

PART 3 – RESPONSIBILITY FOR FUNCTIONS

Section 1 – Introduction

1. The District Council is required by the Local Government Act 2000 and regulations made under it, to indicate how it has arranged for its functions to be carried out. The District Council has delegated its functions by means of its Scheme of Delegation which follows these pages as Sections 2 and 3 in this part of the Constitution.
2. Functions of the District Council are either Executive or non-executive. Non-executive functions are retained by the Council and listed in Article 4 of Part 2 of this Constitution, or are delegated to the Cabinet, non-executive committees or officers as described in paragraphs 4 and 5 below. All other functions are executive functions.
3. The terms of reference of the Cabinet and non-executive committees are set out in Section 2 in this part of the Constitution. Delegation to officers is set out in Section 3 in this part of the Constitution.

Non-Executive Functions

4. Non-Executive functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended, which must not be the responsibility of the Cabinet, have been delegated to non-executive committees or to officers in accordance with the Scheme of Delegation.
5. Those functions where the District Council has a choice as to whether they are treated as executive or non-executive functions in accordance with Schedule 2 of those regulations have been delegated as follows: to non-Executive committees, to officers, or to the Cabinet in accordance with the Scheme of Delegation.

Executive Functions

6. Executive functions are delegated either to the Cabinet, individual Cabinet Members, officers or joint arrangements with other local authorities and public bodies.

Section 2 - Terms of Reference and Delegated Powers of Committees

Powers Delegated to Committees

Each Committee is authorised to exercise such powers and duties as are delegated to it by the Council and shall act within the plans, policies, strategies and budgets approved by the Council.

All Committees have power to create such sub-committees as are necessary for the efficient conduct of their business.

The functions listed in Article 4.03 Functions of the Full Council may not be delegated.

Cabinet

Constitution: Between 3 and 10 Members of Council including the Leader and Deputy Leader

Meetings: 11 times per year

The Cabinet will be the executive arm of the Council with the authority to action policies within the plans, strategies and budget approved by the Council.

The constitution of between 3 and 10 members is not required to follow the rules of proportionality relating to political parties.

The Leader of the Council, as elected by Council, shall chair the Cabinet meetings and shall designate a portfolio role to each member of the Cabinet.

The Leader may also appoint Special Advisers to assist Cabinet Members.

The Leader shall prepare the forward plan of key decisions to be made by the Cabinet.

For the avoidance of doubt, any reference to partnerships contained below may not include legally binding partnerships.

Terms of Reference

1. To exercise those functions which are not the responsibility of the Council, another committee or an employee.
2. To establish joint arrangements with one or more local authorities to exercise functions which are executive functions, including the delegation or acceptance of delegation of executive functions to or from another local authority or public agency. Such arrangements may involve the appointment of joint committees with these other local authorities.
3. To implement policies as determined by Council.
4. To determine key decisions, as defined in Article 11.03(b).
5. To advise the Council on financial and economic policy, to determine the Council

Tax base, and to recommend annually, as determined by statute, proposals for the Council Tax.

6. To maintain overall control of the accounts and approved budgets and to consider virement requests in accordance with financial regulations.
7. To determine an itemised Asset Renewal Programme annually as part of the approved Capital Programme.
8. To approve the use of reserves for expenditure not exceeding £100,000 in any case, provided that this does not reduce the general fund reserve below the minimum level approved by the Council.
9. To recommend to the General Licensing and Alcohol and Entertainment Licensing Committees the fees and charges relating to licences and registrations.
10. In partnership with other agencies, to review and update as required the Sustainable Community Strategy for the consideration of the Council.
11. To submit annually to the Council a Corporate Plan and Annual Report and to monitor its effectiveness.
12. a) To be responsible for the production and review of the Local Plan under the Town and Country Planning Act 1990 consulting the Planning Committee as appropriate and, subject to final approval by the Council, of (i) issues papers and draft policies and proposals prior to public consultation on them, and (ii) the final version of the Local Plan; and

b) Consulting the Planning Committee as appropriate, to prepare supplementary planning guidance, designate conservation areas, areas of archaeological interest and nature reserves, remove permitted development rights through Article 4 Directions, and undertake other functions under the Town and Country Planning Acts which are not carried out by the Planning Committee or officers.
13. To prepare, or consider (new or amended) policies from the Overview and Scrutiny Committee for the consideration of Council.
14. To exercise the powers and duties of the Council under all statutes, regulations, and codes of practice relating to the health and safety of Council staff.
15. To make recommendations to the Council on employment policies for staff and general employment issues.
16. To ensure adequate training and development for elected members.
17. To award contracts on behalf of the Council in accordance with Contract Standing Orders.
18. To oversee the Council's corporate accommodation and to ensure the provision of safe, well maintained premises to staff and public and to recommend the acquisition and disposal of such property.
19. To be responsible for the acquisition, management, maintenance, disposal and

letting of all property of the Council and to consider the views of the Council before making a compulsory purchase order.

20. To be responsible for the review and implementation of the Council's Asset Management Plan and Capital Strategy.
21. To prepare and advise Council on proposed changes to Procedural Standing Orders, Financial Regulations, Contract Standing Orders, and delegations.
22. To act on behalf of the Council in any cases where urgent decisions are required and such matters cannot conveniently be dealt with by the Council or by another appropriate committee or under the delegated powers of staff.
23. To advise the Council on proposals for emergency planning and to ensure an adequate response to incidents affecting the district.
24. To exercise general control over the information, public relations and publicity services of the Council.
25. To prepare, approve and implement the Council's ICT Strategy.
26. To respond on behalf of the Council to external reports and consultation papers.
27. To authorise exceptions to approved policies only where the particular merits of individual cases justify the exceptions being made.
28. To appoint a Grants and Concessions Panel to advise in respect of applications for rate relief from charities and non-profit making organisations in accordance with the provisions of the Local Government Act 1988 in addition to the full range of other grants and concessions.
29. To annually approve the budgets available to the Grants and Concessions Panel, the priorities to be used to encourage applications, and any adjustments to delegations to achieve efficiency and transparency.
30. To authorise the spend of section 106 monies of £50,000 or over, following consultation with the ward member.
31. To appoint appropriate Panels and Forums to assist or advise the Cabinet in carrying out its functions.
32. To appoint or nominate persons to outside organisations which relate to functions of the Cabinet.

Cabinet Members (in respect of their Portfolios)

Such decisions as the Cabinet may from time to time delegate to them, and in particular the following:

Cabinet Member for Community Services and culture

1. Participation in the appeal process under the Accessible Homes Grant Policy as substitute for the Cabinet Member for Housing Services.

2. To approve, subject to the terms of the Grants and Concessions Policy and associated criteria:
 - Grants (including HECA Grants) greater than £1,000, taking account of the views of the Grants and Concessions Panel at their meetings.
 - Grants (including HECA Grants) of up to £1,000, or variations of previously awarded grants within the spirit of the award, in consultation with two other members of the Grants and Concessions Panel by electronic or other documented means.
 - Concessions against rent payable on Chichester District Council owned premises or land.
 - Concessions against Business Rates collected by Chichester District Council.

3. To approve, subject to the terms of the New Homes Bonus (Parish Allocations) Policy and associated criteria:
 - Awards of up to £25,000 for any single project or where the total value of multiple projects from the same Parish does not exceed £25,000.
 - Agreement of the detail of application process, documentation and supporting guidance.
 - Subsequent variation to the application process, documentation and supporting guidance to ensure the continued effectiveness of the process and consistency with the New Homes Bonus Policy.

(For the avoidance of doubt, where a request exceeds the delegation, a recommendation will be made to Cabinet. The Leader or Deputy Leader is also delegated the powers relating to Grants and Concessions and New Homes Bonus (Parish Allocations) held by the Cabinet Member for Community Services, where that member has a prejudicial interest or is otherwise unavailable.)

Cabinet Member for Housing, Communications Licensing and Events

Participation in the appeal process under the Accessible Homes Grant Policy.

Cabinet Member for Planning Services

Determination of matters relating to the West Sussex and Greater Brighton Strategic Planning Board, in consultation with the Director of Planning and the Environment.

Cabinet Member for Finance, Corporate Services, Revenues and Benefits

Determination of honoraria or ex gratia payments to Council staff upon recommendation of a Chief Officers between £1,000 and £3,000.

The Cabinet Member for Corporate Services is also delegated the powers relating to Grants and Concessions and New Homes Bonus (Parish Allocations) held by the Cabinet Member for Community Services, where that member has a prejudicial interest or is otherwise unavailable.

Overview and Scrutiny Committee

Constitution: 11 Members (excluding members of the Cabinet and the Chairman of

the Council) based on political proportionality.

The Committee shall report directly to Council. Frequency of Meetings: at least 4 times per year.

Terms of reference

1. To consider any matters which affect the authority or the whole or part of its administrative area or some or all of the inhabitants of that area.
2. To carry out an overarching scrutiny role. To develop the annual scrutiny work programme and submit it to Council for agreement.
3. To develop, scrutinise or review council policies and to make proposals to the Cabinet, as appropriate, for new or amended policies.
4. To scrutinise policy decisions to ensure compliance with approved policy objectives and to review decisions or proposed decisions of the Council, the Cabinet or officers.
5. To comment upon and make recommendations to the Cabinet on external reports and consultation papers.
6. To consider issues of performance.
7. To receive reports from the West Sussex Joint Scrutiny Steering Group on any joint scrutiny reviews carried out and to comment upon and make recommendations, as necessary, to the Cabinet on those reports and recommendations.
8. To review performance against the Council's Corporate Plan and Annual Report and to report to Council as appropriate.
9. To consider decisions which have been requested for call-in and to carry out the powers in relation to Cabinet decisions made but not implemented as set out in Section 21(3) of the Local Government Act 2000.
10. To consider a petition or a request for a review of the council's response to a petition in accordance with the council's petition scheme.
11. To request evidence from or attendance by officers of the Council, members of the public, local organisations, external bodies and partnerships as covered by scrutiny guidance and legislation to contribute to and promote transparent scrutiny reviews.
12. To appoint time limited task and finish groups or working groups led by Members, or to establish one off scrutiny reviews where that is appropriate, to undertake detailed scrutiny work and to involve both Scrutiny and Non-Scrutiny Members with the relevant skills or background to assist with those reviews.
13. To have the option to increase the size of the Committee temporarily for specific in depth reviews by drawing upon Member expertise with specific interest and outside specialists as appropriate.
14. To procure specialist information services designed to supplement resources

ordinarily available to the Committee using delegated budgetary powers.

15. To consider proposals for change to the scrutiny process and make associated recommendations as required.
16. To present an Annual Report of the Committee's work to full Council.
17. To make recommendations to the Cabinet or Council as appropriate. To refer appropriate matters to the Corporate Governance and Audit Committee for review.
18. To require partner authorities or external organisations to 'have regard' to a report or recommendations as required.

Corporate Governance and Audit Committee

Constitution: 8 Members of Council including the Cabinet Member for Corporate Services and a representative from the Overview and Scrutiny Committee, and the membership to be based on political proportionality.

The Committee will report directly to the Council. The Chairman shall not be a member of the Cabinet.

Frequency of Meetings: at least 4 times per year

Terms of Reference

1. Identify and consider new corporate risks and review existing known risks along with the control and monitoring arrangements in place.
2. Review or determine the Internal Audit priorities based on the corporate governance issues and risk assessments made.
3. Review progress/effectiveness and probity of corporate governance within the authority, arrangements with external audit, internal audit and the implementation of their recommendations.
4. Report to full Council each year or at any time where significant issues or concerns are raised, on corporate governance issues and the internal arrangements in place to monitor and control risks.
5. Monitor the effectiveness of committees and panels.
6. Keep the Council's financial regulations and contract standing orders under review and make recommendations to the Cabinet and the Council.
7. Ensure effective scrutiny of the Council's treasury management strategy and policies.
8. Consider reports from the Chief Finance Officer on the Council's financial control systems.
9. Consider reports from the Chief Finance Officer on the Council's insurance policies and self-insurance arrangements.

10. Monitor systems and policies to prevent fraud.
11. Approve annually the final accounts of the Council.
12. Monitor the efficiency of the Council's services as required.
13. Annual review how the Council deals with complaints from members of the public relating to services provided by the Council including those complaints referred to the Local Government Ombudsman and effectiveness of the operation of the Corporate Complaints Scheme.
14. Monitor the S.106 obligations and the spending of the Community Infrastructure Levy (CIL)
15. Receive reports from the Council's external auditors, the ombudsman and the other appropriate bodies and propose appropriate action.

Planning Committee

Constitution: 13 Members of the Council

Terms of Reference

In respect of decisions to be made and actions to be taken, including those taken under any agency agreement in respect of the South Downs National Park:

1. All functions relating to town and country planning and development management as specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 including enforcement and all powers under the Planning Acts to obtain information as to interests and particulars of persons interested in land.

Provided that:

When any planning application is being considered by the Committee, if, before any decision is made in respect of that application, a Committee member proposes that the decision on the application shall be made by the Council, and if, on a vote being taken by the Committee, there is a majority of votes in favour of the proposal, then the conclusion of the Committee on the planning merits of the application shall be treated as a recommendation by the Committee to the Council.

2. To determine all applications for planning permission made by the Council to which Regulation 3 of the Town and Country Planning General Regulations 1992 applies.
3. To inform the Cabinet of its views on the formulation of policies for the Local Plan.
4. To determine all matters relating to the control of advertisements, the preservation of trees, buildings and important hedgerows, the extinguishment or diversion of public highways affected by development and the service of purchase notices and notices as to waste land.
5. To administer and enforce the Building Regulations and any other statutory

authorisations taking into account any recommendations expressed by the Cabinet.

6. The institution of prosecution proceedings or other enforcement action where the Director of Growth and Place and the Democratic Services Divisional Manager consider the matter merits the Committee's attention.
7. The enforcement of the provisions in the Health Act 2006 and regulations relating to smoke-free premises, places and vehicles.
8. To advise the Cabinet on any matters relating to claims and payments for statutory compensation arising from decisions on planning cases.
9. To determine all matters relating to high hedges arising under Part 8 of the Anti-social Behaviour Act 2003, the High Hedges (Appeals) (England) Regulations 2005 and all related legislation.
10. To determine applications affecting footpaths and bridleways etc. under Sections 118 and 119 of the Highways Act 1980 as amended.

General Licensing Committee

Constitution: 10 Members of Council (including at least one member of the Cabinet)

Terms of Reference

The licensing and enforcement functions of the District Council relating to:

- (a) taxi, food and miscellaneous licensing, health and safety and certain deposits on highways as set out in Sections B, C and I (22) of Schedule 1
- (b) contaminated land, control of pollution and the management of air quality as set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000; and Motor Salvage Operators
- (c) decisions as to the revocation of HMO licences under the Housing Act 2004
- (d) the approval of revisions to the Guidance for Consent Streets, to oversee the general administration of the consent regime and to review and determine from time to time the level of fees for the grant of consents for street trading

In particular the Committee will consider and determine

1. Applications relating to licences, permits, approvals, orders, consents or similar authorisations, under the above provisions where the Director of Housing & Communities considers that the matter merits the Committee's attention.
2. Whether or not the holder of a licence etc., is a fit and proper person to continue to benefit from the grant of the licence etc.
3. Amendments to the hackney carriage fare tariff.
4. The introduction of or amendments to, licence conditions, byelaws, orders, consents, approvals, permits or other similar authorisations.
5. Fees and charges for licences, permits, approvals, consents or similar

authorisation taking into account any recommendations expressed by the Cabinet.

6. The institution of prosecution proceedings or other enforcement action where the Director of Growth and Place and the Democratic Services Divisional Manager consider the matter merits the Committee's attention.
7. The enforcement of the provisions in the Health Act 2006 and regulations relating to smoke-free premises, places and vehicles.

General Licensing Sub-Committees

Constitution: 4 members selected on each occasion by the Director of Planning & the Environment from the 10 members of the General Licensing Committee which shall normally include the chairman or vice-chairman of that committee.

Terms of Reference

1. The Council's Licensing and Enforcement functions relating to individual licences, consents or permits for:
 - a) hackney carriages and private hire drivers, vehicles, and private hire operators' licences (taxi licences)
 - b) caravan sites
 - c) animal welfare
 - d) street trading
 - e) houses in multiple occupation
 - f) public protection
 - g) sex establishments

where the Director of Growth and Place considers the matter merits the Sub-Committee's attention.

2. In particular the Sub-Committees will:
 - (i) consider and determine:
 - a) matters relating to licences, permits, approvals, orders, consents or similar authorisations, under the above provisions where the Director of Growth and Place considers that the matter merits the Sub-Committee's attention; and
 - b) appeals against refusal of consent issued by the Director of Growth and Place; and
 - (ii) receive reports on 'taxi licence' holders whose licence has been suspended in accordance with the Licensing and Enforcement Committee resolution in Minute 5 of its meeting on the 25th May 2006.

Alcohol & Entertainment Licensing Committee

Constitution: 10 Members of Council (including at least one member of the Cabinet)

Terms of Reference

The licensing and enforcement functions of the District Council relating to:

- (a) functions under the Licensing Act 2003 including the following:
1. Applications for Premises Licences/Club Premises Certificates – if an adverse relevant representation subsists*
 2. Applications for Provisional Statements – if an adverse relevant representation subsists*
 3. Applications to vary Premises Licences/Club Premises Certificates – if an adverse relevant representation subsists*
 4. Applications to Review Premises Licences/Club Premises Certificates – if an adverse relevant representation subsists*

(*Most cases will be considered by an Alcohol and Entertainment Licensing Sub Committee but the Director of Growth and Place may refer the determination of a case to the Alcohol and Entertainment Licensing Committee instead if he considers it merits their attention.)

- (b) licensing functions under the Gambling Act 2005 including the setting of fees under Section 122 of the Act.

Alcohol & Entertainment Licensing Sub-Committees

Constitution: To meet as and when required and to consist of 3 Members and Substitute(s) selected on each occasion by the Director of Growth and Place from the 10 members of the Alcohol & Entertainment Licensing Committee.

Terms of Reference

1. To determine the following under the Licensing Act 2003 including the imposition of appropriate conditions on Licences:-
 - a) Applications for personal licences – if a Police objection
 - b) Applications for personal licences with unspent convictions – all cases
 - c) Applications for Premises Licences/Club Premises Certificates – if an adverse relevant representation subsists*
 - d) Applications for provisional statements – if an adverse relevant representation subsists*
 - e) Applications to vary Premises Licences/Club Premises Certificates – if an adverse relevant representation subsists*
 - f) Applications to vary Designated Premises Supervisors – if a Police objection
 - g) Applications for transfer of Premises Licences – if a Police objection

- h) Applications for Interim Authorities – if a Police objection
- i) Applications to review Premises Licences/Club Premises Certificates – if an adverse relevant representation subsists*
- j) Decisions to object when Local Authority is a consultee and not the relevant authority considering the applications – all cases
- k) Determinations of an objection to a Temporary Event Notice – all cases

(*Most cases will be considered by a Sub Committee but the Director of Growth and Place may refer the determination of a case to the Alcohol & Entertainment Licensing Committee instead if he considers it merits their attention).

2. To determine the following under the Gambling Act 2005 including the imposition of appropriate conditions on licences:-
 - a) Applications for premises licences – where representations have been received and not withdrawn
 - b) Application for a variation to a licence – where representations have been received and not withdrawn
 - c) Applications for a transfer of a licence – where representations have been received and not withdrawn
 - d) Application for a provisional Statement – where representations have been received and not withdrawn
 - e) Review of a premises licence
 - f) Application for club gaming/club machine permits – where objections have been made and not withdrawn
 - g) Cancellation of club gaming/club machine permits
 - h) Decision to give a counter notice to a temporary use notice

Standards Committee

Constitution: 7 members of the Council

3 parish councillors are co-opted in a non-voting capacity

The Independent Person(s) appointed by the Council in accordance with section 28(7) of the Localism Act 2011 are invited to attend meetings of the Committee in an advisory capacity

The Chairman and Vice-Chairman of the Committee will be appointed by the Council from the district council members of the Committee.

Quorum: At least 3 voting members.

Where parish council matters are being discussed – there must be at least one parish

councillor present who is not also a district councillor.

Agendas, reports and minutes of the Standards Committee must be circulated to all members of Chichester District Council, and to all parish councils in the district.

Terms of Reference

1. To advise the Council on the implementation of its duty to promote and maintain high standards of conduct by members and co-opted members of the authority (section 27 of the Localism Act 2011).
2. To advise the Council as to the adoption and interpretation of a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. To review from time to time that code of conduct and make recommendations to the Council as to its revision or replacement where appropriate.
3. To provide advice to parish councils in the Chichester District as to their obligations in respect of 1 and 2 above.
4. To advise the Council on the implementation of its duty to have in place arrangements under which allegations that a member or co-opted member of the authority or of a parish council in the District has failed to comply with the relevant authority's code of conduct can be investigated and decided upon.
5. To consider and determine, through its Assessment Sub-Committee and Hearing Sub-Committee, allegations that a member or co-opted member of the authority or of a parish council in the District has failed to comply with the relevant authority's code of conduct. In so doing, to seek and take into account the views of an Independent Person appointed by the Council in accordance with section 28 (7) of the Localism Act 2011.
6. To advise on the training of members of the Council and of parish councils in the Chichester District in matters of conduct, and the provision of advice to such members on such issues as the registration and disclosure of interests and general conduct issues.

Assessment Sub Committee

Constitution: 3 Members of the Standards Committee

An Independent Person appointed by the Council in accordance with section 28 (7) of the Localism Act 2011 is invited to attend meetings of the Assessment Sub-Committee in an advisory capacity.

A parish councillor who is a co-opted member of the Standards Committee is invited to attend meetings of the Assessment Sub-Committee in an advisory capacity, where an allegation against a parish councillor is being considered.

Quorum: 3 members of the Standards Committee as described under Constitution above.

Terms of Reference

1. To meet as and when convened by the Monitoring Officer in order to make an assessment of a written complaint alleging that a member or co-opted member of Chichester District Council or of any of the parish councils in Chichester District has failed to comply or may have failed to comply with the members' code of conduct.
2. To seek and take into account the views of an Independent Person appointed by the Council in accordance with section 28 (7) of the Localism Act 2011.
3. To determine one of the following:
 - (a) That the complaint be referred to the Monitoring Officer to arrange for the complaint to be investigated; or
 - (b) That the Monitoring Officer be instructed to arrange training of the accused member, conciliation between the complainant and the accused member, or other appropriate steps; or
 - (c) That no action be taken on the complaint; or
 - (d) That the complaint be referred to the Monitoring Officer of another authority where the accused member is no longer a member of CDC or one of the parish councils in the district, but is a member of the other authority.

Hearing Sub Committee

Constitution: 3 members of the Standards Committee

An Independent Person appointed by the Council in accordance with section 28 (7) of the Localism Act 2011 is invited to attend meetings of the Hearing Sub-Committee in an advisory capacity.

A parish councillor who is a co-opted member of the Standards Committee is invited to attend meetings of the Hearing Sub-Committee in an advisory capacity, where an allegation against a parish councillor is being considered.

The membership may include any members of the Assessment Sub-Committee, which had previously considered the complaint.

Quorum: 3 Members of the Standards Committee as described under Constitution above.

Terms of Reference

1. To conduct a hearing of a complaint alleging that a member or co-opted member of Chichester District Council or of any of the parish councils in Chichester District has failed to comply or may have failed to comply with the members' code of conduct. In the course of the hearing, the investigating officer, the complainant, the accused member, and an Independent Person appointed by the Council in accordance with section 28 (7) of the Localism Act 2011 shall be entitled to address the Hearing Sub-Committee. Other persons present may address the Hearing Sub-Committee

at the chairman's discretion.

2. To determine following a hearing:

- (a) that the accused member has not failed to comply with the Members' Code of Conduct; or
- (b) that the accused member has failed to comply with the Members' Code of Conduct but no action needs to be taken; or
- (c) that the accused member has failed to comply with the Members' Code of Conduct and that a sanction set out in para 3 below should be imposed.

3. Sanctions

- (a) Publish its findings in respect of the member's conduct.
- (b) Write a formal letter of censure to the councillor found to have breached the Code of Conduct.
- (c) Report its findings to the Council meeting for information.
- (d) Recommend to the member's group, or in the case of un-grouped members recommend to the Council meeting, or in the case of a parish councillor recommend to the Parish Council, that he/she be removed from any or all committees or sub-committees of the Council.
- (e) Recommend to the Leader of the Council, or in the case of a parish councillor recommend to the Parish Council, that the member be removed from the Cabinet or be removed from particular portfolio responsibilities. If the subject member is the Leader of the Council, recommend to the Council that the Leader be removed from office in accordance with Article 6 of Part 2 of the Constitution.
- (f) Instruct the Monitoring Officer to arrange training, mediation or other appropriate remedy for the member.
- (g) Accept the written apology of the subject member to the complainant.

Investigation and Disciplinary Committee

Constitution: 5 members of Council, including at least 1 member of the Cabinet.
2 substitute members of Council. The membership to be politically balanced.

The Committee shall report directly to the Council.

Quorum: Three members of the committee

Terms of Reference

To consider allegations relating to the conduct or capability of the Chief Executive, the Chief Finance Officer and the Monitoring Officer and to take action in accordance with the Council's approved Disciplinary procedure for

All panels and forums shall be chaired by a member of Council and shall be provided with a brief by the Council or the Cabinet in respect of the purpose for which the panel or forum has been formed and the timescales within which they are expected to report.

Appeals Committee

Constitution: 5 members of Council, including at least 1 member of the Cabinet. 2 substitute members of Council.

No member of the Investigation and Disciplinary Committee shall be a member of the Appeals Committee.

The membership to be politically balanced.

The Committee shall report directly to the Council.

Quorum: Three members of the committee

Terms of Reference

1. To hear appeals against action short of dismissal against the Chief Executive, the Chief Finance Officer or the Monitoring Officer and to confirm the action recommended by the Investigation and Disciplinary Committee or to award no sanction or a lesser sanction than recommended by the Investigation and Disciplinary Committee.
2. To hear appeals from the Senior Officers in respect of disciplinary action up to and including dismissal in respect of disciplinary action where the sanction is dismissal. The Panel will be advised by the Monitoring Officer or Deputy Monitoring Officer with a senior member of Human Resources in attendance. If after hearing the appeal the Panel decides to uphold a decision to dismiss then they must make this recommendation to the Council.
3. To hear appeals from the Senior Officers against being made redundant, in accordance with the Council's Employment Stability Policy. The Panel will be advised by the Monitoring Officer or Deputy Monitoring Officer with a senior member of Human Resources in attendance.

Independent Remuneration Panel

Constitution: at least three local persons who are not councillors

Terms of reference

To advise the Cabinet and the Council on the payment of allowances to councillors and co-opted members in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended.

Parish Remuneration Panel

Constitution: the same Members as the Independent Remuneration Panel

Terms of reference

To advise parish councils in Chichester District on the payment of allowances to councillors in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended.

Panels and Forums (appointed by the Cabinet)

Panels:

Are internally constituted and have specific objectives. Panels comprising mainly of elected councillors may have delegated authority (executive panels) to make decisions, depending on the individual terms of reference

Forums:

Are to be used to inform the ongoing policy debate from an external perspective. As part of the Council's commitment to open governance and consultation, it will seek the view of a wide range of community interests. One way of securing this objective will be by bringing together a number of interested parties to inform different aspects of policy formulation.

Boundary Review Panel (appointed by the Council)

Membership: Six members of the Council

Broad Objectives

To consider and advise the Council on matters relating to electoral areas as and when the need arises.

Business Routeing Panel

Membership Leader, Deputy Leader, Leader of the Opposition, Leader of Corporate Governance and Audit Committee, Leader of Overview and Scrutiny Committee and Chairs of all Panels which report directly to Cabinet.

Broad Objectives

To consider the council's work programme and progress on significant projects.

Development Plan and Infrastructure Panel (Non-Executive)

Membership: Cabinet Member for Planning Services (Chairman of Panel), Leader of the Council, and up to eight other District Council members

Terms of reference:

To advise the Cabinet on:

- 1) The Local Plan and in particular:
 - a) The Statement of Community Involvement
 - b) The Local Development Scheme
 - c) Any Development Plan Documents (including Site Allocations Documents and the Local Plan Review)
 - d) Any Supplementary Planning Documents
 - e) The responses to representations made with regard to any consultations related to the above
 - f) The Authority's Monitoring Report (including the 5 year housing land supply position).

- 2) Neighbourhood Plans and in particular:

- a) The contents of Examiners' Reports and their recommendations (including decisions to proceed to referendum and whether the neighbourhood area as designated is the appropriate geographical area for those eligible to vote).
- 3) Strategic Planning and in particular:
- a) Any documents produced by the Coastal West Sussex and Greater Brighton Strategic Planning Board
 - b) Any planning policy documents produced by local planning authorities, groups of authorities or other partnerships (such as Local Enterprise Partnerships) that effect the economic, social or environmental well-being of Chichester District
 - c) The responses to representations made with regard to any consultations related to the above.
- 4) Infrastructure Planning and in particular:
- a) The prioritisation of infrastructure and funding within the plan area and co-ordination with key partners
 - b) The phasing, timing and delivery of infrastructure to support growth identified in the Local Plan
 - c) The draft Infrastructure Business Plan and its subsequent annual review including allocation of Community Infrastructure Levy (CIL) receipts
 - d) Any review of the CIL charging schedule or its application
 - e) The responses to representations made with regard to any stakeholder consultation related to the above
 - f) The Council's capital programme where related to infrastructure planning issues.
- 5) Other relevant planning policy and infrastructure related matters. In addition the Panel will monitor progress of:
- 1) Neighbourhood Plans
 - 2) The Local Plans of other authorities (including the West Sussex Minerals and Waste Plans)
 - 3) The development of the evidence base in relation to the review of the Local Plan.

It should be noted that there will be occasions that due to the need to respond quickly items may have to be taken directly to Cabinet.

Economic Development Panel

Membership: Politically balanced and geographically spread representation across the district consisting of:

Chairman – Cabinet Member for Growth, Place and Regeneration.

Other Members - Seven members appointed by the Cabinet on the recommendation of the Cabinet Member for Growth, Place and Regeneration.

WSSCC Officers to be invited when information on joint economic projects/Growth Deal projects are on the Economic Development

Panel agenda.

Frequency of meetings :

Quarterly and at other times as necessary in agreement with the Chairman.

Purpose:

The Economic Development Panel was established by the Cabinet in July 2021. The panel aims to oversee the Economic Recovery Action Plan and to advise cabinet on Economic Strategy and Policy.

Objectives:

- Advise the Cabinet on; progress of the Economic Development Strategy, Inward Investment Strategy, the Southern Gateway Project and regeneration projects, local Economic data and new economic projects.
- To monitor the progress of the Economic Recovery Plan linked to the pandemic and agree any remedial action if required.
- To monitor the agreed projects with WSCC as part of the 'Growth Deal' currently a) Southern Gateway Regeneration Project b) the Chichester Vision c) Northern Gyrotory Project d) Gigabit West Sussex Fibre Broadband.
- To agree any future WSCC 'Growth Deal' projects and recommend these to Cabinet for approval.
- To consider opportunities for joint initiatives and partnership working.
- Examine any appropriate new funding opportunities to progress projects.

The panel will liaise closely with the Chichester City Vision Delivery Steering Group with member and officer representation between the two groups.

Accountability:

Any action or recommendation will be reported through the appropriate CDC decision making process for approval i.e. Cabinet and or Full Council

Review:

The terms of reference will be reviewed on an annual basis by the panel and any recommended changes will be referred to Cabinet for approval.

Grants and Concessions Panel (Non-Executive)

Membership:

Chairman - An Executive Member appointed by the Cabinet.
Other members - Seven other District Council members

Frequency:

Up to five times per annum

Broad Objectives

1. To consider and make recommendations to the Cabinet Member for Community Services and Culture in respect of applications for financial assistance towards the costs incurred by local groups and organisation on capital projects or operational expenses in providing sports, social, recreational, musical, artistic, community facilities and environmental improvements.
2. To consider and make recommendations to the Cabinet Member for Community

Services and Culture in respect of applications for grant relief for all or part of the amount of non-domestic rates payable by certain non-profit making bodies and rural general stores, post offices, public houses and petrol filling stations.

3. To consider and make recommendations to the Cabinet Member for Community Services and Culture in respect of applications for business grants.
4. In respect of grants funded from the New Homes Bonus:
 - To consider and make recommendations to the Cabinet Member for Community Services and Culture in accordance with the direction set by Cabinet, and the New Homes Bonus Policy.
 - Meet at least once a year to consider applications from Parish Councils.
 - Detail a process for Parishes to follow to identify projects for consideration with any supporting guidance necessary to assist.
 - Highlight exemplar projects that typify the anticipated use of New Homes Bonus funds

Note: Applications for capital and revenue grants up to a value of £500 are delegated to the relevant Cabinet Member.

5. To consider and make recommendations to the relevant Cabinet member in respect of applications by members of staff to the Landlord Accreditation Scheme

Applications are to be considered in accordance with the eligibility criteria and conditions which are relevant to each form of grant.

Joint Employee Consultative Panel (Non-Executive)

Membership: *Elected councillors* - Cabinet Member for Corporate Services and four other District Council members

Employees – Eight (where possible to be two from Chichester Contract Services, and six from East Pallant House, including Careline and the Novium Museum. The staff representatives must be serving employees but not necessarily accredited representatives appointed by the recognised trade unions.

Quorum: The quorum shall be two councillors and three staff representatives. Any member of the Panel may appoint a substitute representative to attend during his/her absence by notifying Democratic Services who will seek agreement from the Chairman.

Broad Objectives

The purpose of the Panel shall be:

1. to promote good employee/employer relations at Chichester District Council

2. to enable dialogue on issues facing the authority with significant staffing implications (in addition to the formal channels of dialogue with the recognised trade unions)
3. to fulfil the council's statutory obligations for workforce consultation to consider issues placed before it by any committee created as a statutory safety committee for the purposes of the Safety Committee Regulations 1977, the Health and Safety at Work Act etc. 1974 and the Safety Representatives and Safety Regulations 1977
4. Any issue relating to an individual (e.g. discipline, promotion or efficiency) shall be outside the scope of the Panel's terms of reference

Strategic Risk Group

Membership: Three members of the Cabinet appointed by the Leader to include the Cabinet Member with responsibility for risk and governance.
Three members of the Corporate Governance and Audit Committee

Frequency: At least twice a year with the Strategic Leadership Team (SLT)

Broad Objectives

1. To consider any strategic and operational risks, the associated controls, management and any mitigation.
2. To review previously identified strategic risks and give detailed consideration of any newly identified risks to be incorporated in the report to Corporate Governance & Audit Committee

Environment Panel – Terms of Reference

Membership: Chairman – Cabinet Member for Environment and Chichester Contract Services

Other members – five members appointed by the Cabinet on the recommendation of the Cabinet Member for Environment and Chichester Contract Services

Frequency: Quarterly and at other times as necessary

Broad Objectives:

- To advise the Cabinet on UK waste strategy and its implementation to the Council.
- To consider an action plan aiming to achieve the EU and national recycling and waste minimisation targets.
- To take account of the work of the West Sussex Waste Partnership in developing a county-wide Waste Strategy for waste management; and
- To advise the Cabinet on environment and climate change strategy.
- To identify and evaluate the priority areas for delivering carbon reductions as outlined in the Committee on Climate Change (CCC) 2018 report, "Committee on

Climate Change Report on Net Zero target”

- To identify the priorities for a new Climate Change Action Plan and the resources necessary to deliver climate change work.
- To identify funding options for carbon reduction initiatives, including the use of the Zero Carbon Graylingwell (ZCG) fund.
- To advise on and monitor implementation of the Fly tipping and Litter Action Plan.
- To advise on and monitor implementation of the Single Use Plastics Action Plan.
- To consider and advise on a refreshed Air Quality Action Plan.
- To consider opportunities for joint initiatives and partnership working in support of these broad objectives.

Section 3 – Delegated Powers of Staff

General Provisions

1. A Senior Officer or other person is authorised to exercise such powers as are shown in this scheme of delegation including those reasonably implied or reasonably incidental to the matters specified.
2. Exercise of the powers is without prejudice to the right of the Council to withdraw or amend any such power, and the person with a delegated power may decline to exercise it and refer the decision to the appropriate Committee.
3. In addition to these delegated powers, powers are also exercisable by officers through Financial Regulations, Contract Standing Orders, and elsewhere in this Constitution.
4. The delegated powers shall be exercised in accordance with Council policy and Standing Orders, Financial Regulations and any other guidance given by a Chief Officer.
5. Any power delegated to a Senior Officer may be exercised by any other Senior Officer or by another employee nominated by a Senior Officer.
6. Each Senior Officer shall be a proper officer for any purpose required by a statute or statutory instrument which is not specified in this scheme of delegation to officers.
7. Where a power delegated to an employee is expressed to be exercisable following consultation with the Chairman of a Committee, in the absence of that Chairman the consultation shall take place with the Vice-Chairman.
8. Where a power delegated to an employee is expressed to be exercisable following consultation with a Cabinet member with portfolio responsibilities, in the absence of that member the consultation shall take place with the Leader or Deputy Leader in his absence.

9. A reference to any statute or regulation or similar includes any subsequent amendment or replacement.
10. References to Senior Officers are references to the Chief Executive, the Executive Director/Deputy Chief Executive and Directors.
11. Authorisations for Covert Surveillance. The officer delegations and responsibilities for the use of the powers provided by the Regulation of Investigatory Powers Act 2000 shall be those set out in the Council's approved Regulation of Investigatory Powers Act Policy.

Any Senior Officer

1. To make urgent decisions following consultation with the Leader or Deputy Leader of the Council and the Chairman of the Overview and Scrutiny Committee on any matters where it is not practicable to refer these to a meeting of the Council, the Cabinet or other Committee provided that a full report on any decisions taken shall subsequently be made.
2. In the absence of the Monitoring Officer or Chief Finance Officer and their appointed deputies to exercise all powers delegated to them so far as the law permits.
3. To act as an authorised Deputy Electoral Registration officer, as appointed by the Returning Officer in accordance with Section 52 Representation of the People Act 1983.
4. To authorise and issue any documents for the purposes of any of the Council's functions, including all court proceedings.
5. To authorise any action under Council byelaws including prosecution.
6. To authorise the spend of section 106 monies of under £50,000 following consultation with the relevant cabinet member and nominated ward member.
7. To affix and attest the seal of the Council to any deed or other document.
8. To progress individual asset renewal projects funded from the Asset Renewal Programme subject to a maximum value of £175,000, in conjunction with the Chief Finance Officer.
9. (a) To approve requests for termination of employment on grounds of redundancy or efficiency of service in consultation with the Chief Finance Officer (except for members of the Corporate Management Team) providing that the costs of such requests pay back within a two year period.

(b) To enact efficiency or redundancy retirements (when Cabinet authorisation exists) and flexible employment contracts within approved employment policy.

(c) to approve requests for flexible retirement (except for members of the Corporate Management team) in accordance with the Council's policy providing that the costs of such requests pay back within a two year period.

10. To exercise the power of the right to enter and survey land pursuant to Section 172 of the Housing and Planning Act 2016 on notice to the owners of the land.

Chief Executive

1. To act as consultee to police for authorisations to utilise the police power to disperse groups under section 30 of the Anti-Social Behaviour, Crime and Policing Act 2014.
2. To:
 - (a) issue closure notices (including amendment or cancellation of such notices) under sections 76 to 79 Anti-social Behaviour, Crime and Policing Act 2014 and related sections of that Act;
 - (b) authorise Environmental Health Officers to exercise the power or duty of the Chief Executive under sections 76 to 79 and related sections of the Act and;
 - (c) appoint appropriately qualified persons as Proper Officers, Alternative Proper Officer and Authorised Officers to carry out the functions of Consultant in Communicable Disease Control.
3. As Returning Officer and Electoral Registration Officer (ERO) to be responsible for all staffing and expenditure decisions in relation to the administration of the election, including the appointment of deputy ROs and deputy EROs.
4. To determine without prejudice payments or other benefits in excess of £500 in cases of maladministration or complaints.

Strategic Leadership Team

The Council's Strategic Leadership Team (SLT) comprises the Chief Executive and Directors.

The team shall take legal advice as required.

The SLT will provide the Council with accurate information, legislative interpretation and policy formulation advice in respect of existing and proposed policies. In so doing, SLT will combine the talents, skills and knowledge of the team to continuously review and improve Council services. It will provide the vision, leadership and motivation to the Council's wider workforce.

The SLT is responsible for the efficient and effective delivery of the Council's services and approved policies. The SLT will advise and report on the following:-

1. The impact of Government guidelines and legislation
2. The corporate impact of new policy proposals
3. The effectiveness of existing partnerships from both productive and financial perspectives
4. The estimated benefits and resource implications of proposed partnerships
5. The capacity to deliver corporate objectives
6. The effectiveness of performance against project plans & statutory indicators
7. Employment trends and challenges
8. Cultural and personal development of officers
9. Best practice within the Local Government sector
10. Any actions arising from the monthly Health & Safety Report and strategic Health &

Safety issues that any Senior Officer wishes to raise.

In order to achieve the above objectives each member of SLT will:

- a. Ensure that corporate messages are effectively relayed to their staff
- b. Promote a culture of performance awareness to staff
- c. Show a personal commitment to the corporate culture of the Council
- d. Participate in cross-section working
- e. Exchange best practice

Common Provisions of Delegations to each Director

General

1. Any relevant delegations listed above under paragraphs 'General Provisions' and 'Any Senior Officer'.
2. To take all necessary action for the economic, efficient and effective day to day management, administration and supervision of their service.

Staffing

3. To appoint officers within the approved budget and in accordance with the Council's grading policy for their service.
4. To have the discretion to make minor variations to the conditions of service of officers within his Service where this is considered to be necessary within the overall staffing policies approved by the Council and with the agreement of the Director of Corporate Services.
5. To approve grading changes subject to equal pay legislation and the Council's HAY job evaluation processes.
6. To authorise any necessary payments for overtime work in accordance with conditions of service; exceptions with the agreement of the Director of Corporate Services.
7. To approve the carry-over of leave entitlements to the following year, subject to Council policy.
8. To take any action, including suspension or dismissal of an employee, under the jointly agreed Disciplinary Codes.
9. To approve changes to the establishment structure subject to budgetary provision and consultation with the Director of Corporate Services.
10. To agree requests for part-time working and permanent home working.
11. Classification of car users for the purposes of payment of travelling allowances following consultation with the Director of Corporate Services.
12. Payment of professional fees in accordance with the Council's policy.
13. To terminate employment during, or to review salary on completion of, probationary periods following consultation with the Director of Corporate Services.

14. To authorise salary increments including accelerated increments under the N.J.C. Scheme of Conditions of Service or any other local conditions (following consultation with the Director of Corporate Services).

Miscellaneous

15. To administer formal cautions within the Guidelines set out in Home Office (Circular 16/2008 or any new Guidelines from time to time issued by the Home Office) in consultation with any Solicitor or Barrister employed by the Council.
16. To exercise statutory powers of entry and inspection for the purposes of a n y functions performed by his service.
17. To serve requisitions for information as to ownership, occupation or other interest in land for the purposes of any of the functions performed by his service.
18. To authenticate any documents necessary for the exercise of the delegated powers described above.
19. To sign Statements of Truth in civil proceedings as required by Part 22 of the Civil Procedure Rules 1998.
20. To appoint consultants and contractors within budgetary provision.
21. To decide in consultation with the Director of Corporate Services the response (including charges) to requests under the Freedom of Information Act 2000 where the Council's costs are estimated to be above or below £450.
22. To decide in consultation with the Director of Corporate Services the response (including charges) to requests under the Environmental Information Regulations.
23. To decide whether to apply the Standard charge or any return on investment under the Re-use of Public Sector Information Regulations 2005, in consultation with the Director of Corporate Services.
24. To accept delegation of executive functions to or from another local authority or public agency provided that budget is available.
25. To manage the day to day arrangements relating to agency arrangements with partners and other organisations once approved by the Council.
26. To set fees and charges in line with the fees and charges policy.
27. To determine without prejudice payments or other benefits up to £500 in cases of maladministration or complaints.

Director of Corporate Services Property

1. To submit applications for planning permission, listed building consent and other necessary consents in respect of:
 - (a) any works included in the approved Capital or Revenue programme; and
 - (b) Any other matter which has been agreed in consultation with the Chairman of the Cabinet and the relevant Ward Member(s).

Party Walls

2. Appointed as the appointing officer within the meaning of Section 20 of the Party Wall Etc. Act 1996. These powers may also be exercised by the Building and Facility Services Manager.

ICT

3. To be responsible for the delivery of the Council's Digital Access Strategy.

Data Protection Acts

4. To ensure the Council complies with the statutory requirements as defined within the GDPR, Data Protection Act 1998 and 2018 or any related legislation.
5. To amend and update the Council's Document Retention Guidelines and Register of Processing to reflect legislative and operational needs.

Freedom of Information Act 2000

6. To ensure the Council complies with statutory requirements as defined within the Freedom of Information Act 2000 and Environmental Impact Regulations.
7. To review the handling of issues and of decisions taken in accordance with the Freedom of Information Act in the event of a complaint being received following a request for information.

Employment

8. To determine approval for the following:-
 - a) Expenditure to be incurred in removal or disturbance in consultation with the appropriate Director.
 - b) Special leave arrangements for officers in consultation with the relevant Director where they exceed defined policy.
 - c) Removal of work/qualification bars in salary scales in consultation with the relevant Director.
 - d) Early retirement on grounds of ill health.
 - e) Honorarium or ex-gratia payments up to a maximum of £1,000 in consultation with the relevant Director (and up to £3,000 following consultation with the Cabinet Member for Corporate Services) subject to budgetary provision being available.
9. To vary or apply subsistence allowances, salaries, long service awards and other conditions of employment as may be affected by national determination or local agreements.
10. To determine the application and interpretation of the National and Local Conditions of Service.

11. To administer the Council's training policy.
12. To avert or contain local industrial action.
13. To be the nominated officer for the Council to contact the Police in connection with the disclosure of criminal records in respect of certain prospective employees as identified under the Home Office Regulations.
14. To designate "politically restricted" posts under the Local Democracy, Economic Development & Construction Act 2009.
15. To administer all of the Council's employment policies.
16. To administer the Council's equalities policy.
17. To determine the detail and the amounts payable up to the maximum limits set out in the Assisted House Purchase Scheme Policy (such limits being adjusted by house price fluctuations on 1st April each year).
18. To approve future minor changes to Human Resources policies, including those of a legislative nature, after consultation with the Cabinet Member for Corporate Services and, if appropriate, the Joint Employee Consultative Panel.

Borrowing and Investment

19. To deal with the following:-
 - (a) The raising and repayment of loans and all other debt instruments including bank and overdraft arrangements on appropriate terms up to any maximum amount authorised by the Council.
 - (b) Investment of surplus funds of the Council, including negotiations and agreements with brokers and fund managers, in accordance with policy guidelines approved by the Council.
 - (c) To enter into leasing and contract hire agreements for the acquisition of vehicles, machinery and equipment on such terms as are considered appropriate.

Insurances

20. To deal with the following:
 - (a) Insurance of the Council's property and other risks, and annual review of sums insured.
 - (b) Negotiate in respect of claims on or by the Council.

House Purchase Interest Rates

21. Determination of local average rates of interest in accordance with the Housing Act, 1985, together with the rate of interest on sums outstanding prior to the

commencement of the provisions of the Act.

Car and Staff Transport Loans

22. Granting of loans to officers in accordance with the schemes approved by the Council.

Payment of Accounts

23. (a) Payment of all accounts that are considered to be in respect of liabilities properly incurred and not previously discharged.
- (b) Payment of annual subscriptions and contributions, where they are calculated on a previously approved basis, to organisations for which the Council has approved membership.

Income

24. Write-off of outstanding accounts, which are considered to be irrecoverable, subject to members being informed of the total amount of such write-offs.

Stocks, Stores and Inventory Items

25. Write-off of deficiencies not in excess of £3,000 for any one commodity where adequate action has been taken to attempt to recover.

Rate Relief

26. To approve, subject to the Grants and Concessions Policy:
- a) Rate Relief for not for profit organisations, up to 75% and where the cost to the Council is not greater than £500.
- b) Rate Relief for Rural businesses.

Health and Safety

27. To safeguard the health, safety and welfare of staff subject to the statutory responsibility of individual Managers under health and safety legislation.

Tax affairs

28. To manage the Council's tax affairs including VAT

Members' Allowances

29. (a) To decide whether meetings, visits or other arrangements should be treated as "approved duty" within the context of the Scheme of Members' Allowances.
- (b) To authorise the payment of travelling and subsistence allowances for training and educational conferences and meetings subject to application for such authorisation having been made in advance of the event.

Miscellaneous

30. To act as the Proper Officer for the purposes of the Local Government (Committees and Political Groups) Regulations 1990.
31. To determine (in consultation with the Chairman of the Council if the petition exceeds 1,000 signatures) whether a petition meets the criteria set out in the Council's petition scheme.
32. To determine applications for the temporary closure of roads (in consultation with the relevant Ward Members).
33. To respond to proposals from the West Sussex County Council in respect of proposed Traffic Orders (in consultation with the relevant Ward Members).

Powers 14, 16, 17 and 18 may also be exercised by the Legal and Democratic Services Divisional Manager.

Director of Growth and Place Property

1. To make decisions on requests by lessees for the Council's consent as freeholder where this is required by any clauses contained in leases.
2.
 - a) To approve leases, licences, wayleaves and easements of land up to annual income level or consideration of £100,000 in value in each case.
 - b) To approve sales and easements of land which has been declared surplus by the Cabinet up to a consideration or market valuation of £250,000 in each case.
3. Subject to the terms of the Grants and Concessions Policy and associated criteria, to approve:
 - Concessionary rents at St James Industrial Estate for up to two years
 - The renewal of leases at Council owned premises where concession reductions have been achieved
4. To take any action including court proceedings in consultation with Legal Services as appropriate which might be required in respect of trespass to the Council's property.
5. To submit appeals and to agree proposed assessments in respect of the revaluation of non-domestic property.
6. To agree rent reviews and re-gearing up to a maximum annual rental of £100,000.
7. To negotiate terms on behalf of the Cabinet to take a lease, licence or to acquire the freehold of land or premises where a service need has been identified and budgetary provision made up to a maximum annual expenditure or consideration of £100,000.
8. To submit applications for planning permission, listed building consent and other necessary consents in respect of:
 - (a) any works included in the approved Capital or Revenue programme; and

- (b) any other matter which has been agreed in consultation with the Chairman of the Cabinet and the relevant Ward Member(s).
 - (c) in respect of any property declared surplus to the Council's requirements.
9. To respond to notices served on the Council, as landowner, under Section 65 of the Town and Country Planning Act 1990.
 10. To authorise the service of notice of the Council's intention to determine leases, with a view to their renewal on fresh terms if the premises are not required for use by the Council (terms to be approved by the Cabinet if exceeding an annual value of £60,000).
 11. To authorise the service of notices and counter-notices under Part II of the Landlord and Tenant Act 1954 and to determine the contents thereof.
 12. To authorise the taking of action, including legal proceedings, for the recovery of rent arrears or the possession of land or other property in cases of non-payment of rent or other breaches of the terms of leases or licences.
 13. To act as the Appointed Valuer for Asset Valuation purposes.
 14. To act as the Council's Disabled Access Liaison Officer or to designate another Officer to act in that capacity.
 15. To make minor changes to the Asset Management Plan that do not involve policy considerations.

Note: All powers contained within 1-15 may also be exercised by the Council's Valuation & Estates Manager.

Transportation and Highways

16. To consider, and make observations to the appropriate highway authorities on, any matters affecting public transport, highways and car parking.
17. To deal with all matters relating to the provision and management of public car parks.
18. To give appropriate notice of any approved revised charges or changes to parking payment methods pursuant to the Off-street Parking Places (Consolidation) Order 2015 and the Road Traffic Act 1984.
19. To deal with matters relating to the Council's direct responsibilities for certain footway lighting in the City of Chichester.
20. To be responsible for the implementation of the Council's Car Parking Strategy.
21. To act as agent for West Sussex County Council in relation to Civil Parking Enforcement (CPE) for all purposes including the issuing, processing and authorizing cancellation of any Parking Charge Notice and to make all decisions relating to any associated appeals or complaints in relation to CPE.

Farmers Markets

22. To adjust pitch fees for farmers markets having regard to local circumstances and the most commercially viable rate. (*Cabinet minute 515. 3.12.13*)

Leisure

23. To make decisions on casual, short term lettings or negotiate hire fees for the following purposes:
- (a) Use of sports pitches.
 - (b) Use of parks, recreation grounds and other premises for special events.

Pallant House Gallery

24. To give written permission as respects the removal and loans of items from the collection at Pallant House to outside bodies in consultation with the Director of Pallant House Gallery.
25. To agree works of repair, restoration and conservation in respect of articles in the Hussey Collection in consultation with the Director of Pallant House Gallery.

Economic Development

26. To approve grants for new and existing businesses under the Enabling Grants Scheme or such other similar grants scheme that may from time to time be available.

Licensing Act 2003

27. To administer the processes under the Licensing Act 2003.
28. To determine the following matters under the Licensing Act 2003 including the imposition of appropriate conditions on Licences:-
- a. Applications for Personal Licences – if no objection made
 - b. Applications for Premises Licences/Club Premises Certificates – if no adverse relevant representation made
 - c. Applications for Provisional Statements – if no adverse relevant representation made
 - d. Applications to vary Premises Licences/Club Premises Certificates – if no adverse relevant representation made
 - e. Applications to vary Designated Premises Supervisor – all cases unless there is a Police objection
 - f. Request to be removed as Designated Premises Supervisor – all cases
 - g. Applications for transfer of Premises Licences – all cases unless there is a Police objection
 - h. Applications for interim authorities – all cases unless there is a Police objection

- i. Decision on whether a representation is relevant – all cases
 - j. Decision on whether a representation is frivolous or vexatious etc. – in consultation with Chairman of the Alcohol & Entertainment Licensing Committee
 - k. Applications to grant AWP (Amusements with Prizes Permits) – most cases he may refer the determination of a case to the Alcohol & Entertainment Licensing Committee instead if he considers it merits their attention
 - l. To delegate to his staff such of the above activities as he considers appropriate.
 - m. To determine if applications under the Act are incomplete or incorrectly completed and to return them to the applicant and not enter them in the Licensing Register.
29. To determine if a case under the Licensing Act 2003 should be determined by the Alcohol & Entertainment Licensing Committee instead of an Alcohol & Entertainment Licensing Committee Sub Committee.
30. To defend all appeals to the Magistrates Court against the decisions of the Alcohol & Entertainment Licensing Sub Committees but he or his representative in consultation with the Legal Services, and if practicable the Chairman or another Member of the Sub-Committee, may mediate Sub-Committee hearing determinations where proposed changes are wholly of a minor or legally technical nature.

Supervision of Hackney Carriage and Private Hire Drivers' Licences

31. In consultation with the chairman or vice-chairman of the General Licensing Committee or, in their absence, another committee member, to suspend licences for not more than three months in circumstances where, having regard to the Statement of Policy and Guidelines, he considers that or is aware that:
- (a) a licence holder has been convicted of an offence involving dishonesty, indecency or violence;
 - (b) a licence holder who has been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 relating to Hackney Carriage and/or Private Hire Drivers Licences;
 - (c) there is any other reasonable cause so to do;
- and having taken action to suspend the licence, the matter shall, if necessary, be reported to a meeting of the General Licensing Sub-Committee.
32. (a) Following consultation with Legal and Democratic Services Divisional Manager and General Licensing Committee Chairman or Vice-Chairman, to make decisions relating to immediate suspension or revocation of Hackney Carriage and Private Hire drivers' licences detailed at s.52 of the Road Safety Act 2006.

- (b) All applications for a further Hackney or Private Hire Drivers' licence following

an immediate revocation should be heard by the General Licensing Committee or a Sub-Committee thereof and that no delegation to officers for such applications shall be permitted by the authority.

Director of Housing and Communities Housing

1. To exercise the following powers and duties for the provision by the Council of housing accommodation and ancillary services:-
 - (a) To undertake management of all dwellings, or other property owned or leased by the Council within the General Revenue Account for the purpose of assisting homeless persons including the letting and control of tenancies and licences, the collection of rents, fees and other charges, and the maintenance, repair and improvement of all such property.
 - (b) To be responsible for undertaking internal repairs, maintenance and decoration to premises used for the operational purposes of the housing service in accordance with the approved revenue programme.
 - (c) To exercise other functions ancillary to the provision and use of Council housing property.
2. To undertake the following functions for assisting the provision of housing accommodation in other ways:-
 - (a) The sale of dwellings in pursuance of the statutory rights of tenants or otherwise in accordance with the Council's policy.
 - (b) The acquisition and letting of dwellings leased to the Council by other property owners.
 - (c) The fulfilment of the Council's statutory responsibilities towards homeless persons, including accommodation in appropriate cases.
3. To approve applications to be placed on the Housing Register which fall within the criteria for acceptance.
4. To make nominations to Registered Providers and other Agencies in accordance with the Council's approved housing allocation policies.
5. To determine housing applications within the terms of the current homelessness legislation.
6. To issue or to authorise the issue of Notices of Seeking Possession and Notices to Quit.
7. To authorise the commencement of proceedings to recover possession of properties and for the recovery of sums lawfully due.
8. To authorise payments on registered providers schemes as approved by the Cabinet (in consultation with the Director of Corporate Services).
9. In consultation with legal services, to seek Court injunctions against tenants or licensees causing serious nuisance or annoyance.

10. In consultation with legal services, to authorise legal proceedings for prosecution of offences arising from the unlawful eviction or harassment of residential occupiers.
11. In respect of garage sites of HydeMartlet and following consultation with the Cabinet Member for Housing and Planning, to give the Council's consent pursuant to the large-scale voluntary transfer (LSVT) agreement, to redevelopment of such of the garage sites provided the proposal satisfies the criteria in the protocol relating to such development.
12. a) In respect of amenity land of HydeMartlet and following consultation with the Cabinet Member for Housing Services to give the Council's consent pursuant to the land transfer and LSVT agreement:
 - (i) not to enforce the provisions of the transfer in respect of no development on amenity land and
 - (ii) to the use of that land for the purpose of car parking that is considered to satisfy the criteria in the Amenity Land Protocol.
- b) In respect of amenity land of HydeMartlet, and following consultation with the Cabinet Member for Housing Services, to give the Council's consent to the development of amenity sites, excluding garage sites, as she considers satisfies the criteria in the approved protocol, unless there are significant objections from the ward member or parish council.
- c) To authorise entering into a Deed of Release for each site and any other related documents, following the grant of planning permission for the consented proposal.
13. In respect of land of HydeMartlet which is restricted under the LSVT to the provision of social housing and following consultation with the Cabinet Member for Housing Services to give consent to the disposal of units on the open market that meet the criteria set out in the Protocol for the Disposal of Open Market Units on LSVT land.
14. To determine, in consultation with the Cabinet Member for Housing Services, applications for grants to fund both additional affordable housing units for commuted sum monies and conversions/extensions to provide for identified housing needs from the existing land bank/gap resources.
15. To determine:-
 - (a) applications from persons for acceptance on to the Council's Housing Register who do not meet the eligibility criteria;
 - (b) review of decisions not to place a person on the Housing Register;
 - (c) review of decisions to remove a person from the Housing Register; and
 - (d) review of unsuccessful applications by persons within Parts VI and VII of the Housing Act 1996 as amended by the Homelessness Act 2003.

16. In consultation with the Cabinet Member for Housing Services, to make amendments of a non-policy nature to the Housing Allocation Scheme, any such changes to be reported to the Overview and Scrutiny Committee.

Private Sector Housing

17. The provision of professional services and the making of financial assistance to property owners and tenants to assist in the improvement, adaptation, conversion and renovation of dwellings and houses in multiple occupation.
18. To approve applications under the mortgage rescue scheme in consultation with the Cabinet Member for Housing Services.
19. The promotion of energy efficiency measures within the District's housing stock.
20. To determine applications for, and renewal, variation, or transfer of licences in respect of houses in multiple occupation under Part 2 of the Housing Act 2004 and to impose appropriate conditions.
21. To decide on applications for Hazard Prevention Assistance, Accreditations Assistance, Empty Homes Assistance, Conversion Assistance and applications under the Landlord Accreditation Scheme.
22. To determine applications under the Decent Homes Assistance within Council policy.
23. To determine applications under the Decent Homes Assistance which fall outside the normal policy in consultation with the Cabinet Member for Housing and Planning.
24. To determine whether inspection of residential premises is required to identify whether Category 1 or Category 2 hazards exist within residential premises and to undertake the local authority's duties and powers with regard to housing standards.
25. To undertake the local authority's duties and powers with regards to interim and final management orders under part 4 of the Housing Act 2004 and to be appointed the proper officer for the purpose of the powers within Part 7 of the Act.
26. To serve notices requiring abatement of overcrowding of dwellings and houses in multiple occupation.
27. On the breach of any conditions attached to a grant made under the Housing Grants, Construction and Regeneration Act 1996, to approve in special circumstances, where legislation or the Secretary of State for Communities and Local Government allows, and in consultation with the Chief Finance Officer, the waiver of repayment of all or part of the grant monies.
28. To serve notices and in consultation with legal services to take any other action, including the exercise of default powers and recovery of costs in pursuance of any statutory provisions relating to Part 1 (Housing Conditions), Part 2 (Licensing of Houses in Multiple Occupation) and Part 4 (Additional Control Provisions in Relation

to Residential Accommodation) of the Housing Act 2004.

To exercise the enforcement powers reserved by the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014, and as may be amended.

To exercise the enforcement powers for the Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Repayment of Disabled Facilities Grants

29. To determine whether repayment of Disabled Facilities Grants will be required.
30. Appeals against decisions by the Director of Housing & Communities requiring repayment of Disabled Facilities Grants shall be determined by an Executive Director in consultation with the Cabinet Member for Housing and Planning.

Crime and Disorder

31. To undertake the relevant functions under anti-social behaviour legislation including the Crime and Disorder Act 1998, the Anti-social Behaviour Act 2003 and the Anti-social Behaviour Crime and Policing Act 2014 (except those undertaken by the Chief Executive).
32. To authorise the use of all enforcement powers included in the Anti-Social Behaviour, Crime and Policing Act 2014 including the use of Community Protection Notices and Fixed Penalty Notices for breaches of a Public Spaces Protection Order.

Community Right to Bid

33. To determine all nominations made to the Council for Assets of Community Value, under Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012:
 - a. By authorising appropriate officers to make decisions on nominations of Assets of Community Value
 - b. To review a listing decision if requested to do so by the then owner
 - c. To request either the Chief Executive, Executive Director/Deputy Chief Executive or the Cabinet to review a decision whether or not to register where the Director of Housing & Communities has been directly involved in the registration decision.

Voluntary and Community Sector

34. To authorise the issue of Service Level Agreements to Voluntary and Community Sector organisations where approval for funding has been granted by the Cabinet or the Grants and Concessions Panel.

Safeguarding

35. To approve minor amendments to the Council's Safeguarding Policy in line with local working arrangements.

CCTV

36. To approve the CCTV Code of Practice following consultation with the Cabinet Member for Commercial Services.

Civil Emergencies

37. To authorise urgent expenditure up to £25,000 (or more in exceptional circumstances) and commit the resources of any Council service if considered necessary in order to deal with a civil emergency and only in the event that he is unable to consult a Chief Officer on the matter – these powers are also exercisable by any Emergency Response Coordinator appointed by a Chief Officer.

Director of Planning & the Environment

Development Management

1. To determine all applications under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and any regulations made under those Acts, except in the following circumstances:-
 - (a) Where a Member of the Council makes a request to the appropriate employee, in accordance with the procedure prescribed for that purpose, that an application should be determined by the Planning Committee, or
 - (b) Where the employee is minded to decide the application contrary to an objection lodged by a statutory consultee or the Parish Council for the area in which the application site is situated. However, this does not apply to applications for householder development (suffix DOM or HOUS), Lawful Development Certificates (suffix ELD and PLD) or for tree works (suffix TPA and TCA), which may be determined by the Director of Planning and the Environment (or his nominee) even where an objection is lodged by a statutory consultee or a parish council. or
 - (c) Where the applicant is a Member or employee of the Council, or spouse or partner
 - (d) Where the decision would be significantly contrary to policy in the Local Plan, or
 - (e) Where the officer recommendation on an application by another Local Authority is to refuse or object.
 - (f) Where the Council is the applicant.

The above circumstances (a) to (f) will not apply (and authority will remain with the Director of Planning and the Environment) if the statutory period for determination of a prior notification or application for prior approval under the Town and Country Planning (General Permitted Development) Order 2015 will expire prior to it being

considered by the Planning Committee as an agenda item (as opposed to a late/urgent item).

2. To make observations on planning and other policy documents prepared for consultation by central government.
3. In respect of agreements under Section 106 of the Town and Country Planning Act 1990:
 - (a) To determine when to seek such agreements and the terms of them in conjunction with a planning application or enforcement matter being dealt with under his delegated powers; and
 - (b) To make reasonable amendments to the heads of terms or detailed terms of such agreements if necessary after they have been approved by the Planning Committee or the Council.
 - (c) to make reasonable formal amendments or variations to completed S106 obligations where circumstances have changed in the intervening period and/or where required by a subsequent decision of the Council in respect of a new planning application for the site, subject to such decisions being reported subsequently to the Planning Committee.
 - (d) To review and determine the level of the S.106 monitoring fee payable.
4. To determine applications made under the Environmental Impact Assessment Regulations as to whether or not an Environmental Statement (including screening and scoping opinions) is required in respect of proposed developments.
5. To carry out Appropriate Assessments under the Conservation of Habitats and Species Regulations 2010.
6. To add, delete, or amend the conditions to be attached to the grant of planning permission authorised by the Planning Committee or Council.
7. To determine the reasons for which planning permission would have been refused where this is relevant to appeals against the non-determination of applications.
8. To suggest appropriate conditions to be imposed on planning permissions and to approve the terms of Section 106 Agreements or unilateral undertakings on appeals in the event that the Secretary of State or his Inspector is minded to grant planning permission.
9. To submit on the Council's behalf observations on applications to be determined by other authorities, except where a Member of the Council makes a request to the appropriate employee, in accordance with the procedure prescribed for that purpose, that such observations should be determined by the Planning Committee.
10. To authorise the making of Tree Preservation Orders and the service of Building Preservation Notices.
11. To determine objections lodged against Tree Preservation Orders.

12. To consider notices of proposed works to trees in conservation areas and to determine whether a tree preservation order should be made.
13. To express observations on consultations by exempted organisations for certificated sites in respect of caravans and camping activities.
14. To deal with requests by exempted organisations for temporary holiday sites.
15. To make Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (in consultation with the Leader of the Council).
16. To determine applications for the installation of overhead electricity cables (subject to the same criteria in paragraph 1 (a) to (d) above).
17. To determine, within the statutory time limitation, whether prior approval of the authority is required (in consultation with the Planning Committee Member for the particular area or the Chairman of the Planning Committee), in respect of proposed development under Class A of Parts 6 & 7 and Class A of Part 24 and Class A of Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
18. To give or refuse approval under the terms of Class A of Parts 6 & 7 and Class A of Part 24 and Class A of Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
19. To discharge conditions attached to permissions or planning obligations.
20. To determine applications made under the Town and Country Planning Act for the following types of proposal:-
 - (a) Planning applications involving the revocation, modification or discontinuance of an existing planning permission without the payment of compensation;
 - (b) Applications for Hazardous Substances Consent.
21. To determine applications for Deemed Hazardous Substance Consent under the Planning (Hazardous Substances) Regulations 1992.
22. To decline to determine applications for planning permission under Section 70A, S70B and S70C of the Town and Country Planning Act 1990 (as amended).
23. To make applications to the Secretary of State or to his Inspector for awards of costs in favour of the Council in respect of appeals under the Town and Country Planning Acts and to settle costs claims awarded against the Council.
24. To authorise in consultation with the Cabinet Member for Housing and Planning any increase in S106 contributions proposed by the Solent Recreation Mitigation Partnership in respect of inflation.
25. To make minor amendments to the Validity Checklist for planning applications in the light of practical experience or changed circumstances.

26. To undertake an annual review and make minor adjustments to the charging scheme for specialist historic environment advice.
27. To approve village design statements as material considerations in the determination of planning applications, after consultation with the Planning Committee.
28. To confirm, in consultation with the Chairman of the Planning Committee, Public Path Diversion Orders made under Section 257 of the Town and Country Planning Act 1990 in the event of no objections being received within the statutory time limit.
29. To undertake an annual review of the S106 monitoring fee and to make subsequent adjustments to this fee.

Enforcement

30. To authorise the issue of Enforcement Notices, Breach of Condition Notices, and Listed Building Enforcement Notices in respect of breaches of conditions imposed on planning permissions and Listed Building Consents.
31. To issue Enforcement Notices and the service of Stop Notices in respect of a breach of planning control and Notices under Section 215 (untidy land) and determine cases where it is not expedient to take action except in cases where a Member of the Council submits a red card. (This delegation may also be exercised by other officers nominated by the Director of Planning and the Environment).
32. To take action in respect of unauthorised placards, posters and, other advertisements, display structures and to remedy defacement of premises under Section 225 of the Town and Country Planning Act 1990.
33. In consultation with Legal Services, to authorise the institution of legal proceedings in respect of unauthorised advertisements, breaches of listed building control and non-compliance with Discontinuance Notices, Enforcement Notices and Breach of Condition Notices or in respect of any other matter within the Terms of Reference of the Planning Committee.
34. To lodge objections against applications for heavy goods vehicle operators' licences.
35. To accept or reject as they think fit such offers as are made under Section 171C(4) of the Town and Country Planning Act 1990 (as amended).
36. To designate authorised officers and to serve Notices of Entry for the purposes of Sections 196A, 324 and 325 of the Town and Country Planning Act 1990, Section 88 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 36 of the Planning (Hazardous Substances) Act 1990 and Section 95 of the Building Act 1984.
37. To serve Requisitions for Information as to ownership, occupation or other interests in land for the purposes of any of the functions of the Planning Committee. (This power is also exercisable by Principal Solicitors).
38. To serve Planning Contravention Notices on owners and occupiers of land where it

appears that a breach of planning control has taken place.

39. To authorise the institution of legal proceedings for failure to respond to, or to give satisfactory information required by, Requisitions for Information or Planning Contravention Notices.

Community Infrastructure Levy

40. To undertake duties in connection with Community Infrastructure Levy Liability under Regulations 31 to 34 and 36 to 39 of the Community Infrastructure Levy Regulations 2010 (as amended).
41. To issue Apportionment of Liability Information Notices under Regulation 35 of the Community Infrastructure Levy Regulations 2010 (as amended).
42. To calculate the chargeable amount under Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended).
43. To undertake duties in connection with relief from the Community Infrastructure Levy under Regulations 41 to 45, 47, 49 to 53, 54A to 54 D, 55 and 57 of the Community Infrastructure Levy Regulations 2010 (as amended).
44. To publish Discretionary Charitable Relief Information under Regulation 46 of the Community Infrastructure Levy Regulations 2010 (as amended).
45. To withdraw charitable relief under Regulation 48 of the Community Infrastructure Levy Regulations 2010 (as amended).
46. To serve Social Housing Information Notices under Regulation 54 of the Community Infrastructure Levy Regulations 2010 (as amended).
47. To Publish Exceptional Circumstances Relief Information under Regulation 56 of the Community Infrastructure Levy Regulations 2010 (as amended).
48. To undertake duties in connection with the application of the Community Infrastructure Levy under Regulations 59 to 62 and 62A of the Community Infrastructure Levy Regulations 2010 (as amended).
49. To undertake duties and powers in connection with charging and collecting of the Community Infrastructure Levy under Regulations 64 to 79 of the Community Infrastructure Levy Regulations 2010 (as amended).
50. To undertake duties and powers in connection with Surcharges and late payment interest under Regulations 80 to 88 of the Community Infrastructure Levy Regulations 2010 (as amended).
51. To undertake duties and powers in connection with CIL stop notices and related enforcement under Regulations 89 to 94 of the Community Infrastructure Levy Regulations 2010 (as amended).
52. To undertake duties and powers in connection with enforcing the collection of money under Regulations 95 to 111 of the Community Infrastructure Levy Regulations 2010 (as amended).

53. To authorise council officers whose duties require the exercise of powers of entry under Regulation 109 of the Community Infrastructure Levy Regulations 2010 (as amended).
54. To undertake duties and powers in respect of reviews, appeals, stop notices and costs under Regulations 112 to 121 of the Community Infrastructure Levy Regulations 2010 (as amended).

Building Control

55. To exercise the following functions relative to the Building Regulations:
 - (a) To administer and enforce the regulations.
 - (b) To pass, or reject, deposited plans in pursuance of any relevant statutory provisions.
 - (c) To make decisions on, or to refer to the Secretary of State, applications for regulations to be relaxed or dispensed with.
 - (d) To engage qualified engineering consultants to check structural calculations.
 - (e) To serve notices and to take any other action in pursuance of Sections 72 (means of escape from fire), 36 (unauthorised work) and 32 (plans of no effect) of the Building Act 1984.
 - (f) To authorise the institution of legal proceedings in respect of any contraventions of Building Regulations.

Miscellaneous

56. To take any action in pursuance of Sections 77 and 78 (dangerous buildings), 79 (dilapidated buildings and sites) and 81 and 82 (notices as to demolition) of the Building Act 1984 and Section 167 of the Highways Act (retaining walls near streets).
57. In consultation with the Cabinet Member for Planning Services to approve the properties to be included in the initial Local Buildings List and to make periodic reviews and adjustments as necessary.

High Hedges under Part 8 of the Anti-social Behaviour Act 2003

58. To deal with all matters relating to High Hedges under Part 8 of the Anti-social Behaviour Act 2003 (as may be amended or extended from time to time).

Planning Policy

59. Neighbourhood Plans

- (a) To determine requests made under the Environmental Assessment of Plans and Programmes Regulations 2004 as to whether or not a strategic environmental assessment (including screening and scoping opinions) is required.
- (b) To approve the designation of neighbourhood areas in accordance with the Neighbourhood Planning (General) Regulations 2012.

and following the Director of Planning and Environment informing the appropriate Cabinet Member and relevant ward member (s):

- (c) To make formal comments on a draft Neighbourhood Plan at Pre-Submission stage and Submission stage;
 - (d) To accept a Neighbourhood Plan submission and, provided that the proposal complies with the relevant legislation, to publicise and consult on the Plan in accordance with the Neighbourhood Planning (General) Regulations 2012;
 - (e) To appoint an Independent Examiner to hold an examination to assess whether the draft plan meets the basic conditions and in exceptional cases to suspend the holding of an examination;
 - (f) Following receipt of the Independent Examiner's report, to publish a decision statement and to make the decision to proceed to referendum where the Independent Examiner's report recommends 'proceed to referendum as submitted' and no significant adverse representations have been made.
 - (g) To publish a Publicity Statement and an Adoption Statement;
 - (h) To carry out such other procedural processes, requirements assessments and determinations as may be necessary in accordance with the Town and Country Planning Act 1990, the Neighbourhood Planning (General) Regulations 2012 and any other relevant regulations to enable preparation of a Neighbourhood Plan.
 - (i) In relation to High Court challenges of any decisions of the Council throughout the neighbourhood planning process, to reply, defend and/or consent to judgement of any claims and to settle any costs claim arising.
60. Following consultation with the Cabinet Member for Planning Services, to approve grants of up to £3,000 to parish councils to cover the cost of assessments required for the delivery of strategic sites where this will be incurred as part of the neighbourhood plan.

61. Supplementary Planning Documents

- (a) To determine the need for Strategic Environmental Assessment and/or Habitat Regulations Assessment through the issuing of a screening opinion following consultation with the statutory agencies.
- (b) To determine the scope of the Strategic Environmental Assessment through the issuing of a draft scoping opinion for consultation and the issuing of the definitive scoping opinion following consultation.
- (c) To publish an Adoption Statement.
- (d) To publish a Consultation Statement.
- (e) In relation to High Court challenges of any decisions of the Council throughout the production of supplementary planning documents, to reply, defend and/or consent to judgement of any claims and to settle any costs claim arising.

62. Following consultation with the Leader and the Cabinet Member for Planning Services to determine the response to consultation on minor and/or urgent planning policy documents from other authorities.

63. Following consultation with the Cabinet Member for Planning Services, to publish for public consultation proposed new or revised Conservation Area Character Appraisals, Management Proposals, Boundaries and Article 4 Directions.

Environmental Management

64. To undertake periodic environmental audits covering the state of the local environment.

65. To oversee the monitoring of, and consider initiatives for enhancing, the quality of the natural environment.

Contaminated Land and other pollution

66. To take appropriate action including expenditure up to £15,000 to deal with land owned by the Council which is contaminated within the meaning of the Environmental Protection Act 1990 or in respect of other pollution and the management of air quality – such action to be taken in consultation with the Director of Housing & Communities.

Drainage

67. The service of notices and enforcement under the Land Drainage Act 1991.

Oil Pollution

68. To exercise all powers necessary to act in the capacity of the District Oil Pollution

Officer.

Environmental Health

69. To exercise powers generally under Environmental Protection, Public Protection, Food Hygiene and Food Safety, Licensing, Animal Welfare, Smoke-free, Pest Control and Dog Control legislation, as amended from time to time, and in particular relating to:-
- a. Statutory nuisances.
 - b. Air quality, water quality (recreational and drinking) and pollution control.
 - c. Prevention and control of notifiable infectious diseases.
 - d. The safe production of food.
 - e. Noise control.
 - f. Contaminated land.
 - g. Stray dogs, dangerous dogs and dog fouling.
 - h. The control of vermin and other pests.
 - i. Health Education and development.
 - j. The safety of the public when using or visiting controlled or regulated facilities or activities.
 - k. The health safety and welfare of animals.
 - l. Fraud or deception relating to regulated competition or gaming activities.
 - m. Health, safety and welfare of people at work, at home or in pursuit of leisure.
 - n. Help, support or information to the public in the event of natural or man-made civic emergencies.
70. To make decisions on applications for, and renewal, variation or transfer of, licences, registrations, permits, authorisations, approvals, certificates or designation orders in respect of:
- a) Premises for sale, storage, preparation or manufacture of food.
 - b) Milk distributors or dealers storing or selling milk.
 - c) Game dealers and game keepers.
 - d) Food export certificates and deferred port health inspection of imported foods.
 - e) Offices and shops.
 - f) Zoos, guard dogs and establishments for horse riding, animal boarding, dog breeding, dangerous wild animals, performing animals and pet shops.
 - g) Theatres, cinemas, places of public or private entertainment and indoor sporting events.
 - h) Scrap metal dealers and motor salvage operators.
 - i) Designation of Dog Control Orders for dog fouling.
 - j) Skin piercing activities.
 - k) Knackers' premises.
 - l) Waste disposal processes and processors.
 - m) Chimney heights and furnaces.
 - n) Hackney carriages, private hire vehicles, their drivers and operators.
 - o) Sex establishments.
 - p) Street Collections (subject to the policy guidelines set out in Minute 80(A)(b)(i) of the Council meeting on 25th January 2005).
 - q) House to house collections.
 - r) Society lotteries.
 - s) The use of machines for amusement purposes.

- t) Amusement with prizes.
- u) Pleasure boats and boatmen.
- v) Caravan and camping sites.
- w) Late night refreshment houses.
- x) Processes prescribed under the Environmental Protection Act 1990.
- y) Track betting licences.
- z) Loudspeakers in the street.
- aa) Street trading consents.
- bb) Pools promoters (including in consultation with the Chief Finance Officer the appointment of accountants).
- cc) Environmental Permits.

71. To serve notices and to take any other action, including the exercise of default powers and recovery of costs, in pursuance of any statutory provisions relating to:

- a. The maintenance repair and/or cleansing of defective, stopped up, leaking or overflowing drainage systems, water closets or soil pipes.
- b. Filthy or verminous premises, articles or persons.
- c. Nuisances, drainage of premises and water supplies.
- d. Control of noise, air and other forms of pollution.
- e. Offences relating to burning of certain crop residues.
- f. Food safety and food hygiene, shopping hours and trading.
- g. Breach of licensing, registration authorisation or permit requirements.
- h. Works relating to unoccupied buildings under Sections 29-32 of the Local Government (Miscellaneous Provisions) Act 1982.
- i. Closing Orders in respect of take-away food shops.
- j. Section 76 of the Building Act 1984 (defective premises).
- k. Refuse disposal.
- l. Noise nuisance from domestic premises, vehicles, machinery or equipment in the street.
- m. Part IX of the Highways Act 1980.
- n. Pest Control.
- o. Dog Control.
- p. Vehicle Crime Act offences and motor salvage operators.
- q. Clean neighbourhoods offences including fly tipping, fly posting, graffiti defacement and sale of nuisance vehicles
- r. Environmental Permitting

72. To engage the services of authorised veterinary practitioners to provide advice and other assistance in respect of the Council's statutory functions relating to animals.

73. To authorise any appropriate officers to act in matters relating to the licensing of hackney carriages and private hire vehicles under Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

74. To make decisions and to enter into agreements under the relevant regulations for the purpose of enforcing controls for working with asbestos.

75. To exercise all powers necessary to act as the District Chemical Pollution Officer.

76. To agree transfers of enforcement responsibilities under the Health and Safety (Enforcing Authority) Regulations 1989, as amended from time to time.

77. To authorise any appropriate officers to act in matters arising under Food Safety legislation including:-
 - a. The power to enter any business premises in Great Britain in order to investigate offences occurring within the District Council's area.
 - b. The powers conferred for the purposes of entry, inspection and sampling by Environmental Health Technicians.
 - c. To authorise a Veterinary Surgeon or such other person as considered appropriate to enter any other premises in Great Britain in order to investigate offences occurring within the District Council's areas.
 - d. To appoint Public Analysts
78. To approve premises for the purposes of production and/or processing of food as required by Food Safety legislation
79. To authorise Environmental Health Officers and Technicians who have received adequate training to enforce Part III of the Food and Environmental Protection Act 1985 and the Control of Pesticides Regulations 1986.
80. To authorise any appropriate staff to act in matters arising under Health, Safety and Welfare legislation.
81. To appoint and authorise such persons as is considered necessary not being Council employees, to enter premises within the administrative area of the District Council to investigate offences under Health and Safety legislation.
82. To recover costs incurred in preventing or abating statutory nuisance as a civil debt or by putting a legal charge on the premises in consultation with Legal Services.
83. To appoint, as and when necessary and in conjunction with the Proper Officer for infectious and communicable diseases, a clinician for the purposes of Section 35 of the Public Health (Control of Disease) Act 1984.
84. In consultation with legal services, to authorise the institution of legal proceedings (whether civil or criminal) in respect of any matter relating to his service.
85. To authorise an application to the Magistrates Court under Section 38(i) of the Public Health (Control of Disease) Act 1984.
86. To discharge powers and duties in carrying out the review, assessment, designation of air quality management areas.

Clean Neighbourhoods and Environment Act 2005

87. To issue Defacement Removal Notices and Fixed Penalty Notices for Graffiti and flyposting.
88. To issue Litter Abatement Notices, Litter Clearing Notices, and Street Litter Control Notices.

89. To issue the following fixed penalty notices for Nuisance Parking, Litter, Street Litter Control, Litter clearing, Failure to produce waste transfer note, Failure to produce waste carriers licence, Offences under Dog Control Orders, Noise from licensed premises, Failure to nominate Key holder or to notify Local Authority in writing of nominated Key holder's details.
90. To issue consents for the distribution of free literature, and to issue fixed penalty notices for the unauthorised distribution of literature in designated land.
95. To issue notices and applications under the Anti-Social Behaviour Crime and Policing Act 2014, including Civil Injunctions, Criminal Behaviour Orders, Dispersal Powers, Community Protection Notices, Community Protection Orders, and Fixed Penalty Notices for breaches of a Public Spaces Protection Order and orders to authorise Closure of Premises.

Gambling Act 2005

96. To administer the processes under the Gambling Act 2005.
97. To determine the following matters under the Gambling Act 2005 including the imposition of appropriate conditions on Licences:-
 - a. Application for Premises Licence – Where no representations received/representations have been withdrawn
 - b. Application for a variation to a Licence – Where no representations received/representations have been withdrawn
 - c. Application for a transfer of a Licence – Where no representations received/representations have been withdrawn
 - d. Application for Provisional Statement – Where no representations received/representations have been withdrawn
 - e. Application for Club Gaming/Club Machine Permits – Where no objections made/objections have been withdrawn
 - f. Applications for other Permits
 - g. Cancellation of licensed premises Gaming Machine Permits
 - h. Consideration of Temporary Use Notice
98. Fees: The setting of fees within the confines of The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 are delegated to the Director of Planning & the Environment.

Coast Protection

99. To exercise the Council's powers contained within the Coast Protection Act 1949.

To amend the Beach Management Plan 2016-2021 Schedule of Works if required during this period.

To procure and award contracts for work in accordance with the Beach Management Plan 2016-2021 and Financial Standing Orders.

Director of Residents' Services

1. To issue fixed penalty notices for offences in relation to waste receptacles under the Clean Neighbourhoods and Environment Act 2005.
2. To make arrangements for the burial or cremation of persons for whom no other suitable arrangements have been made.
3. To deal with all matters relating to the grant of exclusive rights of burial and to agreements for the maintenance of graves.
4. To determine charges for the collection and disposal of clinical waste from all premises other than private dwellings (in consultation with the Chief Finance Officer).
5. To approve the Memorandum of Understanding to Underpin the Statutory, Strategic and Operational Relationship between West Sussex Waste Authorities and any future updates (provided the financial implications for the council do not exceed £100,000) following consultation with the Cabinet Member for Planning and the Director of Corporate Services.
6. To approve expenditure on communication initiatives in accordance with the Recycling Communications Strategy within the funding of £50,000 approved by the Cabinet on 12 April 2016.

Council Tax and Non-Domestic Rates

7. To deal with the following:-
 - a. Administration of Council Tax and Non-Domestic Rates including refunds in cases of over-payment to the Council as Billing Authority.
 - b. Apportionments in respect of premises partially unoccupied for short periods in accordance with s44A of the Local Government Finance Act 1988 (as amended)
 - c. Applications for hardship or discretionary rate relief in accordance with any statutes and the Council's Grants & Concessions Policy
 - d. Exercise of powers relating to completion notices
 - e. Determination of applications for reduction in Council Tax under Section 13A of the Local Government Finance Act 1992 (as amended) in accordance with the Council's adopted Council Tax Reduction Scheme and for any additional awards under s13A(c)
 - f. Institution of proceedings for non-payment of accounts including prosecution or defence in the Magistrates' Court (by the Chief Finance Officer or his nominated representative).

- g. Employment of the services of commercial bailiffs in appropriate circumstances.
8. To make decisions, and to set local policy reliefs, using the Council's discretionary powers under section 47 of the Local Government Finance Act 1988, as amended, where this accords with government guidance and the cost is reimbursed to the Council (Cabinet minute 600), and specifically to make decisions on temporary discretions to help homeowners and businesses recover from the adverse weather since 1 December 2013 (namely The Repair and Renew Grant, Business Rates Flooding Relief, Council Tax Discounts), and in respect of Retail Relief.

Housing Benefits & Council Tax Benefits

9. To deal with the following:-

In accordance with the Social Security Acts, the Housing Benefit and Council Tax Benefit Regulations and guidance issued by the DWP:

- a) Administration & payment of Housing Benefit to applicants.
- b) Administration & payment of Council Tax Benefit to applicants.
- c) Determination of representations from applicants dissatisfied with any decisions under Items (a) and (b) above.
- d) Payment of Discretionary Housing Payments
- e) Investigation of suspected cases of fraud and authorising prosecution proceedings.
- f) Classification and recovery of overpaid Housing Benefit and Council Tax Benefit, including authorisation of court proceedings.

Local Land Charges

10. To remove any non-subsisting entries from, or add new entries to, the Local Land Charges Register.

To set future fees in consultation with the Section 151 officer (Chief Finance Officer) without reference back to members, in order to ensure the requirement to break even over a rolling three-year period is complied with.

Street naming and numbering

11. To exercise the Council's functions in respect of the official naming of streets and the numbering of properties where these have not been delegated to a parish or town council and to make decisions in accordance with the adopted Street Naming, Numbering and Street Name Plate Policy.

Delegated powers of other officers

Democratic Services Divisional Manager (and Legal Services officers authorised by him)

1. To authorise, authenticate and issue any documents for the purpose of any of the Council's functions including all court proceedings

2. To affix and attest the seal of the Council to any deed or other document.
3. To brief Counsel or obtain Counsel's opinion, subject to budget availability.
4. To authorise legal officers to appear on behalf of the District Council in the County and Magistrates' Court pursuant to Section 60 of the County Courts Act 1984 and Section 223 of the Local Government Act 1972.
5. To make decisions (in consultation with the Chairman of the Planning Committee and the Director of Planning and the Environment) as to whether, having regard to the law and evidence involved, any notices or legal proceedings should be withdrawn or modified having regard to changes in the facts or other circumstances which become known after the Planning Committee's original decision to take such action.
6. To make applications to the Secretary of State or his Inspector for awards of costs in favour of the Council in respect of appeals relating to planning applications, listed buildings, enforcement notices, advertisements and other planning matters.
7. To apply (following consultation with the Chairman of the Planning Committee and the Director of Planning and the Environment) to the High Court or a County Court for an injunction under Section 187B of the Town and Country Planning Act 1990
8. To apply to a Magistrates' Court for a warrant of entry for the purposes of Section 196B of the Town and Country Planning Act 1990.
9. To serve requisitions for information as to ownership, occupation or other interest in land for the purposes of any of the functions of the Council and to take legal proceedings for failure to provide information required by a statutory requisition for information.
10. To determine applications from the Police for orders prohibiting trespassory assemblies under Section 14A of the Public Order Act 1986 (and substituted by the Criminal Justice and Public Order Act 1994) in consultation with the Leader of the Council and the Director of Housing and Communities in appropriate cases.
11. To take action in respect of unauthorised encampments under Sections 77, 78 & 79, of the Criminal Justice and Public Order Act 1994.
12. To give receipts for the discharge of redeemed mortgages.
13. To grant or refuse consent for the transfer of properties subject to mortgages held by the Council.
14. To make decisions having regard to the law and evidence involved as to whether the commencement or defence of civil or criminal proceedings can be properly justified in the Council's interests in any case where it is being considered by an employee acting under delegated powers.
15. To act as the Proper Officer for the purpose of Section 41 of the Local Government (Miscellaneous Provisions) Act 1976 (Evidence of Resolutions and Minutes of Proceedings etc.).

Monitoring Officer

1. To grant dispensations under s 33 Localism Act 2011, in consultation with the Chairman or (in their absence) the Vice-Chairman of the Council.

Consultant in Communicable Disease Control

1. To serve notices relating to infected food and control of notifiable diseases.
2. To apply to the Justices for orders or certificates, with a view to preventing spread of disease or arranging for the removal of aged and infirm persons to hospital or other suitable premises in consultation with the Leader of the Council (unless the urgency of the circumstances makes such prior consultation impracticable).
3. To act as the Port Medical Officer for the Chichester District.
4. To authenticate any documents necessary for the exercise of any of the functions described in Items 1 to 3 above.

Economic Development Manager

1. To make decisions in respect of the Business Support Scheme for grants to small and medium sized businesses that have been affected by flooding since 1 December 2013 (Cabinet minute 566(1)).