

Responsibility for Functions

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

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Part 3

Responsibility for Functions

Purpose

1. The County Council is required to show how it has arranged for its functions to be carried out. It has allocated its functions by means of a Scheme of Delegation which is described here.
2. Functions are either executive or non-executive. Non-executive functions are delegated to non-executive committees. All other functions are executive functions and are delegated either to the Cabinet, individual cabinet members, county local committees, officers or joint arrangements with other local authorities and public bodies.
3. The scheme is adopted with the intent that there should be a simplification of the decision-making processes of the County Council and accordingly it should be interpreted widely and not narrowly.
4. The County Council exercises the following functions:
 - (a) adopting the Constitution
 - (b) overseeing the Constitution and changing in particular the following parts which are reserved specifically to the County Council:
 - Standing Orders
 - Scheme of Delegation
 - (c) receiving recommendations from the Cabinet on, and agreeing, the Policy Framework and the annual revenue budget and capital programme
 - (d) deciding an executive function where there is a proposal to depart from the Policy Framework or annual revenue budget and capital programme
 - (e) Electing the Chairman and Vice-Chairman of the County Council and appointing the Leader
 - (f) agreeing or changing the Constitution and terms of reference of committees, and making appointments to committees including the chairmen and vice-chairmen, on the recommendation of the group leaders
 - (g) adopting the Scheme of Members' Allowances
 - (h) confirming the appointment of the Head of Paid Service (Chief Executive)

- (i) such other matters as the law requires to be dealt with by the County Council.

5. Policy Framework

The Policy Framework means the following plans and strategies:

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

6. Types of Meeting

There are three types of County Council meeting:

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

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

Executive Functions

4. Functions delegated by the County Council to the Cabinet are set out in Appendix 1. General and specific delegations to individual Cabinet Members are set out in Appendix 2. Functions delegated to Local Committees are set out in Appendix 3. Functions delegated to officers are set out in Appendix 4.

Non-Executive Functions

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

Scrutiny Functions

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

8. Definitions

- 8.1 For the purposes of this scheme a function of the County Council means any activity which the County Council may lawfully perform under statute or common law.
- 8.2 Functions of the County Council are divided between:
- 8.2.1 Executive functions which are all those functions of the County Council which are not non-Executive functions.
- 8.2.2 Non-Executive functions which are those functions listed in Appendix 5 together with any further functions which are required by statute to be non-Executive functions or which the County Council decides shall be non-Executive functions in exercise of a statutory discretion.
- 8.3 Executive functions fall into two categories:
- 8.3.1 Functions which are reserved by law or this scheme to the County Council ("Policy Framework").
- 8.3.2 Delegated functions which may be
- 8.3.2.1 reserved to the full Cabinet ("Cabinet function"); or
- 8.3.2.2 delegated to County Local Committees ("Local Committee function"); or
- 8.3.2.3 delegated to officers outright ("Officer functions") as described in Appendix 4 to this scheme; or
- 8.3.2.4 the remaining Executive functions ("Cabinet Member matters").
- 8.3.3 For the purpose of this scheme, the definitions in Part 1 apply.
- 8.4 This scheme delegates to the Cabinet, to committees, or to officers the County Council's functions within the description set out in the appendices to this scheme together with the powers and duties within those functions under all present and future legislation, and all powers incidental to those functions including those under Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000.
- 8.5 The functions delegated by the Scheme are as follows
- | | | |
|------------|---|---|
| Appendix 1 | - | Executive Functions |
| Appendix 2 | - | Cabinet Members |
| Appendix 3 | - | County Local Committees (subject to consultation) |
| Appendix 4 | - | Officer Functions |
| Appendix 5 | - | Non-Executive Committees |
| Appendix 6 | - | Standards Committee |
| Appendix 7 | - | Governance Committee |

Appendix 8A	-	Performance and Finance Select Committee
Appendix 8B	-	Health and Adult Social Care Select Committee
Appendix 8C	-	Children and Young People's Services Select Committee
Appendix 8D	-	Environment, Communities and Fire Select Committee
Appendix 9	-	Adoption Panels and Fostering Panels
Appendix 10	-	Treasury Management Panel
Appendix 11	-	PropCo Panel
Appendix 12	-	Corporate Parenting Panel
Appendix 13	-	Safeguarding Adults Member Reference Group
Appendix 14	-	Independent Remuneration Panel
Appendix 15	-	West Sussex Health and Wellbeing Board
Appendix 16	-	Orbis Public Law Joint Committee
Appendix 17	-	Parking and Traffic Regulations Outside London Adjudication Joint Committee
Appendix 18	-	Local Enterprise Partnership Joint Committee
Appendix 19	-	West Sussex Joint Scrutiny Steering Group
Appendix 20	-	Pension Advisory Board
Appendix 21	-	Pension Board of the West Sussex Fire and Rescue Authority
Appendix 22	-	Local Government Pension Scheme ACCESS Joint Committee
Appendix 23	-	Sussex Police and Crime Panel

8.6 The functions delegated by this Scheme may be further delegated

- 8.6.1 In the case of a Cabinet function, by the Cabinet to a cabinet member, county local committee or officer
- 8.6.2 In the case of a Cabinet Member matter by that Cabinet Member to a county local committee or officer
- 8.6.3 The functions described in Appendix 4 may be further delegated by the officer named in that appendix to another officer defined by their role, provided that such delegation is recorded in writing, signed by the delegating officer and the officer receiving the delegated authority and that all such onward delegations are reviewed at least annually.

8.7 In this Scheme a delegation shall not prevent

- 8.7.1 the County Council from exercising any non-executive function delegated to a committee or officers
- 8.7.2 the Cabinet from exercising any executive function delegated to cabinet members, county local committees or officers
- 8.7.3 Cabinet members from exercising any executive functions delegated to county local committees or officers.

9. Limitations and Conditions

- 9.1 The delegations set out in this scheme are subject to
 - 9.1.1 The right of a select committee to consider a proposal within the Policy Framework, or any addition or amendment to it.
 - 9.1.2 The powers of a select committee to call in or review other executive functions.
 - 9.1.3 A requirement of the Cabinet to consult
 - 9.1.3.1 The Planning Committee on the parts of the Structure and Local Plans relevant to that Committee's function.
 - 9.1.3.2 The Performance and Finance Select Committee on the Annual Audit Letter.
 - 9.1.3.3 The Governance Committee on any proposed changes to the Constitution.
 - 9.1.4 The requirement of the Governance Committee to consult the Executive on any proposed changes to the Constitution in making recommendations to County Council.
- 9.2 All delegated functions within this scheme must be exercised
 - 9.2.1 in accordance with all parts of the County Council's Constitution
 - 9.2.2 to comply with the Policy Framework of the County Council and other approved policies and plans
 - 9.2.3 within approved budgetary provision
 - 9.2.4 having regard to agreed arrangements for recording decisions made
 - 9.2.5 having regard to advice received from the relevant Executive Director or Director or his or her staff on professional and technical aspects of the matter in question.
- 9.3 This scheme does not delegate:
 - 9.3.1 any matter reserved by law or by this scheme to the County Council;
 - 9.3.2 to an officer, any matter which by law may not be delegated to an officer;
 - 9.3.3 any matter which is specifically excluded from delegation by this scheme or by resolution of the County Council.

- 9.4 The delegation of any function delegated by this scheme either expressly or in accordance with paragraph 8.4 may be revoked by or reserved to the delegator at any time.
- 9.5 Executive directors and directors must keep an up to date record of delegations to the officers within their area of responsibility, and should provide the Director of Law and Assurance with a copy.

Executive Functions

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

Cabinet Functions

4. The Cabinet may collectively consider:
 - 4.1 Those matters to be referred to full Council for decision relating to Policy Framework documents.
 - 4.2 Such other plans or strategies which individual cabinet members may wish to refer to the full Cabinet for decision including those which relate to the responsibilities as Fire and Rescue Authority.
5. The Cabinet shall decide to which outside bodies the County Council should make member appointments and advise the Director of Law and Assurance who will maintain a list of such bodies, and shall appoint members to outside bodies which precept on the County Council.

Cabinet Members

- 1.1 Where executive functions are not reserved to the County Council or to Cabinet or delegated to county local committees or officers, they are cabinet member matters in accordance with the portfolios as follows:
- 1.2 The Director of Law and Assurance in consultation with the Chairman of the County Council shall determine the appropriate cabinet members in cases of uncertainty. Any cabinet member matter shall be determined by the Cabinet Member shown.

Leader

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

Cabinet Members

- 1.4 Only members of the County Council may be appointed to the Cabinet. The Cabinet may not co-opt members and deputies or substitute members are not permitted to be members of the Cabinet. Neither the Chairman nor Vice-Chairman of the County Council may be appointed to the Cabinet and members of the Cabinet (including the Leader) cannot be members of a Select Committee or of a Scrutiny Task and Finish Group.
- 1.5 The term of office for Cabinet Members is determined by the Leader.

1.6 Register of Cabinet Members

Name	Electoral Division	Portfolio
Louise Goldsmith	Chichester West	Leader
Richard Burrett	Pound Hill	Education and Skills (and Deputy Leader)
Roger Elkins	East Preston & Ferring	Highways and Infrastructure
Jeremy Hunt	Chichester North	Finance and Resources
Amanda Jupp	Billingshurst	Adults and Health
Jacque Russell	East Grinstead South & Ashurst Wood	Fire and Rescue and Communities
Bob Lanzer	Maidenbower & Worth	Corporate Relations
Paul Marshall	Storrington	Children and Young People (Lead member for Children)
Deborah Urquhart	Angmering & Findon	Environment

- 1.7 Cabinet members may wish to be supported by advisers or senior advisers to cabinet members and by cross-party executive task and finish groups, which provide advice to a cabinet member in relation to the development of commissioning plans or plans for service provision, or such other service-related proposal as the Cabinet Member decides. The terms of reference and the membership of an executive task and finish group is decided by the Cabinet Member and published to all members. Task and finish groups will operate for a time-limited period set by the Cabinet Member. The output of their work will be available to all members save in exceptional cases.
- 1.8 A senior adviser shall be appointed to advise and lead on the support to the Cabinet Member in relation to the County Council's responsibilities as the Fire and Rescue Authority.
2. The following areas of responsibility are included in the matters which may be determined by a Cabinet Member.
 - 2.1 To consider draft reports to the Cabinet with the relevant executive directors, directors or heads of service and, in the case of Fire and Rescue Service matters, the Chief Fire Officer.
 - 2.2 To determine how expenditure on services should be undertaken.
 - 2.3 To determine the commissioning plans related to the services within their portfolio.
 - 2.4 To determine the appropriate arrangement for enabling members of the Council to contribute to and influence commissioning plans and to set the terms of reference of any task and finish group established for this purpose or to commission an all-member service planning session for this purpose.
 - 2.5 To maintain a dialogue with the Business Planning Group of any Select Committee. The Cabinet Member may request that a Select Committee undertakes work to assist the development of service or commissioning plans.
 - 2.6 Approving the commencement of procurements of services, supplies and works not already identified in the capital programme, which come within the scope and definition of a key decision.
 - 2.7 To agree annual reports.
 - 2.8 To approve Portfolio Service Plans.
 - 2.9 The monitoring of the budget for particular services.
 - 2.10 To determine policies for particular services, which are consistent with the Policy Framework.
 - 2.11 To agree responses to consultation papers unless delegated to an officer.

- 2.12 To make appointments to outside bodies within the list approved by the Cabinet except those which fall to the Cabinet or county local committees.
- 2.13 To appoint executive task and finish groups.
- 2.14 To receive and consider referrals from select committees or from a County Local Committee, in accordance with the arrangements for a Councillor Call for Action.
3. The following describes the allocation of executive functions among members of the Cabinet:

3.1 **Collective Responsibilities**

- ❑ Performance Management
- ❑ Procurement
- ❑ Contract Management
- ❑ Residents' Satisfaction
- ❑ Income Generation

N.B. The Cabinet Member for Finance and Resources leads on the strategic approach to commissioning and performance management. Cabinet Members will take decisions individually on aspects of commissioning and contract management affecting their portfolio areas but only after consultation with the Cabinet Member for Finance and Resources.

The Cabinet Member for Finance and Resources shall be able to declare land and property as surplus to requirements (except schools' property which will be undertaken jointly with the Cabinet Member for Education and Skills) and, where the value is £500,000 or over, dispose of such land and property. Where the value is below £500,000, the disposal of such land and property is delegated to officers.

Fire and Rescue Authority executive functions are discharged by the Cabinet Member for Fire and Rescue and Communities in so far as these have not separately been delegated to the Chief Fire Officer in accordance with Appendix 4 or referred to the Cabinet for collective decision.

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

3.2 **Leader of the Council**

The following functions are allocated to the Leader of the Council

- to chair meetings of the Cabinet and oversee the preparation of business for its consideration

- to indicate to the Chief Executive and executive directors the priorities and programmes of the Cabinet and majority party, and their likely reaction to new policies or projects
- to be the principal political spokesman for the County Council at internal and external meetings
- to decide matters on behalf of another cabinet member if he or she is unwell, out of the county, has an interest in a matter under consideration, or is otherwise unable to act, or in the Leader's absence, to nominate the Deputy Leader or another cabinet member to do so
- to have responsibility for the following portfolio areas:
 - Strategic Political Direction
 - Policy and Strategy
 - Communications
 - Transformation
 - Economy
 - Military Covenant and Armed Forces Liaison

3.3 Deputy Leader of the Council

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

Scope:

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

Limitation:

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

3.4 Adults and Health

- ❑ Adult Social Care
- ❑ Adult Safeguarding
- ❑ Drug and Alcohol Action
- ❑ Health and Wellbeing
- ❑ Public Health (in consultation with the Cabinet Member for Children and Young People for relevant business)
- ❑ 3rd Sector
- ❑ Blue Badge Scheme
- ❑ Coroner and Mortuaries

3.5 Children and Young People (Lead Member for Children)

- ❑ Children's Social Care
- ❑ Children's Safeguarding
- ❑ Youth Services
- ❑ Youth Justice
- ❑ Early Help Services
- ❑ Children's Health – Public Health

3.6 Corporate Relations

- ❑ Human Resources
- ❑ Facilities Management
- ❑ Legal Services
- ❑ Democratic Services
- ❑ IT and Information
- ❑ Freedom of Information and Data Protection
- ❑ Customer Relations and Digital
- ❑ Capita Partnership
- ❑ Council Redesign

3.7 Education and Skills (and Deputy Leader)

- ❑ Schools
- ❑ Schools Place Planning
- ❑ Adult Skills and Learning
- ❑ Education
- ❑ Further Education – Liaison
- ❑ Skills Development and Apprenticeship
- ❑ Special Educational Needs (in consultation with the Cabinet Member for Children and Young People)
- ❑ Schools Forum
- ❑ Schools Capital Programme (in consultation with the Cabinet Member for Finance and Resources)

3.8 **Environment**

- ❑ Waste Strategy
- ❑ Recycling
- ❑ Energy
- ❑ Trading Standards
- ❑ South Downs National Park
- ❑ Coast and Countryside
- ❑ Rights of Way
- ❑ Cycling Improvement (in consultation with the Cabinet Member for Highways and Infrastructure)
- ❑ Air Quality and Wellbeing (in consultation with the Leader)
- ❑ Minerals
- ❑ Planning

3.9 **Finance and Resources**

- ❑ Finance
- ❑ Assets and Capital Programme
- ❑ Pensions
- ❑ Treasury and Investment Management
- ❑ Procurement

3.10 **Fire and Rescue and Communities**

- ❑ Fire and Rescue
- ❑ Emergencies and Resilience

Support to Communities:

- ❑ Community Safety
- ❑ Gypsy, Roma and Travellers
- ❑ Registration Services
- ❑ Libraries and Archives
- ❑ Community Development
- ❑ County Local Committees (Community Engagement)
- ❑ Police Liaison

3.11 **Highways and Infrastructure**

- ❑ Highways
- ❑ Transport Planning
- ❑ A27 Improvement
- ❑ Strategic Transport
- ❑ Flood Prevention
- ❑ Railway and Public Transport Liaison
- ❑ Cycling and Cycle ways

4. Executive Task and Finish Groups

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

5. All-Member Service Planning Sessions (SPS)

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

6. Partnership Boards

- 6.1 A panel of up to four members (cross party) appointed by the relevant Cabinet Member to sit alongside the relevant senior officers of the Council on a specially constituted Board with senior representatives of a contractor or partner from whom services are to be procured. Appointments should be based on experience and interest and will be reported formally to the County Council as decisions of the relevant Cabinet Member. The Cabinet Member, in consultation with the Leader, will decide which contractual relationship would be assisted by such a Board, taking into account any representations from select committees.
- 6.2 The Board will oversee the development of the commercial relationship and service planning with the contractor and will monitor effective performance against the outcomes sought and the specified performance measures for the contract.
- 6.3 The minutes and action plans prepared by the Board shall be available for all members.
- 6.4 The terms of reference and detailed governance arrangements for each Partnership Board shall be agreed by the members appointed in discussion with the representatives of the contracting partner and shall be made available to all members.

County Local Committees

Functions

The Committees shall exercise in relation to the area covered by the Committee those powers set out in the terms of reference below.

Constitution

Members of the County Council whose electoral divisions fall within the area of the Committee as set out below.

County Local Committee	Electoral Divisions
Adur County Local Committee (5)	Lancing Shoreham North Shoreham South Sompting & North Lancing Southwick
Joint Eastern Arun Area Committee (6)	Angmering & Findon Arundel & Courtwick East Preston & Ferring Littlehampton East Littlehampton Town Rustington
Joint Western Arun Area Committee (7)	Bersted Bognor Regis East Bognor Regis West & Aldwick Felpham Fontwell Middleton Nyetimber
North Chichester County Local Committee (4)	Bourne Midhurst Petworth Rother Valley
South Chichester County Local Committee (7)	Bourne Chichester East Chichester North Chichester South Chichester West Selsey The Witterings
Crawley County Local Committee (9)	Bewbush & Ifield West Broadfield Langley Green & Ifield East Maidenbower & Worth Northgate & West Green Pound Hill Southgate & Gossops Green Three Bridges Tilgate & Furnace Green

County Local Committee	Electoral Divisions
Chanctonbury County Local Committee (4)	Bramber Castle Henfield Pulborough Storrington
North Horsham County Local Committee (8)	Billingshurst Broadbridge Holbrook Horsham East Horsham Hurst Horsham Riverside St Leonard's Forest Southwater & Nuthurst
Central and South Mid Sussex County Local Committee (8)	Burgess Hill East Burgess Hill North Cuckfield & Lucastes Hassocks & Burgess Hill South Haywards Heath East Haywards Heath Town Hurstpierpoint & Bolney Lindfield & High Weald
North Mid Sussex County Local Committee (5)	East Grinstead Meridian East Grinstead South & Ashurst Wood Imberdown Lindfield & High Weald Worth Forest
Worthing County Local Committee (9)	Broadwater Cissbury Durrington & Salvington Goring Northbrook Tarring Worthing East Worthing Pier Worthing West

Note:

The quorum for committees with five or fewer members shall be two members. The quorum for committees with six or more members shall be three members.

Terms of Reference

The following shall be exercised in accordance with the policies of the County Council.

1. Executive Functions

A. Highways and Transport

1. To advertise for, consider and determine traffic regulation orders, speed limit orders, cycle track orders, experimental orders, parking

places orders and revocation orders save where proposals for such orders are of a minor nature, require urgent determination, are of a temporary nature or (following advertisement) have received five or fewer objections or representations from those affected provided, in all cases, that the relevant local member(s) has been notified of the matter and accepts the reasons for not referring the matter to the Committee, and subject, where there are five or fewer objections, to the right of a member of the relevant County Local Committee to have the proposal referred to that Committee rather than being dealt with under delegated powers.

2. To consider and determine traffic management matters, including parking schemes, pedestrian crossings, stoppings up under the Highways Act 1980, road safety and traffic calming measures, save where they are of a minor nature, require urgent determination or are of a temporary nature and save where proposals have received five or fewer objections or representations from those affected provided, in all cases, that the relevant local member(s) has been notified of the matter and accepts the reasons for not referring the matter to the Committee, and subject, where there are five or fewer objections, to the right of a member of the relevant County Local Committee to have the proposal referred to that Committee rather than being dealt with under delegated powers.
3. To consent or otherwise to the making of orders for off-street parking places by a district or borough council.

B. Awards of Grants

1. To allocate Community Initiative Funding in accordance with the framework for the allocation of such funding as described in the annex to this appendix. Such funding to be allocated to committees at a sum per member of the Committee, as agreed in the Council's annual budget. For members in split divisions the allocation of that sum will be for the individual member to propose to the relevant committees.

C. Appointments to Outside Bodies

To make appointments for the County Council to those outside bodies contained in a list which shall be held and updated by the Director of Law and Assurance provided that the Committee also monitors the effectiveness of such appointments and the work of those bodies to which appointments are made.

D. Nominations and Appointments to School and Academy Governing Bodies

1. To make nominations for the County Council to governing bodies of maintained schools in the area with the exception of those schools in respect of which the Cabinet Member for Education and Skills intends to make such appointments in the exercise of a statutory power of intervention in respect of the school's performance.
2. To make appointments for the County Council to temporary governing bodies of maintained schools in the area, including temporary parent

governors, temporary LEA governors, temporary community governors and temporary partnership governors.

3. To make appointments or nominations for the County Council to governing bodies of academies in accordance with either the funding agreement with the relevant government department or instrument of governance, as appropriate.

[Note: Where relevant appointments to independent schools and other institutions delivering education and to pupil referral units are made by the Cabinet Member for Education and Skills.]

2. Referred Powers

In order to oversee the discharge of the County Council's responsibilities in respect of their impact and effectiveness in the area of the Committee, the Committees may consider, comment upon, monitor and generally advise the relevant decision maker or committee of the County Council in respect of those functions listed below, and may do so on their own initiative or at the invitation of the relevant decision-maker or committee.

A. Wellbeing of local area

To oversee the wellbeing of the local area, seek from cabinet members, executive directors, directors and heads of service such information on the delivery of local services, the development of projects and the implementation of programmes in the area as will enable the Committee to monitor the effectiveness of such matters and to report and make recommendations to the appropriate cabinet member or, where necessary, select committee.

B. Infrastructure

To consider and advise the Cabinet Member on the County Council's infrastructure planning and the local priorities for such infrastructure, including highway schemes.

C. Schools

To stimulate interest and local engagement in the governance of maintained schools in the area.

D. Libraries

To explore opportunities to develop the County Council's library service including increased community use of buildings and to make recommendations to the relevant cabinet member about opening hours.

E. Information and involvement with the County Council

1. To advise on the need for public information about the County Council and the services which it provides locally.
2. To take and pursue initiatives aimed at encouraging and supporting local communities to engage more effectively with the County Council.

3. Councillor Call for Action

1. To consider any matter notified by a member of the Committee on the basis that it is a matter of genuine concern to the local community or to a particular part of the local community and in so far as it relates to the exercise of any power or duty of the County Council or covers any matter on which the County Council may have a legitimate interest.
2. Either at the invitation of any member of the Committee, or on its own initiative, to refer any such matter to the relevant Select Committee for consideration or, if the matter is of urgency, directly to the relevant Cabinet Member through the relevant executive director, copied to the Select Committee.

4. Petitions

1. To consider petitions under Standing Order 3.39.

Framework for use of Community Initiative Funding (CIF) by County Local Committees (CLCs)

The main objective of the scheme is to enhance the delivery of the County Council's priorities through enabling communities to help themselves (creating 'sustainable communities'). The County Council's priorities are identified in the Performance Framework.

The principles behind how each CLC should distribute this funding are as follows:

- Funding should be allocated in order to help achieve specific outcomes as highlighted in the Performance Framework.
- Funding should be allocated only where there will be some demonstrable improvement to the local community: it will be for each CLC to agree the outcome required, prior to the allocation of any funding.
- Funding will not be determined by a bidding process, but rather by consensus within the CLC.
- The funding will not be used to replace core funding of County Council services nor to provide funds that another authority would be expected to secure through the use of its own precept. It can, however, be used by the CLC to buy additional levels of County Council services should the CLC consider there to be a community benefit in doing so.
- The funding should be used, where possible, to attract match funding from other sources.
- The funding should normally be used for one-off or capital costs rather than continuing or revenue costs.
- Each CLC to agree formally its criteria for allocating funds and publicise how it will operate its CIF process (e.g. frequency of considering applications; normal ceiling for application grants).

Members of the CLC may submit applications to that CLC. These applications will be considered and determined by the CLC in the same way as any other applications submitted to the CLC.

In order to ensure fairness, transparency and accountability, each CLC will need to ensure that:

- There is guidance available to provide clarity about the application process and the criteria the CLC will apply in determining applications.
- There is a sufficiently robust method of monitoring in place to ensure that funds are spent to deliver the agreed outcomes.

Each CLC should consider how it will publicise the availability of CIF in its area and also how to publicise the support it has given to successful applications and the community benefits it has helped to achieve.

Joint Area (County Local) Committees

The purpose of joint area committees is to provide a single vehicle for all tiers of local government to consider a range of issues concerning the area, and where relevant to make decisions on the implementation of matters arising from policies promoted by West Sussex County Council, the borough or district council and any town or parish councils.

In order to establish a joint area committee, the County Local Committee will discuss and agree with the other tiers of local government how they each intend to use the Committee as a way of informing and involving the public and each other in issues and decisions of local importance.

In addition, the County Local Committee will discuss and agree with the other tiers of local government how they each intend to support and contribute to the operation and maintenance of the Joint Area Committee arrangements.

Membership and Voting

- All tiers of local government within the Area will be invited to be represented at the meeting and at joint agenda preparation meetings
- County and district councillors alone have voting rights on issues delegated by their respective authorities but all representatives will participate in discussion on all matters
- A casting vote (normally exercised by the Chairman of a committee in the event of an equality of votes on any particular matter) will apply to the Authority with responsibility for the matter under discussion and therefore may be exercised by the Chairman, Vice-Chairman or nominated lead member for the appropriate authority, where and as appropriate.

Constitution (of County Council members)

Members of the County Council whose electoral divisions fall within the area of the Committee.

Representation from members of the borough/district council and town/parish councils (where applicable) is to be agreed with those councils.

Officer Functions

1. Scope and arrangements for officer delegations

- 1.1 The scope of functions and responsibilities delegated to officers is limited to those delegated by the County Council. They are set out in the table below. The Chief Executive may allocate and amend the allocation of officer delegations within this scope at any time. The scheme of officer delegations and any amendments shall be notified to members through the Members' Information Service.
- 1.2 The table below sets out which functions have been delegated to which officer and also identifies when those functions may be exercised severally by different officers or should only be exercised jointly, or in consultation with another officer or with an elected member. The areas of responsibility are listed alphabetically and divided into service and corporate areas of business.
- 1.3 The named officer may make arrangements for the onward delegation of any of their functions to another officer within their service but must keep a written record of such onward delegation and any changes to it and will not lose accountability for the proper discharge of that function by delegating it.
- 1.4 'Proper Officer' functions are those which are required by legislation to be discharged by a designated or 'proper' officer. Those functions are set out at the end of the table below by reference to the relevant legislative requirement.
- 1.5 Where an officer board or panel has been asked to take responsibility for a project or area of Council business that Board will not have delegated responsibility for decisions as those can only be discharged by a named officer, who may chair or be a member of such a board or officer panel, acting in accordance with this scheme of delegation.

2. Officer and Member decision-making

- 2.1 Any decision within the scope of the functions delegated below may be taken by the officer named or an officer to whom the function has been further delegated. Any function which has not been delegated must be taken by the relevant Cabinet Member or Committee or by the County Council in accordance with the Scheme of Delegation.
- 2.2 All officer decisions must be recorded and the record retained for audit purposes. That record must include the following (which also form part of the prescribed template for published decisions referred to in 2.3 below).
 - The scope and effect of the decision
 - The date of the decision and the date it takes effect
 - The resource (including staff) and relevant budget implications
 - The consultation or advice taken into account
 - The risk assessment applied
 - The relevant statutory and policy considerations applied (to include the Public Sector Equality Duty where relevant)

- 2.3 Where a decision qualifies as a key decision and it is proposed that the decision is taken by an officer the following requirements shall be met:
- The decision must be published in advance in the Forward Plan in compliance with the rules relating to the Forward Plan.
 - The decision must be notified to members and will be subject to possible call-in. The decision will only take effect once the call-in deadline has passed and the decision has not been called-in.
 - The decision will use the format as for a Cabinet Member decision and will be processed and published by Democratic Services.
- 2.4 In relation to non-executive decisions that would otherwise be taken by one of the Council's non-executive committees the scope of the exercise of officer powers shall be set by the relevant committee or as set out in the terms of reference of that committee or within the table below.
- 2.5 In relation to executive decisions the following shall be reserved for decision by the appropriate Cabinet Member except where the Cabinet Member has specifically delegated the decision to an officer or has given written authority for the decision to be taken by the officer.
- (a) the matter is politically sensitive (i.e. it would be expected to be led by the political executive of the Council rather than an officer as it requires political judgment rather than a technical or operational decision).
 - (b) the decision is to adopt or amend a corporate or service level policy where that has not been specifically allocated to an officer for approval.
 - (c) the proposal has or will have a significant impact on the scope or form of a service provided to residents.
 - (d) The decision is to initiate a procurement process or consultation exercise which relates to a matter of significance for the scope or form of a service provided to residents.
 - (e) where, following discussion with the relevant cabinet member, the Cabinet Member reserves the decision to him or herself.
- 2.6 Officers holding general responsibility for functions within their area of service shall discharge all operational technical and professional decisions and shall be responsible for taking decisions that are required to give operational effect to corporate, strategic and policy decisions taken by the Cabinet Member or relevant Committee subject to the provisions of 2.5 above. Operational responsibilities shall comprise:
- (a) Determining the staff resources required within the allocated service budget and how such resources shall be deployed and managed.
 - (b) Determining and delivering the plans and actions required to provide the service and secure the achievement of service outcomes and objectives.
 - (c) Managing the budget allocated to the service and ensuring all appropriate action is taken to ensure a balanced budget outcome.
 - (d) Taking all commissioning and procurement decisions to secure the resources or support to ensure the effective delivery of the service

whilst ensuring compliance with Standing Orders on Procurement and Contracts.

- (e) Managing or ensuring the management of all contracts and other procured resources used to deliver the service.
- (f) Ensuring that all corporate policies and procedures are complied with.

2.7 Officers proposing to take executive decisions should ensure that the relevant Cabinet Member is aware of and briefed in relation to the matter so that the authority to take the decision is clear. Where a proposed decision is of particular interest to a specific area of the County the officer will notify and consult the relevant local member(s) before taking the decision.

Section /No.	Function	Officer	Form of shared delegation
	Part 1 Service-related Functions		
A	Adults		
1	To exercise, subject to any exceptions and conditions set out elsewhere in this Scheme of Delegation, all of the Social Services functions of the County Council as are set out in Schedule 1 of the Local Authority Social Services Act 1970, the Mental Capacity Act 2005, the Mental Health Act 1983 and Schedule 20 of the National Health Service Act 2006 insofar as those relate to adults and those functions discharged jointly with or on behalf of NHS bodies in accordance with arrangements made under Part III of the National Health Service Act 2006.	Director of Adults' Services	
2	To exercise all powers including the issuing of notices, the taking of any formal steps, the making of any appointments and the awarding of any grant or financial payment as may be conferred by any of the above provisions insofar as those are not delegated elsewhere by this Scheme of Delegation.	Director of Adults' Services	
3	The exercise of the above shall be subject to the following exceptions: a. the institution or conduct of any legal proceedings shall be reserved		

Section /No.	Function	Officer	Form of shared delegation
	to the Director of Law and Assurance.		
	<p>b. the making of any grant or financial payment shall be limited to the financial limits for any specific provisions as may be defined by the Cabinet Member for Adults and Health.</p> <p>c. the issuing of any notices or formal orders under any of the statutory provisions shall be taken in consultation with the Director of Law and Assurance.</p>		
4	To exercise discretion in making an assessment in appropriate cases of charges for residential accommodation provided under the Care Act 2014	Director of Finance and Support Services	<i>Jointly with Director of Adults' Services and Director of Law and Assurance</i>
5	<p>In assessing the contribution residents should make towards the cost of their accommodation in residential nursing homes:</p> <p>a. to decide whether assets have been knowingly disposed of in order to avoid charges and, in that event, whether to recover monies.</p> <p>b. whether to disregard the value of a former dwelling where it is considered reasonable to do so.</p>	Director of Finance and Support Services	<i>Jointly with Director of Adults' Services and Director of Law and Assurance</i>
6	To discharge all of the Council's functions under the Care Act 2014 and relevant Mental Health and Mental Capacity Acts relating to applications to the Court of Protection and related matters including the management of assets as receiver.	Director of Adults' Services	Jointly with Director of Finance and Support Services
7	To waive charges for the home care service when it is considered appropriate to do so.	Director of Adults' Services	<i>Jointly with Director of Finance and</i>

Section /No.	Function	Officer	Form of shared delegation
			Support Services
7A	To authorise requests for price variations in line with the terms and conditions of the Care and Support at Home Framework in consultation with the Strategic Finance Business Partner and subject to the cost being affordable.	Director of Adults' Services	
8	To enter into contracts with statutory, community and voluntary sector organisations for the design and delivery of discretionary services.	Director of Adults' Services	
9	To discharge the functions which oversee and guide the services for the safeguarding of vulnerable adults and the operation of the Adults' Safeguarding Board to include the operation of services to address domestic violence.	Director of Adults' Services	
B	Archives		
10	To manage protect and maintain the archives that are in the possession or control of the County Council and to carry out the operation of the Archives Service for West Sussex.	Director of Communities	
C	Children*		
Note	In relation to all Children's Services the Council's statutory Director of Children's Services (DCS) is the Director of Children and Family Services. That post carries responsibility for all statutory services relating to children. Those that, for operational purposes, have been onward delegated to another Director are set out below in addition to those retained by the Director of Children and Family Services.	Director of Children's Services to be statutory DCS	As set out below in sections C, S, T and U

Section /No.	Function	Officer	Form of shared delegation
	<p><i>*Definition of 'child': for the purpose of this Scheme of Delegation the definition of child(ren) means any person under the age of 18 but shall include any young person up to the age of 19 in the case of education and up to the age of 24 to whom any of the council's powers and duties should be provided or made available as a direct consequence of the person's previous involvement with council before reaching the age of 18.</i></p>		
11	<p>To exercise, subject to any exceptions and conditions set out in this Scheme of Delegation, the Social Services functions of the County Council as defined in Schedule 1 of the Local Authority Social Services Act 1970 insofar as those functions relate to children, and all of the functions set out in Section 18 (2) of the Children Act 2004 (as amended).</p> <p>The exercise of these powers shall be subject to the following exceptions:</p> <ul style="list-style-type: none"> • the institution or conduct of any legal proceedings shall be reserved to the Director of Law and Assurance. • the making of any grants or financial awards shall be subject to any financial limit or criteria defined by the Cabinet Member for Children and Young People and to such requirements as may be set by the Director of Finance and Support Services. • the issuing of any notices or formal orders for which provision is made in any of the statutory powers shall be undertaken in consultation with the Director of Law and Assurance. 	Director of Children's Services	
12	To oversee the effectiveness of the strategy for and to manage the delivery of all services relating to children as defined in the Adoption	Director of Children's Services	

Section /No.	Function	Officer	Form of shared delegation
	and Children Act 2002 and in particular discharge the functions of the Council as an adoption agency.		
13	The operation of services which oversee and guide the services of safeguarding of children and the independent reviewing service for looked after children and the operation of the Local Safeguarding Children's Board and to include the operation of services to address domestic violence.	Director of Children's Services	
14	To exercise the powers set out in relevant legislation in relation to those who are or may be disqualified from working with or undertaking activities in connection with children.	Director of Children's Services	<i>Jointly with</i> Director of Human Resources and Organisational Change
15	To make grants or other discretionary payments to persons or organisations for youth or community purposes connected with children in the county, or curricular or extra-curricular support for school pupils subject to any requirements set by the Director of Finance and Support Services.	Director of Children's Services	<i>In consultation with</i> Director of Education and Skills
16	To undertake with any other local authority, public authority or trust within the National Health Service joint arrangements (including the provision of staff) in relation to any area of responsibility for which the County Council holds current powers and duties under any primary legislation insofar as those arrangements relate to children.	Director of Children's Services	
17	To take all necessary steps to invest and administer any real or personal property obtained from the estates of deceased parents of children in care, in accordance with the Trustee Investments Act 1961 and to do likewise in respect of any funds received by the County Council on	Director of Finance and Support Services	<i>In consultation with</i> Director of Children and Family Services and Director of Law and

Section /No.	Function	Officer	Form of shared delegation
	behalf of a child in care by way of any compensation or settlement or award of damages from legal proceedings and any other relevant statutory provisions, acting on behalf of the County Council as Trustee for the benefit of the relevant children.		Assurance
D	Coroner		
18	To discharge the County Council's responsibilities for facilitating the discharge of the functions of the Coroner for West Sussex and for the provision of support for the administration of the Coroner's Office.	Director of Communities	
19	To make arrangements for the appointment of the Coroner for the County.	Director of Law and Assurance	
E	Countryside		
20	To discharge the functions of the County Council in respect of countryside matters including the management of Rights of Way and nature reserves under the control of the County Council. To discharge the statutory responsibilities of the Council set out in the Countryside and Rights of Way Act.	Director of Highways, Transport and Planning	
21	To act as the 'appointed officer' under the Dutch Elm Disease Orders and to administer the issue and enforcement of Dutch Elm Disease Orders.	Director of Highways, Transport and Planning	
F	Economic Development		
22	To take decisions relating to the use or allocation of funds allocated to individual projects for economic growth within the County, following consultation with the Leader as Cabinet Member for the Economy and	Executive Director Place Services	

Section /No.	Function	Officer	Form of shared delegation
	within funds allocated within the budget or capital programme.		
23	To provide the services of accountable body in relation to the Local Economic Partnership (Coast to Capital LEP) in relation to the financial, legal and governance operations of the LEP.	Director of Finance and Support Services	<i>Severally with Director of Law and Assurance</i>
G	Emergency Resilience		
24	All powers and duties under Section 138 of the Local Government Act 1972, as amended, and the Civil Contingencies Act 2004 including to authorise the incurring of expenditure for emergency purposes.	Director of Environment and Public Protection	<i>In consultation with Director of Finance and Support Services in relation to spending commitments</i>
25	To discharge the responsibilities for responding to and managing the strategic and operational responses needed to deal with emergency events and incidents within the County or to which the County Council is required to respond and to ensure that there are arrangements in place for decisions to be taken on the Council's behalf to facilitate the Council's response to emergencies.	Chief Executive	All Directors shall be available to discharge the function of 'Duty Director' to respond to urgent incidents
H	Energy		
26	To develop and implement the Council's energy policy and to develop and implement projects for supporting sustainable energy generation and use across the County and in relation to County Council buildings.	Director of Environment and Public Protection	
I	Fire and Rescue and Public Safety		
27	To carry out the County Council's duties under the Fire and Rescue	Chief Fire Officer	

Section /No.	Function	Officer	Form of shared delegation
	Services Act 2004, the Regulatory Reform (Fire Safety) Order 2005, the Safety of Sports Grounds Act 1975, the Fire Safety and Safety at Places of Sport Act 1987, and all current statutes and regulations relating to fire safety and fire prevention.		
28	To have all powers of enforcement under such legislation including powers of entry to premises and the initiation of legal proceedings including prosecutions.	Chief Fire Officer	<i>Jointly with Director of Law and Assurance</i>
29	To determine when a charge will be made for the services of the Fire and Rescue Service when attending a special service call.	Chief Fire Officer	
30	To oversee and take such steps as are required to ensure the discharge of the County Council's responsibility for collaborative working as required by the Policing and Crime Act 2017.	Chief Fire Officer	
31	To ensure the County Council discharges its obligations in relation to the prevention of crime and disorder and associated responsibilities in accordance with the Crime and Disorder Act 1998.	Director of Environment and Public Protection	
32	To approve emergency contracts and procurement of goods or services linked to on-going operational fire and rescue incidents.	Chief Fire Officer	<i>In consultation with Director of Finance and Support Services</i>
J	Flood and Water Management		
33	To discharge the responsibilities of the County Council as lead local flood authority under the Flood and Water Management Act 2010.	Director of Highways, Transport and Planning	
34	To discharge all powers of enforcement with respect to the	Director of Highways,	<i>In consultation</i>

Section /No.	Function	Officer	Form of shared delegation
	statutory duties and powers under the Land Drainage Act 1991.	Transport and Planning	<i>with</i> Director of Law and Assurance
35	To liaise with district and borough councils in connection with any aspect of flood management which has been delegated to such Councils by the County Council and to ensure the effective discharge of such delegated functions.	Director of Highways, Transport and Planning	
K	Health/NHS Liaison (and see Public Health below)		
36	To discharge all of the powers and functions of the Authority in relation to arrangements to be made with NHS bodies as provided for in the National Health Service Act 2006 (and any successor legislation). This shall include the preparation and negotiation of formal agreements for the joint provision or joint commissioning of services or the pooling of budgets and to include the provision and deployment of staff. It shall also include relevant procurement arrangements and proposals for charging for services.	Executive Director People Services	
37	To oversee the responsibilities of the County Council for liaison with voluntary sector social care and health organisations.	Executive Director People Services	
38	To oversee the development and implementation of plans for co-operative arrangements and joint service development with the NHS.	Executive Director People Services	
39	To support and advise the Health and Wellbeing Board for West Sussex.	Executive Director People Services	<i>Jointly with</i> Director of Public Health
40	To develop and maintain the Joint Strategic Needs Assessment for the County Council in liaison with the Clinical Commissioning Groups for	Directors of Public Health, of Children and Family Services	

Section /No.	Function	Officer	Form of shared delegation
	West Sussex.	and of Adults' Services	
L	Highways – roads		
41	To assert and protect the rights of the public to the use and enjoyment of highways under Section 130 of the Highways Act 1980.	Director of Highways, Transport and Planning	
42	To discharge all of the functions of the County Council as Highway Authority as set out in the Highways Act 1980 to include in particular: <ul style="list-style-type: none"> • To adopt private streets under Section 228 Highways Act 1980. • To administer the Advance Payments Code. • To issue, revoke, amend, suspend or otherwise vary licences, notices and consents and grant permissions relating to the street scene environment and to enter into formal agreements with the district or borough councils for the delegation of these licensing powers. 	Director of Highways, Transport and Planning	
42A	To review the commuted sums in the Commuted Sums for Maintaining Infrastructure Assets in association with Section 278 and Section 38 Highway Agreements policy (1 April 2019) on a biannual basis and, where appropriate, to uplift them to take account of any increases in maintenance costs.	Executive Director Place Services	
43	All powers of enforcement with respect to the statutory duties and powers under the Highways Act 1980.	Director of Highways, Transport and Planning	<i>Jointly with Director of Law and Assurance</i>
44	To declare land/property as surplus to highway requirements.	Executive Director Place Services	<i>In consultation with Director of Highways' Transport and</i>

Section /No.	Function	Officer	Form of shared delegation
			Planning
45	To respond to consultations for stopping up or diversion orders under the Town and Country Planning Act 1990.	Director of Highways, Transport and Planning	<i>Jointly with Director of Law and Assurance</i>
46	The making of agreements for the creation, maintenance, improvement and adoption of highways (including bridges).	Director of Highways, Transport and Planning	<i>Jointly with Director of Law and Assurance</i>
47	To prescribe building and improvement lines and to consent to the erection of buildings in advance of such lines.	Director of Highways, Transport and Planning	
48	To take decisions on non-trunk road classifications and Primary Route Network revisions in accordance with the approved operating procedure.	Director of Highways, Transport and Planning	
49	To revoke New Street Orders made under the Highways Act 1959.	Director of Highways, Transport and Planning	<i>In consultation with Director of Law and Assurance</i>
50	To grant a street works licence under Section 50 New Roads and Street Works Act 1991.	Director of Highways, Transport and Planning	
51	To inspect and control undertakers' works in the highway.	Director of Highways, Transport and Planning	
52	The installation, maintenance and removal of all traffic signs (including road markings) within the highway.	Director of Highways, Transport and Planning	
53	To enter into traffic signal maintenance agreements, subject to the requirements of Standing Orders on Procurement and Contracts.	Director of Highways, Transport and Planning	
54	Road safety work, including education,	Director of	

Section /No.	Function	Officer	Form of shared delegation
	publicity and training, subject to the requirements of Standing Orders on Procurement and Contracts.	Highways, Transport and Planning	
M	Highways - Traffic Regulation		
55	<p>Except where such powers are delegated to County Local Committees:</p> <p>to advertise and, where no objections are received or sustained:</p> <ul style="list-style-type: none"> • to make permanent traffic regulation orders, speed limit orders, cycle track orders, revocation orders, and implement the associated works. • to make consolidation orders. • to make amendments, including extensions, to parking places orders and implement the associated works. • to implement traffic calming measures. • to establish, alter or remove pedestrian crossings (listed in the annual programme and developer funded). 	Director of Highways, Transport and Planning	<i>Severally with</i> Director of Law and Assurance and subject to consultation with local member(s)
56	To apply to the Magistrates' Court to stop up/divert the highway under Part VIII of the Highways Act 1980 or to appoint an agent to do so where appropriate.	Director of Highways, Transport and Planning	<i>Severally with</i> Director of Law and Assurance
57	To advertise and make temporary traffic regulation orders (including for special events), temporary speed limit orders and notices to control traffic.	Director of Highways, Transport and Planning	<i>Severally with</i> Director of Law and Assurance
58	To advertise and make traffic regulation orders and to consider and determine traffic management matters, including parking schemes, pedestrian crossings, stoppings up, road safety and traffic calming measures in both cases where no	Director of Highways, Transport and Planning	<i>Severally with</i> Director of Law and Assurance

Section /No.	Function	Officer	Form of shared delegation
	more than five objections have been received and provided that the relevant local member(s) has been notified and subject to the right of a member of the relevant County Local Committee to have the matter referred to that Committee.		
59	To determine, adjust from time to time, and recover costs in relation to highway works, licences, traffic regulation orders etc., subject to such fees being set at a level to recover the full cost of the service.	Director of Highways, Transport and Planning	<i>In consultation</i> with Director of Finance and Support Services
N	Highways – Transport		
60	To issue minibus permits under the Transport Act 1985.	Director of Highways, Transport and Planning	
61	To award passenger transport contracts, including public, schools and adult transport, where the total contract value does not exceed an annual per-contract value of £350,000, subject to the requirements of Standing Orders on Procurement and Contracts.	Director of Highways, Transport and Planning	
62	To purchase and maintain bus-stop poles and bus shelters, subject to the requirements of Standing Orders on Procurement and Contracts.	Director of Highways, Transport and Planning	
63	Dealing with minor variations of road service licences.	Director of Highways, Transport and Planning	
64	The provision and distribution of public passenger transport timetables and timetable cases.	Director of Highways, Transport and Planning	
65	To administer the West Sussex Permit Scheme under the Traffic Management	Director of Highways,	

Section /No.	Function	Officer	Form of shared delegation
	Act 2004 and associated regulations.	Transport and Planning	
O	Libraries		
66	To discharge the statutory duties of the County Council in relation to the provision of a library service in accordance with the Public Libraries and Museums and Act 1964.	Director of Community Services	
67	The administration and operation of the Library Service in West Sussex.	Director of Community Services	
68	To let space within library buildings for temporary use by persons, groups or bodies in line with a policy for such lettings as may be approved from time to time and to make charges for such use as are reasonable.	Director of Community Services	
69	To approve any temporary closures of public libraries for periods not exceeding six working days.	Director of Community Services	
P	Planning		
70	To submit all planning applications to which the regulations under the Town and Country Planning General Regulations 1992 apply.	Director of Highways Transport and Planning	
71	To respond to consultations by borough and district councils regarding their own development or the development of land of which they wish to dispose, where the proposal does not accord with the Development Plan and/or the County Council intends to object.	Director of Highways Transport and Planning	<i>In consultation with the Cabinet member and local member(s)</i>
72	To respond to consultations by borough and district councils regarding non-strategic Development Plan documents.	Director of Highways Transport and Planning	

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

Section /No.	Function	Officer	Form of shared delegation
	conditions, if after further investigation and discussion under Standing Order 7.08 it is concluded that the decision is justified.		and the Cabinet Member wishing to implement a decision
81	To exercise the functions of the County Council in relation to developments by statutory undertakers.	Director of Highways Transport and Planning	
82	<p>Where there are no substantive material objections and either (i) the matter is not contrary to the Development Plan or (ii) the matter may be contrary to the Development Plan but material considerations outweigh the Development Plan provisions:</p> <p>a. to determine applications in respect of temporary development of a minor nature, to vary a planning condition, to retain buildings or works temporarily, or to extend the time by which the development must be completed or to renew a time expired permission</p> <p>b. to determine applications for the approval of reserved matters pursuant to an outline planning permission or matters reserved by condition upon a full planning permission</p> <p>c. to determine amendments to working schemes and to monitoring schemes following the completion of a landfill site; and</p> <p>d. to determine any other County Matter application.</p>	Director of Highways Transport and Planning	
83	To discharge and/or monitor compliance with conditions attached to a planning permission granted by the County Council.	Director of Highways Transport and Planning	

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

Section /No.	Function	Officer	Form of shared delegation
	district planning authorities under Schedule 1 of the Town and Country Planning Act 1990 (subject to a member's right to have the matter referred to the Cabinet Member for Highways and Infrastructure).	Highways Transport and Planning	
91	To authorise the execution of urgent works under Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Director of Highways Transport and Planning	
92	To submit applications under Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 to the Secretary of State for Transport, Local Government and the Regions for determination.	Director of Highways Transport and Planning	
93	To authorise the investigation of all breaches of planning control under the Town and Country Planning Act 1990.	Director of Highways Transport and Planning	
94	To issue enforcement notices, stop notices, and breach of condition notices and under Sections 172 to 190 of the Town and Country Planning Act 1990 and temporary stop notices under Section 171E of the Town and Country Planning Act 1990.	Director of Highways Transport and Planning	<i>In consultation with Director of Law and Assurance</i>
95	To serve a completion notice under Section 94 of the Town and Country Planning Act 1990.	Director of Highways Transport and Planning	<i>In consultation with Director of Law and Assurance</i>
96	To authorise entry onto land under Section 196A of the Town and Country Planning Act 1990.	Director of Highways Transport and Planning	
97	To discharge the responsibilities of the County Council under the Caravan Sites and Control of Development Act 1960 (not including the management of such sites).	Director of Highways Transport and Planning	

Section /No.	Function	Officer	Form of shared delegation
98	To authorise investigations of breaches of Regulations made under Section 54 of the Clean Neighbourhoods and Environment Act 2005, including the power of entry into premises.	Director of Highways Transport and Planning	<i>In consultation with</i> Director of Law and Assurance
99	To require information as to interests in land under Section 330 of the Town and Country Planning Act 1990.	Director of Law and Assurance	
100	To issue planning contravention notices under the Town and Country Planning Act 1990.	Director of Law and Assurance	
101	To apply for an injunction restraining a breach of planning control under Section 187B of the Town and Country Planning Act 1990.	Director of Law and Assurance	
Q	Public Health		
102	To discharge the statutory responsibilities for public health within the county and in particular those set out in the Health and Social Care Act 2012: a. To lead the delivery of public health services within West Sussex in accordance with the requirements of the National Health Act 2006, the NHS Plan and the NHS Operating Framework. b. To prepare and publish an annual report on public health in West Sussex. c. To establish and ensure the effective working of a local Healthwatch.	Director of Public Health	
103	To meet the Council's obligations for liaison with and support to the Health Protection Agency.	Director of Public Health	
104	To discharge the responsibilities for	Director of	

Section /No.	Function	Officer	Form of shared delegation
	social care research and information in relation to public health and wellbeing.	Public Health	
105	To discharge the responsibility for co-operation and joint working with other organisations, to include the voluntary sector, in relation to public health within West Sussex.	Director of Public Health	<i>Jointly with Directors of Adults' Services and Children's Services</i>
R	Registration Services		
106	To discharge all of the functions of the County Council pursuant to the Registration Services Act 1953 and to arrange for the appointment of superintendent registrars and registrars of births and deaths.	Director of Communities	
107	Subject to the Regulation, Audit and Accounts Committee's terms of reference, to exercise all the powers and duties of the County Council under the Marriages (Approved Premises) Regulations 1995.	Director of Communities	
108	To determine and adjust the fees charged by the County Council under the Marriages (Approved Premises) Regulations 1995 subject to such fees being set at a level to recover the full cost of the service.	Director of Communities	<i>In consultation with Director of Finance and Support Services</i>
109	To employ additional part-time staff on a self-financing basis for the purpose of implementing the Marriages (Approved Premises) Regulations 1995.	Director of Communities	
S	Rights of Way		
110	To exercise the functions of the County Council as highway authority in respect of the public rights of way network as follows:	Director of Highways, Transport and Planning	<i>Severally with Director of Law and Assurance</i>

Section /No.	Function	Officer	Form of shared delegation
	<ul style="list-style-type: none"> • to authorise temporary diversion of footpaths and bridleways under the provisions of Section 135 and 135A of the Highways Act 1980. • to authorise the making good of any damage or removal of obstruction pursuant to Sections 138 and 149 of the Highways Act 1980 and to give consent to the planting of trees, shrubs etc. in the highway under Sections 96 and 142 of the Highways Act 1980. • to authorise maintenance work on public rights of way and • to authorise placing structures and apparatus within the limits of the highway. • to deal with applications for the erection of stiles and gates or other works on footpaths and bridleways under Section 147 of the Highways Act 1980. • the control of buildings or works constructed over or under rights of way (and vehicle crossings over public paths) under Section 169 of the Highways Act 1980. <p>Except where such powers are delegated to County Local Committees, to apply to the Magistrates' Court to stop up or divert the highway under Part VIII of the Highways Act 1980 or to appoint an agent to do so where appropriate.</p> <p>To investigate, make, and confirm (or decline), public path extinguishment orders, public path diversion orders, public path creation agreements and public path creation orders under the Highways Act 1980 and the Town and Country Planning Act 1990.</p>		<p><i>Subject to consultation with local members and severally with Director of Law and Assurance</i></p> <p><i>Severally with Director of Law and Assurance</i></p>
	<p>To respond to consultations by borough and district councils in respect of their proposals to make any rights of way orders, including the making of any formal objection.</p>		

Section /No.	Function	Officer	Form of shared delegation
	To consider and accept or decline proposals for new dedicated and permissive paths and to process dedication and permissive path agreements under the Highways Act 1980.		
111	To keep the definitive map and statement under continuous review and make orders modifying the definitive map and statement in consequence of evidence falling within Section 53 or Section 53A of the Wildlife and Countryside Act 1981.	Director of Law and Assurance	
112	To make preliminary assessments of definitive map modification applications.	Director of Law and Assurance	
113	To determine definitive map modification orders (making and confirmation), where no significant evidence in conflict has been received.	Director of Law and Assurance	<i>In consultation with the local member and Chairman of the Rights of Way Committee</i>
114	The determination of village green applications, where no significant evidence in conflict has been received.	Director of Law and Assurance	<i>In consultation with local member and Chairman of the Rights of Way Committee</i>
115	To determine applications to amend the commons and village green registers.	Director of Law and Assurance	<i>In consultation with local member and Chairman of the Rights of Way Committee</i>
116	To keep a register of prescribed information with respect to applications under Section 53 (5) of	Director of Law and Assurance	

Section /No.	Function	Officer	Form of shared delegation
	the Wildlife and Countryside Act 1981.		
117	To authorise events under Sections 33 and 34, Road Traffic Act 1988.	Director of Highways, Transport and Planning	<i>In consultation with Director of Law and Assurance</i>
118	To serve notices and authorise all consequential action arising therefrom, under Part IX of the Highways Act 1980 and the Rights of Way Act 1990 in order to assert and protect the rights of the public to the use and enjoyment of any public right of way.	Director of Law and Assurance	<i>In consultation with Director of Highways, Transport and Planning</i>
119	To abandon opposed or unopposed public path extinguishment orders and public path diversion orders under the Highways Act 1980, the Acquisition of Land Act 1981 and the Town and Country Planning Act 1990.	Director of Law and Assurance	<i>In consultation with Chairman of the Rights of Way Committee</i>
120	To keep a register pursuant to Section 121B of the Highways Act 1980 with respect to applications under Sections 118ZA, 118C, 119ZA and 119C of the Act (path extinguishments or diversions).	Director of Law and Assurance	
121	To keep a register of information with respect to maps, statements and declarations pursuant to Section 31A of the Highways Act 1980.	Director of Law and Assurance	
122	To prepare a map and statement by way of a consolidation of the definitive maps and statements pursuant to Section 57A of the Wildlife and Countryside Act 1981.	Director of Law and Assurance	
123	To enter agreements with respect to means of access pursuant to Section 35 of the Countryside and Rights of Way Act 2000 and to provide access in the absence of agreement pursuant to Section 37 of the Countryside and Rights of Way Act 2000.	Director of Law and Assurance	<i>In consultation with Chairman or Vice-Chairman of the Rights of Way</i>

Section /No.	Function	Officer	Form of shared delegation
			Committee
T	Schools		
124	To exercise, subject to any exceptions and conditions set out in this Scheme of Delegation the functions of the County Council under the Education Acts currently in force insofar as they affect children, parents of school pupils, staff, teachers, schools, educational and child care establishments.	Director of Education and Skills	
125	All of the statutory functions in relation to children with special educational needs	Director of Education and Skills	
126	To exercise the functions of planning and commissioning in relation to the statutory responsibilities for learning and skills for those aged 16 to 19 and, in relation to those aged 16 to 25 with learning difficulties or disabilities.	Director of Education and Skills	
127	To develop policy for and secure the provision of adult education programmes within the County.	Director of Education and Skills	
128	In relation to the organisation or management of schools, the following: a. to determine the dates of school terms and holidays	Director of Education and Skills	
	b. to make admission arrangements for maintained schools, and manage the Scheme of Co-ordination of admissions for schools and academies c. any decisions not delegated to or otherwise being the legal responsibility of schools in relation to financial management or decisions concerning staff and teacher entitlements		

Section /No.	Function	Officer	Form of shared delegation
	<p>d. to withdraw delegated powers excluding financial decisions (which is delegated to the Director of Finance and Support Services) from the Governing Body of any school</p> <p>e. to determine eligibility for assistance with transport for pupils of statutory school age in schools and academies and post-16 students in further education establishments, schools and academies.</p>		<i>In consultation with</i> Director of Finance and Support Services
U	Schools Finance and Planning		
129	To withdraw powers of financial delegation from the governing body of any maintained school.	Director of Finance and Support Services	<i>In consultation with</i> Director of Education and Skills
130	To develop proposals for new schools, alterations to, amalgamations and school closures, and to undertake statutory consultation in respect of individual schools or groups of schools.	Director of Education and Skills	<i>In consultation with</i> Director of Property and Assets
131	To exercise the functions of the local authority in the provision of free school meals and accommodation for the consumption of meals, unless funding has been delegated to governing bodies to make their own provision for meals.	Director of Education and Skills	
132	To exercise the functions of the local authority in planning the provision of sufficient school places and the development of school buildings to meet basic need.	Director of Education and Skills	<i>In consultation with</i> Director of Property and Assets
V	Trading Standards/Public Analyst		
133	To exercise all enforcement powers to include the prosecution of offences in	Director of Environment	<i>Jointly with</i> Director of

Section /No.	Function	Officer	Form of shared delegation
	connection with the statutory and regulatory powers related to consumer protection contained in a register to be kept by the Executive Director Place Services and to appoint individual officers to act and to prosecute under the listed statutes and to issue any credentials required as evidence of the said officers' authority to act.	and Public Protection	Law and Assurance
134	To issue, revoke, amend, suspend or otherwise vary licences, registration and notices, permits referred to in the statutes listed in the register of statutes maintained, subject to any aggrieved applicant having a right of appeal to a panel established by the Regulation, Audit and Accounts Committee.	Director of Environment and Public Protection	
135	To approve the fees chargeable relating to Weights and Measures legislation, the Poisons Act 1972, the Manufacture and Storage of Explosives Regulations 2005 and the Petroleum (Consolidation) Regulations 2014 and to approve a reduced fee where it is appropriate to do so.	Director of Environment and Public Protection	
136	To maintain registers of notices falling within the ambit of the Environment and Safety Information Act 1988.	Director of Environment and Public Protection	
137	To appoint one or more persons as Public Analyst under the Food Safety Act 1990.	Director of Environment and Public Protection	
138	To appoint Inspectors under the Weights and Measures Act 1985 and an Agricultural Analyst under the Agriculture Act 1970.	Director of Environment and Public Protection	
W	Waste		
139	To exercise the County Council's	Director of	The institution

Section /No.	Function	Officer	Form of shared delegation
	powers and duties associated with the management and recycling of waste and as Waste Disposal Authority and in particular to discharge the powers and duties of the council set out in the Environmental Protection Act 1990 and associated Regulations.	Environment and Public Protection	or conduct of legal proceeding is delegated to the Director of Law and Assurance
140	To oversee joint working with district and borough councils for the development and effective management and coordination of waste collection and disposal services.	Director of Environment and Public Protection	
	Part 2 Corporate Matters		
2A	Anti-Fraud and Corruption		
140A	Operation and enforcement of the Anti-Bribery and Corruption and Anti-Money Laundering Policies and the resources and systems to ensure prevention of fraud and the investigation of allegations of fraud. Making non-material/minor changes to the policies.	Director of Finance and Support Services	
2B	Assets, Buildings and Facilities Management (see also Property)		
141	To manage and maintain the buildings and property owned by or under the control or occupation of the County Council.	Director of Property and Assets	
142	To maintain a register of all of the capital assets owned occupied or under the control of the County Council and to oversee plans for the use, management and control of all such assets.	Director of Property and Assets	
143	To provide or secure such services as may be required to ensure the most effective and cost-effective use of County Council buildings.	Director of Property and Assets	

Section /No.	Function	Officer	Form of shared delegation
143A	To procure and maintain the programme of fleet and asset renewal across the Council (including for the Fire and Rescue Service).	Chief Fire Officer	
144	To ensure the effective security for all premises and buildings under the ownership or control of the Council.	Director of Property and Assets	
145	To carry out or approve the carrying out of minor improvements or alterations to office accommodation together with the upkeep of grounds, maintenance of premises, and to approve overtime of caretakers, cleaners and other ancillary staff.	Director of Property and Assets	<i>In consultation with Director of Finance and Support Services</i>
146	To authorise the letting of the Council Chamber and committee rooms to suitable persons, bodies and organisations and, where a charge is to be made, to determine the appropriate scale.	Director of Law and Assurance	
2C	Communications and Information		
147	To oversee and manage internal and external communications by the Council, including the Council's web sites and social media arrangements and relations and engagement with publishing media.	Chief Executive	
148	To oversee and manage arrangements for communication, consultation and engagement with residents and other interested persons through which their views on Council policies, proposals and plans may be considered.	Chief Executive	
2D	Customer Relations and Complaints		
149	To manage the development and implementation of facilities, systems and methods of communication and transactions that enable the most	Director of Communities	

Section /No.	Function	Officer	Form of shared delegation
	effective delivery of services to residents and those in need of the Council's services.		
150	To oversee the implementation of the Council's corporate complaints policy and to ensure that complaints about the actions of the Council are responded to effectively and to account to the Standards Committee for implementation of and compliance with the policy.	Director of Communities	
151	To authorise payments or other settlements under the Local Government Act 2000 with regard to complaints of maladministration as determined by the Local Government Ombudsman.	Director of Law and Assurance	
152	To manage the handling of complaints of maladministration and the exercise of powers by the Local Government Ombudsman under the Local Government Act 1974 in relation to the County Council.	Director of Law and Assurance	
2E	Equality		
153	To ensure compliance with the Council's Equality Policy and the public sector equality duty in so far as it concerns the Council as a provider of services to the public and to ensure compliance with all current anti-discrimination and equal opportunities legislation in relation to decisions actions or proposals made by the County Council.	Chief Executive, All Directors and All Executive Directors	
154	To implement and monitor the Equality Policy as it applies to the County Council as employer, in respect of its duties under any relevant anti-discrimination or equal opportunities legislation.	Director of Human Resources and Organisational Change	
155	To establish and maintain appropriate	Director of	<i>With all</i>

Section /No.	Function	Officer	Form of shared delegation
	access to all the County Council's facilities and services in order to ensure compliance with the public sector equality duty.	Property and Assets	Executive Directors and Directors
156	To provide or secure arrangements to facilitate the provision of information and services provided by the County Council to all who have a right of access in accordance with the Council's Equality Policy.	All Executive Directors and All Directors	
2F	Finance		
157	To exercise the County Council's powers and duties with reference to financial management including borrowing, lending, investment and audit within the framework and in accordance with the requirements of Financial Regulations.	Director of Finance and Support Services	
158	To make amendments to the Treasury Management Strategy between its annual reviews, in consultation with the Treasury Management Panel	Director of Finance and Support Services	
159	Responsibility for maintaining an adequate and effective audit service.	Director of Finance and Support Services	
160	To approve proposals for virement where Executive Directors wish to transfer provision from one budget head to another except where: <ul style="list-style-type: none"> a. it would change the stated policy of the County Council set out in the Policy Framework or other policies and plans approved by Cabinet Members. b. it would have a continuing effect which would require additional resources in future years. c. it would have a detrimental effect 	Director of Finance and Support Services	<i>In consultation with Cabinet Member for Finance and Resources/ relevant Cabinet Member</i>

Section /No.	Function	Officer	Form of shared delegation
	on key performance measures.		
161	To write off irrecoverable amounts of debt of less than £15,000 (at 1 April 2017). (The level to be reviewed every two years with effect from 1 April).	Director of Finance and Support Services	<i>Jointly with Director of Law and Assurance</i>
162	To give such consents or waivers as may be appropriate under Standing Orders on Procurement and Contracts.	Director of Finance and Support Services	<i>Jointly with Director of Law and Assurance</i>
163	To manage the approved budget allocated to those services for which they are responsible and in accordance with Financial Regulations.	All Executive Directors and Directors	
164	To accept a tender for an approved procurement which is within the limits set out in paragraph 14.3 of Standing Orders on Procurement and Contracts (Acceptance of Tenders).	All Executive Directors	<i>In consultation with Director of Finance and Support Services and Director of Law and Assurance</i>
2G	Finance - Expenses etc.		
165	To implement any rates of financial loss, travelling and subsistence allowances for members and rates of financial loss for non-elected members.	Director of Finance and Support Services	
166	To approve higher subsistence rates for members for an absence overnight from the usual place of residence, whilst on approved duties, where appropriate and provided approval is sought in advance.	Director of Law and Assurance	
2H	Finance – Capital		
167	To approve the application to capital projects of capital receipts and	Director of Finance and	<i>In consultation</i>

Section /No.	Function	Officer	Form of shared delegation
	consequent adjustments in the capital programme.	Support Services	<i>with</i> Cabinet Member for Finance and Resources
168	To take decisions relating to the approved capital programme and its implementation in accordance with the formal governance processes set out in the officer 'handbook', whilst remaining within the overall capital programme as approved, subject to the following limits:	Executive Director Place Services	<i>In consultation with</i> Director of Finance and Support Services
	<p>a. Where the level of investment or variation (including virement within the relevant portfolio) is no greater than £250,000 or no more than 5% of the total project cost (if higher); or</p> <p>b. Where, not fitting within the above, the level of investment or variation (including virement within or across portfolios) is no greater than £500,000 or no more than 10% of the total project cost (if higher) the Cabinet Member will be consulted before the decision is made; and</p> <p>i. Where the decision has not previously been marked by the relevant Cabinet Member for decision by the Cabinet Member; or</p> <p>ii. Where the matter has been the subject of previous Cabinet Member decision delegating further decisions to the Executive Director; and</p> <p>iii. Where the relevant Executive Director, in discussion with the Cabinet Member, does not consider the matter to be politically sensitive and so the use of officer delegation would be appropriate.</p>		

Section /No.	Function	Officer	Form of shared delegation
	Where a scheme is subject to more than one change in any financial year these will be considered cumulatively for these arrangements.		
168A	<p>To approve block allocations from existing funding within the capital programme and the Economic Growth Reserve and to deliver the Economic Growth Plan Action Plan objectives and associated actions, usually annually (any reserve funds allocated to a block that are not used in year to be returned to the Reserve for future allocation).</p> <p>Note: The Leader can agree additional allocations in year as match funding for external bids.</p>	Executive Director Place Services	<i>In consultation with Cabinet Member for Finance and Resources and Leader</i>
2I	Governance and Constitution		
169	To oversee the Constitution and ensure that it meets the Council's requirements for effective governance.	Director of Law and Assurance	
170	To update Part 1, Part 2 and Section 1 of Part 3 of the Constitution, in consultation with the Chairman of the Governance Committee.	Director of Law and Assurance	
171	<p>Petitions:</p> <p>To determine, in accordance with Standing Orders 3.39 to 3.44, in consultation with the relevant Cabinet Member, and in the case of a petition which might qualify for debate at Council, the Chairman, and, whether a petition meets the criteria for acceptance and to determine how it will be considered by the County Council.</p>	Chief Executive	<i>Severally with Director of Law and Assurance</i>
172	To make appointments to the West Sussex Valuation Tribunal.	Director of Law and Assurance	

Section /No.	Function	Officer	Form of shared delegation
2J	Governance – senior appointments etc.		
173	To make arrangements in consultation with the Chairman of the Council in the case of the Chief Executive and the Chairman of the Council and the Chief Executive in the case of an Executive Director for a member panel to appoint a Chief Executive or an Executive Director (under Standing Order 9.11).	Director of Law and Assurance	
174	To make arrangements for a member or officer panel which may or may not include elected members to be established to appoint to any of the posts which report directly to the Chief Executive.	Chief Executive	<i>Jointly with</i> Director of Law and Assurance and Director of Human Resources and Organisational Change
175	To make arrangement in consultation with the Chairman of the Council, for a panel to consider disciplinary action under Standing Order 9.17.	Director of Law and Assurance	
176	In relation to the appointment of the independent Chairman of the Pension Advisory Board, to draw up a short list of nominees for consideration by the Governance Committee.	Director of Finance and Support Services	Director of Law and Assurance
177	To approve the co-option of persons who are not members of the Pension Advisory Board to serve on sub-committees as non-voting members, for a period of time or for a specific task, where this would add skills, knowledge or experience.	Director of Finance and Support Services	Jointly with Director of Law and Assurance
178	To appoint an acting Executive Director or, on an interim basis, an Executive Director or to a post which reports directly to the Chief Executive.	Chief Executive	
179	To appoint on an interim basis a	Chief Executive	Relevant

Section /No.	Function	Officer	Form of shared delegation
	Director or head of service or to appoint a person to act to that role.	for Executive Directors or Directors	Executive Director or Director in relation to Heads of Service and <i>in consultation with</i> Director of Human Resources and Organisational Change
180	To select and appoint an independent person to carry out an investigation into a grievance by another Executive Director or a post which reports directly to the Chief Executive.	Chief Executive	<i>Jointly with</i> Director of Law and Assurance and <i>in consultation with</i> Director of Human Resources and Organisational Change
2K	Health and Safety		
181	To ensure that the County Council is fully compliant with all statutory requirements related to Health and Safety at work, has an effective policy in place and that the policy is properly implemented.	Chief Executive	
182	To manage the implementation of the Council's Health and Safety at Work policy and to ensure that all officers are aware of and discharge their responsibilities under the policy.	Director of Human Resources and Organisational Change	
183	To make ex-gratia payments not exceeding £500 to any member of his or her staff (including teachers) or any volunteer duly authorised on behalf of the County Council to work for or with services within his or her group arising from claims under the Health and Safety at Work Policy.	All Executive Directors	

Section /No.	Function	Officer	Form of shared delegation
2L	Human Resources/Staff Matters		
184	To act as the head of the paid service and to oversee relevant negotiations with the recognised trade unions in relation to terms and conditions of service.	Chief Executive	
185	To oversee the management and delivery of all advice, support, information and procedures related to the management of staff and all functions to facilitate their management.	Director of Human Resources and Organisational Change	
186	To maintain and make necessary alterations to the list of politically restricted posts under the Local Government and Housing Act 1989.	Director of Law and Assurance	
187	(politically restricted posts) In consultation with the Executive Director concerned, to give a certificate of opinion for the purpose of Section 3(3)(b) of the Local Government and Housing Act 1989 as to whether the duties of a post fall within the criteria set out in Section 2(3) of the Act.	Director of Law and Assurance	
188	To select Boards of Appeal and Member Panels from the membership of the Staff Appeals Panel and from other appeals panels on a rota basis, according to the annual schedule of Boards of Appeal, using best endeavours to ensure that there is at least one minority group member on each Board.	Director of Law and Assurance	
189	To select Investigation Panels when required from the membership of the Staff Appeals Panel on a rota basis, using his or her best endeavours to ensure that there is at least one minority group member on each Panel.	Director of Law and Assurance	

Section /No.	Function	Officer	Form of shared delegation
190	To make a recommendation on an annual basis to the Cabinet Member for Finance and Resources of the amount to be made available for any annual pay adjustment. The Cabinet Member for Finance and Resources to approve the amount to be made available on the basis of affordability and County Council performance subject to the report of such action for information via the Members' Information Service.	Chief Executive	<i>In consultation with</i> Director of Finance and Support Services and Director of Human Resources and Organisational Change
191	To apply the annual index for the local pay settlement for senior managers.	Chief Executive	<i>In consultation with</i> Director of Human Resources and Organisational Change
192	To set the multiplier for the redundancy scheme (the report of such action for information to the Governance Committee).	Chief Executive with Director of Human Resources and Organisational Change	<i>In consultation with</i> Cabinet Members for Corporate Relations and Finance and Resources
193	To negotiate the pay protection terms for the pay protection policy (subject to the report of such action for information to the Governance Committee).	Chief Executive	<i>Jointly with</i> Director of Human Resources and Organisational Change and <i>consulting</i> Cabinet Member for Corporate Relations
194	To take any necessary action to ensure that departments and directorates can maintain efficiency where particular problems about gradings and recruitment and retention of staff arise.	Director of Human Resources and Organisational Change	<i>Severally with</i> Chief Executive

Section /No.	Function	Officer	Form of shared delegation
195	To assess the starting salary for unqualified teachers in schools without delegated financial management depending upon their qualifications, experience and any other factors in each case.	Director of Human Resources and Organisational Change	<i>Jointly with</i> Director of Finance and Support Services and Director of Education and Skills
196	To hold regular meetings with the representative of the West Sussex branch of UNISON for the purpose of negotiation in relation to staff terms and conditions of service for all staff covered by the National Joint Council for Local Government Services, to exchange information, discuss matters of concern, resolve differences and resolve disputes.	Chief Executive	Jointly with Director of Human Resources and Organisational Change
197	To keep the Governance Committee informed in relation to any matters of significance relating to staff terms and conditions of service.	Chief Executive	
198	To exercise the powers in Section 3A of the Local Government and Housing Act 1989 (Grant and supervision of exemptions from political restriction: England).	Chief Executive	<i>Severally with</i> Director of Law and Assurance
199	To approve any changes to the wording of the Pay Policy Statement relating to changes to legislation.	Director of Human Resources and Organisational Change	Director of Law and Assurance
200	To give approval to extend the normal 12-month period following the end of relevant reserve forces leave for 'cancelling notice' to be submitted requesting that the service should not be treated as relevant reserve forces service.	Chief Executive	<i>With</i> Director of Human Resources and Organisational Change
201	To appear on behalf of the County Council before Employment Tribunals.	Director of Human Resources and Organisational	<i>Severally with</i> Director of Law and Assurance

Section /No.	Function	Officer	Form of shared delegation
		Change	
202	To manage, review and apply the County Council's Human Resources Strategy and policies and advise Executive Directors on the appropriate pay and conditions for the appointment of staff.	Director of Human Resources and Organisational Change	<i>In consultation with Chief Executive</i>
203	The operation of: The Mortgage Advance Scheme The Mortgage Guarantee Scheme The Bridging Loan Scheme	Director of Finance and Support Services	
204	To make appointments to existing posts where a vacancy has arisen and adequate funding is available in the service budget to meet the cost.	All Executive Directors and All Directors	In cases of appointments of Heads of Service or above <i>jointly with</i> Director of Human Resources and Organisational Change
205	To make appointments to new posts which are shown in the service budget and for which financial provision has been made on a salary grade that shall be determined by the Director of Human Resources and Organisational Change following the application of the relevant job evaluation scheme.	All Executive Directors and Directors	<i>With</i> Director of Human Resources and Organisational Change
206	Subject to the County Council's Human Resources guidelines and procedures for the time being in force the appointment (to include the determination of the specific terms and conditions on which an employee holds office), discipline, suspension and dismissal of staff (except for Executive Directors) employed in the services for which the Executive Director or Director is responsible and the deletion of posts within the establishment.	All Executive Directors and All Directors	

Section /No.	Function	Officer	Form of shared delegation
	The Chief Executive has nominated all Executive Directors to act on his behalf in accordance with The Local Authorities (Standing Orders) (England) Regulations 2001.		
207	To suspend an officer in the service for which they are responsible accordance with the prescribed policy.	All Directors and All Executive Directors	<i>In consultation with</i> Director of Human Resources and Organisational Change
208	To place staff at the disposal of other local authorities pursuant to Section 113 of the Local Government Act 1972.	All Executive Directors and Directors	
2M	Insurance Arrangements		
209	To arrange insurance cover in all appropriate cases and recommend appropriate levels of internal funding of risks (Financial Regulation C 2.1.4).	Director of Law and Assurance	<i>Jointly with</i> Director of Finance and Support Services
210	To inform the Director of Law and Assurance of any matter which may necessitate notice to the County Council's insurers or would result in a claim on internal insurance provision and shall consult the Director of Law and Assurance respecting the terms of any indemnity which the County Council is requested to give.	All Executive Directors and Directors	
211	To negotiate all insurance claims with insurance companies as required and to negotiate, settle or deal with such claims as may be agreed from time to time with the County's insurers to be handled by the County Council directly.	Director of Law and Assurance	

Section /No.	Function	Officer	Form of shared delegation
2N	IT, Data and Information Management (including Freedom of Information)		
212	<p>To act as the Council's Data Protection Officer so as to ensure the effective and lawful management of data under the control of the County Council in accordance with Data Protection legislation and the County Council's Data Protection policies and to ensure compliance with the policies and all Data Protection legislation In Particular to manage and give assurance for the effectiveness of:</p> <ul style="list-style-type: none"> • The policies and procedures relating to data processing and retention by the Council • Compliance with the Data Protection Principles • Policies and arrangements for dealing with requests from individuals as data subjects • Policies and arrangements for sharing data with other persons or organisations • The publication of data controlled by the Council to meet legal obligations • Liaison with the Information Commissioner's Office. 	Director of Law and Assurance	<i>In consultation with the designated Chief Information Officer who shall report to the Director of Finance and Support Services</i>
213	To define, co-ordinate and manage procedures to ensure compliance with information security obligations, security accreditations, data protection and freedom of information requests.	Director of Finance and Support Services	<i>Jointly with Director of Law and Assurance</i>
214	To oversee the operation of procedures and the application of policies to ensure compliance with the Freedom of Information Act to include arrangements for dealing with requests for information and its publication.	Director of Communities	<i>Jointly with Director of Law and Assurance</i>

Section /No.	Function	Officer	Form of shared delegation
215	To ensure compliance with data protection and freedom of information policies and requirements and the proper security of information held in computer and other files and records for the time being in force which are related to their area of service responsibility.	All Executive Directors and all Directors	
216	To ensure the provision of advice for and to determine any reviews or appeals in respect of the discharge of the County Council's obligations relating to data protection and freedom of information.	Director of Law and Assurance	
217	To oversee the management and delivery of IT services and operations and of all services which support the control of information and data management.	Director of Finance and Support Services	
218	To establish the necessary standards and requirements to co-ordinate the application of information and communications technologies for the County Council.	Director of Finance and Support Services	
219	To manage voice and data communication and collaboration systems, including telephone, e-mail, social media and file sharing.	Director of Finance and Support Services	
220	To establish the necessary standards and requirements to co-ordinate and manage the capture, storage, retrieval, use and disposal of information and data.	Director of Finance and Support Services	<i>Jointly with Director of Law and Assurance</i>
221	To dispose of by sale surplus information technology resources.	Director of Finance and Support Services	
20	Legal Matters and Proceedings		
222	To cause the Common Seal of the County Council to be affixed to and/or	Director of Law and Assurance	

Section /No.	Function	Officer	Form of shared delegation
	to sign all necessary documents required in respect of powers delegated to the officers.		
223	To witness and authenticate the affixing of the Common Seal to documents.	Director of Law and Assurance	
224	To execute any appropriate legal documents and to issue licences and to take all necessary action relating thereto arising out of the exercise of any function or the performance of any power delegated by the County Council.	Director of Law and Assurance	
225	To approve and issue all public notices required by statute or Standing Order to be given by the County Council and all advertisements required by statute or Standing Order to be inserted in any newspaper or journal (other than staff advertisements and those relating to the issue and advertisement of public notices under Article 8 of the Town and Country Planning (Development Management Procedure) Order 2010).	Director of Law and Assurance	
226	To authorise the appropriate officers of the County Council to execute and enforce any legislation in respect of which the County Council exercises duties and powers and to institute proceedings or to appear before any court or tribunal.	Director of Law and Assurance	
227	To take such steps as may be necessary in connection with legal proceedings on behalf of the County Council, including:	Director of Law and Assurance	
	a. the institution or defence of any legal proceedings (including prosecutions) before any Court or Tribunal. b. to appear on behalf of the County Council before any Court or		

Section /No.	Function	Officer	Form of shared delegation
	<p>Tribunal in any proceedings instituted by, or on behalf of, or against the County Council.</p> <p>c. to lodge or respond to any consequent appeals and to settle any proceedings subject to a subsequent report being made to a Cabinet Member or non-Executive committee where appropriate.</p> <p>d. to appeal to any County Council proceedings.</p> <p>e. the settlement of claims not covered by insurance subject to a report being made to the appropriate Cabinet Member in any case exceeding £10,000.</p>		
228	To make applications or submissions to the Charity Commissioners in respect of any charity which the County Council administers under the Charities Act 1993.	Director of Law and Assurance	
229	To take any enforcement action pursuant to the provisions of the Children Act 1989 including the issuing of any notices or institution of any proceedings.	Director of Law and Assurance	<i>In consultation with</i> Director of Children's Services
230	To exercise all functions in relation to Education referred to in Sections 437 to 447 inclusive of the Education Act 1996 and the Children Act 1989.	Director of Law and Assurance	<i>In consultation with</i> Director of Education and Skills
231	To sign any agreement under the National Health Service Act 2006 subject to the Executive Director People Services and the Director of Finance and Support Services and Procurement having satisfied themselves with regard to respectively the care and financial arrangements.	Director of Law and Assurance	

Section /No.	Function	Officer	Form of shared delegation
2P	Members and Electoral Matters		
232	To authorise members of the County Council to inspect any lands or premises which the County Council have the right or duty to inspect.	Director of Law and Assurance	
233	To carry out the duties of Returning Officer, under Section 35 of the representation of People Act 1983 and to appoint others to carry out these duties in relation to County Council elections.	Director of Law and Assurance	
234	To determine any questions as to the division of county electoral divisions into polling districts, under Section 31 of the Representation of People Act 1983, for the purposes of elections of district councils.	Director of Law and Assurance	
235	To declare a member division vacancy if it falls within the cases set out in Section 86 of the Local Government Act 1972.	Director of Law and Assurance	
236	To give public notice of a casual vacancy under Section 87 of the Local Government Act 1972.	Director of Law and Assurance	
237	To determine fees and conditions for the supply of copies of, or extracts from, elections documents under Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (SI 1986/2214) and Rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (SI 1986/2215).	Director of Law and Assurance	
238	To implement any maximum rates of financial loss, travelling and subsistence allowances for members and rates of financial loss for non-elected members.	Director of Law and Assurance	
239	To confirm as an approved duty for the purpose of the Members' Allowances Scheme the attendance of	Director of Law and Assurance	

Section /No.	Function	Officer	Form of shared delegation
	members at external courses (where necessary after consultation with the Leader or relevant Cabinet Member, and with the relevant Select Committee Chairman or Minority Group Leader, as appropriate), including residential courses and seminars.		
240	To arrange or facilitate accommodation facilities and services for members of the County Council attending residential courses and seminars for duties that have been approved.	Director of Law and Assurance	
241	To hold and maintain the list approved by the Cabinet of outside bodies to which the County Council, Cabinet, Cabinet Members or County Local Committees, may make appointments.	Director of Law and Assurance	
242	To draft and settle indemnities for members who sit on outside bodies, subject to the limitations of the Local Authorities (Indemnities for Members and Officers) Order 2004, as amended from time to time, in accordance with the instructions of the Governance Committee.	Director of Law and Assurance	
2Q	Member Conduct		
243	To oversee all actions and investigations required by the Member Code of Conduct and to discharge the requirements relating to member training and the enforcement of the Code of Conduct as set by the Standards Committee.	Director of Law and Assurance	
244	To receive and manage complaints about the conduct of elected members and to determine whether such complaints should be dealt with under the Code of Conduct procedures set out in the terms of reference of the Standards Committee or a more	Director of Law and Assurance	

Section /No.	Function	Officer	Form of shared delegation
	suitable route and to exercise discretion to resolve complaints informally where appropriate.		
245	To select, after consultation with the Chairman of the Standards Committee, Panels from the membership of the Standards Committee to initially assess and hear complaints against members to include at least one minority party member of the Standards Committee, being selected on a rota basis but based on availability and ensuring an even distribution of workload.	Director of Law and Assurance	
2R	Outside Bodies		
246	To appoint members of staff to represent the County Council on approved outside bodies.	Chief Executive	<i>Jointly with Director of Law and Assurance</i>
2S	Pensions - General		
247	Approval of arrangements for early retirements, subject to adequate budget provision.	Chief Executive	<i>Jointly with Director of Finance and Support Services and Director of Human Resources and Organisational Change</i>
248	To agree to recover outstanding employee pension contributions by deductions from pension benefits.	Director of Finance and Support Services	
249	To decide on the appropriate course of action if there is any doubt as to the payment of a pension death grant to personal representatives or anyone appearing to be beneficially entitled to the estate without need for grant of	Director of Finance and Support Services	<i>Jointly with Director of Law and Assurance</i>

Section /No.	Function	Officer	Form of shared delegation
	probate/letters of administration.		
250	To determine how and to whom benefits may be paid if the recipient is incapable of managing their affairs by reason of mental disorder or otherwise.	Director of Finance and Support Services	<i>Jointly with Director of Law and Assurance</i>
251	To decide on the appropriate course of action if there is any doubt as to whom a death grant is paid.	Director of Finance and Support Services	<i>Jointly with Director of Law and Assurance</i>
2T	Pensions - Fire and Rescue		
252	All routine matters arising under the Firefighters', New Firefighters' Pension Scheme and Firefighters' Pension Scheme 2015.	Chief Fire Officer	<i>In consultation with Director of Finance and Support Services</i>
253	To apply the provisions of the Grey Book relating to the sick leave scheme for firefighters and to approve the medical discharge of a firefighter under the terms of the Firefighters', New Firefighters' Pension Scheme and Firefighters' Pension Scheme 2015.	Chief Fire Officer	<i>In consultation with Director of Finance and Support Services</i>
254	To transfer previous pension into the Local Government Pension Scheme and Firefighters' Pension Scheme 2015.	Chief Fire Officer	<i>Jointly with Director of Finance and Support Services</i>
255	To take decisions relating to the exercise of all discretions and matters relating to individual officers under the currently published policy of discretions under the Fire Fighters' Pension Scheme, New Firefighters' Pension Scheme and Firefighters' Pension Scheme 2015.	Chief Fire Officer	<i>In consultation with Director of Finance and Support Services</i>

Section /No.	Function	Officer	Form of shared delegation
2U	Pensions - School teachers		
256	To approve individual cases of schoolteachers for discretionary enhancement of early retirement benefits and to agree the amount.	Director of Finance and Support Services	<i>In consultation with Director of Human Resources and Organisational Change</i>
2V	Pensions - Local Government Pension Scheme		
257	To take any necessary action between the meetings of the Pensions Panel to implement the policy determined by the Panel in consultation with the chairman of the Panel.	Director of Finance and Support Services	
258	To admit to the West Sussex County Council Pension Fund those organisations which are eligible for scheduled employer status under the Local Government Pension Scheme Regulations where the County Council has no discretion to refuse admission.	Director of Finance and Support Services	
259	To consider and determine requests for admission to the West Sussex County Council Pension Fund by those community admission bodies and transferee admission bodies that meet the definition in the Local Government Pension Scheme Regulations.	Director of Finance and Support Services	
260	All routine matters arising under the Local Government Superannuation Acts, the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and the Local Government Compensation Regulations and Discretionary Payments Regulations, and all other pension schemes.	Director of Finance and Support Services	

Section /No.	Function	Officer	Form of shared delegation
261	To combine previous pension benefits to current period of scheme membership.	Director of Finance and Support Services	
262	To transfer previous pension into the Local Government Pension Scheme.	Director of Finance and Support Services	
263	To consider an extension of time limit to pay contributions following an authorised leave of absence on reduced or no pay.	Director of Finance and Support Services	
264	To convert scheme Additional Voluntary Contributions into membership credit.	Director of Finance and Support Services	
265	To approve a reduction in the value of a member's pension and to recover any financial loss following termination of employment on the grounds of a fraudulent offence or grave misconduct.	Director of Finance and Support Services	
266	To 'switch on' the 85-year rule in exceptional or on compassionate grounds for pre-1 April 2014 benefits.	Director of Finance and Support Services	<i>In consultation with Cabinet Member for Finance and Resources and Director of Human Resources and Organisational Change</i>
267	To waive the actuarial reduction on pre-1 April 2014 benefits on compassionate grounds.	Director of Finance and Support Services	<i>With Director of Human Resources and Organisational Change</i>
268	To hear and determine any pension appeal or dispute requiring resolution in accordance with the relevant statutes and regulations for the time	Director of Law and Assurance	

Section /No.	Function	Officer	Form of shared delegation
	being in force in relation to all pension schemes for which the County Council acts as employer or administrator.		
2W	Performance and Business Planning		
269	To undertake, monitor and deliver the management of corporate and business performance information and support the implementation of measures for improving performance.	Chief Executive	
270	To manage the collation and use of data needed to assist corporate performance monitoring and business planning for all services.	Chief Executive	
2X	Permissions		
271	To grant approval to applications for permission to use the County coat of arms except where the granting of such approval is likely to be contentious in which case the matter is to be referred to the Chairman of the Council.	Director of Law and Assurance	
2Y	Procurement Support		
272	To provide advice guidance and to undertake such processes as may be required to ensure the most effective procurement of services, goods works and all other contractual arrangements required for the efficient operation of the County Council's business.	Director of Finance and Support Services	
273	To ensure compliance with the County Council's Standing Orders on Procurement and Contracts by all Executive Directors and Directors.	Director of Finance and Support Services	<i>Jointly with Director of Law and Assurance</i>

Section /No.	Function	Officer	Form of shared delegation
2Z	Property		
274	To approve values up to a maximum of £500,000 for land and property identified for disposal.	Director of Property and Assets	Jointly with Director of Finance and Support Services
275	With respect to sales under the right to buy in the Housing Act 1985: a. to sell at valuation subject to any statutory discount where the right to buy is established and b. to serve any notices under the Act.	Director of Property and Assets	<i>In consultation with</i> Director of Law and Assurance and Director of Finance and Support Services
276	To approve settlement of smallholding tenants' claims for compensation in excess of the current limit of delegated powers in paragraph D.	Director of Property and Assets	<i>In consultation with</i> Director of Law and Assurance <i>and consulting</i> Cabinet Member for Finance and Resources
277	To let or take lettings of (i) land or buildings where the rental will not exceed £30,000 p.a. and the term will not exceed 14 years or the tenancy is periodic and (ii) land and buildings where the rental does not exceed £6,000 p.a. and the term will exceed 14 years. (a)	Director of Property and Assets	
278	To negotiate and settle revised rentals under rent review provisions in leases or tenancies and revised payments for maintenance or services in leases or tenancies. (b)	Director of Property and Assets	
279	To negotiate and settle surrenders of leases or tenancies by or to the County Council within the financial and other limits in paragraph (a) as	Director of Property and Assets	

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

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

Section /No.	Function	Officer	Form of shared delegation
	with the PropCo Panel.		decisions made and land and property acquired being maintained for report to the Performance and Finance Select Committee as may be required
287	To appoint consultants from the approved panel as necessary to assist in carrying out the asset management and investment programmes, subject to the requirements of Standing Orders on Procurement and Contracts.	Director of Property and Assets	
288	To appoint engineering consultants for maintenance, minor capital projects and revenue improvements.	Director of Property and Assets	<i>In consultation with</i> Director of Law and Assurance
289	To negotiate fees at not less than cost when undertaking work for other bodies.	Director of Property and Assets	
290	To take any action to discourage or remove persons occupying and to prevent the illegal occupation of highway and other County Council land subject to the institution or conduct of any legal proceedings which shall be reserved to the Director of Law and Assurance.	Director of Property and Assets with Director of Highways, Transport and Planning for highway land	<i>In consultation with</i> Director of Law and Assurance
291	To accept notices served on the County Council under Sections 137 and 150 of the Town and Country Planning Act 1990 or to serve counter-notices.	Director of Law and Assurance	
292	To accept or reject applications requesting enfranchisement under the	Director of Law and Assurance	

Section /No.	Function	Officer	Form of shared delegation
	terms of the Leasehold Reform Act 1967.		
293	To accept notices of termination of leases and to accept and serve any statutory notices under the Landlord & Tenant Act 1954.	Director of Law and Assurance	
294	To take such action as may be necessary for the termination of tenancies and/or recovery of rent or enforcement of other obligations.	Director of Law and Assurance	
295	To take any action and institute any proceedings necessary to recover or defend possession of land including interests in land owned or leased by the County Council.	Director of Law and Assurance	
296	In appropriate cases, as put forward by the Director of Property and Assets to approve the use of alternative forms of building contract.	Director of Law and Assurance	
297	To secure and manage the sites provided by the County Council for the accommodation of gypsies, Roma and travellers in so far as they are under County Council control.	Director of Property and Assets	
298	To secure that County Council-maintained school premises conform to prescribed standards and meet sufficiency and suitability criteria.	Director of Property and Assets	
2AA	Risk Management		
299	To approve the corporate risk management strategy.	Chief Executive	
300	To manage and secure compliance with the corporate risk management policy and to manage arrangements for effective risk management by the County Council.	Director of Finance and Support Services	<i>With</i> Director of Law and Assurance
300A	To ensure the proper governance of corporate risk management.	Director of Law and Assurance	

Section /No.	Function	Officer	Form of shared delegation
2AB	Urgent Action		
301	<p>If, in his or her opinion, any matter is of an urgent nature, after consultation with the appropriate Executive Director/ Director and consultation with the appropriate Cabinet Member, to take any necessary action in furtherance of the functions of the County Council.</p> <p>In the event of the Cabinet Member being unavailable for consultation, the Leader shall be consulted.</p>	Chief Executive	<i>Severally by</i> Director of Law and Assurance

**Proper Officers Functions
Designated by the County Council**

Local Government Act 1972

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

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

Section	Subject	Proper Officer
Schedule 29 paragraph 41(3)(4) and (5)	Appointing interim superintendent registrars or interim registrars of births and deaths pursuant to S9(1) and (2) of the Registration Service Act 1953	Executive Director Place Services
	Exercising powers provided by the local scheme of organisation of the Registration Service pursuant to Section 13(2)(h) and 13(3)(b) of the Registration Service Act 1953	Executive Director Place Services
	Prescription by the Registrar General of duties under the Registration Acts of proper officers pursuant to Section 20 of The Registration Service Act 1953	Executive Director Place Services

Local Government Act 1974

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

Highways Act 1980

Section	Subject	Proper Officer
S59	Issuing certificates associated with the recovery of expenses due to extraordinary traffic	Director of Highways, Transport and Planning
S96	Signing consents to plant in the highway	
S115B&E	Approving and issuing public notices for the installation of public seats and notice boards in the highway	Director of Highways, Transport and Planning
S142	Signing licences to plant in the highway	Director of Highways, Transport and Planning
S205	Preparation of a street works specification, an estimate of works expenses, and a provisional apportionment to comprise the particulars to submit for approval where	Director of Highways, Transport and Planning

Section	Subject	Proper Officer
S210	the authority is satisfied that a private street should be made up under the Private Street Works Code Certifying and keeping on deposit documents giving details of amendments to the specification, apportionment, etc	Director of Highways, Transport and Planning
S211	Making the final apportionment associated with street works	Director of Highways, Transport and Planning
S295	Issuing a notice requiring owners to remove materials from non-maintainable streets in which works are due to take place	Director of Highways, Transport and Planning
S321	Authentication of notices, consents, approvals, orders, demands, licences, certificates or other documents	Director of Law and Assurance
Schedule 9, paragraph 4	Signing plans showing proposed prescribed improvement or building lines	Director of Law and Assurance

Representation of the People Act 1983

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

Road Traffic Regulation Act 1984

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

Local Government Finance Act 1988

Section	Subject	Proper Officer
S116(1)	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the Chief Financial Officer under this Act	Chief Executive

Local Government and Housing Act 1989

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

Food Safety Act 1990

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

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

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

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

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

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

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

The Local Government Act 2000

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

Children Act 2004/Health Service and Public Health Act 1968

Section	Subject	Proper Officer
S13	Safeguarding of children arrangements	Director of Children's Services
S45	Arrangements for safeguarding welfare of older people	Director of Adults' Services

Public Service Pensions Act 2013

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

Development Control - Delegation Code of Practice

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

Notification	<p>(i) In the case of any new application for planning permission (i.e. a County Matter, or a Regulation 3 application), each member of the County Council will receive notification by a schedule included in the Members' Information Service (MIS) which will also indicate where possible whether the application is to be determined under delegated powers. The list will indicate the local member, and in the case of applications having a wider significance, adjoining division members. The application will not be determined for a period of 21 days from the date of notification in the MIS.</p> <p>(ii) In the case of a consultation (i.e. District Regulation 3 or Regulation 4 consultation, or strategic consultation under Schedule 1 of the Town and Country Planning Act 1990) each member of the County Council will receive notification by a schedule included in the Members' Information Service (MIS) which will also indicate where possible whether the consultation is to be determined under delegated powers. The list will indicate the local member, and in the case of applications having a wider significance, adjoining division members. The consultation will not be determined for a period of 10 days from the date of notification in the MIS.</p> <p>(iii) In the case of enforcement action the local member will be notified by e-mail.</p>
Members' Views	<p>Any member wishing to express a view must do so to the Director of Property and Assets' nominated officer as stated on the notification within the appropriate period (10 or 21 days) and the member's view will then be taken into account in reaching a decision. If a member expresses a view contrary to the view of the Director of Property and Assets that the consultation or application should be determined under delegated powers, that acts as a veto barring the delegation, unless otherwise agreed with the member, after discussion of the issues involved. In those circumstances applications for planning permission must be determined by the Planning Committee and consultations will be referred to the Cabinet Member for Highways and Infrastructure. If a member wishes to exercise a veto in this way, it must be communicated to the Director of</p>

Property and Assets within the appropriate notification period (10 or 21 days).

Objections

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

Conformity with County Council Policies

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

Monitoring

All decisions on planning applications, other than consultations, determined under delegated powers will be reported regularly to the Planning Committee so that such delegated decisions can be monitored.

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

Public Path Orders

The proposed framework in which the powers delegated to the Director of Highways, Transport and Planning in consultation with the Director of Law and Assurance relating to public path extinguishment orders, public path diversion orders, public path creation agreements, public path creation orders, providing comments to district/borough councils on applications they are determining, permissive path agreements and dedication agreements is to operate as set out below which provides the safeguards for the process of delegation. It should be remembered that officers will have discretion to determine a matter but will aim to err on the side of caution in deciding whether to exercise that discretion.

Local Member Notification	<p>New application/consultation/proposal(s) will be reported within two weeks' of receipt in the Members' Information Service (MIS) and again when the public consultation process is begun. The list will indicate the local member and, in the case of applications having a wider significance, adjoining division members. The application/consultation/proposal will not be decided for a period of 21 days from the latter date of notification in the MIS.</p> <p>Any local member (or adjacent division member where appropriate) wishing to express a view must do so to the Director of Highways, Transport and Planning's nominated officer as stated on the notification within the 21-day period and the member's view will then be taken into account in reaching a decision. If a member disagrees with the view of the Director, in relation to the delegation, and this is within the 21-day period, the matter will be referred to the Rights of Way Committee for determination. If the causes of disagreement can be resolved through discussion, the delegated action can proceed. This will apply to all applications/responses to district/borough consultations/proposals.</p>
Objections from County Local Committees, district and parish councils, Sussex Police and interested user groups	<p>In respect of applications for public path orders where, as a result of the consultation process, a borough, district, town or parish council, the County Local Committee or a prescribed user group objects in writing to the application, the delegation is barred.</p>
Objections from the public	<p>In respect of applications for public path orders where, as a result of the consultation process, there remain outstanding substantive comments from members of the public, the delegation is barred.</p>

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

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

Local Member Notification	New applications for DMMO, TVG and to amend the Commons/TVG registers will be notified to the local member for information by email within two weeks of acceptance of a valid application.
Significant evidence in conflict	There are strict legal tests associated with such applications and relevant evidence will be needed. Objections are often received which must be discounted, for example where the objection is that a route is not suitable for use. Such objections would be discounted even if large in number or from other local authorities or prescribed user groups. In other cases there may be significant credible evidence in conflict. A significant conflict in credible evidence provided in support or against an application bars the delegation and the determination then rests with the Rights of Way Committee. Where there is uncertainty the officers will undertake the necessary report, setting out whether the legal tests have been met and explaining the evidence in conflict and a discussion will take place with the Chairman of the Rights of Way Committee and the local member about whether the delegation should be barred.
No significant evidence in conflict received	Where no significant evidence in conflict has been received the matter shall be determined by officers. The officer's report will be signed off as a delegated decision.
Report of Delegated decisions	All decisions on applications determined under delegated powers will be reported to the next meeting of the Rights of Way Committee for the Committee to note and monitor.

Highways and Transport - Delegation Code of Practice

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

- Notification
- (i) In the case of any determination of traffic regulation orders, speed limit orders, cycle track orders, experimental orders, parking places orders and revocation orders which, following advertisement, have received five or fewer objections or representations from those affected, each member of the relevant County Local Committee will receive notification by a schedule included in the Members' Information Service (MIS). The list will indicate the local member(s), and in the case of applications having a wider significance, adjoining division members. The order will not be determined for a period of 10 days from the date of notification in the MIS.
 - (ii) In the case of any determination of traffic management matters, including parking schemes, pedestrian crossings, stoppings up under the Highways Act 1980, road safety and traffic calming which, following advertisement, have received five or fewer objections or representations from those affected, each member of the relevant County Local Committee will receive notification by a schedule included in the MIS. The list will indicate the local member(s), and in the case of applications having a wider significance, adjoining division members. The order will not be determined for a period of 10 days from the date of notification in the MIS.
- Members' Views
- Any member of the relevant County Local Committee wishing to express a view must do so to the Director of Highways, Transport and Planning's nominated officer as stated on the notification within the appropriate period (10 days) and the member's view will then be taken into account in reaching a decision. If a member expresses a view contrary to the view of the Director of Highways, Transport and Planning that the matter should be determined under delegated powers, that acts as a veto barring the delegation, unless otherwise agreed with the member, after discussion of the issues involved. In those circumstances matters must be determined by the relevant County Local Committee. If a member wishes to exercise a veto in this way, it must be communicated to the Director of Highways, Transport and Planning within the appropriate notification period (10 days).

Objections	Proposals for traffic regulation orders and other traffic management matters which have received more than five objections or representations from those affected will be considered by the relevant County Local Committee.
Conformity with County Council Policies	Delegated authority decisions will only be made in accordance with the County Council's stated policies.
Monitoring	All decisions on traffic regulation orders and other traffic regulation matters determined under delegated powers will be reported regularly to the relevant County Local Committee so that such delegated decisions can be monitored.

**Non-Executive Functions
Delegated to Committees**

Planning Committee

Constitution

Thirteen members of the County Council. Quorum is four.

Terms of Reference

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

1. To exercise the non-Executive powers and duties of the County Council pursuant to the Town and Country Planning Act 1990, the Highways Act 1980 and the New Roads and Street Works Act 1981 and the Planning and Compulsory Purchase Act 2004, the Planning and Compensation Act 1991 and the Environment Act 1995.
2. To determine applications for planning permission in respect of County Matters – minerals and waste under Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.
3. To determine applications for planning permission by the County Council under Section 316 of the Town and Country Planning Act 1990 and of the Town and Country Planning General Regulations 1992 (SI 1992/1492).
4. To determine applications for planning permission for development already carried out under Section 73A of the Town and Country Planning Act 1990.
5. To decline to determine an application for planning permission under Section 70A of the Town and Country Planning Act 1990.
6. To make planning obligations regulating the development or use of land under section s106 and section 106A of the Town and Country Planning Act 1990 and other enabling legislation.
7. To determine an application for a certificate of appropriate alternative development under Section 17 of the Land Compensation Act 1961.
8. To determine an application for a certificate of lawful use or development under Sections 191-194 of the Town and Country Planning Act 1990.
9. To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject, under paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c.34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act.

10. To grant or refuse planning permission for development without complying with conditions to which previous planning permission is subject, under Section 73 of the Town and Country Planning Act 1990.
11. To serve a planning contravention notice, temporary stop notice, breach of condition notice or stop notice, under Sections 171C, 171E, 187A and 183(1) of the Town and Country Planning Act 1990.
12. To issue an enforcement notice under Section 172 of the Town and Country Planning Act 1990 and to seek injunctions to restrain breaches of planning control under Section 187B of the Town and Country Planning Act 1990.
13. To serve completion notices under Section 94 of the Town and Country Planning Act 1990.
14. To appoint members of the County Council to outside bodies which relate to the non-Executive functions of the Committee.
15. To exercise functions relating to sea fishers under Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38).
16. To advise the Executive on such aspects of the Development Plan as relate to the Committee's functions.
17. To exercise the power under Section 102 of the Town and Country Planning Act 1990 in relation to the requirement to discontinue the use of land.
18. To exercise the power to acquire a listed building in need of repair under Section 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
19. To seek an injunction in relation to a listed building under Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
20. To determine applications for hazardous substances consent and related powers under Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
21. To authorise investigations of breaches of Regulations made under section 54 of the Clean Neighbourhoods and Environment Act 2005, including the power of entry into premises.
22. To authorise the entry onto land under section 196A of the Town and Country Planning Act 1990.
23. To review and adjust delegations to officers within the functions delegated to the Committee.
24. To delegate powers, when appropriate and on the recommendation of the Director of Law and Assurance, to another local authority including a borough or district borough council and to be able, subsequently, to review, amend or withdraw that delegation.
25. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b).

Regulation, Audit and Accounts Committee

Constitution

Seven members of the County Council. Quorum is three. The Chairman will be a minority group member in accordance with Standing Order 2.13.

Note: The purpose of the audit function of the Committee is to provide independent assurance of the adequacy of risk management framework and the associated control environment, independent scrutiny of the County Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

Terms of Reference

Audit Functions

1. To undertake the County Council's responsibilities to provide an adequate and effective system of internal audit under the Accounts and Audit Regulations 2011.
2. To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
3. To approve the internal audit annual work programme.
4. To monitor the effectiveness of the County Council's external audit arrangements, including liaison between internal and external audit.
5. To monitor the implementation of recommendations arising from the findings of significant audit work.
6. To consider the external auditor's letter, relevant reports, and the report to those charged with governance. To maintain an overview of reports to the County Council from other external inspection agencies to see that these are considered and acted upon by the appropriate body within the County Council so far as necessary.
7. To commission work from internal and external audit.
8. Liaise with the Independent Audit Appointment Panel as necessary over the appointment of the County Council's external auditor.

Accounts Functions

9. To consider and approve the annual statement of accounts, income and expenditure and balance sheet, or record of payments and receipts as required under the Accounts and Audit Regulations 2011 and the Local Government Pension Scheme (Administration) Regulations 2008 as amended.

Treasury Management Functions

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

Regulatory Functions

12. To agree revisions to the County Council's Standing Orders on Procurement and Contracts, Financial Regulations and Risk Management Procedures.
13. To oversee the production of the County Council's Annual Governance Statement and to recommend its adoption.
14. To monitor the effective development and operation of risk management in the County Council.
15. To monitor and approve any changes to the County Council's anti-fraud and corruption strategy.
16. To exercise the powers and duties of the County Council in relation to the approval of premises for the solemnisation of marriages under the Marriages (Approved Premises) Regulations 1995.
17. To exercise the requirement under Regulation 9 of the Marriages (Approved Premises) Regulations 1995 to hear and determine formal representations from applicants and the public and those registered under the Marriage Act 1949, such power to be exercised by any three members of the Committee appointed by the Director of Law and Assurance after consultation with the Chairman of the Committee.
18. To make, amend, revoke or re-enact byelaws under any provision of any enactment (including a local Act), whenever passed, and Section 14 of the Interpretation Act 1978 (c.30).
19. To exercise the powers and duties of the County Council in relation to the licensing of medicines, pharmacy and poisons under Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66).
20. To exercise the powers and duties of the County Council in relation to the Manufacture and Storage of Explosives Regulations 2005.
21. To issue permits for operation of mini-buses under Section 19 Transport Act 1985 (delegated to the Executive Director Place Services).
22. To license the employment of children under Part II of the Children and Young Persons Act 1933 (c.33), byelaws made under that Part and Part II of the Children and Young Persons Act 1963 (c.37).
23. To issue, cancel, amend or replace safety certificates for regulated stands at

sports grounds under Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27) (Delegated to the Chief Fire Officer).

24. To issue, cancel or amend or replace safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act 1975.
25. To review and adjust delegations to officers within the functions delegated to the Committee.
26. To delegate powers, when appropriate and on the recommendation of the Director of Law and Assurance, to another local authority including a borough or district borough council and to be able, subsequently, to review, amend or withdraw that delegation.
27. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b)

Explosives Act Applications Panel

Constitution

A sub-committee of the Regulation, Audit and Accounts Committee comprising the Chairman of the Regulation, Audit and Accounts Committee, an Adviser or Senior Adviser to the Cabinet Member for Fire and Rescue and Communities and the local member of the County Council for the application site. Quorum is three.

Terms of Reference

1. To consider and determine applications under the Manufacture and Storage of Explosives Regulations 2005.

Rights of Way Committee

Constitution

Nine members of the County Council. Quorum is three.

Terms of Reference

1. To exercise the powers and duties of the County Council in relation to public footpaths, bridleways and byways open to all traffic and restricted byways under the associated legislation.
2. To exercise the powers and duties of the County Council in relation to commons and town or village greens under the relevant provisions of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843) and the Commons Registration (General) Regulations 1966 (SI 1966/1471) and the Commons Registration (England) Regulations 2014.
3. To exercise the non-Executive powers and duties of the County Council pursuant to the Highways Act 1980, the Wildlife and Countryside Act 1981, the Town and Country Planning Act 1990, the Countryside and Rights of Way Act 2000, the Natural Environment and Rural Communities Act 2006.
4. To review and adjust delegations to officers within the functions delegated to the Committee.
5. To delegate powers, when appropriate and on the recommendation of the Director of Law and Assurance, to another local authority including a borough or district borough council and to be able, subsequently, to review, amend or withdraw that delegation.
6. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b).

Standards Committee

Constitution

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

Terms of Reference

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

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

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

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

Investigation of Allegations

Assessment Sub-Committee

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

Terms of Reference

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

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

Pre-assessment Activity and Report

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

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

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

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

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

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

to the complaint that a complaint has been made.

Initial Tests

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

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

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

Assessment Criteria

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

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

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

Initial Assessment Decision

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

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

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

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

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

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

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

Access to Meetings and Decision Making

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

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

Withdrawal of Allegations

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

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

Confidentiality

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

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

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

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

Local Hearing of Allegations

Hearings Sub-Committee

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

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

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

Interpretation

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

Representation

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

Legal Advice

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

Introductions

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

Preliminary Procedural Issues

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

Process of Hearing and Finding of Facts

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

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

Did the member fail to follow the Code of Conduct?

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

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

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

If the member has failed to follow the Code of Conduct

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

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

Recommendations to the County Council

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

Access to Meetings and Decision Making

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

Retention of Papers

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

Independent Panel

Constitution

A panel comprising of two or three independent persons who advise either the County Council's Standards Committee or who advise another Standards Committee. The Panel membership must be agreed 20 days prior to a meeting and will be arranged by the Director of Law and Assurance or in the case of any action against that officer, by the Deputy Monitoring Officer.

Terms of Reference

1. To investigate proposed disciplinary action against the Chief Executive, Director of Finance and Support Services or the Director of Law and Assurance.
2. To offer advice, views or recommendations to the Member Panel and the County Council on the proposed course of action, including any proposal for dismissal.

Governance Committee**Constitution**

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

Terms of Reference

1. To oversee the effectiveness of the political structure
2. Without in any way limiting the scope of paragraph 1 above, to consider specifically any disputes which arise as to whether or not the Executive may make a final decision or whether that power is vested in the County Council alone.
3. To advise the County Council on amendments to the Constitution.
4. To receive regular reports from the Chairman of the Member Development Group regarding the work of the Group, member development activities and member training and development priorities and plans, via a standing item on the Committee's agenda.
5. To advise the County Council on any matters in connection with the Members' Allowances Scheme.
6. To monitor the attendance of members at meetings of the County Council and its committees on an annual basis within the context of member development and the effectiveness of the political structure.
7. To exercise the powers and duties of the County Council in relation to elections and local government boundaries under Section 35 of the Representation of the People Act 1983 (c.2).
8. To consider any issues relating to indemnification of and/or securing of insurance cover for members and officers.
9. To exercise the powers and duties of the County Council in relation to the Local Government Superannuation Acts and Regulations made thereunder including decisions on investment under The Local Authority (Discretionary Payments) Regulations 1996 and the Local Authority Pension Scheme Regulations 2013.
10. To determine the standard terms and conditions on which all staff hold office (including procedures for their dismissal).
11. To approve changes to the Scheme of Delegation relating to functions delegated to the Chief Executive and the overall range of functions delegated to senior officers.

12. To approve the arrangements for a meeting of the Appointing Committee for the purposes of Standing Order 9.11; the appointment of officers, and Standing Order 9.19; appeals against disciplinary proceedings (including dismissal) concerning the Chief Executive, Executive Directors and posts reporting directly to the Chief Executive and the Monitoring Officer and grievances by the Chief Executive.
13. To approve the arrangements for a meeting of the Appeal Committee for the purposes of disciplinary action under Standing Order 9.17.
14. To make arrangements for but not to hear disciplinary proceedings (including dismissal) against the Chief Executive and grievance proceedings by the Chief Executive. The constitution and terms of reference for Member Panels and the Investigation Panels are set out below.
15. To make arrangements for but not to hear appeals against decisions of the Executive including staff appeals, school and college transport appeals, school exclusion and admission appeals and Governors' appeals against the decision of the local authority to require acceptance of a pupil excluded from two or more schools. The Constitution and terms of reference for appeals panels (save those concerning schools exclusion, admission and governor appeals) are set out below.
16. In relation to the Pension Advisory Board to:
 - (a) Approve the job description and remuneration of and oversee the appointment of the independent Chairman of the Pension Advisory Board;
 - (b) Review the tenure of membership of a Board member in the event of consistent non-attendance on the advice of the Director of Law and Assurance;
 - (c) Remove a member of the Board during a term of appointment for reasons other than their ceasing to be eligible.
17. To approve the Business Plan and budget of the Pension Advisory Board.
18. To receive an annual report from the Staff Appeals Panel covering a summary of its work, any lessons learned from hearings by Member Panels and Boards of Appeal in the previous year, the results of cases (including any subsequent Tribunal applications and hearings) and recommendations for the future.
19. To receive and consider any recommendations from meetings between the Chief Executive and the West Sussex branch of UNISON in relation to staff terms and conditions of service.
20. To receive and consider for resolution any issues concerning staff terms and conditions which are the subject of discussion between the Chief Executive and the West Sussex branch of UNISON and which their discussions have not been able to resolve and prior to any referral of such matter to an external body for mediation or resolution.

21. To receive a report on staffing matters twice a year and a report on the output of the Culture Board once a year.
22. To appoint members of the County Council to outside bodies which relate to the non-Executive functions of the Committee (South East Employers).
23. To review and adjust delegations to officers within the functions delegated to the Committee.
24. To delegate powers, when appropriate and on the recommendation of the Director of Law and Assurance, to another local authority including a borough or district borough council and to be able, subsequently, to review, amend or withdraw that delegation.
25. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b).

Appeals Panel

Constitution

The Appeals Panel comprises a list of 18 members of the County Council, not being members of the Cabinet, from which will be drawn members to hear those investigations and cases and Appeals listed in paragraphs 15 and 16 of the terms of reference of the Governance Committee.

School Transport Appeal Panel

Constitution

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

Terms of Reference

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

Staff Investigations Hearings and Appeals

Board of Appeal

Constitution

A sub-committee of the Governance Committee comprising three members who shall have voting rights and the chief executive or his/her nominee who shall participate in the decision-making but without a vote. The Director of Law and Assurance shall select the membership of each Board of Appeal from among the eligible members of the Appeals Panel on a rota basis using his or her best endeavours to ensure that there is at least one minority group member on each Board. The Board shall appoint a chairman for each meeting. Quorum is two members and one officer.

Note: When a Board hears an appeal by the Chief Executive it will be differently constituted to the Member Panel.

Terms of Reference

1. To hear and adjudicate upon any staff appeal requiring to be heard by members, with the exception of any other form of hearing specifically provided for elsewhere in the terms of reference of some other committee or sub-committee of the County Council, or other body.
2. To hear appeals against disciplinary proceedings (including dismissal) against the Chief Executive, Executive Directors and posts reporting directly to the Chief Executive and the Monitoring Officer under the procedures set out in Standing Orders.
3. To hear grievance appeals by the Chief Executive, Executive Directors and posts reporting directly to the Chief Executive and the Monitoring Officer under the procedures set out in Standing Orders.
4. To present an annual report to the Governance Committee covering a summary of its work, any lessons learned from hearings in the previous year, the results of cases (including any subsequent Tribunal applications and hearings) and recommendations for the future.
5. To make such recommendations as it thinks fit, on any matter arising out of an appeal, to the Governance Committee (in respect of the procedure or arrangements for appeals) and the relevant Cabinet Member and Executive Director in respect of the relevant service.

Member Panel

Constitution

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

Terms of Reference

1. To hear disciplinary proceedings (including dismissal) or appeal as appropriate against the Chief Executive, the Director of Law and Assurance and the Director of Finance and Support Services. In the event of a decision to dismiss one of these officers the decision must be ratified by the full Council (any appeal to be heard prior to referral).
2. To have regard to the recommendations of the Independent Panel referred to in Appendix 6.
3. To hear grievance proceedings by the Chief Executive.
4. To hear grievance proceeding against the Chief Executive.

Investigation Panels

Constitution

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

Note:

If the Director fulfils a statutory role of a Section 151 Financial Officer or Monitoring Officer then the investigation will be carried out by a Designated Independent Person appointed by the Secretary of State for the Department for Communities and Local Government.

Terms of Reference

1. To commission an investigation in response to a request from the Director of Law and Assurance for the purpose of disciplinary proceedings against an Executive Director other than the Director of Finance and Support Services.

2. To receive the report of any investigation and to determine whether a disciplinary hearing in relation to the relevant Director should take place and, if so, to refer the matter to the Director of Law and Assurance.

Appointing Committee

Constitution

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

Terms of Reference

1. To appoint Executive Directors, directors who report to the Chief Executive and the Monitoring Officer under the procedures set out in Standing Orders.
2. To appoint a Chief Executive (Head of Paid Service), subject to the approval of the County Council, as set out in Standing Orders.

Pensions Panel

Constitution

A sub-committee of the Governance Committee comprising seven members of the County Council and three representative members.

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

Note:

The three representative members will comprise the following:

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

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

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

The term of office of representative members will be equivalent to the length of the election cycle of the body of which they are an elected member. The usual maximum length of panel membership will be three terms.

Terms of Reference

To be responsible to the Governance Committee for:

- (1) Appointment of professional and specialist investment advisers and managers on a consultancy basis.
- (2) Consideration of the recommendations of the advisers and managers including the Fund's investment strategy.
- (3) Determination of the Pension Fund's investment strategy and oversight of the delivery of the strategy by the Local Government Pension Scheme (LGPS) ACCESS Joint Committee.
- (4) Consideration of and response to the recommendations of the LGPS ACCESS Joint Committee.
- (5) Determination of and overseeing the County Council's investment policy.
- (6) Consideration of and response to key scheme governance, funding and administration issues, including responses to statutory consultations.

- (7) Overseeing the management of the Pension Fund investments.
- (8) Monitoring the Fund's performance.
- (9) Ensuring that arrangements are in place for consultation and communication with stakeholders as necessary.
- (10) Establishing member groups to review aspects of investment strategy or to undertake work on key themes and to report back to the Panel.

Note:

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

Electoral Review Panel

Constitution

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

Terms of Reference

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

Member Development Group

Constitution

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

Note:

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

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

The Chairman will be elected by the Group.

Terms of Reference

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

Reporting Arrangements

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

Select Committees

There is a Performance and Finance Select Committee (Appendix 8A), a Health and Adult Social Care Select Committee (Appendix 8B), a Children and Young People’s Services Select Committee (Appendix 8C) and an Environment, Communities and Fire Select Committee (Appendix 8D). Their constitutions and terms of reference are set out in the Appendices. Each committee shall undertake the functions set out below in respect of those items relevant to the Select Committee’s specific service area.

Each Select Committee shall have no more than 12 County Council members with the exception of the Performance and Finance Select Committee which will have 15 members (inclusive of the three other Select Committee chairmen). The members of each Select Committee shall be appointed, having taken into account the following guiding principles:

- That the member has an interest in the business of the Committee.
- That the member is able to devote the time needed to undertake the work of the Committee.
- That the member is not also a member of another select committee.
- That the member remains free to serve on scrutiny or executive task and finish Groups.
- Three of the members of the Performance and Finance Select Committee shall be the three members who are at any time the chairmen of the other three Select Committees.

A list of Select Committees is below, including areas of responsibility:

Select Committee	Area of Responsibility
Performance and Finance	Strategic overview of scrutiny process; Leader’s portfolio; general strategy issues; Partnership Working; County Local Committees; IT and Customer & Community Access; Finance; Property; Procurement; Human Resources Strategy; Performance Management; Equality and Diversity; Law and Governance; Communications; Media & Marketing; Europe liaison
Health and Adult Social Care	Adults’ Social Care Services; Adults’ Safeguarding; Coroner and Mortuaries; Dementia Services; Health and Health Partnerships; Public Health; Review and scrutiny of the planning, provision and operation of health services in West Sussex (The health functions of the Health and Adult Social Care Select Committee arise under Part I of the Health and Social Care Act 2001.)

Select Committee	Area of Responsibility
Children and Young People's Services	Social Services relating to children and young people; Education; Educational Attainment and Skills; Adult Skills and Learning; Youth Services; Youth Justice
Environment, Communities and Fire	Economic Strategy; Environment; Coast and Countryside Matters (including the South Downs National Park); Rights of Way; Transport Planning and Policy; Highway Infrastructure; Aviation; Public Transport Liaison; Land-use Planning; Minerals and Waste; Fracking; Waste Minimisation; Fire and Rescue Service; Community Safety; Trading Standards; Gypsies and Travellers; Emergency Planning; Police Liaison; Registration Services; Arts & Heritage Liaison; Libraries and Archives; Crime and Disorder; Domestic Violence; Drug and Alcohol Action

Business Planning Groups

Each Select Committee shall have a Business Planning Group comprising the Chairman and Vice-Chairman of that Committee and three other members. Two of the five members shall be minority group members. The Chairman of the Select Committee shall be the chairman of the Business Planning Group and the Vice-Chairman of the Select Committee shall be the vice-chairman of the Group.

The Business Planning Group shall oversee the planning of the Committee's business and may identify issues of common interest to other Select Committees. It may do this by acting jointly with the Business Planning Group of another Select Committee.

The Business Planning Group(s) shall discuss with the relevant Cabinet Member(s) the need for any referral by the Cabinet Member to the Committee for the undertaking of work relating to the planning of services or their commissioning. In such circumstances, the Business Planning Group shall decide its terms of reference in discussion with the Cabinet Member(s).

The Business Planning Group shall have responsibility for deciding whether an area of work is considered by a Task and Finish Group. The Business Planning Group is responsible for deciding to establish a Task and Finish Group and for defining its outline terms of reference.

Scrutiny Task and Finish Groups

Each Select Committee may choose to establish from its members or from the whole non-executive membership a cross-party group that will be given the task of undertaking detailed work which falls within its area of responsibility.

The Select Committee Business Planning Group will decide the size and membership of the Group and its outline terms of reference. It will also decide how the outcome of the work of the Group will be reported - to the Committee or direct to the Cabinet Member.

Where the work is related to the business of more than one Select Committee a Task and Finish Group will be established to undertake the work. The outline terms of reference and reporting lines of the Task and Finish Group will be agreed by the relevant Select Committee Business Planning Groups co-ordinated by the relevant Select Committee chairmen.

A Task and Finish Group shall comprise no more than seven members (cross party) and the membership shall be decided by the Business Planning Group(s), but it may co-opt such other persons as the Task and Finish Group considers appropriate to the task in hand.

The Chairman of the Task and Finish Group shall be appointed by the members of the Task and Finish Group unless there is an urgent need to progress the initial work, in which case the Business Planning Group will appoint the chairman of the Group.

Performance and Finance Select Committee

Constitution

15 members of the County Council including the chairmen of the other select committees. Quorum is four.

Terms of Reference

1. To consider existing policies and the effectiveness of their delivery relevant to the Select Committee's specific portfolio and to issues of major strategic importance to the County Council.
2. To consider the effectiveness of the Council's arrangements and systems for the management of contracts and for the scrutiny of the achievement of such commissioning outcomes as have been determined.
3. To review decisions of the Executive.
4. To review proposed decisions of the Executive including Executive decisions made by County Local Committees and key decisions under delegated powers made by officers on behalf of the Executive (call-in).
5. To review the manner in which non-Executive committees take decisions.
6. To consider matters referred to the Select Committee by the Executive.
7. To consider, as a "preview", items raised by any member where the matter is likely to be considered by the Executive because of its sudden prominence.
8. To consider items raised at meetings of the County Council and referred initially to the Cabinet for re-examination and which the Executive asks the Select Committee to consider.
9. To refer any matter arising within these terms of reference to a County Local Committee for consideration.
10. To receive and consider a referral from a County Local Committee made in accordance with the procedures for a Councillor Call for Action.
11. In addition to the budget and performance scrutiny responsibilities of its portfolio, to consider the annual budget and performance framework on a strategic basis at each meeting (rather than the detail of individual portfolios which are the preserve of the individual Select Committees) and to scrutinise the annual Treasury Management Strategy and performance in delivering it.
12. To consider the annual report of the West Sussex Pension Fund on its management and performance.
13. To consider a programme of work which the Committee believes is in the interests of the County Council for it to review in relation to its portfolio for

approval as part of the Select Committee work programme.

14. To consider the Select Committees' suggested programme of work as a whole, its relevance and its resource implications, before proposals are finally recommended to the County Council for approval.
15. To monitor and co-ordinate the Select Committees' work programme including the resolution of any disputes as to where a piece of work should be placed.
16. To receive annual written reports from Select Committees on work activity to include outcomes/impacts etc to be used to produce an Annual Scrutiny Report on scrutiny activity during the previous year and endorse the Annual Scrutiny Report for publication.
17. To identify major items of work undertaken by Select Committees to be reported to meetings of the County Council for debate, with the intention that no more than one item will be reported to any one meeting of the County Council.
18. To oversee the scrutiny function including the development of good practice and supporting arrangements, member training and development, and the consideration of any proposals for revisions to the scrutiny function.
19. To consider any relevant local government matter raised by any member.
20. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b).
21. To consider a request for a review of the County Council's response to a petition in accordance with the Petitions Scheme.
22. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the report to the relevant Cabinet Member for consideration.
23. To consider the business plans of the other three Select Committees and to advise on the establishment of cross cutting Task and Finish Groups as needed for the better discharge of the business of scrutiny.
24. Only to undertake cross-cutting work in relation to its own areas of responsibilities.
25. To oversee the effectiveness of arrangements for Scrutiny Task and Finish Groups.
26. To encourage members to lead on specific topics within the Committee's remit, as agreed by the Committee.

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

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

Terms of Reference

1. To consider existing policies and the effectiveness of their delivery relevant to the Select Committee's specific service area.
2. To consider and align its business in the context of the Council's ambitions and objectives associated with needs and aspirations of the community for later life.
3. To discharge the Health Scrutiny functions (including power of referral) on behalf of the County Council (see also paragraphs 18 to 26 below).
4. To undertake the scrutiny of the performance of the Council's services against the outcomes objectives and measures set through a relevant commissioning process.
5. To review decisions of the Executive.
6. To review proposed decisions of the Executive including Executive decisions made by County Local Committees and key decisions under delegated powers made by officers on behalf of the Executive (call-in).
7. To review the manner in which non-Executive committees take decisions.
8. To consider matters referred to the Select Committee by the Executive.
9. To consider, as a "preview", items raised by any member where the matter is likely to be considered by the Executive because of its sudden prominence.
10. To consider items raised at meetings of the County Council and referred initially to the Cabinet for re-examination and which the Executive asks the Select Committee to consider.
11. To consider a programme of work which the Committee believes is in the interests of the County Council for it to review, and to recommend it to the Performance and Finance Select Committee for approval by the County Council as part of the Select Committee work programme.
12. To refer any matter arising within these terms of reference to a County Local Committee for consideration.

13. To receive and consider a referral from a County Local Committee made in accordance with the procedures for a Councillor Call for Action.
14. To consider any relevant local government matter raised by any member.
15. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b).
16. To consider a request for a review of the County Council's response to a petition in accordance with the Petitions Scheme.
17. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the report to the relevant Cabinet Member for consideration.
18. To review and scrutinise any matter relating to the planning, provision and operation of health services in the geographical area covered by West Sussex County Council, the health of the people of West Sussex and matters of general concern affecting the determinants of health for the community of the West Sussex area.
19. To set up appropriate procedures in accordance with the relevant statutory framework to facilitate the conduct of health review and scrutiny in West Sussex, in consultation with the district and borough councils in West Sussex and with the local NHS bodies.
20. To make reports and recommendations to local NHS bodies and to West Sussex County Council or any borough or district council in West Sussex on any health matter reviewed or scrutinised by it.
21. To respond to consultation by any local NHS body with reference to any proposal for a substantial development of the health service in the area of West Sussex or for a substantial variation in the provision of such service with the exception of urgent proposals as defined in Regulation 23 (2) of the Local Authority (Public health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and to make comments by the due date specified by the local NHS body referring the matter.
22. To delegate health scrutiny powers to, appoint members to and agree terms of reference of a joint committee when there is an intention by a local NHS body to consult on a substantial variation or development to health services that extends beyond West Sussex.
23. To report to the NHS body(ies) or to the Secretary of State in writing in any case where the Committee is not satisfied that
 - (a) consultation on any proposal has been adequate in relation to content or time allowed; or
 - (b) that the reasons given by the local NHS body for failing to consult because of urgency are not adequate.
24. To report to the Secretary of State in writing on any such proposals as are

referred to above which it considers would not be in the interests of the health service in the area of West Sussex.

25. To take such other steps as may be appropriate including requiring the attendance of officers of local NHS bodies and other relevant people to attend the Committee and take steps to obtain appropriate information and explanations as may be appropriate to enable the Committee to discharge its functions effectively.
26. To delegate health scrutiny powers to one or more West Sussex borough and district councils whether or not they are acting jointly with the County Council when exercising its health scrutiny powers or to another county or unitary, borough or district council. To agree the terms of reference for any delegation and, in the case of any joint committee, to appoint members from the Committee.
27. To make such recommendations to the County Council as it sees fit as to the constitution of the Committee within the statutory framework.
28. To encourage members to lead on specific topics within the Committee's remit, as agreed by the Committee.

Note:

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

Children and Young People's Services Select Committee

Constitution

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

Note:

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

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

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

Terms of Reference

1. To consider existing policies and the effectiveness of their delivery relevant to the Select Committee's specific service area.
2. To consider and align its business in the context of the Council's ambitions and objectives associated with needs and aspirations of the community for the start of life.
3. To undertake the scrutiny of the performance of the Council's services against the outcomes objectives and measures set through a relevant commissioning process.
4. To review decisions of the Executive.
5. To review proposed decisions of the Executive including Executive decisions made by County Local Committees and key decisions under delegated powers made by officers on behalf of the Executive (call-in).
6. To review the manner in which non-Executive committees take decisions.
7. To consider matters referred to the Select Committee by the Executive.
8. To consider, as a "preview", items raised by any member where the matter is likely to be considered by the Executive because of its sudden prominence.
9. To consider items raised at meetings of the County Council and referred initially to the Cabinet for re-examination and which the Executive asks the Select Committee to consider.

10. To consider a programme of work which the Committee believes is in the interests of the County Council for it to review, and to recommend it to the Performance and Finance Select Committee for approval by the County Council as part of the Select Committee work programme.
11. To refer any matter arising within these terms of reference to a County Local Committee for consideration.
12. To receive and consider a referral from a County Local Committee made in accordance with the procedures for a Councillor Call for Action.
13. To consider any relevant local government matter raised by any member.
14. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43 (b).
15. To consider a request for a review of the County Council's response to a petition in accordance with the Petitions Scheme.
16. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the report to the relevant Cabinet Member for consideration.
17. To encourage members to lead on specific topics within the Committee's remit, as agreed by the Committee.

Environment, Communities and Fire Select Committee

Constitution

12 members of the County Council. Quorum is three.

Terms of Reference

1. To consider existing policies and the effectiveness of their delivery relevant to the Select Committee's specific service area.
2. To consider and align its business in the context of the Council's ambitions and objectives associated with needs and aspirations of the community for the economy of the county.
3. To undertake the scrutiny of the performance of the Council's services against the outcomes objectives and measures set through a relevant commissioning process.
4. To review decisions of the Executive.
5. To review proposed decisions of the Executive including Executive decisions made by County Local Committees and key decisions under delegated powers made by officers on behalf of the Executive (call-in).
6. To review the manner in which non-Executive committees take decisions.
7. To consider matters referred to the Select Committee by the Executive.
8. To consider, as a "preview", items raised by any member where the matter is likely to be considered by the Executive because of its sudden prominence.
9. To consider items raised at meetings of the County Council and referred initially to the Cabinet for re-examination and which the Executive asks the Select Committee to consider.
10. To consider a programme of work which the Committee believes is in the interests of the County Council for it to review, and to recommend it to the Performance and Finance Select Committee for approval by the County Council as part of the Select Committee work programme.
11. To refer any matter arising within these terms of reference to a County Local Committee for consideration.
12. To receive and consider a referral from a County Local Committee made in accordance with the procedures for a Councillor Call for Action.
13. To consider any relevant local government matter raised by any member.
14. To consider a petition in accordance with the Petitions Scheme in accordance

with Standing Order 3.43 (b).

15. To consider a request for a review of the County Council's response to a petition in accordance with the Petitions Scheme.
16. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the report to the relevant Cabinet Member for consideration.
17. To hold an annual meeting to scrutinise the work of the County Council and partner organisations in tackling crime and disorder.
18. To encourage members to lead on specific topics within the Committee's remit, as agreed by the Committee.

Adoption Panels and Fostering Panels

Adoption Panel

Constitution

One member of the County Council who is either a member of the Executive or of the Select Committee responsible for children's services.

Terms of Reference

1. To consider and determine applications under the Adoption Agencies Regulations 2005 (as amended).

Fostering Panel

Constitution

At least one elected member of the County Council.

Terms of Reference

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

Treasury Management Panel

Constitution

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

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

Terms of Reference

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

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

Quorum: Two members

PropCo Panel

Constitution

An advisory Panel to the Cabinet Member for Finance and Resources comprising up to five members of the County Council including the Cabinet Member. Members will be appointed by the Council on the recommendation of the Cabinet Member for Finance and Resources, in consultation with the Leader, from among those best qualified to serve on the Panel. Quorum is two.

Terms of Reference

To be consulted by and to give advice to the Cabinet Member and to receive advice from relevant senior officers in relation to:

- (1) The acquisition of land and property for the purpose of investment or development.
- (2) The plans and action to achieve a return on investments.
- (3) The relationship of such action and plans with the Capital Programme.
- (4) The arrangements with any company established to develop, manage or hold land or property acquired for investment by the County Council.
- (5) In undertaking its work the Panel can co-opt or seek advice (usually pro bono) from professional and specialist advisers.

Corporate Parenting Panel

Positioning statement

Any child who comes into the care of the County Council until the child leaves care is the statutory responsibility of the County Council. Members of the County Council and staff members are Corporate Parents, and have a duty to ensure that during the child's time in care the voice and experience of the child is paramount. It is key that the child receives a consistently good experience and that the child's health and education needs are met allowing all children looked after the same life chances as any other child.

The Corporate Parenting Panel must work to national principles, including those provided by the Department for Education and as set out in the Appendix.

Constitution

A multi-agency advisory panel to the County Council and to the Cabinet Member for Children and Young People comprising six members of the County Council (appointed from among those best qualified to serve but including at least one minority group member and one from either the foster or adoption panel), as well as the multi-agency partners in West Sussex who are responsible for delivering good and effective corporate parenting for children and young people. This includes the Designated Nurse (NHS), a representative of Independent Reviewing Officers, a Foster Carer, Chairman or Vice-Chairman of the West Sussex Foster Carer Association, a member of the Children in Care Council and a Care Leaver.

At least two County Council members of the Panel will also be members of the Children and Young People's Services Select Committee. The quorum is three. The Chairman of the Panel will be the relevant Senior Advisor to the Cabinet Member for Children and Young People.

Purpose

The Corporate Parenting Panel aims to ensure that the County Council, alongside other agencies, undertakes its duties as Corporate Parents for all children looked after and care leavers for which it is responsible so that young people can achieve their full potential and a successful transition into adulthood. The Panel does this by ensuring that the voice and experience of the child/young person is central to all its work and that the services provided for children and young people looked after by the County Council are of good quality, consistent and meet their needs. It works with all elected members and officers within the Council, with colleagues from partner agencies and with children and young people who are looked after. The Panel's ambitions assist in the Council's overarching vision that "Children and Young People in West Sussex get the best start in life".

Terms of Reference

- (1) To rigorously monitor and challenge service improvement and the impact of social work practice in improving outcomes for children looked after.

- (2) To be aspirational and ambitious in driving better outcomes for children looked after.
- (3) To ensure that the voice and experience of the child is central to the work of the whole Council and to creatively consider ways in which the Corporate Parenting Panel will hear and respond to the views of children looked after, care leavers, their parents and carers.
- (4) To develop expertise in issues affecting children looked after and care leavers.
- (5) Ensure that ALL elected councillors are able to fulfil their role as corporate parenting champions and advocates for West Sussex children and young people who are looked after, and those leaving local authority care.
- (6) To provide the multi-agency strategic direction to achieve good outcomes for both children in local authority care and leaving care.
- (7) To contribute to the development of the Children Looked After and Care Leavers Strategy and to challenge and hold to account for its delivery.
- (8) To take action continually, in conjunction with officers and partner agencies, to improve services and ensure it is responsive and meeting changing needs.
- (9) To deliver the County Council's 'Pledge' to children looked after and care leavers, and refresh this on an annual basis.
- (10) To monitor and challenge where necessary the effectiveness of the Virtual School in improving the educational attainment of children looked after and care leavers.
- (11) To raise members' awareness and understanding of children looked after and care leavers, their needs and experiences and consider how all members can contribute to improving outcomes, through ensuring they are the Council's first consideration when making any decisions that may affect them.
- (12) To monitor and challenge where necessary the health and wellbeing of children looked after and care leavers.
- (13) To include the voice of foster carers, adopters and Chairman of the Fostering and Adoption Panel, by invitation to panel meetings.
- (14) To report to the County Council on a regular basis, and at least twice a year.
- (15) In the event of serious concerns to accelerate these to the Cabinet member.
- (16) To consider what training is required by members to ensure that elected councillors are able to fulfil their role as corporate parenting champions and advocates for West Sussex children and young people.

Notes

These terms of reference will be delivered by the Panel in the following ways:

- The Panel will liaise with the Cabinet Member for Children and Young People on services for children looked after and care leavers, and with the Leader on the wider corporate parenting agenda across the County Council.
- Members of the Panel will have specific lead roles in order to give ownership to work the Panel undertakes.
- The Panel will liaise with the Children and Young People's Services Select Committee to seek to avoid duplication of work. Members of the Panel who are also on the Select Committee and its Business Planning Group will be responsible for sharing knowledge and issues of concern so that the Committee and the Panel can each fulfil their roles in the knowledge of the work undertaken by the other body.

Appendix

A strong ethos of corporate parenting means that sense of vision and responsibility towards the children they look after and their care leavers is a priority for everyone. They recognise that children looked after have the same needs – to be loved, cared for and feel safe – as other children. But also that there are unique challenges that children looked after and care leavers face: 60% of children become looked after due to abuse or neglect and they have poorer educational and health outcomes than their peers. A strong corporate parenting ethos recognises that the care system is not just about keeping children safe, but also to promote recovery, resilience and wellbeing.

The Children and Social Work Act 2017 introduces corporate parenting principles, which comprise of seven needs that local authorities in England must have regard to whenever they exercise a function in relation to children looked after or care leavers (collectively referred to as children looked after and young people). The corporate parenting principles are intended to secure a better approach to fulfilling existing functions in relation to children looked after and care leavers and for the local authority to facilitate as far as possible secure, nurturing, and positive experiences for children looked after and young people and enable positive outcomes for them.

The corporate parenting principles are about embedding a positive culture in the local authority towards children looked after and care leavers and their success will depend on the extent to which directors, councillors, heads of service and front line managers champion and promote understanding of them. The experiences of children looked after and care leavers, particularly in regards to whether they feel cared for and listened to, will therefore be an important measure of how successfully local authorities embed the principles.

The principles

In order to thrive, children and young people have certain key needs that good parents generally meet. The corporate parenting principles set out seven

principles that local authorities must have regard to when exercising their functions in relation to children looked after and young people, as follows:

- To act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
- To encourage those children and young people to express their views, wishes and feelings;
- To take into account the views, wishes and feelings of those children and young people;
- To help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
- To promote high aspirations, and seek to secure the best outcomes, for those children and young people;
- For those children and young people to be safe, and for stability in their home lives, relationships and education or work; and
- To prepare those children and young people for adulthood and independent living.

The corporate parenting principles are not about applying a formulaic approach to how services are delivered in relation to children looked after and care leavers. Rather they describe the behaviours and attitudes expected of councils when they are acting as any good parent would do by supporting, encouraging and guiding their children to lead healthy, rounded and fulfilled lives. The principles intend to ensure that all councils have high ambitions for the children in their care. In doing so, the application of the principles must respond to the individual needs, vulnerabilities or disadvantages of children looked after and care leavers. This will assist in securing that such children and young people are not placed at significant disadvantage when compared with the support a non-looked after child or young person may receive from their family.

Safeguarding Adults Member Reference Group

Constitution

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

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

Terms of Reference

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

Independent Remuneration Panel**Constitution**

Five independent members. Quorum is three.

Note:

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

Terms of reference

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

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

West Sussex Health and Wellbeing Board**Constitution**

The West Sussex Health and Wellbeing Board includes representation from all bodies in West Sussex with major responsibilities for commissioning health services, public health or social care. The quorum is a quarter of the members of the Board.

Members:

West Sussex County Council

- Cabinet Members whose portfolio responsibilities include:
 - Community Wellbeing
 - Health and Adults' Services
 - Children and FamiliesNote: the relevant Senior Adviser may attend in place of the Cabinet Member
- Directors with responsibility for:
 - Public Health
 - Commissioning Health and Social Care
 - Adults' Services
 - Children's Services

West Sussex District and Borough Councils:

Two representatives from different authorities if possible from the north and south of the county (representing both urban and rural areas).

- Two elected members or
- One elected member and one chief executive

West Sussex Health Inequalities Network

- One representative

Surrey and Sussex Area Team of NHS England:

- One representative, to be drawn from the following:
Director, Nursing and Quality and Medical Director

West Sussex Clinical Commissioning Groups:

- Coastal West Sussex Clinical Commissioning Group: Three representatives: Clinical Chief Officer, Chairman and Chief Executive
- Crawley Clinical Commissioning Group: Two representatives: Clinical Chief Officer and Chairman
- Horsham and Mid Sussex Clinical Commissioning Group: Two representatives, to be drawn from: Clinical Chief Officer and Clinical Leader and Chairman

Voluntary Sector:

- Two representatives nominated by the Voluntary Sector

Healthwatch

- One representative

Such additional non-voting members from relevant agencies and user groups as are agreed by the Board to assist in achieving the Board's objectives.

Notes

The Chairman of the Health and Wellbeing Board will be one of the County Council Cabinet Members, to be appointed by the County Council. The Board will elect a Vice-Chairman annually.

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

The Health and Wellbeing Board meetings will be held in public.

Terms of Reference

1. To provide a forum for local democratic and public accountability of the NHS, social care for adults and children and other commissioned services that the Health and Wellbeing Board agrees are directly related to improved health and wellbeing and health equality outcomes in West Sussex.
2. To promote integration, trust and partnership working between the NHS and local government, as well as promoting joint working with commissioners and providers of services that impact on wider health determinants.
3. To develop a shared understanding of the needs of the local community through a review of the Joint Strategic Needs Assessment, the key evidence base to inform the priorities of the Health and Wellbeing Board.
4. To develop an agreed Health and Wellbeing Strategy for West Sussex and to review the effectiveness and degree of integration across the health system.
5. To establish a relationship with other partnerships such as Joint Commissioning Arrangements, district-level wellbeing partnerships and the Start of Life Partnership Board.
6. To consider the effectiveness of health partnership arrangements so as to ensure there is no duplication of activity.
7. To propose recommendations regarding the work of the Health and Wellbeing Board to:
 - West Sussex County Council
 - West Sussex Clinical Commissioning Groups
8. To submit reports and information on the work of the Health and Wellbeing Board to the scrutiny of the County Council's Health and Adult Social Care Select Committee or other County Council Select Committees when appropriate. For some specific issues there may be opportunities for joint scrutiny with district and borough councils.

Orbis Public Law Joint Committee

Membership

1. The Committee shall comprise of members appointed by the constituent authorities - Brighton & Hove City Council, East Sussex County Council, Surrey County Council and West Sussex County Council ("the Councils"). Each authority shall appoint one member to the Committee in accordance with its constitution.
2. Each Council Executive (or in the case of Brighton & Hove City Council, the Council) may appoint one substitute member to attend meetings of the Joint Committee, should an appointed member of the Committee be unavailable or unable to attend a meeting of the Joint Committee. A substitute member attending in the absence of an appointed member will have full voting rights.

Terms of Reference

The Orbis Public Law Joint Committee will:

1. Oversee the delivery of the services delivered jointly through the Orbis Public Law partnership of the Councils ('OPL').
2. Recommend proposals to meet the annual budget for OPL, set by each of the Councils.
3. Approve the OPL Business Plan and performance measures.
4. Monitor the OPL Business Plan and performance of OPL.
5. Make recommendations to the constituent authorities regarding revisions to the terms of reference of the Orbis Public Law Joint Committee.

Meetings of the Committee:

The Orbis Public Law Joint Committee will meet on four occasions a year, unless a different number of meetings is determined by the Committee

Parking and Traffic Regulations Outside London Adjudication Joint Committee

Constitution

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

Terms of Reference

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

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

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

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

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

Local Enterprise Partnership Joint Committee

Constitution

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

Notes:

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

Terms of Reference

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

West Sussex Joint Scrutiny Steering Group

Constitution

The Chairmen of the West Sussex County Council Select Committees and the Chairmen of the Overview and Scrutiny Committees of the West Sussex borough and district councils.

Note:

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

Terms of Reference

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

Pension Advisory Board of the West Sussex Pension Fund

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

Scheme Management

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

The Pension Advisory Board

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

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

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

Frequency of Meetings and Notice of Meetings

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

Membership

Members

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

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

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

Term of Office

13. The term of office for employer and scheme member representatives is 4 years. This can be extended following reselection up to a maximum of three terms.
14. Pension Advisory Board members must meet key attendance and training requirements to retain their membership during this period.
 - A member must attend at least two meetings per year.
 - The training plan produced by the Director of Finance and Support Services must be complied with by every member.
 - The Pension Regulator's Code of Practice must be complied with.
15. In the event of consistent non-attendance by any Board member, then the tenure of that membership should be reviewed by the Governance Committee on advice from the Director of Law and Assurance.
16. If a Pension Advisory Board member leaves employment with the employer they are representing or changes their employment status their position on the Pension Advisory Board will be reviewed as in paragraph 15. As representatives can also be elected members, this will also apply if the representative ceases to be an elected member. To avoid a conflict of interest, no officer or councillor of West Sussex (as the administering authority) who is responsible for the discharge of any function under the Regulations, may be a member of the Pension Advisory Board.
17. If a Pension Advisory Board member becomes aware of a potential conflict of interest involving themselves or another Pension Advisory Board member or prospective member, they should ensure that the Director of Law and Assurance is aware of this. Such interests shall be registered and the register held by the Director of Law and Assurance. Members shall be bound by the provisions of sections 30 to 32 of the Localism Act 2011 in relation to the rules on personal or pecuniary interests.
18. Other than ceasing to be eligible as set out above, a Board member may only be removed from office during a term of appointment by the decision of the Governance Committee.
19. If an employer or scheme member representative wishes to resign they must write to the Chairman and the Director of Law and Assurance giving at least one month's notice.
20. If the Chairman wishes to resign he or she must write to the Governance Committee and the Director of Law and Assurance giving at least three

months' notice.

Selection of Employer and Scheme Member Representatives

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

Chairman

22. The Chairman will be the independent member appointed for an initial term of 2 years by the Governance Committee, from a short list of nominees drawn up by the Director of Finance and Support Services and the Director of Law and Assurance. A job description approved by the Committee will be used to identify the candidate best suited to the role. The independent Chairman cannot vote, in accordance with the regulations.
23. It will be the role of the Chairman to
 - Settle with officers the agenda for a meeting of the Board
 - Manage the meetings to ensure that the business of the meeting is completed
 - Ensure that all members of the Board show due respect for process and that all views are fully heard and considered
 - Strive as far as possible to achieve a consensus as an outcome
 - Ensure that the actions and rationale for decisions taken are clear and properly recorded.

Substitutions

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

Co-Opted Members

25. The Board may, with the approval of the Director of Finance and Support Services, co-opt persons who are not members of the Board to serve on sub-committees, for a period of time or for a specific task, where this would add skills, knowledge or experience. The co-opted members cannot vote.
26. Notwithstanding the appointment of co-opted members, the majority of sub-committee shall comprise employer and scheme member representatives, represented in equal number.

Quorum

27. Three of the members of the Pension Advisory Board, including at least one

employer and one scheme member representative, will be a quorum for Board meetings to discharge business. Advisors and co-opted persons do not count towards the quorum.

Knowledge and Skills

28. Every member of the Pension Advisory Board must be conversant with:
 - The legislation and associated guidance of the Local Government Pension Scheme (LGPS).
 - Any document recording policy about the administration of the LGPS which is for the time being adopted by the West Sussex Pension Fund.
29. Every member of the Pension Advisory Board must have knowledge and understanding of –
 - The law relating to pensions; and
 - Any other matters as prescribed in the Regulations.
30. It is for individual Pension Advisory Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Board. Members of the Pension Advisory Board must be able to demonstrate their knowledge and understanding and must comply with the Pension Regulator's Code of Practice.
31. Pension Advisory Board members will undertake a personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses in accordance with guidance issued by the Director of Finance and Support Services.
32. It is essential that Pension Advisory Board members refresh and keep their knowledge up to date and must comply with the training policy adopted by the Board on advice from the Director of Finance and Support Services.
33. Pension Advisory Board members are required to maintain a written record of relevant training and development and this must be published by the Board and the Scheme Manager.

Standards of Conduct

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

Advisers to the Board

35. The Board may be supported in its role and responsibilities through the appointment of independent advisors, subject to any applicable Regulation

and Legislation from time to time in force, consult with such advisors to the Board and on such terms as it shall see fit to help better perform its duties.

36. Notwithstanding the Pensions Panel responsibility to appoint professional and specialist investment advisers and managers on a consultancy basis, The Board shall ensure that the performances of the advisers so appointed are reviewed on a regular basis.

Budget and Business Plan

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

Board Review Process

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

Expense Reimbursement

39. Remuneration for board members will be limited to a refund of actual expenses incurred in attending Board meetings and training. The Chairman's remuneration will be agreed on appointment and approved by the Governance Committee.
40. Advisers will be remunerated dependent on individual arrangements.

Publication of Pension Advisory Board Information

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

Pension Board of the West Sussex Fire and Rescue Authority

Terms of reference

Statement of purpose

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

Duties of the Board

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

Membership

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

Member representatives

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

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

Employer representatives

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

Other people in attendance at Pension Board meetings

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

Appointment of Chair

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

Notification of appointments

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

Conflicts of interest

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

Knowledge and understanding (including Training)

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

Term of office

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

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

Meetings

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

Quorum

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

Voting

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

Interpretation

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

Appointment Processes

Member representatives

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

Employer representatives

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

Local Government Pension Scheme ACCESS Joint Committee

Constitution of the Joint Committee

Part 1 Membership

1. The Joint Committee shall consist of one elected councillor appointed by each Council. The member so appointed must, at the time of the appointment, be an elected councillor serving as a member of the Committee of a Council which discharges the functions of that Council as pension administering authority.
2. Each Council may appoint a substitute. Any substitute must meet the eligibility requirements in paragraph 1. The substitute may attend any meeting of the Joint Committee or any of its sub-Committees in place of that authority's principal member if notice that the substitute will attend is given to the Secretary of the Joint Committee by the Council concerned.
3. Where a substitution notice is in effect with respect to a particular member at a particular meeting, the substitute shall be a full member of the Joint Committee for the duration of the meeting in place of the principal member.
4. Each Council may remove its appointed member and appoint a different member by giving written notice to the Secretary to the Joint Committee.
5. Each appointed member shall be entitled to remain on the Joint Committee for so long as the Council appointing them so wishes, but shall cease to be a member if he or she ceases to meet the eligibility criteria in paragraph 1 or if that Council removes the appointed member.
6. Any casual vacancies will be filled as soon as reasonably practicable by the Council from which such vacancy arises by giving written notice to the Secretary to the Joint Committee or his or her nominee.
7. The Joint Committee may co-opt any other person whom it thinks fit to be a non-voting member of the committee. The Joint Committee may from time to time make rules as to:
 - 7.1 Registration and declaration of interests by co-opted members.
 - 7.2 Standards of behaviour required to be observed by co-opted members when acting as such.
8. The Chairman of the Joint Committee will be appointed from time to time by the members of the Joint Committee. Subject to paragraph 5, the Chairman of the Joint Committee shall hold that office until their replacement is appointed which shall be at the first meeting to take place after the second anniversary of their appointment.
9. The Vice-Chairman of the Joint Committee will be appointed from time to time by the members of the Joint Committee. Subject to paragraph 5, the

Vice-Chairman of the Joint Committee shall hold that office until their replacement is appointed which shall be at the first meeting to take place after the second anniversary of their appointment.

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

Part 2 Proceedings

16. Time and Place of Meetings

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

17. Notice of and Summons to Meetings

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

18. **Chairing of Joint Committee**

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

19. **Quorum**

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

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

20. **Voting**

20.1 **Majority**

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

20.2 **By Substitutes**

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

20.3 **Show of hands**

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

20.4 **Recording of individual votes**

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

21. **Minutes**

21.1 The Secretary to the Joint Committee shall arrange for written minutes to be taken at each meeting of the Joint Committee and shall present

them to the Joint Committee at its next meeting for approval as a correct record. At the next meeting of the Joint Committee, the Chairman shall move that the minutes of the previous meeting be signed as a correct record. If this is agreed, the Chairman of the Joint Committee shall sign the minutes. The only part of the minutes that can be discussed is their accuracy.

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

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

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

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

23. **Public Access**

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

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

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

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

26. **Overview and Scrutiny**

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

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

27. **Regulation of Business**

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

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

Terms of Reference

Part 1 Functions in relation to the Operator

1. **Specifying Operator services:** Deciding, in consultation with the Councils, the specification of services and functions that the Operator will be required to deliver including the sub-funds and classes of investments required to enable each Council to execute its investment strategy.
2. **Procuring the Operator:** agreeing the method and process for the procurement and selection of the Operator.
3. **Appointing the Operator:** Making a recommendation to the Councils as to the identity of the Operator and the terms upon which the Operator is to be appointed.
4. **Reviewing the Performance of the Operator:** Keeping the performance of the Operator under constant review and making arrangements to ensure that the Joint Committee is provided with regular and sufficient reports from the Officer Working Group to enable it to do so including but not limited to:
 - 4.1 the performance of the Operator against its contractual requirements and any other performance measures such as any Service Level Agreement (SLA) and key performance indicators (KPIs) and Officer Working Group recommendations on any remedial action;
 - 4.2 sub-fund investment performance;
 - 4.3 investment and operational costs including the annual review of investment manager costs;
 - 4.4 performance against the strategic business plan agreed by the Councils.
5. **Managing the Operator:** The Joint Committee shall:
 - 5.1 Make recommendations to the Councils on the termination or extension of the Operator Contract; and
 - 5.2 Make decisions about any other action to be taken to manage the Operator Contract including the giving of any instruction or the making

of any recommendation to the Operator including but not restricted to recommendations on investment managers (within any regulatory constraints that may apply).

6. Appointment of Advisers

- 6.1 The Joint Committee may appoint such professional advisers on such terms as it thinks fit. Any procurement of advisers must comply with the constitution of the Authority designated to undertake the procurement and that Authority will enter into a contract with the appointed adviser on behalf of the Authorities.
- 6.2 The Joint Committee shall decide which tasks shall be performed by the Client Unit and which Council shall manage the Client Unit including the employment arrangements for employees in the Client Unit.

Part 2 Functions in relation to management of Pool Assets

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

Part 3 Functions Concerning Pool Aligned Assets

8. Making recommendations to the Councils about Pool Aligned Assets (including proposals concerning the migration of investments-such as passive investments via life fund policies-to become Pool Aligned Assets) in accordance with this Agreement or any other delegation to the Joint Committee by the Councils.

Part 4 Functions concerning Business Planning and Budget

9. Make recommendations to the Councils about the annual strategic business plan for the Pool.
10. Determine the budget necessary to implement that plan and meet the expenses of undertaking the Specified Functions (insofar as they will not be met by individual transaction costs paid by Councils to the Operator) in accordance with Schedule 5 hereof.
11. Keep the structures created by this Agreement under review from time to time and make recommendations to the Councils about:
 - 11.1 the future of the Pool;
 - 11.2 any changes to this Agreement; and
 - 11.3 as to the respective merits of continuing to procure operator services by means of a third party or by creation of an operator owned by the Councils.
12. The Joint Committee is required to commence the first review of this Agreement by the second anniversary of its first meeting.

13. The Joint Committee is required to undertake a review of the Pool and this Agreement:
 - 13.2 to be completed 18 months before the expiry of each and every Operator Contract including as a result of the exercise of any option to terminate the Operator Contract.
 - 13.1 whenever a Council gives notice of withdrawal under clause 12 of this agreement.

Sussex Police and Crime Panel - Constitutional Documents

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

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

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

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

Terms of Reference

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

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

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

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

Panel Arrangements

Resources

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

annual/two yearly basis, to coincide with appointments to the Panel and will provide advice and guidance to any new member appointed.

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

Additional Local Authority Members

- 15a. Subject to the agreement of the Home Secretary, Brighton and Hove City Council - as a unitary authority - shall be granted one additional co-opted local authority seat on the Panel to address geographical imbalance. The nomination of a member for this seat by Brighton and Hove City Council shall, so far as possible, support the Panel in meeting the balanced appointment objective. This member will have a one-year period of office.
- 15b. Subject to the agreement of the Home Secretary, an additional local authority member may be appointed from each of the county councils on the agreement of the Panel, to address any perceived imbalance in political proportionality. This will be considered at the annual meeting. Such members will have a one-year period of office.
16. Constituent authorities will strive to maintain political proportionality of the Panel as far as is practicable and will review the proportionality of all members of the 15 authorities on an annual basis, taking account of local authority elections across Sussex.
17. An additional appointed local authority member can be removed from office

through a majority vote of the Panel present, provided the member has been given no less than four weeks' notice of the proposal and has the opportunity to make representations to the Panel.

18. If an additional appointed member ceases to be a member of the Panel, the Panel will seek a replacement member from the same local authority for the remainder of the term.

Independent Co-opted members

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

Standards

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

Urgent Action

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

Rules of Procedure

Chairmanship

1. A Chairman and a Vice-Chairman will be elected annually, at the annual meeting in June. Nominations will be made at the meeting and voting will

take place by a show of hands. A secret ballot can be requested by three members.

2. A Chairman can be removed from office through a majority vote of no confidence called by any member of the Panel.
3. Any vacancy occurring in the Chairmanship or Vice-Chairmanship through removal or resignation can be filled at any meeting of the Panel and will be effective until the next annual meeting of the Panel.
4. In the absence of both Chairman and Vice-Chairman, a Chairman for a single meeting will be appointed by a simple majority of votes.

Decision-making

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

Committee Procedures

12. The quorum for the meetings of the Panel is 10 members.
13. At the Annual Meeting, the first item of business will be appointment of Chairman. The second item of business will be appointment of Vice-Chairman. Items will then follow the pattern for ordinary meetings set out below.
14. At ordinary meetings of the Panel, the first item of business will usually be declaration of interests.
15. The second item of business at ordinary meetings of the Panel will be the approval of minutes, to be signed by the Chairman. No discussion will take

place about the minutes other than on their accuracy.

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

Conduct of Meetings

23. On each item, the Chairman will invite members to speak in turn.
24. Any member speaking will be silent at the request of the Chairman.
25. Following a warning from the Chairman to a member about disruptive behaviour, the Chairman may ask the Panel to agree that the member no longer be heard if the behaviour continues.
26. The Chairman may order the removal of disruptive members of the public from a meeting, or clear the public gallery to enable Panel business to continue.
27. All mobile phones and other communication devices must not disrupt Panel meetings.
28. No visual or sound recording may be taken without the permission of the

Chairman in advance of the meeting.

Sub-Committees and working groups

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

Relationship with Commissioner

32. The Panel will hold the elected Police and Crime Commissioner to account and will seek to work in a constructive manner with the post-holder.
33. The Commissioner will have a standing invitation to attend all meetings of the Panel which may be withdrawn on any occasion at the discretion of the Chairman. The Commissioner's staff may also be invited by the Chairman to attend appropriate meetings of the Panel, at the discretion of the Commissioner. The Panel may, however, require the Commissioner to attend for specific items.
34. The Commissioner may invite the Panel to undertake scrutiny of any issue within his or her remit, but it will be for the Panel to decide whether it will accept any such request.
35. The Panel may require certain reports from the Commissioner in accordance with statute, but may also request other reports from the Commissioner that it considers necessary in order to effectively undertake its business. The Commissioner usually will be given at least three weeks' notice, but a report may be requested at shorter notice in cases of urgency.
36. In the event of the Panel receiving a complaint about the conduct of the Commissioner, or of a conduct issue otherwise coming to the attention of the Panel, the initial handling is delegated to the Proper Officer of the Host Authority. The Proper Officer shall determine whether or not the complaint falls within the remit of the Panel, and whether it is deemed to be serious, under the Police Reform and Social Responsibility Act 2011.
37. Where a complaint falls within the remit of the Panel, but is judged to be non-serious, the Panel will establish a working group to consider the need for, and to undertake, informal resolution of the complaint. The working group, having a quorum of 3, will have up to 5 members. The membership will be rotated and the working group will strive to include 1 minority party member and 1 independent member.

38. The Panel shall receive a schedule of complaints at each quarterly meeting.

Other relationships

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