

Public Document Pack



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20 October 2020

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **COUNCIL** on Wednesday 21 October 2020 at 6.00 pm, the following addendum relating to amendments to the Scheme of Officer Delegations approved by the Leader of the Council on 20 October 2020.

9 **AMENDMENT TO THE SCHEME OF OFFICER DELEGATIONS** (Pages 2 - 5)

To consider the attached report of the Solicitor to the Council and Monitoring Officer.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background.

Chief Executive



COMMITTEE SECTION ONLY	
Arrangement No:	03 20
Date:	20/10/20

Arrangements Made by the Leader of the Council for the Discharge of Executive Functions under Section 9E (2) Local Government Act 2000 (as amended)

Schemes of Delegation of Executive Functions to Executive Members/Executive Committees/Officers

I hereby make arrangements for the discharge of the executive functions specified at Box A below and give notice to the Monitoring Officer that I have done so.

A. Specify the Arrangements being made:

That the arrangements for the discharge of executive functions made by the Leader of the Council on 30 June 2020 (Arrangement 04/20) be amended as follows: - (references are to the version of the arrangements as attached to the published notice of the arrangements)

Page 33 In the functions exercisable by the following officers

- : - Head of Regulatory Services
- Environmental Protection Manger
- Public Protection Manager

Insert the following in Column 1 as set out below “European Union (Withdrawal) Act 2018 and the European Union (Withdrawal Agreement) Act 2020”

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
European Communities Act 1972 European Union (Withdrawal) Act 2018 European Union (Withdrawal Agreement) Act 2020 (a) All Regulations, Orders and subordinate	Various measures for the optimisation of public health	

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		

Page 36 In the functions exercisable by the following officers

- Head of Regulatory Services
- : - Environmental Protection Manger
- Public Protection Manager

Insert the following in Column 2 as set out below “European Union (Withdrawal) Act 2018 and the European Union (Withdrawal Agreement) Act 2020”

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
The 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 European Union (Withdrawal) Act 2018 European Union (Withdrawal Agreement) Act 2020 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	

Page 53 In the functions exercisable by the following officers relating to Asset Management

- Strategic Director (Operations and Commercial)**
- Head of Assets and Building Control**
- : -

Delete the following from Column 3 as set out below “Excluding any functions which are delegated to East Kent Housing”.

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
Asset Management	<p>To manage, maintain and improve the Council's property assets (other than those held or subsequently acquired or appropriated for housing purposes) including:</p> <p>(a) Rating</p> <p>(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</p> <p>(i) To settle the terms and authorise the grant of leases, licences concessions and similar agreements affecting land and premises.</p> <p>(ii) to review all rents or other consideration in connection therewith;</p> <p>(iii) to consent to any assignment or underletting or other variation of such lease, licence, concession or agreement; and</p> <p>(iv) to authorise and take all action necessary to determine such a lease, licence, concession or agreement.</p> <p>(e) Valuation</p> <p>(i) To fix the value of property under Section 127 of the Housing Act (Sale price Right to Buy)</p> <p>(ii) To exercise the powers and functions of the Council in relation to the consideration of disposal under Section 158 of the Housing Act 1985 (Consideration on Right to Buy buy back)</p> <p>(f) Management of Facilities</p> <p>(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>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 Strategic Director (Corporate Resources)</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> <p>Excluding where the rent or other consideration exceeds £50,000 per annum;</p>

B. Specify the date from which the arrangements/amendment(s) are to have effect:

From the date upon which the Leader signs this document.

C. State whether the arrangements/amendment(s) made affect executive members or officers:

The proposed change will affect officers.

D. State reasons for, and effect of, the arrangements/amendment(s):

To ensure that officers are appropriately authorised to discharge the powers and functions of the Council in relation to the public health and port health matters in view of the UK's withdrawal from the European Union.

To recognise that the Council no longer delegates any housing management functions to East Kent Housing.

E. State whether, in the view of the Leader of the Council, the effect of the arrangements/amendment(s) is to withdraw delegations from the executive as a whole, a committee of the executive or an individual executive member (in any such case) to any significant extent:

No, the arrangements do not.

F. State anticipated date of report to Council:

21 October 2020

Signed:



Leader of the Council

Dated: 20 October 2020