall be undertaken if requested by any member.
8. Any member can make a proposition or propose an amendment to a proposed resolution if backed by a seconder. Votes will be taken unless consensus is reached.
9. A meeting or debate can be adjourned at the request of the Chairman, including an adjournment of the meeting if the required quorum is not present.
10. The validity of a decision will not be affected by any vacancy in the Panel membership, provided that the quorum has been met.
11. The Panel will not usually review any decision it has taken during the six months following such decision

### **Committee Procedures**

12. The quorum for the meetings of the Panel is 10 members.
13. At the Annual Meeting, the first item of business will be appointment of Chairman. The second item of business will be appointment of Vice-

Chairman. Items will then follow the pattern for ordinary meetings set out below.

14. At ordinary meetings of the Panel, the first item of business will usually be declaration of interests.
15. The second item of business at ordinary meetings of the Panel will be the approval of minutes, to be signed by the Chairman. No discussion will take place about the minutes other than on their accuracy.
16. An item for urgent matters will appear on each agenda. Urgent matters will be taken at the discretion of the Chairman when it appears that a matter is so urgent that it cannot wait until the next meeting of the Panel.
17. The Panel will hold an annual public meeting to scrutinise the Commissioner's annual report. Business will follow that of an ordinary meeting, but with a public question time immediately following the approval of the minutes. The maximum time for the question time shall be 45 minutes unless the Panel agrees to an extension.
18. Written questions from the public can be submitted two weeks in advance of the published date of the annual public meeting or any ordinary meeting of the Panel, for which the Commissioner or Panel Chairman will be invited to provide a written response by noon on the day before the meeting. The response will be circulated to Panel members and the questioner.
19. A special meeting of the Panel can be convened at the request of the Chairman or on the request of one third of the members of the Panel, providing that proper notice can then be given. One use of this provision may be a confirmation hearing for a proposed appointment by the Commissioner.
20. Panel business will be indicated on the agenda, but the order of business can be varied at the Chairman's discretion.
21. The host authority will work with the Chairman in advance of meetings to identify items for the agenda and in setting the order of the business, including issues of confidentiality.
22. Any member may give notice of an item to be included on the agenda provided it is relevant to the business of the Panel, is agreed by the Chairman and is no less than eight working days in advance of the meeting.

#### Conduct of Meetings

23. On each item, the Chairman will invite members to speak in turn.
24. Any member speaking will be silent at the request of the Chairman.
25. Following a warning from the Chairman to a member about disruptive behaviour, the Chairman may ask the Panel to agree that the member no longer be heard if the behaviour continues.

26. The Chairman may order the removal of disruptive members of the public from a meeting, or clear the public gallery to enable Panel business to continue.
27. All mobile phones and other communication devices must not disrupt Panel meetings.
28. No visual or sound recording may be taken without the permission of the Chairman in advance of the meeting.

#### Sub-Committees and working groups

29. The Panel is empowered to establish sub-committees to fulfil any of its functions except those that by law may not be delegated. Sub-committees may not co-opt members.
30. The Panel is empowered to establish time-limited informal working groups that can undertake proactive work on the initiative of the Panel or at the request of the Commissioner, with the agreement of the Panel. The working groups will be flexible and informal, but must report back to a formal, public meeting of the Panel. A working group may co-opt additional members, who will be able to claim travel expenses within available resources.
31. Any sub-committee or working group established will have the discretion to appoint its own chairman.

#### Relationship with Commissioner

32. The Panel will hold the elected Police and Crime Commissioner to account and will seek to work in a constructive manner with the post-holder.
33. The Commissioner will have a standing invitation to attend all meetings of the Panel which may be withdrawn on any occasion at the discretion of the Chairman. The Commissioner's staff may also be invited by the Chairman to attend appropriate meetings of the Panel, at the discretion of the Commissioner. The Panel may, however, require the Commissioner to attend for specific items.
34. The Commissioner may invite the Panel to undertake scrutiny of any issue within his or her remit, but it will be for the Panel to decide whether it will accept any such request.
35. The Panel may require certain reports from the Commissioner in accordance with statute, but may also request other reports from the Commissioner that it considers necessary in order to effectively undertake its business. The Commissioner usually will be given at least three weeks' notice, but a report may be requested at shorter notice in cases of urgency.
36. In the event of the Panel receiving a complaint about the conduct of the Commissioner, or of a conduct issue otherwise coming to the attention of the Panel, the initial handling is delegated to the Proper Officer of the Host Authority. The Proper Officer shall determine whether or not the complaint

falls within the remit of the Panel, and whether it is deemed to be serious, under the Police Reform and Social Responsibility Act 2011.

37. Where a complaint falls within the remit of the Panel, but is judged to be non-serious, the Panel will establish a working group to consider the need for, and to undertake, informal resolution of the complaint. The working group, having a quorum of 3, will have up to 5 members. The membership will be rotated and the working group will strive to include 1 minority party member and 1 independent member.
38. The Panel shall receive a schedule of complaints at each quarterly meeting.

#### Other relationships

39. The Panel will seek to avoid duplication of the work of Crime and Disorder Scrutiny Committees in its constituent authorities. The role of the Panel is to scrutinise the Commissioner and not the Responsible Authorities as defined by the Crime and Disorder Act 1998, including Sussex Police and local authorities.