

Responsibility for Functions

Introduction

This part of the Constitution deals with responsibility for Council and Executive functions and decision making. It should be read in conjunction with the rest of this Constitution, in particular Articles 4, 6, 7, 8, 9, 12 and 13.

This part of the Constitution shall be interpreted in accordance with the relevant provisions of the Local Government Act 2000, in particular Section 13 (Functions which are to be the responsibility of an executive), and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). In the event of any conflict between this part and a provision in any piece of legislation, the latter shall prevail. Regard shall also be had to the Secretary of State's statutory guidance on New Council Constitutions (October 2002) as amended from time to time (referred to in this part as the Guidance).

In any case where a function or decision making power is in this part described in words (without reference to the Act or Statutory Instrument conferring that function or power) which are also used in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), those words shall be deemed to include a reference to the provision of the Acts or Statutory Instruments listed or referred to in those Regulations.

A number of the functions shown below as delegated to the various decision-making bodies listed are further delegated to officers and reference should be made to Section 4.

The Leader of the Council will be responsible for all executive functions as required by the Local Government Act 2000. The Leader may:

- (a) discharge any of those functions; or
- (b) may arrange for the discharge of any of those functions by:
 - (i) the Cabinet
 - (ii) Portfolio Holder
 - (iii) a committee of the Cabinet;
 - (iv) an area committee; or
 - (v) an officer of the authority

SECTION 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Decision Making Body: The Executive (known as the Cabinet)

Membership: Leader, Deputy Leader and up to eight other members of the authority.

Functions:

1. Any function under any local Act other than those relating to licensing, registration or regulatory matters that has been delegated to the Executive by the Leader of the Council.
2. In connection with executive functions, the appointment of any individual –
 - (a) to any office other than an office in which he or she is employed by the authority;
 - (b) to any body other than –
 - (i) the authority;
 - (ii) a joint committee of two or more authorities or
 - (c) to any committee or sub-committee of such a body,and the revocation of any such appointment.
3. The preparation in draft of a strategic policy of the local authority in respect of the following functions or actions:-
 - (i) Functions relating to contaminated land.
 - (ii) The discharge of functions relating to the control of pollution or the management of air quality.
 - (iii) The service of an abatement notice in respect of a statutory nuisance.
 - (iv) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
 - (v) The inspection of the authority's area to detect any statutory nuisance.
 - (vi) The investigation of any complaint as to the existence of a statutory nuisance.
 - (vii) The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.

- (viii) The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

Decision Making Body: The Council

Membership: 45 members.

Functions:

1. The determination of an appeal made against any decision made by or on behalf of the authority.
2. In connection with non-executive (Council) functions, the appointment of any individual –
 - to any office other than an office in which he or she is employed by the authority;
 - to any body other than the authority or a joint committee of two or more authorities; or
 - to any committee or sub-committee of such a body,and the revocation of any such appointment.
3. The following functions or actions where the function or action involves the approval (as opposed to the preparation in draft) of a strategic policy of the local authority:-
 - (i) Functions relating to contaminated land.
 - (ii) The discharge of functions relating to the control of pollution or the management of air quality.
 - (iii) The service of an abatement notice in respect of a statutory nuisance.
 - (iv) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
 - (v) The inspection of the authority's area to detect any statutory nuisance.
 - (vi) The investigation of any complaint as to the existence of a statutory nuisance.
 - (vii) The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.
 - (viii) The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

Decision Making Body: Regulatory Committee

Membership: 5 members of the authority.

Functions:

1. All regulatory functions under any local Act.
2. The following functions or actions where the function or action involves:
 - determining an application from a person for a licence, approval, consent, permission or registration;
 - direct regulation of a person (with substantial discretion as to the regulatory action); or
 - enforcement of any such licence approval, consent, permission or direct regulation.
 - (i) Functions relating to contaminated land.
 - (ii) The discharge of functions relating to the control of pollution or the management of air quality.
 - (iii) The service of an abatement notice in respect of a statutory nuisance.
 - (iv) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
 - (v) The inspection of the authority's area to detect any statutory nuisance.
 - (vi) The investigation of any complaint as to the existence of a statutory nuisance.
 - (vii) The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

Decision Making Body: General Purposes Committee

Membership: 5 Members of the authority.

Functions:

1. To hear appeals against both disciplinary decisions made by the Chief Executive and decisions taken to dismiss members of the Council's staff made by the members of staff affected except where the Committee itself has exercised the power to dismiss.

2. To consider representations by the member of staff affected, any representative(s) and/or witness(es).
3. To consider representations by the Head of East Kent Human Resources Partnership concerning the appeal.
4. To determine the appeal.
5. To determine whether any grievance lodged against the Chief Executive, Monitoring Officer or Section 151 Officer has any merit and, if so determined, to appoint an independent assessor as contained in these officers' terms and conditions of employment.
6. To determine a grievance against a member of the Corporate Management Team where the employee lodging the grievance remains dissatisfied with the determination of the Chief Executive.

Decision Making Body: Planning Committee

Membership: 10 members of the authority.

Functions:

1. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.
2. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

SECTION 2: RESPONSIBILITY FOR COUNCIL FUNCTIONS

Decision Making Body: The Council

Membership: 45 Members of the Authority.

Functions:

1. Adoption of the Constitution for new political management arrangements and any subsequent changes to it.
2. Changes to the form of executive.
3. Agreeing or amending the Policy Framework.
4. Agreeing or amending the Budget including:
 - Borrowing or capital expenditure strategy including determination of borrowing limits under Section 45 of the Local Government and Housing Act 1989.
 - Setting the Council Tax including functions referred to in Section 67 of the Local Government Finance Act 1992 (Council Tax calculations etc) and special expenses resolutions.
5. Agreeing revisions to Rules of Procedure under Part 4 of the Constitution and Codes and Protocols under Part 5 of the Constitution.
6. Approving any application to the Secretary of State in respect of any Housing Land Transfer.
7. Decisions in respect of executive functions that are not in accordance with agreed policies and budgets.
8. Making or confirming the appointments of Head of Paid Service, Monitoring Officer and S151 Officer.
9. Adoption of the Scheme of Delegations in relation to non-executive functions.
10. Election of Chairman and Vice-Chairman of the Council.
11. Election of the Leader of the Council.
12. Electoral matters including –
 - Appointment of the Electoral Registration Officer.

- Appointment of the Returning Officer and Deputy Returning Officer for Local Government Elections and Acting Returning Officer for Parliamentary Elections.
 - Division of the Parliamentary Constituency into Polling Districts.
 - Boundary or re-organisation proposals.
13. Consideration of reports of the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989 (as amended).
 14. Consideration of reports of the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 (as amended).
 15. Consideration of reports of the S151 Officer under Section 114 of the Local Government and Housing Act 1989 (as amended).
 16. Adoption of the Members Allowances Scheme.
 17. Making, amendment, revocation or re-enactment of byelaws.
 18. Power to promote or oppose local or private bills.
 19. Overall responsibility for Standards and ethics including:
 - Resolution adopting and amending Codes of Conduct for Members and Officers.
 - Setting up and constitution of Standards Committee.
 20. Appointing the Chairman and Vice-Chairman of the Standards Committee annually.
 21. Determination of the number of Committees, their terms of reference, the total number of places on them and the allocation of those places to Political Groups in accordance with the political balance rules.
 22. Appointment of the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committees annually.
 23. Appointment of the Chairmen and Vice-Chairmen of the Council's Committees .
 24. Power to petition for a charter to confer borough status.
 25. Approval of any change of name of the Council.
 26. Conferring the title of Honorary Alderman or admitting an individual to be an Honorary Freeman.
 27. Agreeing the overall management structure proposed by the Chief Executive as contained in Part 7 of the Constitution.

28. Statutory duties and powers in relation to parishes and parish councils.
29. The power to make standing orders.
30. The duty to make arrangements for the proper administration of financial affairs etc.
31. Any other matters required by law to be dealt with by the full Council.

Decision Making Body: General Purposes Committee

Membership: 5 Members of the Authority.

Functions:

1. To exercise the powers and functions of the Council within the Budget and Policy Framework other than:
 - (a) Those which are specifically reserved to the full Council by Article 4.02.
 - (b) Those which are within the remit of another committee of the Council.

Decision Making Body: Planning Committee

Membership: 10 Members of the Authority.

Functions:

1. Planning and Conservation

Functions relating to town and country planning and development control, trees, footpaths, bridleways and restricted byeways and public rights of way as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000 no.2853) with the exception of any functions required by any enactment or this constitution to be discharged by the council including

- (a) Power to determine applications for planning permission.
- (b) Power to determine applications to develop land without compliance with conditions previously attached.
- (c) Power to grant planning permission for development already carried out.
- (d) Power to decline to determine applications for planning permission.
- (e) Duties relating to the making of determinations of planning applications.
- (f) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
- (g) Power to make determinations relating to the exercise of permitted development rights.
- (h) Power to enter into agreements regulating development or use of land.
- (i) Power to issue a certificate of existing or proposed lawful use or development.
- (j) Power to serve a completion notice.
- (k) Powers in relation to the display of advertisements.
- (l) Powers in relation to entry onto land.
- (m) Power to require the discontinuance of a use of land.
- (n) Powers to serve notices in connection with breaches of planning control.
- (o) Power to apply for an injunction restraining a breach of planning control.

- (p) Power to require proper maintenance of land.
 - (q) Power to determine application for listed building consent, and related powers.

 - (r) Power to serve a building preservation notice, and related powers.
 - (s) Powers to acquire a listed building in need of repair and to serve a repairs notice.
 - (t) Power to apply for an injunction in relation to a listed building.

 - (u) Power to serve a building preservation notice, and related powers.
 - (v) Powers to acquire a listed building in need of repair and to serve a repairs notice.
 - (w) Power to apply for an injunction in relation to a listed building.
 - (x) Powers relating to the protection of important hedgerows.
 - (y) Powers relating to the preservation of trees.
 - (z) Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.
 - (aa) Power to extinguish public rights of way over land held for planning purposes.
2. Local choice functions allocated to the Planning Committee as set out in Section 1 of Part 3 of the Constitution.

 3. To exercise the powers and functions of the Council under Part 8 of the Anti-Social Behaviour Act 2003 in relation to high hedges.

Decision Making Body: Regulatory Committee

Membership: 5 Members of the Authority.

Functions:

1. To exercise the functions of the Council relating to:
 - (a) Licensing the use of land as a caravan site ("site licences").
 - (b) Licensing the use of moveable dwellings and camping sites.
 - (c) Licensing hackney carriages and private hire vehicles.
 - (d) Licensing drivers of hackney carriages and private hire vehicles.
 - (e) Licensing operators of private hire vehicles.
 - (f) Granting of permits in respect of premises with amusement machines.
 - (g) Registering societies wishing to promote lotteries.
 - (h) Granting permits in respect of premises where amusements with prizes are provided.
 - (i) Licensing of sex shops and sex cinemas.
 - (j) Licensing the performance of hypnotism.
 - (k) Licensing or registration of premises for acupuncture, tattooing, ear-piercing and electrolysis.
 - (l) Licensing of pleasure boats and pleasure vessels.
 - (m) Licensing of market and street trading.
 - (n) Licensing dealers in game and the killing and selling of game.
 - (o) Registration and Licensing of premises for the preparation of food.
 - (p) Licensing of scrap yards and scrap metal dealers.
 - (q) Licensing premises for the breeding of dogs.
 - (r) Licensing of pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
 - (s) Registration of animal trainers and exhibitors.
 - (t) Licensing of zoos.
 - (u) Licensing of dangerous wild animals.
 - (v) Knackers' yards.
 - (w) Licensing of persons to collect for charitable and other causes.
 - (x) Granting of consents for the operation of a loudspeaker.
 - (y) Approving meat product premises.
 - (z) Approving premises for the production of minced meat or meat preparations.
 - (aa) Approving dairy establishments.
 - (bb) Approving egg product establishments.
 - (cc) Licensing of retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.
 - (dd) Approving fish products premises.
 - (ee) Registration of food business premises.
 - (ff) The making of closing orders with respect to take-away food shops.
 - (gg) Power to grant permission for provision, etc. of services, amenities, recreation, and refreshment facilities on the highway and related powers.
 - (hh) Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.

(ii) Licensing of Riding Establishments.

Including the functions of:

- (1) imposing any condition, limitation or other restriction on any such approval, consent, licence permission or registration granted
- (2) determining any other terms to which any such approval, consent, licence, permission or registration is subject
- (3) determining whether, and in what manner to enforce
 - (a) any failure to comply with any such approval, consent, licence, permission or registration
 - (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject
 - (c) any other contravention in relation to a matter with regard to the function of determining an application for any such approval, consent, licence, permission or registration
 - (4) amending, modifying or varying any such approval, consent, licence permission or registration, or any condition, limitation or term to which it is subject.
 - (5) revoking or suspending any such approval, consent, licence permission or registration.
 - (6) determining appeals against refusal and revocation of registration of door staff/supervisors.
2. Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.
3. Local choice functions allocated to the Regulation and Licensing Committee as set out in Section 1 of Part 3 of the Constitution.

Decision Making Body: Scrutiny Committees

A. Committee: Scrutiny Committee (Policy and Performance)

Membership: 10 Members of the Authority.

Functions:

1. Budget and Major Policy
2. Call-in
3. Performance Monitoring and Improvement
4. Scrutiny Co-ordination (including the allocation of all overview and scrutiny functions not within the specific remit of the Scrutiny (Community and Regeneration) Committee)

B. Committee: Scrutiny Committee (Community and Regeneration)

Membership: 10 Members of the Authority.

Functions:

1. Community Reviews and Accountability
2. Public Health
3. Major Projects
4. Crime and Disorder

Decision Making Body: Governance Committee

Membership: 6 Members of the Authority.

Functions:

1. To agree and then periodically review the Terms of Reference in relation to the Internal Audit function.
2. To ensure effective internal audit and internal control arrangements.
3. To receive the Internal Audit Annual Programme of work.
4. To receive audit activity reports and the assurances contained therein relating to the level of internal control and risk management across the Council.
5. Ensure that audit recommendations agreed by management are implemented effectively.
6. To consider external audit reports and make recommendations to the Council.
7. To ensure the effectiveness of the Council's risk management arrangements.
8. To seek assurances that effective action is being taken on risk and internal control related areas of weakness.
9. To receive the Statement of Internal Control and to monitor the implementation of the action plan.
10. To approve the Council's Statement of Accounts, as required by prevailing legislation.

11. Monitor and review the Constitution and make recommendations to the Council.
13. To consider the reports of the Joint Independent Remuneration Panel and make recommendations to the Council.
14. Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment.

Decision Making Body: Standards Committee

Membership: 7 Members of the Authority

Functions: To discharge the functions of the Council relating to Standards contained in Part 1, Chapter 7 of the Localism Act 2011 (other than those which are reserved to Council by law) including:

1. To promote and maintain high standards of conduct by Members and Co-opted Members of the District Council and to make recommendations to Council on improving standards.
2. To advise and assist Town and Parish Councils and Town and Parish Councillors to maintain high standards of conduct and to make recommendations to Town and Parish Councils on improving standards.
3. To advise the District Council on the adoption of or revisions to its Code of Conduct.
4. To advise, train or arrange to train District Members, Co-opted Members and Town and Parish Councillors on matters relating to the Code of Conduct.
5. To assist the District Councillors, Co-opted Members and Town and Parish Councillors to observe their respective Codes of Conduct.
6. To monitor and assess the operation and effectiveness of the Code of Conduct and to review and manage the Arrangements for dealing with Code of Conduct Complaints.
7. To advise on local ethical governance protocols and procedures.
8. To maintain oversight of the District Council's arrangements for dealing with Code of Conduct complaints.
9. To act as an advisory body in respect of any ethical governance matter.
10. To monitor and review the procedures for the Register of Members' Interests and declaring gifts and hospitality.

11. To receive reports from the Monitoring Officer on the number and nature of complaints received and action taken as a result in consultation with the Independent Person.
12. To receive an annual report on the District Council's ethical governance arrangements.
13. To appoint a Hearing Panel to deal with Code of Conduct complaints following investigation.
14. To grant dispensations pursuant to S33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:
 - (a) without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - (b) that the authority considers that the dispensation is in the interests of persons living in its area; or
 - (c) where the Committee considers that it is otherwise appropriate to grant a dispensation.
15. To monitor complaints handling and Ombudsman investigations and, in relation to non-executive functions, to make payments or provide other benefits in cases of maladministration..
16. To deal with any alleged breaches by councillors of local protocols adopted by the Council including the Protocol for Good Practice in Planning Procedure and the Protocol for Officers and Members for Dealing with Conflicts of Interest of Councillors in Professional Practice.

Decision Making Body: Licensing Committee

Membership: 15 Members of the Authority (and shall not be required to be politically balanced).

Functions:

1. Discharge those functions referred to by Section 7(1) of the Licensing Act 2003 (licensing functions).
2. Consider and report upon any recommendation or report of the Council or its Committees or the Executive and its Committees on any matters referred to it which relate to a licensing function.
3. Make recommendations to the Council or its Committees or to the Executive and its Committees on any matter relating to a licensing function.

Decision Making Body: Licensing Sub-Committee

Membership: Each to comprise 3 Members of the Authority appointed by the Licensing Committee (and shall not be required to be politically balanced)

Functions:

1. To discharge the functions under Section 18(3) relating to determining applications for premises licences where there are relevant representations.
2. To discharge the functions under Section 31(3) relating to determining applications for provisional statements where there are relevant representations.
3. To discharge the functions under Section 35(3) relating to determining applications for variations to premises licences where there are relevant representations.
4. To discharge the functions under Section 39(3) relating to determining applications to vary the designated premises supervisor where there is police objection.
5. To discharge the functions under Section 44(5) relating to determining applications for the transfer of a premises licence where there is police objection.
6. To discharge the functions under Section 48(3) relating to considering police objection to interim authority notice.
7. To discharge the functions under Section 72(3) relating to determining applications for club premises certificates where there are relevant representations.
8. To discharge the functions under Section 85(3) relating to determining applications to vary club premises certificates where there are relevant representation.
9. To discharge the functions under Section 105(2) relating to determining whether to give counter notice where there is police objection to temporary events notices.
10. To discharge the functions under Section 120(7) relating to determining applications for personal licences where there is police objection.
11. To discharge the functions under Section 120(6) relating to determining applications for personal licences where the applicant has unspent convictions.
12. To discharge the functions under Section 121(6) relating to determining applications for the renewal of personal licences where there is police objection.
13. To discharge the functions under Section 121(5) relating to determining applications for the renewal of personal licences where the applicant has unspent convictions.
14. To discharge the functions under Section 124(4) relating to revoking licences where convictions come to light after the grant or renewal of a personal licence.

15. To discharge the functions under Section 52(2) or (3) relating to the determination of applications for the review of premises licences in cases where relevant representations (within the meaning of Section 52(7)) have been made.
16. To discharge the functions under Section 88(2) or (3) relating to the determination of applications for review of club premises certificates in cases where relevant representations (within the meaning of Section 88(7)) have been made.
17. To discharge the functions under Section 167(5) relating to review following closure order in cases where relevant representations (within the meaning of Section 167(9)) have been made.

Decision Making Body: Electoral Matters Committee

Membership: 5 Members of the Authority.

Functions:

1. To consider electoral matters and Boundary Reviews and make recommendations to the Council.
2. To make recommendations on electoral boundaries and associated issues.

SECTION 3: RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

A. The Executive

1. To be responsible for making all executive decisions in respect of functions delegated to it by the Leader of the Council.
2. The Leader of the Council has delegated the discharge of all functions which are the responsibility of the Leader and Cabinet Executive to the Executive which may discharge those functions irrespective of whether they have also been delegated to any other individual members of the Executive, a Committee of the Executive or to an officer of the Council.
3. To be responsible for executive functions which involve a recommendation to the Council with regard to budget and policy proposals.
4. To receive and respond to:
 - (a) reports to the executive from the overview and scrutiny committees, the Head of Paid Service, the Monitoring Officer and the Section 151 Officer.
 - (b) recommendations from Council.

B. Description of Portfolios

The Council is required to operate a 'strong leader' model and executive authority rests with the Leader of the Council. The Leader has presently delegated functions to members of the executive to the extent necessary to permit collective decision making by the executive.

Each member of the executive has a portfolio and the following parts set out a description of each portfolio together with its overall scope and responsibilities.

Portfolio: Leader of the Council

The Leader of the Council provides strategic and political leadership to the authority, and leads in its relations with government, other public bodies, partner organisations and the media and is responsible for encouraging and promoting the prosperity of the District by developing local entrepreneurship, inward investment and community regeneration.

Main Areas of Responsibility

- Leadership
- Policy Co-ordination and Development
- Partnership Development
- Communications
- Community Strategy
- Corporate Plan
- Strategic Budget Co-ordination
- Economic Development
- Regeneration
- Special Projects
- Armed Forces Champion

Portfolio: Deputy Leader

The Deputy Leader supports the Leader, including if for any reason the Leader is unable to act or the office of the Leader is vacant, acting in the Leader's place.

Main Area of Responsibility

- Political Management Processes

(Note: Under the current executive structure the Portfolio of the Deputy Leader is held in conjunction with another Portfolio.)

Portfolio 1: Access and Licensing

The Portfolio Holder for Access and Licensing is responsible for:

- Monitoring the provision of transport services
- Overseeing licensing for taxis, public entertainment and other areas subject to legislation
- Parking and Highways (where the latter falls within the remit of the Council)
- Ensuring that good quality transport services are accessible to all people within the District
- Promoting good quality events management

Main Areas of Responsibility

- Transport
- Licensing Policy – all Acts
- Parking
- Events Management

Portfolio 2: Environment, Waste and Health

The Portfolio Holder for Environment, Waste and Health is responsible for:

- Improvement to the natural environment and conserving the environmental heritage of the District
- Ensuring that waste and pollution is minimised and that waste produced is recycled or reused as much as possible
- Encouraging, sporting and leisure activities, as well as acting as a champion for vulnerable, disadvantaged, disabled and elderly people within the District
- Partnership working with a range of bodies involved in the provision of (or with an interest in) health services in Kent, including work through the Health and Wellbeing Board
- The Council's response to the public health directive of the Local Government and Public Involvement in Health Act 2007

Main Areas of Responsibility

- Natural Environment
- Waste
- Corporate Enforcement – overarching
- Coastal Protection
- Pollution disasters
- Relations with health-related bodies
- Health
- Leisure and Sport
- Health and Wellbeing Board

Portfolio 3: Built Environment

The Portfolio Holder for Built Environment is responsible for:

- Ensuring that the future housing needs of the District are met, and that current housing stock is of a decent standard
- Overseeing the Council's relationship with tenants and private sector landlords
- Ensuring up to date and relevant planning policies

Main Areas of Responsibility

- Strategic Housing
- Local Authority Housing
- Landlord and Tenants
- Local Plan
- Planning Policy

Portfolio 4: Corporate Resources and Performance

The Portfolio Holder for Corporate Resources and Performance is responsible for:

- Ensuring the effective management and use of the Council's finances, revenue income, non-staff resources and other assets
- Co-ordinating the delivery of the Capital Programme
- Ensuring that the Council performs to a high standard in accordance with good governance and equality-related principles and that these areas are monitored effectively
- Ensuring that the Council maintains good relations with its staff
- Supporting the Council's culture of customer care in its delivery of services
- Ensuring the effective use of information technology

Main Areas of Responsibility

- Finance
- Revenue
- Capital Programme and Prudential Borrowing Code
- Property Investment
- Performance Management and Monitoring
- Corporate Governance
- Corporate Support Services – Audit, Legal and Democratic Services
- Equalities and Diversity
- Human Resources
- Relations with Trade Unions
- Customer Services and Revenues & Benefits
- ICT and E-Government

Portfolio 5: Community Services

The Portfolio Holder for Community Services has a wide-ranging brief related to the quality of life for everyone in the district. The Portfolio Holder is also responsible for:

- Monitoring the accessibility and acquisition of skills and training by all age groups in the District
- Promoting a culture of pride and community spirit in the District
- Encouraging good standards of public behaviour, acting to ensure that enforcement action is taken against anti-social behaviour

Main Areas of Responsibility

- Tourism
- Museum
- Arts and Culture
- Maintaining good relations with Kent Police and Kent's Police and Crime Commissioner
- Lifelong Learning
- Maintaining good relations with Skills and Training-related bodies
- Crime Reduction
- Anti-social behaviour
- Children and Young People
- Community Safety and Engagement
- Voluntary Sector
- CCTV

Portfolio 6: Property Management and Environmental Health

The Portfolio Holder for Property Management and Environmental Health is responsible for:

- Managing the Council's assets and property
- Environmental health, protection and enforcement functions of the Council

Main Areas of Responsibility

- Asset Management
- Valuation
- Property Management
- Air, Water and Land Quality
- Nuisance (noise, dust, etc.)
- Accumulations
- Dog and Pest Control
- Food Safety
- Health and Safety
- Infectious Disease Control

- Port Health
- Smoke Free Enforcement
- Public Conveniences
- Environmental Crime
- Environmental Protection
- Environmental Health

C. General Responsibilities Delegated To All Members of the Executive

1. In addition to acting collectively in the Cabinet, each Cabinet Member will have the general role of providing leadership and guidance in respect of all executive functions within the portfolio area for which he or she is accountable.
2. In accordance with the Secretary of State's guidance, Cabinet Members should amongst other things:
 - (i) ensure that they have sufficient time to focus on broad strategic issues (paragraph 4.21 of the Guidance); and
 - (ii) seek advice from relevant officers before taking any decision which may be within his or her own delegated authority; where appropriate this should include taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is a doubt about legal powers (paragraph 4.44 of the Guidance).
3. Any matter within a Cabinet Member's delegated powers may be referred by him or her to Cabinet for decision.
4. To regularly review the effectiveness of policies and services for which the Portfolio Holder is responsible and make recommendations for continuous improvement to the Cabinet.
5. To monitor and review capital and revenue budgets in areas of responsibility to ensure expenditure and income is consistent with the Council's agreed budget.
6. To liaise and work with other Portfolio Holders on cross cutting areas of responsibility and make recommendations to Cabinet as appropriate. [Note: Any matter relating to more than one portfolio area must be referred by the Portfolio Holders to Cabinet for decision.]
7. To annually review fees and charges where these are relevant to the responsibility areas and recommend changes in line with the Council's agreed budget strategy.
8. To make or agree recommendations to Cabinet in relation to new policy areas.
9. To consider and agree service plans for services for which they are responsible and regularly review these with appropriate officers to ensure agreed actions are taken.

10. To authorise the making of applications for consent or permission under Town and Country Planning legislation for proposed development relating to the Member's portfolio area.
11. To determine applications for use of the Council's logo relating to the Member's portfolio area.
12. In any case where a matter is urgent and a decision cannot reasonably await the next meeting of the Cabinet and the relevant Portfolio Holder does not have a general or specific delegated power, the relevant Portfolio Holder may nevertheless make a decision on behalf of the Cabinet subject (except in the case of the Leader) to prior consultation with the Leader (or in the absence of the Leader with the Deputy Leader or in the absence of both the Leader and the Deputy Leader with one other member of the Cabinet) and subject to the decision being reported to Cabinet as soon as practicable.
13. To identify and encourage public participation and consultation ensuring effective communication of Council policies and strategies (as contained in the Corporate Plan and other plans) to all members of the Council, staff, residents of the District, partners and stakeholders.
14. To promote the core values of the Council as contained in the Corporate Plan.
15. To encourage external organisations to work in partnership with the Council.
16. To develop new policies consistent with the overall strategic approach of the Council.
17. To encourage an inclusive approach to the development of new or revised policies ensuring that other sections of the Council's structure and individual members are able to contribute.
18. To establish targets and monitor performance in relation to the Council's policies and strategies.
19. To speak on behalf of the Council.
20. To represent the Council on relevant external bodies to which they are appointed by the Council or the executive.
21. To request or commission research or other studies on matters of policy or service provision whether external or via other parts of the Council's political management structure.
22. To refer to the Cabinet any matters with corporate implications.
23. To prepare responses to consultation papers issued by the Government and other organisations in relation to those functions within the purview of the Cabinet.

24. To give guidance on budget priorities.
25. To develop proposals for the effective use of land and property in partnership with other stakeholders where appropriate.
26. To receive representations from Councillors acting in their capacity as ward members in relation to the provision of services to residents within their area.

D. Specific Powers Delegated to Members of the Executive

1. The following table sets out those powers which are delegated to individual members of the executive. Column (1) sets out the member of the executive to whom the power(s) is delegated; Column (2) sets out the delegated power(s) and Column (3) sets out any Conditions or Limitations on the delegation.
2. By virtue of Section 9(E) of the Local Government Act 2000 the Leader may himself discharge any executive function. Listed here are the functions which the Leader has indicated he would as a matter of practice normally intend to exercise himself and those which he has delegated to other individual members of the Executive.

| (1) Member of the Executive | (2) Delegated Power(s) | (3) Condition(s) or Limitation(s) |
|--|--|---|
| Leader of the Council | <ol style="list-style-type: none"> 1. To make nominations and vote on behalf of the Executive in respect of the appointment of representatives to outside bodies by local authorities in Kent. 2. Confirm Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). | <p>None.</p> <p>Leader in consultation with the Portfolio Holder for Environment, Waste and Planning.</p> |
| [All Members of the Executive] | <ol style="list-style-type: none"> 1. To determine applications to the Council for revenue or capital grants. | <ol style="list-style-type: none"> (1) The grant shall relate to a function which falls within the member's portfolio. (2) The grant shall be made in accordance with the Budget and Policy Framework. (3) The amount of the grant shall not exceed £10,000. |

| (1) Member of the Executive | (2) Delegated Power(s) | (3) Condition(s) or Limitation(s) |
|--|---|---|
| | <p>2. To authorise the acceptance of a tender for services or works (in cases where the original estimate was £50,000 or more).</p> <p>3. To invite additional Members of the Council and third parties to attend their respective Policy/Project Groups when considered appropriate.</p> <p>4. Exercising non-delegated executive powers where the Leader and Deputy Leader are, in the view of the Monitoring Officer, unable to act or the office is vacant.</p> | <p>(1) The tender shall be the most economically advantageous option to the Council in accordance with any predetermined evaluation criteria.</p> <p>(2) An officer's written report shall set out details in accordance with Contract Procedure Rule 27.</p> <p>(3) There shall be no other issues for determination.</p> <p>NB The member shall not be authorised to make any contract either orally or in writing on behalf of the Council.</p> <p>None.</p> <p>If for any reason the Leader is unable to act or the office of the Leader is vacant and the Deputy Leader is unable to act or the office of the Deputy Leader is vacant, the executive may act in the Leader's place or may arrange for a member of the Cabinet to act in his place, subject to the Access to Information Rules.</p> |
| Portfolio Holder for Housing, Health and Wellbeing | <p>1. To exercise the functions of the Council in relation to the Supporting People in Kent Commissioning Body.</p> <p>2. To grant consent for the letting of specific sites for circuses on Dover District Council land dependant upon the applications received in consultation with the Director of Environment and</p> | <p>None.</p> <p>None.</p> |

| (1) Member of the Executive | (2) Delegated Power(s) | (3) Condition(s) or Limitation(s) |
|--|---|---|
| | Corporate Assets. | |
| Portfolio Holder for Access and Licensing | <ol style="list-style-type: none"> 1. In consultation with the appropriate Parish or Town Council, to exercise the powers and duties of the Council under Sections 17 and 19 of the Public Health Act 1925 (street naming). 2. To determine applications for consents in respect of local carnivals, braderies and tourism promotions, together with a suitable fee. 3. To grant permission for voluntary/charitable organisations to use free of charge car parks where a charge is made. | <p>None.</p> <p>None.</p> <p>(1) No cost shall accrue to the Council. (2) The general public shall not be inconvenienced.</p> |
| Portfolio Holder for Environment, Waste and Planning | To sign the annual Kent Waste Partnership Service Plan. | None. |
| Portfolio Holder for Corporate Resources and Performance | To consult with local stakeholders on the priorities to be adopted by the Executive in publishing initial proposals for the Medium Term Financial Strategy, budget and policy framework. | None. |

2. An executive member must seek advice from relevant officers before taking a decision within his/her delegated authority. Where appropriate, this should include taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the monitoring officer where there is any doubt about legality, powers, etc.
3. In the absence of the relevant Portfolio Holder, the function may be discharged by the Leader or, in the absence of the Leader, by the Deputy Leader.

4. Members of the executive retain the discretion to refer any matter to the Cabinet for determination where they feel it would be more appropriate.
5. In the event that a function falls within two or more portfolios, any of those Portfolio Holders may discharge the function in consultation with the other Portfolio Holder(s).

E. Amendment of the Scheme of Delegation

The Leader may amend the scheme of delegation relating to executive functions at any time.

SECTION 4: GUIDELINES FOR EXECUTIVE COMMITTEES

1. Section 106 (Developer Contributions) Committee of the Executive

To exercise the powers and functions of the Executive in relation to:

- (a) Monitoring the receipt of Section 106 monies, agreeing to their release and reviewing expenditure on approved schemes.
- (b) Ensuring the co-ordination of the expenditure of Section 106 monies with other Council expenditure, including schemes in the Capital Programme and programmed expenditures by other agencies as required.
- (c) Reviewing the Council's priorities for seeking developer contributions from time to time, and making recommendations on the operation of the Development Contributions Supplementary Planning Document to the Planning Committee and the Council.
- (d) Making recommendations to the Planning Committee in cases of competing requirements which exceed available developer contributions, including on the priorities which might be pursued in respect of contributions sought by other bodies.
- (e) Considering other related matters as required.

2. Strategic Housing Committee of the Executive

To exercise the powers and functions of the Executive in relation to:

- (a) Meeting with strategic stakeholders (eg RSLs, developers, construction trade, Homes and Communities Agency and KCC (Supporting People Team) to evaluate ongoing housing need, type and distribution.
- (b) Receiving and sharing information on the local housing market to establish a common understanding of the District's housing needs relating both to regeneration and the needs of local residents, whilst ensuring that the information research base is adequate.

- (c) Identifying priorities and targets for balancing the local housing market by housing type and distribution, to include both proposed new housing and the best use of existing housing.
- (d) Monitoring the delivery of targets set for balancing the housing market.
- (e) Making recommendations to the Council on strategic housing issues which fall within the remit of the Council.
- (f) Overseeing Strategic Housing Strategies that impact on local communities.
- (g) Considering other related matters as required

3. **Quorum**

The quorum for a meeting of a Committee of the Executive shall be 3.

4. **Substitutes**

Members of Executive Committees may appoint substitutes from amongst the Cabinet only. All other rules regarding substitutes apply in accordance with Council Procedure Rule 4.

SECTION 5: GUIDELINES FOR ADVISORY GROUPS

1. **Appointment**

The Leader/Cabinet may appoint such cross-party Advisory Groups as it wishes in order to assist in the work of the executive for the following purposes:

- (a) Project Advisory Groups: To advise the Leader/Cabinet in respect of one (or more) specific project(s).
- (b) Reference Groups: To advise the Leader/Cabinet or a Portfolio Holder (eg where executive functions have been delegated to a Portfolio Holder) in respect of executive decisions which relate to a specific function or activity.

2. **Membership**

Unless otherwise agreed by the Leader/Cabinet, an Advisory Group shall:

- (a) comprise of 5 members including the Leader or appropriate Portfolio Holder who shall chair the Group;
- (b) as far as possible, the Group will be appointed in accordance with the rules on political balance;
- (c) particular regard shall be had to include a relevant ward member on the Group.

3. **Terms of Reference**

- (a) To provide a forum for consultation with other members of Council before particular issues are determined by the executive.
- (b) To advise the Leader or Cabinet/Portfolio Holder on any matter which concerns a project or relevant function/activity to be determined by the Leader/executive.
- (c) To assist and support the Leader or Cabinet/Portfolio Holder with regard to background information or preliminary work or research in connection with a project or function/activity to be determined by the Leader/executive.

4. **Quorum**

The quorum of a meeting of an Advisory Group shall be 3 members.

5. **Substitutes**

The substitutes rule (Council Procedure Rule 4) applies to Advisory Groups.

6. **Attendance at Meetings**

Any other member of the Council not duly appointed to the Advisory Group (as member or substitute) may attend and take part in the proceedings.

SECTION 6: SCHEME OF OFFICER DELEGATIONS

A. General

- 1. The Chief Officers referred to in this scheme of delegations are those set out in Article 12.01(b) of the Constitution.
- 2. Chief Officers or specified operational managers are hereby empowered to carry out those specific functions of the Council or the Leader/Executive delegated to them as set out in this scheme of delegations.
- 3. References herein to a specific statutory provision or Ministerial Circular shall include any statutory re-enactment or modification thereof for the time being in force.
- 4. Any decision taken under delegated powers shall be in accordance with any policies approved by the Council (the Policy Framework) and all of its Rules of Procedure. Further, where expenditure is involved, such action shall be conditional upon the necessary financial provision being included in the approved Budget.
- 5. Whenever an officer considers it appropriate, he or she shall seek the approval of the appropriate Committee, the Leader/executive or the executive member (as the case may be) notwithstanding the availability of a delegated power.

6. Any decision taken by an officer in exercise of a delegated power shall be reported to the appropriate Committee, the Leader/executive or executive member (as the case may be) for information at the request of any Member or may otherwise be published by the officer in the Members Bulletin for Information as he or she deems appropriate.
7. The action of an officer under a delegated power shall be deemed to be the act of the Council or the Leader/executive (as the case may be).
8. Chief Officers or specified Operational Managers to whom a duty, function or power is delegated may nominate another officer or officers to exercise that duty, function or power, provided that the nominated officer(s) reports to or is responsible to the Chief Officer or Operational Manager concerned.
9. Nothing in these delegated powers shall restrict the powers or duties placed upon any officer by statute.
10. In relation to Council functions when matters of urgency and items not involving matters of policy require decisions between the meetings of a Council or Committee or Sub-Committee of the Council, the Chief Executive or appropriate Head of Service or Operational Manager shall be empowered, in consultation with the Chairman and Vice-Chairman of the Council or of the relevant Committee or Sub-Committee, or one other member in the absence of either (or two other members in the absence of both), to deal with such items. A report of the urgent matters dealt with shall be included in the Official Members Bulletin with Members being afforded the opportunity to raise questions in relation to decisions taken under this paragraph at the next following ordinary meeting of the Council or Committee or Sub-Committee of the Council.
11. In all cases of urgency any Chief Officer may:
 - (a) exercise any of the powers delegated herein to a Chief Officer or specified Head of Service or Operational Manager; and
 - (b) authorise any other officer of the Council whom he or she considers it appropriate to exercise such power.
12. The Scheme of Officer Delegations may be amended from time to time in any manner as is considered appropriate:
 - (1) In relation to Council functions:
 - (a) by the Council; or
 - (b) by the relevant committee or sub-committee insofar as it relates to functions discharged by that committee or sub-committee.
 - (2) In relation to executive functions by the Leader.

In the case of amendments made by a committee, sub-committee or the Leader, a report of the amendment will be made to the next ordinary meeting of the Council.

13. The exercise of the powers and functions delegated by the Scheme of Officer Delegations shall without prejudice to any specific delegation or authorisation set out, and subject to any express Conditions/Exclusions/Limitations/Notes specified, be taken to include power to do anything incidental or conducive to the discharge of such functions including (by way of example and not by way of limitation) power to do any of the following:
- (a) To appoint or designate any officer as an "authorised officer", "inspector", "person duly authorised" or similar under any of the legislation or functions specified for the purposes of enabling any such person to carry such legislation or functions into effect.
 - (b) To authorise any officer for the purposes of any of the above mentioned legislation or functions.
 - (c) To exercise any power or function conferred by or in connection with the specified legislation or functions to:
 - (i) Require any person to provide any information.
 - (ii) Enter or inspect any land, premises, vehicle or vessel.
 - (iii) Take samples of, seize, test, dispose of, destroy, or otherwise deal with and thing or substance in accordance with the applicable legislation.
 - (iv) Make application for any warrant or order to a court of summary jurisdiction and to execute any such warrant or order taking with him or her any other person as may be authorised.
 - (v) to make or swear any information.
 - (vi) Institute, in consultation with the Solicitor to the Council, proceedings in respect of any offence.
 - (vii) Execute work.
 - (viii) Sell or dispose of any goods, articles, samples materials or other property (other than land and buildings) unless specifically authorised within this Scheme of Officer Delegations.
 - (ix) Recover any sums of money due to the Council.
 - (x) Authorise any other person to do any of the things mentioned in (i) to (vii) above to the extent permitted by law.
14. Any reference to any Act, Rule, Order or Regulation shall be taken as including a reference to that Act, Rule, Order or Regulation as re enacted replaced or modified from time to time.

15. References to any statutory provision shall include a reference to any subordinate or secondary legislation made under or taking effect under it from time to time
16. This Scheme of Officer Delegations has been approved in its totality by both the Council and by the Leader of the Council and no delegation contained within it shall be treated as invalid by reason of it being incorrectly classified as a Council Function instead of an Executive function or vice versa.
17. The Council and/or the executive (as appropriate) have delegated the powers and functions set out in the following tables to the officers described. The powers and functions delegated are specified in Column 1 below and/or described in Column 2 below but their exercise is subject to the conditions/exclusions or limitations specified in Column 3.

B. Delegation to: All Chief Officers

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|----|--|--|--|
| 1. | Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13) | To act as an "authorised officer" in relation to any legislation under which the Chief Officer is authorised or empowered to act by the Council or a Committee, or under delegated powers. | |
| 2. | Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13) | To authorise any officer to act as an "authorised officer" to the extent that the Chief Officer is so authorised in accordance with the foregoing paragraph. | |
| 3. | Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13) | To authorise or appoint any officer to exercise any statutory power of entry in relation to any legislation under which the Council is authorised or empowered to act and to authorise any such officer to apply for a Justices Warrant for entry in any of the circumstances contemplated by the legislation concerned. | |
| 4. | Local Authorities (Functions and Responsibilities) | To sign documents authenticating "Authorised Officers". | |

| Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|---|---|
| | (England) Regulations 2000 and Local Government Act 2000 (Section 13) | |
| 5. | To authorise expenditure | <p>(a) To authorise expenditure and to take such action as may be necessary and appropriate thereon in respect of sums provided in the estimates approved by the Council.</p> <p>(b) To authorise contracts with a value not exceeding £200,000.</p> |
| 6. | ICT procurement | <p>To ensure that, prior to the procurement of any ICT (eg computer or communications hardware or software), adequate checks are carried out:</p> <p>(a) To verify that the ICT is fit for the purpose intended.</p> <p>(b) To obtain confirmation from the Director of EK Shared Services as to the compatibility of ICT selected for purchase.</p> <p>(c) To ensure that appropriate funding is available to cover the costs of ICT purchase.</p> |
| 7. | Implementation of new and existing legislation | To arrange for the implementation of new and existing legislation, statutory instruments, orders and byelaws, except where a discretion is granted to the Council. |
| 8. | Use of premises | In consultation with the Property Services Division to let or authorise the use of premises under their control upon the terms and conditions approved by the Council. |
| 9. | Applications under the Town and Country Planning legislation | To make application for consent or permission under Town and Country Planning legislation in accordance with any proposals approved by the Council or the Cabinet or a relevant Portfolio Holder, or an officer under any delegated |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|---|--|--|
| | | powers. | |
| 10. | Appointment of staff | Within agreed procedures to appoint persons nominated by any contractor to the Council to any appropriate office of the Council other than as a direct employee of the Council. | |
| 11. | Disposal of equipment | To dispose of surplus, unserviceable or obsolescent plant, equipment, stock, stores or material. | The prior approval of the Director of Finance, Housing and Community shall be sought in such circumstances as he may direct. |
| 12. | Issue appropriate licences, permits, certificates of registration and similar documents | The issue as appropriate of any licences, permits, certificates of registration and similar documents where the application conforms to statutory provisions and regulations and the requirements of the Council. | |
| 13. | Disciplinary code of conduct | The implementation of the Council's disciplinary code of conduct. | |
| 14. | Town and Country Planning Act 1990 (Section 225) | To take appropriate action under Section 225 of the Town and Country Planning Act 1990, including entry on to unoccupied land, to combat flyposting | |
| 15. | Enforcement action | (a) Without prejudice to the specific provisions of these Delegations to Officers and subject to any policies approved by the Council, where any statutory provision empowers or requires the Council to issue make or serve (howsoever expressed) any notice, demand, requisition, direction, order or regulation, to discharge the functions of the Council in relation thereto and to issue, make or serve (as the case may be) any such notice, demand, requisition, direction, order or regulation, to authorise the carrying out of works in default, and, in consultation with the appropriate Chairman and Vice-Chairman or Portfolio Holder (as the case may be), to institute legal proceedings in connection therewith. | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|---|--|--|
| | | (b) Subject to the relevant statutory provisions, in matters of urgency, to carry out works and to institute such proceedings without the prior service of any notice, demand or requisition. | |
| 16. | Instruct the Solicitor to the Council to act | To instruct the Solicitor to the Council to act on behalf of the Council to the extent that they are authorised to act themselves. | |
| 17. | Administer formal cautions | To administer formal cautions in appropriate cases and, in consultation with the Solicitor to the Council, in respect of offences under legislation, or regulations made thereunder, for which the relevant Chief Officer is authorised to prosecute and similarly to authorise any inspector appointed by the Council or a relevant chief officer. | |
| 18. | Safety of staff | To make arrangements for the safety of staff. | |
| 19. | Council's representative in relation to contracts | To act as the Council's representative in relation to any Contracts authorised by the Council for the provision of goods or services or the execution of any works within the sphere of their responsibility and to appoint any suitably qualified or experienced officer to discharge the functions of the Supervising Officer/ Contract Administrator/ Architect/Quantity Surveyor/Engineer or Clerk of Works (as the case may be) in relation to any such Contract. | |
| 20. | Press statements | In consultation with the PR Manager to issue or authorise the issue of statements, including press statements, on behalf of the Council in consultation with the Chairman or Vice-Chairman of the Council, the Leader of the Council or the relevant Portfolio Holder or the Chairman and Vice-Chairman of the appropriate Committee as appropriate. | |
| 21. | Lettings or licences of sites and premises | In consultation with Property Services to effect lettings or licences of sites and premises on short term arrangements | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|---|--|---|
| | | until required for the purpose for which they were acquired. | |
| 22. | Ex gratia payments | To grant ex gratia payments not exceeding £500 for damage to personal property of employees occurring whilst on duty. | |
| 23. | Institution or Defence of any civil or criminal proceedings | To authorise, in consultation with the Solicitor to the Council, the institution or defence of any civil or criminal proceedings or of proceedings under any enactment, statutory instrument, order or byelaw on behalf of the Council. | |
| 24. | Licensing Act 2003 and Gambling Act 2005 | To make application to the licensing authority under the Licensing Act 2003 and the Gambling Act 2005 for premises licences in respect of any premises to be used by or under authority of the Council and to make application to vary the terms of any such licence or to surrender the same. | |
| 25. | Licensing Act 2003 | To authorise any officer of the Council holding a personal licence as the designated premises supervisor in relation to any licence held or to be held by the Council under the Licensing Act 2003. | |
| 26. | Licensing Act 2003 and Gambling Act 2005 | To discharge the functions of a "responsible authority" within the meaning of the Licensing Act 2003 and the Gambling Act 2005 in so far as those functions relate to any functions of the Council which fall within the broad range of responsibilities of the Chief Officer concerned. | |
| 27. | Licensing Act 2003 and Gambling Act 2005 | To exercise on behalf of the Council the rights of the Council as an "interested party" within the meaning of the Licensing Act 2003 and the Gambling Act 2005 in so far as the Council falls to be considered as such. | |
| 28. | Responses to any consultations | To make responses to any consultation | This may be exercised irrespective of the nature or number of third party |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|--|--|--|
| | | | representations |
| 29. | Placing of services of officers at the disposal of other authorities | To authorise any Chief Officers or specified Operational Managers, to whom powers are delegated under the Scheme of Officer Delegations, to authorise appropriately experienced officers, whose services are placed at the disposal of the Council pursuant to section 113 of the Local Government Act 1972, to exercise any powers or functions delegated to the Chief Officer or specified Heads of Service/Operational Manager concerned. | |
| 30. | Abandoned, Lost and Uncollected Goods and Property | To exercise the powers of the Council to dispose of goods and property under (i) Section 41 of the Local Government (Miscellaneous provisions) Act 1982 in relation to lost and uncollected property. (ii) The Torts (Interference with Goods) Act 1977 (iii) any other power or contractual right | |

C. **Council and Executive Functions**

Delegation to: Chief Executive

Council Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|--|--|---|
| 1. | Appointment of staff below Chief Officer level | As Head of Paid Service to determine the establishment and make changes to the establishment below the level of Chief Officer. | |
| 2. | Appointment and dismissal of staff below Chief Officer level | Within the approved establishment to appoint and dismiss all staff below the level of Chief Officer and to determine the terms and conditions upon which they are appointed and continue to be employed. | All appointments shall be made substantially in accordance with the Council's Standard Terms and Conditions of Employment and agreed policies |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|---------------------------------|---|--|
| | | | and procedures. Any minor variations shall only be made in the interests of the effective and efficient discharge of the Council's functions |
| 3. | S112 Local Government Act 1972 | To discharge the Council's powers and duties as employer of all employees | The Chief Executive shall act substantially in accordance with the Council's Standard Terms and Conditions of Employment and agreed policies and procedures. Any minor variations shall only be made in the interests of the effective and efficient discharge of the Council's functions. |
| 4. | Complaints procedure and policy | <p>To determine complaints made against the Council in accordance with the Council's Complaints Procedure and Policy on Remedies from time to time, and</p> <p>(i) To grant compensatory payments not exceeding £1,000 in respect of loss or damage suffered as a result of maladministration.</p> <p>(ii) To take such action as he deems appropriate from time to time to publicise the Council's Complaints Procedure</p> <p>(iii) To arrange the provision of such training, and to produce such guidance materials, for Members and staff as he deems appropriate.</p> | |
| 5. | Section 113 of | As Head of Paid Service, to exercise | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|---|---|--|
| | the Local Government Act 1972 | or nominate another officer to exercise, the powers and functions of the Council to effect any changes necessary to the contract of employment of any officer so as to enable his services to be placed at the disposal of another local authority under the provisions of section 113 of the Local Government Act 1972. | |
| 6. | Various | To appoint any person as "Proper Officer" for any specified statutory purposes or for any specified purposes. | The Chief Executive shall be satisfied that any person whom he proposes to appoint as a proper officer has the necessary skills and experience to enable him to discharge the functions of the proper officer appointment. |
| 7. | Legal Proceedings (Local Government Act 1972 (Section 222); Localism Act 2011; all other enabling powers) | In consultation with the Solicitor to the Council, to institute, defend, settle, or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Executive in consultation with the Solicitor to the Council considers that such action is necessary to protect the Council's interests. | |

Executive Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|---|---|--|
| 8. | Legal Proceedings (Local Government Act 1972: Localism Act 2011; all other enabling powers) | In consultation with the Solicitor to the Council, to institute, defend, settle, or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Executive in consultation with the Solicitor to the | |

| Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|--|--|
| | Council considers that such action is necessary to protect the Council's interests. | |
| 9. | Companies Act 2006 (Section 323) | To discharge the powers and functions of the Council in its capacity as a member or shareholder of any company of which the Council is a member or shareholder and to act as the Council's representative at any meeting of the company pursuant to Section 323 of the Companies Act 2006. |
| 10. | Anti-Social Behaviour Act 2003 (Sections 30(2) and 31(2)) | To grant consent pursuant to Section 31(2) of the Anti-Social Behaviour Act 2003 to the "relevant officer" of Police making an authorisation under Section 30(2) of the Act (power to disperse groups etc) in consultation with the Portfolio Holder for Community, Housing and Youth or the Leader of the Council and the Ward Councillor(s). |
| 11. | Urgent Executive Business | To deal with urgent items of business falling within the remit of the Executive where the Leader, and Deputy Leader are not in office. |
| 12. | Acquisition of key regeneration sites | To authorise acquisitions relating to key regeneration sites in consultation with the Leader, the Director of Finance, Housing and Community, the Director of Governance and the Solicitor to the Council. The Chief Executive shall have been provided with the relevant completed pro forma in respect of the site |
| 13. | Local Government Act 1972 (Section 138) | To exercise the powers of the Council under Section 138 of the Local Government Act 1972 in respect of emergencies or disasters. |
| 14. | Civil Contingencies Act 2004 | To discharge the duties of the Council under the Civil Contingencies Act 2004. |
| 15. | Local Government Act 1972 (Section 113) - Placing of services of officers at the disposal of other authorities | (1) Exercise the powers and functions of the Council to enter into an agreement with another local authority: (a) for the placing at the disposal of that authority for the purposes of its functions, the services of officers employed by the Council; |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|---|---|--|
| | | <p>(b) for the placing at the disposal of the Council for the purposes of its functions, the services of officers employed by that authority.</p> <p>(2) As Head of Paid Service, to exercise, or nominate another officer to exercise, the powers and functions of the Council to effect any changes necessary to the contract of employment of any officer so as to enable his services to be placed at the disposal of another local authority under the provisions of section 113 of the Local Government Act 1972.</p> | |
| 16. | Local Authorities (Goods and Services) Act 1970 | Exercise the powers and functions of the Council. | |
| 17. | Management of Claims Against the Council (Land Charges) | To take all appropriate steps in the management of claims against the Council arising out of the land charges functions including approving the terms of any compromise or settlement. | |
| 18. | Part VI, Chapter II, Town and Country Planning Act 1990 | To exercise the powers and functions of the Council in relation to Blight Notices. | None |
| 19. | Local Government Act 1972 (Section 111), Localism Act 2011 (Section 1) and all other enabling powers. | <p>In connection with the Dover Western Dock Revival Project, the Dover Waterfront Development and any other development proposals of the Dover Harbour Board relating to the Port of Dover, whether or not arising out of or relating to any current or proposed Harbour Revision Order:-</p> <p>Acting in consultation with the Leader, to take all steps (including the submission and withdrawal of objections and representations, the conduct of negotiations and settling the terms of and approving any agreements and instruments with any relevant person) which he considers appropriate</p> | |

| Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|---|--|
| 20. | <p>Local Government Act 1972 (Section 111), Localism Act 2011 (Section 1) and all other enabling powers.</p> <p>In connection with any agreements between the Council and the Dover Harbour Board relating to the Dover Western Dock Revival Project, whether or not arising out of or relating to any current or proposed Harbour Revision Order:-</p> <p>to exercise the functions and responsibilities of the Council with regard to any Design and Access Statements or the giving or withholding of any other consent, permission or approval.</p> | |

Delegation to: Head of Regeneration and Development

Council Functions

| Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|---|--|
| 21. | <p>Goods Vehicles (Licensing of Operators) Act 1995</p> <p>To make objections and representations on behalf of the planning authority to the grant of applications for operators licences</p> | |
| 22. | <p>Functions relating to town and country planning and development control, trees, footpaths, bridleways and restricted byeways, public rights of way, as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000 no.2853)</p> <p>To exercise the powers and functions in relation to town and country planning and development control including</p> <ul style="list-style-type: none"> (a) Power to determine applications for planning permission. (b) Power to determine applications to develop land without compliance with conditions previously attached. (c) Power to grant planning permission for development already carried out. (d) Power to decline to determine applications for planning permission. (e) Duties relating to the making of | <p>In relation to the determination of planning applications under Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (column 2(a)) referral to Planning Committee will be made where there are more than 5 contrary representations to the officer recommendation</p> <p>Or, at the written</p> |

| Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--|--|
| | <p>determinations of planning applications.</p> <p>(f) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.</p> <p>(g) Power to make determinations relating to the exercise of permitted development rights.</p> <p>(h) Powers to enter into planning obligations, to modify and discharge planning obligations and related powers.</p> <p>(i) Power to issue a certificate of existing or proposed lawful use or development.</p> <p>(j) Power to serve a completion notice.</p> <p>(k) Powers in relation to the display of advertisements.</p> <p>(l) Powers in relation to entry onto land.</p> <p>(m) Power to require the discontinuance of a use of land.</p> <p>(n) Powers to serve notices in connection with breaches of planning control.</p> <p>(o) Power to apply for an injunction restraining a breach of planning control.</p> <p>(p) Power to require proper maintenance of land.</p> <p>(q) Power to determine application for listed building consent, and related powers.</p> <p>(r) Power to serve a building preservation notice, and related powers.</p> <p>(s) Powers to acquire a listed building in need of repair and to serve a repairs notice.</p> | <p>request of a Member identifying planning reasons</p> |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|---|---|--|
| | | <p>(t) Power to apply for an injunction in relation to a listed building.</p> <p>(u) Power to serve a building preservation notice, and related powers.</p> <p>(v) Powers to acquire a listed building in need of repair and to serve a repairs notice.</p> <p>(w) Power to apply for an injunction in relation to a listed building.</p> <p>(x) Powers relating to the protection of important hedgerows.</p> <p>(y) Powers relating to the preservation of trees.</p> <p>(z) Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.</p> <p>(aa) Power to extinguish public rights of way over land held for planning purposes.</p> | |
| 23. | Local choice functions allocated to the Planning Committee as set out in Section 1 of Part 3 of the Constitution. | | |
| 24. | Part 8 of the Anti-Social Behaviour Act 2003. | To exercise the powers and functions of the Council under Part 8 of the Anti-Social Behaviour Act 2003 in relation to high hedges. | |
| 25. | Section 171E of the Town and Country Planning Act 1990 | Power to issue a temporary stop notice. | |
| 26. | Section 172 of the Town and Country Planning Act 1990 | Power to issue an enforcement notice. | |
| 27. | Section 187B of | Power to apply for an injunction | |

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-----|--|--|--|
| | the Town and Country Planning Act 1990 | restraining a breach of planning control. | |
| 28. | Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 | Power to determine applications for hazardous substances consent, and related powers. | |
| 29. | 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 | Duty 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. | |
| 30. | The Town and Country Planning Act 1990 – Section 215 to 219 | Power to require proper maintenance of land. | |
| 31. | Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 | Power to determine application for listed building consent, and related powers. | |
| 32. | Sections 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations | Duties relating to applications for listed building consent. | |

| Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---|--|--|
| 1990 (S.I. 1990/1519) and The Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015 | | |
| 33. Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 | Power to serve a building preservation notice, and related powers. | |
| 34. Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 | Power to issue enforcement notice in relation to demolition of listed building in conservation area. | |
| 35. Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 | Powers to acquire a listed building in need of repair and to serve a repairs notice. | |
| 36. Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 | Power to apply for an injunction in relation to a listed building. | |
| 37. Section 247 of the Town and Country Planning Act 1990 | Power to authorise stopping up or diversion of highway. | |
| 38. Section 54 of the Planning (Listed Buildings and Conservation | Power to execute urgent works. | |

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-----|---|--|--|
| | Areas) Act 1990 | | |
| 39. | The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 | To determine all matters in relation to the Regulations. | |
| 40. | Town and Country Planning Act 1990 Part VIII Chapter 1 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 | Discharge the powers and functions of the Council in relation to trees' | |
| 41. | Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 | To implement the provisions of the Regulations. | |
| 42. | Anti-Social Behaviour Act 2003 (Part 8) | To undertake all functions in respect of the processing of complaints about high hedges. | |

Executive Functions

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-----|---|---|--|
| 43. | The Planning and Compulsory Purchase Act 2004 – Part 3 and Town and Country Planning Act 1990 | To exercise the powers and functions of the Council in relation to Neighbourhood Development Plans. | The function of designating neighbourhood areas shall be referred to the executive for decision in circumstances where there are |

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-----|---|---|---|
| | | | <p>objections.</p> <p>The consideration of the recommendation made by the examiner required by paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990 shall be referred to the executive for decision.</p> <p>The functions of deciding to make a neighbourhood development plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 or refusing to make a plan under section 38A(6) of that Act shall be referred to the executive for decision</p> |
| 44. | Licensing Act 2003 (Sections 13(4)(d) and 69(4)(d)) | To exercise the powers of the Planning Committee as “responsible authority”. | |
| 45. | Goods Vehicles (Licensing of Operators) Act 1995 | To make objections and representations on behalf of the planning authority to the grant of applications for operators licences. | |
| 46. | Self-build and Custom Housebuilding Act 2015 | To exercise the powers and functions of the Council under the Act. | |
| 47. | Planning Performance Agreements | To negotiate and enter into Planning Performance Agreements. | |
| 48. | Housing and Planning Act 2016 | To exercise the Council's powers and functions in relation to the Brownfield Land Register. | |
| 49. | Local Development | To discharge the powers and functions of | (1) The giving of any |

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-----|---|---|--|
| | (Part 2 of the Planning and Compulsory Purchase Act 2004) | the council in relation to the Local Plan and supplementary planning documents and policies | <p>instruction to prepare or modify any development plan or local development documents, any supplementary planning documents and policies is reserved to Cabinet</p> <p>(2) Approval of any draft of the Statement of Community Involvement or Local Development documents for the purposes of consultation and the making of recommendations to Council of any such documents is reserved to Cabinet</p> <p>(3) Approval of the Authority Monitoring Report is reserved to Cabinet</p> |
| 50. | The Planning Act 2008 (Parts 4 – 8) | To exercise the powers and functions of the Council in relation to develop consent for national significant infrastructure projects | |
| 51. | Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 57) or the | Where the total amount repayable does not exceed £250, and subject to the concurrence of the Section 151 Officer, to determine if grants made should be repaid. | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|--|---|--|
| | Town Grant Scheme | | |
| 52. | Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 58) | To decide upon the recovery of sums paid out in respect of repairs to properties. | |

Delegation to: Director of Governance

Council Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|--|---|--|
| 53. | Freedom of Information Act 2000 (Sections 2 and 8) | <p>Where a request for information has been made to the Council in accordance with Section 8 of the Freedom of Information Act 2000:</p> <p>(a) Decide whether an exemption under Part II of the Act applies to the request (save that in cases where the public interest test in Section 2 of the Act applies to the exemption under consideration the decision as to whether or not the public interest test has been satisfied shall be taken in consultation with the Solicitor to the Council); and</p> <p>(b) Respond to the request accordingly.</p> | |

Executive Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|---------------------|--|--|
| 54. | Post Entry training | To grant financial assistance for post entry training in accordance with any scheme approved by the Council. | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--|--|---|
| 55. | Freedom of Information Act 2000 | To maintain, update and amend the Council's Records Retention Schedule and Publication Scheme as required. | |
| 56. | Insurance matters | To deal with all Council insurance matters. | |
| 57. | Equalities | Authority to deliver the Council's equalities programme. | |
| 58. | Section 92 of the Localism Act 2011 (Assets of Community Value) | Review of decision to include land in list. | |
| 59. | Regulation of Investigatory Powers Act 2000 - Covert Surveillance Policy | To act as the authorising officer for all covert surveillance operations. | In accordance with the Council's Covert Surveillance Policy and Procedures. |

Delegation to: Solicitor to the Council

Council Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--|--|--|
| 60. | Defence of any civil or criminal proceedings | To take all necessary action (including the laying of an information) for the institution or defence of any civil or criminal proceedings or of proceedings under any enactment, statutory instrument, order or byelaw on behalf of the Council. | |
| 61. | Local Government (Miscellaneous Provisions) Act 1976 (Section 16), Town and Country Planning Act 1990 (Section 330) and Road Traffic Regulation Act 1984 (Section 112) | To serve Requisitions for Information and any other enabling statutory provision. | |
| 62. | Town and Country Planning Act 1990 (Section 172) | To issue enforcement notices to specify the date upon which they are to become effective and to determine the | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--|---|--|
| | | appropriate period or periods for compliance with such notices. | |
| 63. | Enforcement Notices | To issue Enforcement Notices under the instruction of the Head of Regeneration and Development. | |
| 64. | Temporary Stop Notices | To issue a Temporary Stop Notice. | |
| 65. | Licensing Act 2003 and Gambling Act 2005 | To act as Solicitor to the Council as Licensing Authority. | |
| 66. | Licensing Act 2003 and Gambling Act 2005 | To take all necessary action (including the laying of an information) for the institution or defence of any civil or criminal proceedings arising out of or in connection with the functions of the Council as Licensing Authority. | |
| 67. | Licensing Act 2003 and Gambling Act 2005 | To authorise appropriately experienced officers to exercise any powers or functions delegated to him under 30 and 31 above. | |

Executive Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--|--|--|
| 68. | Housing Benefit or Council Tax Benefit fraud | To lay information in respect of offences involving housing benefit or council tax benefit fraud. | In conjunction with East Kent Services |
| 69. | Institution or defence of any civil or criminal proceedings | To take all necessary action (including the laying of an information) for the institution or defence of any civil or criminal proceedings or of proceedings under any enactment, statutory instrument, order or byelaw on behalf of the Council. | |
| 70. | Serve notices or demands leases, licences, tenancies and mortgages | To serve notices or demands in relation to leases, licences, tenancies and mortgages for breach of covenant or condition and to recover possession and any monies owing to the Council. | |
| 71. | Recover money | To institute, in consultation with the Director of Finance, Housing and Community or the Director of EK Shared | |

| Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--|--|
| | Services proceedings to recover money owing to the Council. | |
| 72. | Notices to Treat and Notice of Entry | |
| 73. | Local Government (Miscellaneous Provisions) Act 1976 (Section 16), Town and Country Planning Act 1990 (Section 330) and Road Traffic Regulation Act 1984 (Section 112) | |
| 74. | Proceedings for the possession of a property | |
| 75. | National Assistance Act 1948 | |
| 76. | Criminal Justice and Public Order Act 1994 (Sections 77-79) | |
| 77. | Possession Orders | |

Delegation to: Head of Democratic Services

Executive Functions

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-----|---------------------------------|--|--|
| 78. | The Local Land Charges Acts | To exercise the functions of the Council in respect of the Local Land Charges Service. | |

**Delegation to: Director of Governance
Head of Regulatory Services**

Council Function

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-----|--|---|---|
| 79. | Local Government (Miscellaneous Provisions) Act 1976 (Part II; Section 61) | Revocation of a Hackney Carriage or Private Hire Driver's Licence | No officer shall authorise the immediate revocation of a Hackney Carriage or Private Hire Driver's Licence otherwise than in consultation with the Solicitor to the Council |

**Delegation to: Head of Regulatory Services
Environmental Protection Manager
Public Protection Manager**

Council Functions

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-----|--|--|--|
| 80. | European Communities Act 1972 (a) All Regulations, Orders and subordinate | Various measures for the optimisation of public health | |

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-----|---|--|--|
| | <p>legislation made under or having effect by virtue of the Act from time to time and relating to public Health</p> <p>(b) any modification or re-enactment of the foregoing</p> | | |
| 81. | <p>The Game Act 1831 – Sections 5, 6, 17, 18 and 21 to 23</p> <p>Game Licences Act 1860 – Sections 2 to 16</p> <p>The Customs and Inland Revenue Act 1883 – Section 4</p> <p>The Local Government Act 1874 – Sections 12(3) and 27</p> <p>The Local Government Act 1972 – Section 213</p> | Licensing of dealers in game and the killing and selling of game | |
| 82. | The Noise and Statutory Nuisance Act 1993 - Schedules 2 and 3 | Powers relating to loudspeakers and alarms. | |
| 83. | Poisons Act 1972 - Sections 3(1)(b)(ii), 5, 6 and 11 | List of persons entitled to sell non-medical poisons | |
| 84. | The Town and Country Planning Act 1990 – Sections 215 to 219 | Land adversely affecting amenity of neighbourhood. | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|---|--|--|
| 85. | The Town and Country Planning Act 1990 – Sections 224, 225 and 225A | Enforcement of control over advertisements. | |
| 86. | The Health and Safety at Work etc. Act 1974 - Section 19 | Power to appoint and to terminate the appointments of inspectors, to specify and vary the powers which any such inspector is entitled to exercise. | |

Executive Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|---|---|--|
| 87. | The Anti-Social Behaviour Act 2003 Sections 41 & 42 Section 43 Sections 48 & 49 | Closure of noisy premises To authorise officers to issue penalty notices for graffiti and fly-posting Graffiti removal and recovery of expense. | |
| 88. | The Animal Welfare Act 2006 | Animal welfare. | |
| 89. | The Building Act 1984 Section 59 Section 60 Section 65 Section 67 Section 79 Section 84 Section 85 Section 98 Section 104 Section 108 | Drainage of buildings. Use and ventilation of soil pipes. Provision of sanitary conveniences in workplace. Loan of temporary sanitary conveniences. Ruinous and dilapidated buildings and neglected sites. Paving and drainage and yards and passages. Maintenance of entrances to courtyards. Power to require occupier to permit work. Local authority to give effect to appeal. Payment by instalments. | |
| 90. | Byelaws made by the Council in so far as they relate to dogs | | |
| 91. | Clean Air Act 1993 | | Excluding Part III (provisions relating to smoke |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|---|---|---|
| | | | Control Areas) |
| 92. | Clean Neighbourhoods and Environment Act 2005 Part 2 Part 3 Part 4 Part 5 Part 6 Part 7 | Vehicles Litter and Refuse Graffiti and other defacement Waste Dogs Noise | Excluding section 55 (power to make dog control orders) Excluding section 69 (Designation of alarm notification areas) |
| 93. | The Control of Dogs Order 1992 | | |
| 94. | The Control of Pollution Act 1974 Part III Part V | Provisions relating to noise Supplementary Provisions | Excluding sections 63 to 67 inclusive |
| 95. | The Control of Pollution (Amendment) Act 1989 Section 5 Section 6 Section 7 | Duty to produce authority to transport controlled waste Seizure and disposal of vehicles used for illegal waste disposal Further enforcement provisions | |
| 96. | The County of Kent Act 1981 | | |
| 97. | The Dangerous Dogs Act 1991 | | |
| 98. | The Dogs Act 1871 | Protection against dogs | |
| 99. | The Dogs (Fouling of Land Act) 1996 Section 3 | Prosecution of Offences | |

| Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes | |
|-------------------------|--|--|--|
| | Section 4 | Provisions relating to fixed penalty notices | |
| 100. | The Dover Port Health Authority Order 1978 | To exercise the powers and functions of the council in its capacity as Port Health Authority [within the meaning of the Public Health (Control of Disease) Act 1984] whether arising or having effect under The Food Safety Act 1990 The European Communities Act 1972 The Agriculture Act 1990 Any other enactment Any Order, Rule, Regulation or other instrument whatsoever authorised or having effect under any of the above Whether made before or after the date of this delegation | |
| 101. | The Environment Act 1995 Section 108 Section 109 | Powers of enforcing authorities and persons authorised by them Power to deal with cause of imminent danger of serious pollution | |
| 102. | The Environmental Information Regulations 2004 | | |
| 103. | Environmental Protection Act 1990 Part I Part II Part IIA Part III Part IV Part VIII | Integrated Pollution Control and Air Pollution Control by local authorities Waste on Land Contaminated Land Statutory Nuisances Litter etc Miscellaneous – Other controls on substances, articles or waste | (Amended by Noise and Statutory Nuisance Act 1993) The Director of Environment and Corporate Assets is appointed as |

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|------|--|--|---|
| | | | the officer with responsibility discharging the functions imposed or conferred by section 149 for dealing with stray dogs |
| 104. | Environmental Permitting Regulations 2008 | Powers relating to environmental permitting regulations. | |
| 105. | European Communities Act 1972 (a) All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time and relating to public Health (b) any modification or re-enactment of the foregoing | Various measures for the optimisation of public health | |
| 106. | The Food and Environment Protection Act 1985 | | |
| 107. | The Food (Chilli, Chilli Products Curcuma & Palm Oil) (Emergency Control) (England) Regulations 2005 | | |
| 108. | The Food Safety and Hygiene (England) Regulations 2013 | | |
| 109. | The Food (Jelly Confectionary) (Emergency Control) (England) | | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|---|--|--|
| | Regulations 2002 | | |
| 110. | The Food Safety Act 1990 Part II Part III | Main Provisions Administration & Enforcement | |
| 111. | The Food Safety Act (Amendment) Regulations 2004 | | |
| 112. | The General Food Regulations 2004 | | |
| 113. | The Health Act 2006, Part 1, Chapter 1 – All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time relating to smoking | Smoke-free premises, places and vehicles. | |
| 114. | The Local Government Miscellaneous Provisions Act 1976 Section 16 Sections 21 and 22 Section 33 Section 35 | Power to obtain particulars of persons interested in land. Sanitary conveniences. Restoration or continuation of supply of water, gas or electricity. Removal of obstructions from private sewers | |
| 115. | The Local Government (Miscellaneous Provisions) Act 1982 – Sections 29 to 32 | Protection of buildings. | |
| 116. | Localism Act 2011 – Section 1 | To implement and operate the Food Hygiene Rating Scheme | |
| 117. | The National Assistance Act 1948 Section 47 | Removal to suitable premises of persons in | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|--|---|--|
| | Section 48 | need of care. Duty of Councils to provide temporary protection for property of persons admitted to hospitals, etc. | |
| 118. | The Noise Act 1996 | Noise at Night | |
| 119. | The Offices, Shops and Railway Premises Act 1963 | | |
| 120. | The Official Feed and Food Controls (England) Regulations 2009 | | |
| 121. | The Organic Products (Imports from Third Countries) Regulations 2003 | | |
| 122. | Pollution Prevention and Control Act 1999 | | |
| 123. | Pollution Prevention and Control (England and Wales) Regulations 2000 | | |
| 124. | The Prevention of Damage by Pests Act 1949 | | |
| 125. | Private Water Supplies Regulations 2009 | | |
| 126. | Public Health Act 1936, Part II Section 45 Section 50 Section 78 Section 79 Sections 83 and 84 Section 140 Part XII | Sanitation and buildings Defective sanitary conveniences. Leaking cesspools. Accumulations in yard, etc. Removal of noxious matter. Filthy and verminous premises, articles, etc. Polluted water supply. General works in default, powers of entry, prosecutions, etc. | |
| 127. | The Public Health Act 1961 Section 17 Section 34 | Drainage Accumulations of rubbish | |

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|------|--|--|--|
| | Sections 35 and 36 | Filthy and verminous premises, articles, etc | |
| 128. | The Public Health (Control of Diseases) Act 1984 Part I Part II Part III Part V Part VI | Port Health Control of disease Disposal of dead bodies Miscellaneous General | |
| 129. | The Public Health (Ships) Regulations 1979 | Public health control of ships | |
| 130. | The Refuse Disposal Amenity Act 1978 | Provisions relating to other refuse | |
| 131. | The Rice Products (Restriction on First Placing on the Market) (England) Regulations 2008 | | |
| 132. | The Specified Products from China (Restriction on First Placing on Market) (England) Regulations 2008 | | |
| 133. | Trade in Animals and Related Products Regulations 2011 | | |
| 134. | The Water Industry Act 1991 – Sections 77 to 85 | Local authority functions with regard to water supplies | |

Delegation to: Environmental Protection Manager

Executive Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--------------------------------------|--|---|
| 135. | The Licensing Act 2003 - Parts 3 & 4 | Functions of local authority whose functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health | To exercise the powers under the Act of a "responsible authority" within the meaning of sections 13(4)(e) and 69(4)(e) of the Act |
| 136. | The Licensing Act 2003 - Parts 3 & 4 | Functions of enforcing authority for the purposes of the Health & Safety at Work etc. Act 1974 | To exercise the powers under the Act of a "responsible authority" within the meaning of sections 13(4)(c) and 69(4)(c) of the Act |

**Delegation to: Head of Regulatory Services
Public Protection Manager
Licensing Team Leader**

Council Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/Exclusion s Limitations/Notes |
|---------------------------------|---|--|--|
| 137. | Licensing Act 2003 (as amended) and any Regulations and Orders made or having effect thereunder | To exercise all functions of the Council as Licensing Authority. | Those which are either reserved to or conferred upon either the full Council or the Licensing Committee (or a Sub-Committee thereof) either by law, or by virtue of this or any other scheme of officer delegations made by the Licensing Committee from time to time [Licensing Committee] |
| 138. | Authorise experienced officers to exercise functions | To authorise appropriately experienced officers to exercise any powers or functions delegated to them. | [Licensing Committee] |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/Exclusions Limitations/Notes |
|---------------------------------|---|---|--|
| 139. | Licensing Act 2003 | No officer shall authorise or bring or defend any legal proceedings (including criminal proceedings for the breach of any requirement arising under the Licensing Act 2003 or any Regulations or Orders made or having effect thereunder) otherwise than in consultation with the Solicitor to the Council. | [Licensing Committee] |
| 140. | Gambling Act 2005 and any Regulations and Orders made or having effect thereunder | To exercise all functions of the Council as Licensing Authority under the Gambling Act 2005 and any regulations and orders made or having effect thereunder. | Except those which are either reserved to or conferred upon either the full Council, the Licensing Committee (or a Sub-Committee thereof) or, another specified officer, either by law, or by virtue of this or any other scheme of delegations made by the Licensing Committee from time to time. |
| 141. | Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4) | To exercise the powers and functions of the Council in relation to street trading. | [Council] |
| 142. | The House to House Collections Act 1939 | To exercise the powers and functions of the Council in relation to house-to-house collections. | [Council] |
| 143. | The Public Health Acts Amendment Act 1907 (Section 94) | To issue licences in respect of pleasure boats and pleasure vessels and boatmen. | [Council] |
| 144. | Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Town Police Clauses Act 1847 (Sections 37 to 68) | To exercise the powers and duties in respect of the licensing of Hackney Carriages and their drivers and Private Hire Vehicles, drivers and their operators. | [Council] Excluding the grant or renewal of any licence in circumstances which are contrary to the Council's policy guidance Excluding the making of policy, regulations and by-laws |

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/Exclusions Limitations/Notes |
|------|--|---|--|
| | | | Excluding the refusal of any licence Excluding the revocation of any licence which can only be done in accordance with No.113 |
| 145. | Local Government (Miscellaneous Provisions) Act 1982 (Part VIII) | To exercise the powers and duties in respect of acupuncture, tattooing, piercing and electrolysis, etc. | [Council] |
| 146. | Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3) | To exercise the Council's powers and duties in relation to the control of sex establishments. | |
| 147. | Animal Boarding Establishment Act 1963 | To exercise the powers and duties in respect of Animal Boarding Establishments. | |
| 148. | Pet Animals Act 1951 (as amended) | To exercise the powers and duties in respect of pets shops. | |
| 149. | Riding Establishments Acts 1964 & 1970 | To exercise the powers and duties in respect of riding establishments. | |
| 150. | Zoo Licensing Act 1981 | To exercise the powers and duties in respect of zoos. | |
| 151. | Performing Animals (Regulation) Act 1925 | To exercise the powers and duties in respect of performing animals. | |
| 152. | Breeding and Sale of Dogs Act 1999 Breeding of Dogs Act 1973 & 1991 | To exercise the powers and duties in respect of the breeding and sale of dogs. | |
| 153. | Hypnotism Act 1952 | To exercise the powers and duties in respect of hypnotism. | |
| 154. | Dangerous Wild Animals Act 1976 | To exercise the powers and duties in respect of the keeping of dangerous wild animals. | |

Executive Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--|---|--|
| 155. | Sunday Trading Act 1994 | To administer the provisions of the Sunday Trading Act 1994 including the receipt of notices in respect of large shops and shops occupied by persons observing the Jewish Sabbath and to maintain the statutory registers in respect thereof. To enforce the provisions of the Sunday Trading Act 1994 (including the institution of legal proceedings in respect of any offence under the Act) and to appoint inspectors for the purpose thereof. | |
| 156. | Sunday Trading Act 1994 (Schedule 3) | To determine all applications for consent and exercise all powers under Schedule 3 of the Sunday Trading Act 1994. | |
| 157. | Criminal Justice and Police Act 2001 Section 19 Section 20 Section 21 Section 22 Section 23 Section 24 Section 25 Section 26 Section 27 | Closure of unlicensed premises Closure notices Applications for closure orders Closure orders Termination of closure orders by constable or local authority Discharge of closure orders by the court Appeals Enforcement of closure orders Offences by corporate body Service of notices | |
| 158. | Criminal Justice & Police Act 1991 | To exercise the power and duties in respect of closure of unlicensed premises. | |
| 159. | Scrap Metal Dealers Act 2013 | To exercise the powers and duties in respect of scrap metal dealers. | |
| 160. | Health Act 2006 | To exercise powers and duties in respect of smoke free premises places and vehicles. | |

Delegation to: Section 151 Officer

Executive Functions

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|------|-----------------------------------|--|--|
| 161. | Financial Regulations | To deal with matters specified by Financial Regulations. | |
| 162. | Raising of Income | <p>To be responsible for the administration of the Council's financial affairs including ensuring proper arrangements for the administration and accounting of council tax, business rates, housing rents and services charges and the accounting and raising of any other statutory charges, and charges for services, licences, fees, fines and any other income due.</p> <p>"Proper arrangements" shall include, but not be limited to:</p> <ul style="list-style-type: none">• the appropriate or statutory accounting arrangements• authorisation of statutory returns• authorisation of write-off of irrecoverable or uneconomic debts and approval for the management of the write-off of irrecoverable or uneconomic debts | <p>Limitations: The issue of demands and recovery action in respect of council tax, business rates and sundry debts is the responsibility of EK Services.</p> <p>The collection of housing rents and service charges and rechargeable works is the responsibility of EK Housing.</p> |
| 163. | Investment, borrowing and banking | <p>To manage the investment of the Council's funds and the borrowing of such sums as the Council has approved, including, but not limited to:</p> <ul style="list-style-type: none">(a) Determining the most appropriate assets, instruments and counterparties to use(b) The period and terms of the investment and borrowing, including any variations to the agreed period and terms(c) The banking arrangements of the council, including the appointment of bankers and the terms and conditions of any bank accounts(d) To declare every six months, where appropriate, a local average rate of | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|--|--|---|
| | | interest in respect of Housing Act Advances. | |
| 164. | Financing of capital and major revenue project expenditure | To take decisions to apply capital receipts, revenue resources, grants, Section 106 monies, Community Infrastructure Levy, leases and other council funds to finance the approved capital and major revenue project assets and programmes. | |
| 165. | Revenue Budget | To approve: (a) Virements between revenue budgets (b) Revenue budget carry forwards (c) The application of funds held in reserves to fund revenue expenditure. | In consultation with the Leader of the Council or the Portfolio Holder with responsibility for finance where appropriate. |
| 166. | Reserves | To authorise transfers between the reserves and balances of the councils accounts. | In consultation with the Portfolio Holder with responsibility for finance |
| 167. | Benefits | To ensure the proper administration of all benefits which are the responsibility of the council, including, but not limited to: (a) Authorisation of statutory subsidy calculations and returns. (b) Write off irrecoverable or uneconomic overpayments of any benefit and the approval of the arrangements for the write-off of irrecoverable or uneconomic overpayments. | Limitations: The calculation and payment of benefits and discretionary housing payments are undertaken by EK Services. |
| 168. | Taxation Responsibilities | To authorise statutory returns and to manage the taxation of the council in compliance with legislation and in its interest, including opting to tax supplies of land and buildings for the purposes of VAT. | |
| 169. | Residential Property | To authorise the provision of grants and loans for house purchase and improvement in accordance with any scheme approved by the Council and to grant any approval or consent in respect of properties held in mortgage by the Council. | |
| 170. | Leasehold Service Charges | To determine the levels of service charges payable by lessees under leases of any property in respect of which the Council is the lessor. | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|---|---|--|
| 171. | Officer car leasing scheme | To administer and manage the Council's officer car leasing scheme. | |
| 172. | Local Government (Contracts) Act 1997 | In consultation with the Solicitor to the Council to determine when a certificate should be issued. | Note: Only used in complex commercial transactions. |
| 173. | Local Government Act 1972 S.139 | To accept or reject, gifts of property. | |
| 174. | Grant and Financial Assistance to the Council (Various legislation) | To make application for and to accept grants or other assistance on behalf of the Council. | |

**Delegation to: Director of Finance, Housing and Community
Head of Strategic Housing**

Executive Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--|--|--|
| 175. | Fix values of Council houses | To fix values of Council houses to be sold. | On the basis of appropriate professional valuation advice. |
| 176. | Housing Act 1996 Part VII and the Homelessness Act 2002 | To exercise the powers and functions of the Council in relation to homelessness and threatened homelessness. | The approval for consultation of a draft Homelessness Strategy and the adoption and modification of the Homelessness Strategy. |
| 177. | Housing Corporation Grants submitted by Housing Associations | To administer applications for Homes and Communities Agency grants submitted by Housing Associations to the Council in respect of schemes approved by the Council. | |
| 178. | Determine rents and service charges etc. | To determine reasonable rents, service charges and other charges for the tenancy and occupation of Council dwellings and garages in accordance with the Council's policy and the provisions of Social Rent | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|---|---|--|
| | | Reform. | |
| 179. | Housing Act 1985 Part V – Right to Buy | To determine the circumstances in which the Right to Buy does and does not arise in accordance with the current legislation. | |
| 180. | Housing Act 1985 Part V Section 156A | To exercise the powers and functions of the Council in relation to the right of first refusal for the landlord. | |
| 181. | Housing (Service Charge Loans) Regulations 1992 | To exercise the powers and duties of the Council under the Housing (Service Charge Loans) Regulations 1992 in accordance with such schemes as may from time to time be approved by the Council. | |
| 182. | Private sector leasing scheme | To discharge any functions of the Council under any private sector leasing scheme. | |

**Delegation to: Director of Finance, Housing and Community
Head of Strategic Housing
Private Sector Housing Manager**

Council Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|---|--|--|
| 183. | The Town and Country Planning Act 1990 – Section 215 to 219 | Land adversely affecting amenity of neighbourhood | |
| 184. | Caravan Sites and Control of Development Act 1960 (Part 1) | To exercise the powers and functions of the Council relating to the licensing of caravan sites including the powers of entry under section 26 and, in consultation with the Solicitor to the Council, to institute proceedings in respect of any offence under the Act | |
| 185. | Caravan Sites and Control of Development Act 1960 (Breaches of Site Licence) and Local Government (Miscellaneous Provisions) Act 1976 | To institute, in consultation with the Solicitor to the Council, legal proceedings in respect of any offence under the legislation, or Regulations. | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--|--|--|
| 186. | Local Government (Miscellaneous Provisions) Act 1976 and Caravan Sites and Control of Development Act 1960 (Part 1.) | To delegate powers for the service of Statutory Notices. | |

Executive Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|---|---|---|
| 187. | The Housing Grant, Construction and Regeneration Act 1996 Part I Part IV | Grants and other assistance for housing purposes | |
| 188. | The Building Act 1984 Section 59 Section 60 Section 64 Section 66 Section 67 Section 72 Section 76 Section 79 Section 84 | Drainage of buildings Use and ventilation of soil pipes Provision of closets in building Replacement of earth-closets etc Loan of temporary sanitary conveniences Means of escape from fire Defective premises Ruinous and dilapidated buildings and neglected sites. Paving and drainage of yards and passages | |
| 189. | The Housing Act 1985 Part VI Part VI Part X Part XI | | Excluding Sections 289 to 302 inclusive and sections 304 to 306 inclusive |
| 190. | The Housing Act 2004 | | The provisions of Part 1 Chapter 4 |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|---|--|--|
| | Part 1 Chapter 1 Chapter 2 Chapter 3 Chapter 5 | Housing Conditions Enforcement of housing standards: general Improvement notices, prohibition orders and hazard awareness notices Emergency measures General and miscellaneous provisions relating to enforcement action | relating to demolition orders and slum clearance declarations have not been delegated Including Schedule 3 |
| 191. | The Local Government Miscellaneous Provisions Act 1976 Section 16 Section 33 | Power to obtain particulars of persons interested in land [RB1] Restoration or continuation of supply of water gas or electricity | |
| 192. | The Local Government (Miscellaneous Provisions) Act 1982 – Sections 29 to 32 | Protection of Buildings | |
| 193. | The National Assistance Act 1948 Section 47 Section 48 | Removal to suitable premises of persons in need of care Duty of councils to provide temporary protection for property of persons admitted to hospitals etc. | |
| 194. | The Prevention of Damage by Pests Act 1949 | | |
| 195. | The Public Health Act 1961 – Sections 35 and 36 | Filthy and verminous premises, articles, etc. | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|--|--|---|
| 196. | Public Health Act 1936 Part II Section 45 Sections 83 & 84 | Sanitation and Buildings Defective sanitary conveniences Filthy and verminous premises, articles etc. | (amended by section 35 Public Health Act 1961) |
| 197. | The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 | Power to improve living conditions | |
| 198. | Environmental Protection Act 1990, Sections 79 and 80 | Any premises in such a state as to be prejudicial to health or a nuisance. | Excluding Section 79(1)(b)-(h) |
| 199. | Recovery of repair costs by sale of property | (a) To charge property with the costs of repair works undertaken by the Council pursuant to its statutory powers. (b) To authorise the sale by the Council of any such property pursuant to powers contained in the Law of Property Act 1925 in order to recovery any sums due to the Council and secured by such a charge. | Power of sale only to be exercised where the property in question is unoccupied |
| 200. | The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 | To exercise the Council's powers and duties in respect of the enforcement of the Smoke and Carbon Monoxide Regulations. | |
| 201. | The Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme, etc.)(England) Order 2014 | To exercise the Council's powers and duties in respect of the enforcement of the Redress Scheme Regulations. | |
| 202. | The Housing Act 2004 Part 2 | Licensing of houses in multiple occupation | Excluding sections 55 to 60 relating designation of additional licensing |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--|--|---|
| Part 3 | | Selective licensing of other residential accommodation | areas Excluding sections 80 to 84 relating to the designation of selective licensing areas |
| Part 4 | | Additional control provisions in relation to residential accommodation | |
| Part 7 | | Supplementary and final provisions | |

**Delegation to: Director of Finance, Housing and Community
Head of Community Services**

Executive Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|---|--|--|
| 203. | Events | To co-ordinate the management of events taking place within the District both on and off Council land. | |
| 204. | Local Government Act 1972 s.142 | To exercise the powers and functions of the Council with regard to the provision of information concerning the services available in the area of the authority relating to matters affecting Local Government. | |
| 205. | Power to Encourage Visitors – section 144 Local Government Act 1972 | To exercise the powers and functions of the Council in relation to the provision of information, publicity advertising and facilities. | |
| 206. | Local Government Act 1972 s.145 | To exercise the powers and functions of the Council with regard to the provision of entertainments | |
| 207. | Sir Ernest Bruce Charles Charity | To keep under review the proper administration of the Sir Ernest Bruce Charles Charity and to make periodic reports to the Cabinet recommending the use and distribution of the charitable fund. | All matters requiring a decision of the Council as trustee to be taken by Cabinet. |

Delegation to: Community Safety and CCTV Manager

Executive Functions

| Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes | |
|---------------------------------|---|---|--|
| 208. | Anti-Social Behaviour Act 2003 and all other powers | To exercise the powers and functions of the Council under the Anti-Social Behaviour Act 2003 and all other powers, to authorise the institution of proceedings for injunctions, Anti-Social Behaviour Orders and other appropriate legal proceedings in consultation with the Solicitor to the Council, in order to prevent anti-social behaviour or damage to property, occurring within the Dover District. | |
| 209. | Operation of CCTV | To discharge the Council's powers and functions with regard to the management and operation of CCTV. | In accordance with any relevant policies, codes of practice and protocols adopted by the Council |
| 210. | Covert operations | To act as signatory for the Council in respect of targeted covert operations requested by the Police or other enforcement agencies | The Director of Governance will act as authorising officer for all covert surveillance operations conducted by the Council |
| 211. | Anti-Social Behaviour Act 2003 (Part 8) | To exercise the powers and functions of the Council in relation to High Hedges. | |

**Delegation to: Head of Leadership Support
Head of Community Services**

Executive Functions

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|------|---|---|--|
| 212. | Communication, Consultation and Marketing | To manage the Council's corporate communication and marketing activity. | |

Delegation to: Director of Environment and Corporate Assets

Executive Functions

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|------|---------------------------------|---|--|
| 213. | Asset Management | <p>To manage and maintain the Council's property assets including:</p> <p>(a) Rating (i) To lodge objections to and proposals for rating assessments, agree revised values, sign agreements and appear in the Valuation Court.</p> <p>(b) Taxation</p> <p>(c) Making applications for and accepting grants</p> <p>(d) Grant and Termination of Leases, Licences and Concessions (i) To settle the terms and authorise the grant of leases, licences concessions and similar agreements affecting land and premises. (ii) to review all rents or other consideration in connection therewith; (iii) to consent to any assignment or underletting or other variation of such lease, licence, concession or agreement; and (iv) to authorise and take all action necessary to determine such a lease, licence, concession or agreement.</p> <p>(e) Valuation (i) To fix the value of property under Section 127 of the Housing Act (Sale price Right to Buy). (ii) To exercise the powers and functions of the Council in relation to the</p> | <p>Property maintenance to be undertaken in accordance with the provisions of the Council's Corporate Property Strategy and Asset Management Plan.</p> <p>Excludes the insuring of the asset which is the responsibility of the Director of Governance</p> <p>Excluding demolition of buildings which except in cases of urgency must be subject to prior Cabinet approval.</p> <p>Excluding any functions which are delegated to East Kent Housing.</p> |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|--|---|--|
| | | <p>consideration of disposal under Section 158 of the Housing Act 1985 (Consideration on Right to Buy buy back)</p> <p>(f) Management of Facilities (i) To make arrangements for the hire of land, buildings, recreation facilities and all other assets owned or managed by the Council including determining the terms of conditions of use and admission and hire charges</p> | <p>Excluding where the rent or other consideration exceeds £50,000 per annum;</p> |
| 214. | Acquisition and Disposal of Freehold or Leasehold Property | To acquire or dispose of freehold or leasehold property and to agree terms and conditions in connection therewith. | <p>All acquisitions or disposals to be in accordance with any relevant Cabinet decision (if applicable).</p> <p>Excluding where the value of the acquisition or disposal exceeds £200,000 which must be subject to prior Cabinet approval.</p> |
| 215. | Acquisition of key regeneration sites | To authorise acquisitions relating to key regeneration sites, in the absence of the Chief Executive, in consultation with the Leader of the Council, the Director of Finance, Housing and Community, the Director of Governance and the Solicitor to the Council. | The Director of Environment and Corporate Assets shall have been provided with the relevant completed pro forma in respect of the site |
| 216. | Markets | To exercise the powers and functions of the Council in relation to markets controlled by the Council. | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--|--|--|
| 217. | Local Government Act 1972 - restrictive covenants | (i) to grant approvals where consent is required from the Council to comply with any covenant or restriction affecting property owned or formerly owned by the Council (or its predecessor) (ii) To release the benefit of restrictive covenants or other restrictions where the benefit is held by the Council | |
| 218. | Public Health Act 1925 - Public conveniences | To exercise the powers and functions of the Council in relation to the provision and maintenance of public conveniences. | Excluding permanent closure which must be subject to prior Cabinet approval. |
| 219. | Highways Act - Bus Shelters | To exercise the powers and functions of the Council in relation to the provision and maintenance of bus shelters. | |
| 220. | Beach and foreshore | To exercise the powers and functions of the Council in relation to all matters concerning the beach and foreshore, , pollution of the coastline, beach chalets, the letting of moorings, boat pitches and winter boat storage sites. | |
| 221. | Coast Protection Act 1949 | To exercise the powers and functions of the Council in relation to all matters concerning the provision and maintenance of coastal defences | |
| 222. | Flood and Water Management Act 2010 | To exercise the powers and functions of the Council in relation to all matters concerning the management of risk in connection with flooding and coastal erosion. | |
| 223. | Land Drainage Act 1991 | To exercise the powers and functions of the Council in relation to all matters concerning land drainage. | |
| 224. | Recycling and Waste Collection, street cleansing and cesspool emptying | To exercise the powers and functions of the Council in relation to recycling waste collection, , street cleansing and cesspool emptying. | |
| 225. | East Kent Waste Contract | To discharge the executive functions of Kent County Council and Shepway District Council relating to the management of the East Kent Waste Contract as detailed in paragraph 8.2 of the joint report of the Director of Landlord Services (Shepway District Council) and the | Subject to the conditions and limitations set out in the three-way inter authority agreement |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--|--|---|
| | | Director of Property, Leisure and Waste Management (Dover District Council) to Cabinet on 13 October 2010. | between Dover District Council, Kent County Council and Shepway District Council. |
| 226. | Abandoned Vehicles – The Refuse Disposal Amenity Act 1978, Road Traffic Regulation Act 1984; The Removal and Disposal of Vehicles Regulations 1986 | To exercise the powers and functions of the Council in relation to the removal and disposal of vehicles. | |
| 227. | Cemeteries, closed churchyards and war memorials | To maintain cemeteries, closed churchyards and war memorials for which the Council is responsible. | |
| 228. | The Local Government Act 1972, the Public Health Act 1936 and the Local Authorities Cemeteries Order 1977 | To exercise the powers and functions of the Council in relation to the grant of rights of burial, rights to erect memorials and the maintenance of graves. | Only those provisions relating to the matters specified in Column 2 are delegated |
| 229. | Parks and open spaces – various including Public Health Act 1875 and Open Spaces Act 1906 | To exercise the powers and duties of the Council in relation to parks and open spaces. | |
| 230. | White Cliffs Countryside Partnership | To exercise the powers and functions of the Council in relation to the White Cliffs Countryside Partnership. | |
| 231. | Sport, Leisure Recreation and Entertainment - Various including, Local Government Act 1972: Local Government (Miscellaneous Provisions) Act | To discharge the powers and functions of the Council with regard to the provision and management of Sports, Leisure, entertainment and recreational facilities and events. | |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|---------------------------------|--|---|--|
| | 1976 | | |
| 232. | Climate Change and Sustainable Energy Act 2006 | To exercise the powers and functions of the Council under the Act | |
| 233. | Harbours Act 1964 - Management of the Quay, Sandwich | To exercise the powers and functions of the Council in relation to The Quay, Sandwich and those parts of the River Stour and its banks which are within the ownership of the Council, including, without limitation, the granting and termination of mooring licences and agreements and the regulation of persons and vessels using these areas. | |
| 234. | Harbours Act 1964 and Deal Pier Order | To exercise the powers and functions of the Council in relation to Deal Pier. | |
| 235. | Localism Act 2011, Part V, Chapter 3 | To exercise the powers and functions of the Council in relation to Assets of Community Value | Except Section 92 which is delegated to the Director of Governance |

Delegation to: Director of Environment and Corporate Assets

Council Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions Exclusions Limitations/Notes |
|---------------------------------|--|---|---|
| 236. | Town and Country Planning Act 1990 Part VIII Chapter 1 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012' | Discharge the powers and functions of the Council in relation to trees' | Except in relation to trees that are owned or maintained by the District Council' |

Executive Functions

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions Exclusions Limitations/Notes |
|---------------------------------|---|--|--|
| 237. | Traffic Management Act 2004 (Part 6) | To exercise such of the executive functions of Kent County Council under part 6 of the Act as are exercisable in the District by virtue of the Agency Agreement made with Kent County Council on 23 January 2011 as subsequently varied. | All powers to be exercised in accordance with the requirements of the agency agreement as varied |
| 238. | Road Traffic Regulation Act 1984 and Traffic Management Act 2004 (Part 6) | To exercise the Council's powers and duties in relation to the provision and maintenance of off street parking places and to be responsible for the procedural aspects of the making of orders and making provision as to their use. | Excluding determining the level of charges |
| 239. | Off street and on street parking places | To exercise the Council's powers and duties in relation to the management of all off street and on street parking places and to institute any legal proceedings in connection therewith. | Excluding determining the level of charges |
| 240. | Road Traffic Regulation Act 1984 (Section 102) and Traffic Management Act 2004 (Part 6) | To move any vehicle or arrange for any vehicle to be removed from any controlled parking place when any vehicle is left in such a parking place in contravention of any of the provisions contained in the appropriate Order and to take all such further action in connection therewith as is permitted by the said Order: and further to exercise all the powers conferred on the Council. | |
| 241. | Town Police Clauses Act 1847 | To determine applications for the temporary restriction of highways. | |
| 242. | Highways Act 1980 (Part VIIA) – Provision of amenities on certain highways | To exercise the powers and functions of the Council under Part VIIA in relation to the provision of amenities etc. on highways. | |
| 243. | Local Government (Miscellaneous Provisions) Act 1976 - Section 23 to 26 | To exercise the powers and functions of the Council in relation to dangerous trees and excavations. | |
| 244. | Goods Vehicles (Licensing of Operators) Act 1995 | To make objections and representations on behalf of the local authority to the grant of applications for operators licences. | |

**Delegation to: Director of Environment and Corporate Assets
Head of Assets and Building Control**

Executive Functions

| Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|--|--|--|
| <p>245. Building (Local Authority Charges) Regulations 2010</p> <p>Building Act 1984 (all sections that relate to Building Regulations and allied powers including Sections 9, 10, 15, 16, 19, 20, 21, 22, 23, 24, 25, 31, 32, 33, 35, 36, 37, 39, 47, 48, 50, 51, 52, 53, 56, 62, 63, 64, 65, 68, 70, 73, 74, 75, 91, 91A, 93, 95, 96, 97, 99, 100, 107, 108, 109, 110 and 120 and the Building Regulations 2010 as amended</p> <p>Building (Approved Inspectors, etc) Regulations 2010</p> <p>Building Regulations</p> | <p>(a) Functions relating to Building Regulations and allied functions.</p> <p>(b) To operate the Council's scheme of charges and to vary the standard charge scales in accordance with the Council's Scheme of Charges.</p> | |
| <p>246. Building Act 1984 (Sections 77 and 78)</p> | <p>To serve Notices and take all necessary action in respect of dangerous buildings and structures .</p> | |
| <p>247. Building Act 1984 (Section 81 and 82)</p> | <p>To approve applications for intended demolitions and serve the appropriate notices.</p> | |
| <p>248. Public Health Act 1925 (Section 17 – 19) – Naming of streets</p> | <p>To exercise the powers and functions of the Council in relation to the naming of streets.</p> | |

| | | | |
|------|--|---|--|
| 249. | Public Health Act 1875 - Street lighting | To exercise the powers and functions of the Council in relation to the lighting of the district. | |
| 250. | County of Kent Act 1981 (Section 10) – Power to allocate numbers to buildings in streets | To exercise the powers and functions of the Council in relation to the numbering of buildings. | |
| 251. | Energy Performance of Buildings (England and Wales) Regulations | To exercise the powers and functions of the Council under the regulations in relation to the energy performance of buildings. | |
| 252. | European Communities Act 1972 (a) All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time and relating to land and property (b) any modification or re-enactment of the foregoing | Various measures relating to land and property | |

**Delegation to: Director of Environment and Corporate Assets
Head of Museums and Tourism**

Executive Functions

| | Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-----|--|--|--|
| 253 | Local Government Act 1972 s.142 | To exercise the powers and functions of the Council with regard to the provision of information concerning the services available in the area of the authority relating to matters affecting Local Government. | |
| 254 | Power to Encourage Visitors – section 144 Local Government Act | To exercise the powers and functions of the Council in relation to the provision of information, publicity advertising and facilities. | Includes the power to manage tourist information centres and |

| Column 1 Legislation | | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|-------------------------|---|--|--|
| | 1972 | | working in partnership with other agencies. |
| 255 | Local Government Act 1972 s.145 | To exercise the powers and functions of the Council with regard to the provision of entertainments. | |
| 256 | Provision and maintenance of museums and galleries – Museums and Libraries Act 1964 | To exercise the powers and functions of the Council in relation to the provision, maintenance and management of museums and art galleries. | |
| 257 | Salter Collection Charity | To keep under review the proper administration of the Salter Collection Charity and to make periodic reports to the Cabinet. | All matters requiring a decision of the Council as trustee to be taken by Cabinet. |

D. Conditions or Limitations (if any) [Council Functions]

None.

E. Conditions or Limitations (if any) [Executive Functions]

None.

SECTION 7: CONSULTATIVE COMMITTEES AND ADVISORY BOARDS

1. Joint Staff Consultative Forum

Membership: 5 Members of the Authority.

Functions:

1. To act as a medium for negotiations between the Council and its Officers except in matters of individual discipline, promotion or efficiency.
2. To consider matters affecting the interests of the Council and staff and to make recommendations to the Council.
3. To consider any relevant matter referred to by the Council or its Committees or any of the staff organisations.

4. To encourage such other functions specifically assigned to the Joint Committee.

Terms of Reference:

1. Title

The Committee shall be called the Joint Staff Consultative Forum (hereinafter referred to as "the Joint Forum").

2. Representation

The Joint Forum shall comprise:

- (i) Five Members of the Dover District Council.
- (ii) Five representatives of the Officers of the Council, being representatives elected by the Dover District Branch of UNISON (hereinafter referred to as "the Branch"), or by any other Union recognised by the District Council for the purposes of consultation in proportion to their Members.

3. Method of Appointment

The Council Members shall be elected by the Council at its Annual meeting in each Council year. The representatives of the Officers shall be notified to the Head of Democratic Services within 21 days after each annual meeting of the Council.

Members of the Joint Forum shall hold office until the appointment of their successors. A retiring member shall be eligible for re-appointment.

If a member of the Joint Forum ceases to be a Member of the Council or Officer of the Council he or she shall thereupon cease to be a member of the Joint Forum, and such vacancy shall be filled by the Council or by the Branch (or other Union), as the case may be.

4. Chairman and Vice-Chairman

The Joint Forum shall, at its first meeting in each Council year, appoint a Chairman and Vice-Chairman. If the Chairman appointed be a Member of the Council, the Vice-Chairman shall be appointed from the Staff Side, and vice versa. The Chairman of a meeting shall not have a casting vote.

5. Attendance of Substitutes

If a member of the Joint Forum is not able to attend any meeting the member concerned may nominate a substitute.

6. Functions

The functions and objects of the Joint Forum shall be:

- (i) to consider matters affecting the interests of the Council and staff and to make recommendations to the Council or an appropriate committee.
- (ii) to consider any relevant matter referred to by the Council or its Committees or any of the staff organisations.
- (iii) to receive the outcomes from the Joint Negotiation Forum which require approval by the Council's General Purposes Committee.
- (iv) to consider such other matters specifically assigned to the Joint Forum.

Regulations

7. Meetings

Meetings of the Joint Forum shall be held on dates to be approved by the Council. Additional meetings shall be convened at the request of the Chairman and/or Vice-Chairman.

8. Business

The agenda for each meeting shall be despatched so as to reach members at least five days before the scheduled date, except in cases of emergency.

9. Quorum

The quorum of the Joint forum shall be two members of the Council's side and two members of the Staff Side.

10. Record of Attendance

The names of the members attending a meeting of the Joint Forum shall be recorded in the notes and every member attending shall sign the attendance book or sheet provided for that purpose.

11. Attendance in Advisory Capacity

The Council's side of the Joint Forum shall have the right to arrange for the attendance, in an advisory capacity, of officials of the Council at meetings of the Joint Forum. Similarly, the Staff Side may be advised by the relevant Union officials.

12. Decisions of the Joint Forum

- (i) A recommendation from the Joint Forum to the Council shall only arise on a majority vote by each side of the Joint Forum separately;
- (ii) All decisions of the Joint Forum, other than matters of procedure, are subject to confirmation by the Council;
- (iii) If there is a failure of the Forum to agree on any issue, such failure to agree shall be reported to the Council.

13. Release of Employees

Employees shall be released from duty with pay for attendance at meetings of the Joint Forum, and travelling and subsistence expenses shall be reimbursed where appropriate.

Paid leave for this purpose will include the normal earnings which would have been paid had the employees been in work.

Facilities shall be made available to the Staff Side of the Joint Forum to meet, if necessary during working hours, to consider the agenda of any meeting of the Joint Forum.

14. Press and Public

This is a Consultative Forum which deals with staffing issues and the press and public will not normally be invited to attend these meetings. The Local Government (Access to Information) Act 1985 does not apply to these meetings.

2. **Joint Health Safety and Welfare Consultative Forum**

Membership: 5 Members of the Authority.

Functions:

- 1. To consider all matters relating to the health, safety and welfare of all personnel employed by Dover District Council and to submit to the Council advice and recommendations thereon.

Terms of Reference:

1. Title

The Committee shall be called 'the Joint Health Safety and Welfare Consultative Forum' (hereinafter referred to as "the Joint Forum").

2. Representation

The Joint Forum shall comprise:

- (i) Five Members of the Dover District Council.
- (ii) Five representatives of the Officers of the Council, being representatives elected by the Dover District Branch of UNISON (hereinafter referred to as "the Branch"), or by any other Union recognised by the District Council for the purposes of consultation in proportion to their Members.

3. Method of Appointment

The Council Members shall be elected by the Council at its Annual meeting in each Council year. The representatives of the Officers shall be notified to the Head of Democratic Services within 21 days after each annual meeting of the Council.

Members of the Joint Forum shall hold office until the appointment of their successors. A retiring Member shall be eligible for re-appointment.

If a Member of the Joint Forum ceases to be a Member of the Council or Officer of the Council he or she shall thereupon cease to be a Member of the Joint Forum, and such vacancy shall be filled by the Council or by the Branch (or other Union), as the case may be.

4. Chairman and Vice-Chairman

The Joint Forum shall, at its first meeting in each Council year, appoint a Chairman and Vice-Chairman. If the Chairman appointed be a Member of the Council, the Vice-Chairman shall be appointed from the Staff Side, and vice versa. The Chairman of a meeting shall not have a casting vote.

5. Attendance of Substitutes

If a member of the Joint Forum is not able to attend any meeting the member concerned may nominate a substitute.

6. Functions

The functions and objects of the Joint Forum shall be to consider all matters relating to the health, safety and welfare of all personnel employed by Dover District Council and to submit to the Council advice and recommendations thereon.

Regulations

7. Meetings

Meetings of the Joint Forum shall be held on dates to be approved by the Council. Additional meetings shall be convened at the request of the Chairman and/or Vice-Chairman.

8. Business

The agenda for each meeting shall be despatched so as to reach members at least five days before the scheduled date, except in cases of emergency.

9. Quorum

The quorum of the Joint Forum shall be two members of the Council's side and two members of the Staff Side.

10. Record of Attendance

The names of the members attending a meeting of the Joint Forum shall be recorded in the notes and every member attending shall sign the attendance book or sheet provided for that purpose.

11. Attendance in Advisory Capacity

The Council's side of the Joint Forum shall have the right to arrange for the attendance, in an advisory capacity, of officials of the Council at meetings of the Joint Forum. Similarly, the Staff Side may be advised by the relevant Union officials.

12. Decisions of the Joint Forum

- (i) A recommendation from the Joint Forum to the Council shall only arise on a majority vote by each side of the Joint Forum separately;
- (ii) All decisions of the Joint Forum, other than matters of procedure, are subject to confirmation by the Council in relation to matter of policy, and by Corporate Management Team in relation to operational matters;
- (iii) If there is a failure of the Forum to agree on any issue, such failure to agree shall be reported to Council.

13. Release of Employees

Employees shall be released from duty with pay for attendance at meetings of the Joint Forum, and travelling and subsistence expenses shall be reimbursed where appropriate.

Paid leave for this purpose will include the normal earnings which would have been paid had the employees been in work.

Facilities shall be made available to the Staff Side of the Joint Forum to meet, if necessary during working hours, to consider the agenda of any meeting of the Joint Forum.

14. Press and Public

This is a Consultative Forum which deals with staffing issues and the press and public will not normally be invited to attend these meetings. The Local Government (Access to Information) Act 1985 does not apply to these meetings.

3. **Dover Joint Transportation Board**

Membership: All KCC Members for divisions in the District Council's area and an equal number of Members appointed by the District Council and a non-voting representative of the Parish and Town Councils within the District. The Council may appoint substitutes for its Members.

Status: The JTB shall be a non-statutory forum.

Terms of Reference:

The Joint Transportation Board will:

1. Consider:
 - (a) capital and revenue funded works programmes
 - (b) traffic regulation orders
 - (c) street management proposalsand will provide advice on these matters to the relevant Executive as appropriate
2. Be a forum for consultation between Kent County Council and the Council on policies, plans and strategies related to highways, road traffic and public transport.
3. Review the progress and outturn of works and business performance indicators.
4. Recommend and advise on the prioritisation of bids for future programmes of work.
5. Receive reports on highways and transportation needs within the District.

Regulations:

1. Chairman

In alternate years a Member of KCC (who is a member of the JTB) will chair the JTB and a Council Member (who is a member of the JTB) will be Vice-Chairman of the JTB and then a Member of the Council will chair the JTB and a KCC Member will be Vice-Chairman of the JTB and so on following on the arrangements which existed in the year before the new agreement came into force. The Chairman and Vice-Chairman will be appointed by the respective Councils as they may determine within their constitutional arrangements. The Chairman and Vice-Chairman of the JTB will take office at the first meeting of the JTB following the Annual Meetings of both Councils each year.

2. Meetings

The JTB will generally meet four times yearly. The dates, times and venues to be agreed by the JTB.

3. Quorum

The quorum for a meeting shall be four comprising at least two voting members present from each of KCC and the District Council.

4. Rules of Debate

If a formal motion is proposed and seconded the rules of debate applying to the District Council Committees shall apply.

5. Voting

If a matter has to be put to the vote, voting shall be by a show of hands with the Chairman having a second or casting vote.

6. Dissent on a Decision

Any member may require that his/her dissent from the JTB's advice or the way he/she cast his/her votes be recorded in the Minutes of the meeting.

7. Access to Information

The rules and procedures of the District Council relating to access to information as set out in Sections 100(A)-(K) of the Local Government Act 1972 (as amended) shall apply.

8. Support

The JTB will be clerked by an officer of the District Council. Copies of all papers shall be sent to the Monitoring Officers of both Councils who may attend and

speaking at any meeting (or instead each Monitoring Officer may arrange for a substitute officer to speak on his/her behalf).

9. Local Member and Parish Consultation

The local members of both the KCC and the District Council and the Parish or Town Council(s) will be consulted on any relevant scheme proposals (other than routine operational maintenance of the highway) within the scope of the Agreement.

10. Executive Action

- (a) The KCC Executive will normally act in accordance with the advice or views of the JTB. If the Executive is minded to act otherwise, no decision will be taken until after a discussion at the KCC Highways Advisory Board at which the Chairman and Vice-Chairman of the JTB may attend and speak.
- (b) The District Council Executive will normally act in accordance with the advice or views of the JTB. If the Executive is minded to act otherwise, no decision will be taken until after a discussion between the relevant Executive member and the Chairman and Vice-Chairman of the JTB.

*References: Chapter 5, Guidance
The Local Authorities (Functions and Responsibilities) (England)
Regulations 2000
Section 13, Local Government Act 2000*