

Public Document Pack



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22 September 2022

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **GOVERNANCE COMMITTEE** on Thursday 29 September 2022 at 5.30 pm, the following reports that were unavailable when the agenda was printed.

6 **TREASURY MANAGEMENT YEAR END REPORT 2021/22** (Pages 2 - 18)

To consider the report of the Head of Finance and Investment.

9 **REVIEW OF DELEGATED POWERS GIVEN TO THE HEAD OF PLANNING AND DEVELOPMENT FOR DETERMINING PLANNING APPLICATIONS** (Pages 19 - 39)

To consider the report of the Solicitor to the Council.

10 **CHANGES TO THE CHIEF OFFICER STRUCTURE** (Pages 40 - 122)

To consider the report of the Head of Paid Service.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written in a cursive style.

Chief Executive

Subject:	TREASURY MANAGEMENT YEAR END REPORT 2021/22
Meeting and Date:	Governance Committee – 29 September 2022 Cabinet – 7 November 2022
Report of:	Helen Lamb – Head of Finance and Investment
Portfolio Holder:	Councillor Christopher Vinson – Portfolio Holder for Finance, Governance, Digital and Climate Change
Decision Type:	Non-Key Decision
Classification:	Unrestricted

Purpose of the report:	To provide details of the Council's treasury management for the year ended 31 March 2022.
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Recommendation:	That the report is received.
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1. Summary

- 1.1 The Council's investment return for the period to 31 March was £1,444k, which is £229k less than the original budget estimate of £1,673k, giving a forecast annualised return of 3.04%. The long-term investments have been generating a reasonable income return considering the impact of the global pandemic.
- 1.2 The Council remained within its Treasury Management guidelines and complied with the Prudential Code guidelines during the period.

2. Introduction and Background

- 2.1 CIPFA (the Chartered Institute of Public Finance and Accountancy) issued the revised Code of Practice for Treasury Management in November 2011; it recommends that members should be updated on treasury management activities at least twice a year, but preferably quarterly. This report therefore ensures this council is implementing best practice in accordance with the Code.
- 2.2 Council adopted the 2021/22 Treasury Management Strategy (TMS) on 3rd March 2021 as part of the 2021/22 Budget and Medium-Term Financial Plan.
- 2.3 To comply with the CIPFA code referred to above, a brief summary is provided below, and Appendix 1 contains a full report from the Council's Treasury Management Advisors, Arlingclose.
- 2.4 Members are asked to note that in order to minimise the resource requirements in producing this report, Arlingclose's report has been taken verbatim. Treasury advisors generally use a more journalistic style than is used by our officers, but to avoid changing the meaning or sense of Arlingclose's work, this has not been edited out.

3. Economic Background

- 3.1 The report attached (Appendix 1) contains information up to the end of March 2022; since then, we have received the following update from Arlingclose (in italics). Please note that any of their references to quarters are based on *calendar years*:

“Main points since March:

- I. Monetary policymakers are pushing through with monetary tightening even as global recessionary risks rise, particularly in the EZ and UK.*
- II. The inflationary impact of the Ukraine invasion may be easing in some areas, but wholesale gas prices continue to be driven higher, with significant implications for UK inflation rates. The BoE now forecasts CPI inflation to exceed 13 with energy and fuel prices contributing half of that amount. With no resolution to the Ukraine conflict in sight and winter approaching, it is difficult to see these pressures easing.*
- III. High sustained inflation will lead to zero or negative GDP growth for Q 2 2022 onwards in the UK, due to negative real household disposable income growth. Data suggest that households are curtailing spending in response to higher prices. BoE sources, however, suggest that businesses remain confident of passing higher costs on. Further fiscal intervention is likely but could have inflationary implications.*
- IV. The UK labour market is tight and nominal wage growth is running above pre COVID levels. Higher wage growth will be a contributory factor to sustained above target inflation and is a key concern for the MPC. Real wage growth will however be unlikely for most workers. Weaker economic activity should eventually lead to lower demand for labour and reduce wage pressure.*
- V. The Bank of England has signalled a more forceful stance on inflation, due to apparent broader based inflationary effects and probably some concerns over the fiscal outlook, given the current Tory leadership contest. The MPC is also being pressured by hawkish US policy, which has weakened sterling. Its previous moderate approach balancing inflation and growth appears to have been put aside it is now seeking to aggressively dampen demand to offset the tight supply picture.*
- VI. Given the hawkish shift by the MPC, Arlingclose has raised its forecast for Bank Rate over the next few months. Rate cuts have been projected sooner in the medium term.*
- VII. Bond yields have recently eased from June’s highs as the weaker global outlook has been priced into economic projections. The US remains the main driver of global yields aggressive policy in the US, further strengthening the dollar, increases the inflation and recession risks for other countries and will lead to substantial volatility across financial markets. Quantitative tightening (adds a further level of uncertainty for the gilt yield outlook.*
- VIII. The MPC is particularly concerned about possible fiscal loosening, the tight labour market, sterling weakness and the willingness of firms to raise prices and wages.*
- IX. The MPC will therefore raise Bank Rate more quickly and to a higher level to dampen aggregate demand and reduce the risk of sustained higher inflation. Arlingclose expects Bank Rate to rise to 2.75% by December with a 50 bps rise in September, followed by 25 bps steps in November and December.*

- X. *However, the economy will therefore slow more drastically, necessitating cuts in Bank Rate during the second half of 2023.*
- XI. *Gilt yields will rise slightly from current levels due to rising inflation and central bank policy expectations, offset by weakening growth expectations. The medium term path for yields has flattened, as lower policy expectations are now priced in.*
- XII. *The risks around the gilt yield forecasts are significantly on the upside over the short term. Over the medium term, the balance of risks is broadly balanced.”*

4. **Annual Investment Strategy**

- 4.1 The investment portfolio, as at the end of March 2022, is attached at Appendix 2. Total balances held for investment and cash-flow purposes were £62.7m, decreasing to £61.1m at the end of May. The decrease reflects normal cashflow fluctuations arising from the timing of major preceptor payments, which are made over twelve months, while the Council Tax receipts that fund them typically come in over the ten months to January and then decline.
- 4.2 As at 31st March 2022, the Council's investment portfolio totalled £50m (see Appendix 2). Cashflow funds were higher than anticipated (£12.7m at 31 March 2022), this was due to the Council receiving £13m of grants from DLUHC for additional Covid relief and Council Tax energy rebates.
- 4.3 Cashflow funds have since decreased (to £11.1m at 31 May 2022) due to normal cashflow fluctuations. Short term borrowing will be used to cover fluctuations in the cash flow requirements as needed, instead of holding excess funds in call accounts.

5. **New Borrowing**

- 5.1 The Council's borrowing portfolio is attached at Appendix 3. At the end of March 2022, there was no short-term borrowing as £11 million was repaid in the quarter and no further borrowing was required due receiving £13m of grants from DLUHC.

6. **Debt Rescheduling**

- 6.1 At this time, it is not considered of benefit to the Council to undertake any further rescheduling of its long-term debt.

7. **Compliance with Treasury and Prudential Limits**

- 7.1 The Council has operated within the Prudential Indicators in compliance with the Council's Treasury Management Practices.

8. **Climate Change and Environmental Implications**

- 8.1 There are no climate change or environmental implications.

9. **Appendices**

Appendix 1 – Arlingclose Treasury Management Report for year end 2021/22

Appendix 2 – Investment portfolio as at 31 March 2022

Appendix 3 – Borrowing portfolio as at 31 March 2022

Appendix 4 – Investment portfolio as at 31 May 2022

10. **Background Papers**

Medium Term Financial Plan 2021/22 – 2024/25

Contact Officer: Dani Loxton, extension 2285

Treasury Management Year End Outturn Report 2021/22

Introduction

In March 2012 the Authority adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires the Authority to approve treasury management semi-annual and annual reports.

The Authority's treasury management strategy for 2021/22 was approved at a meeting on 3rd March 2021. The Authority has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Authority's treasury management strategy.

Treasury risk management at the Authority is conducted within the framework of the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires the Authority to approve a treasury management strategy before the start of each financial year and, as a minimum, a semi-annual and annual treasury outturn report.

The Prudential Code includes a requirement for local authorities to provide a Capital Strategy, a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments. The Authority's Capital Strategy, complying with CIPFA's requirement, was approved by full Council on 3rd March 2021.

External Context

Economic background: The continuing economic recovery from coronavirus pandemic, together with the war in Ukraine, higher inflation, and higher interest rates were major issues over the period.

Bank Rate was 0.1% at the beginning of the reporting period. April and May saw the economy gathering momentum as the shackles of the pandemic restrictions were eased. Despite the improving outlook, market expectations were that the Bank of England would delay rate rises until 2022. Rising, persistent inflation changed that.

UK CPI was 0.7% in March 2021 but thereafter began to steadily increase. Initially driven by energy price effects and by inflation in sectors such as retail and hospitality which were re-opening after the pandemic lockdowns, inflation then was believed to be temporary. Thereafter price rises slowly became more widespread, as a combination of rising global costs and strong demand was exacerbated by supply shortages and transport dislocations. The surge in wholesale gas and electricity prices led to elevated inflation expectations. CPI for February 2022 registered 6.2% year on year, up from 5.5% in the previous month and the highest reading in the National Statistic series. Core inflation, which excludes the more volatile components, rose to 5.2% y/y from 4.4%.

The government's jobs furlough scheme insulated the labour market from the worst effects of the pandemic. The labour market began to tighten and demand for workers grew strongly as employers found it increasingly difficult to find workers to fill vacant jobs. Having peaked at 5.2% in December 2020, unemployment continued to fall and the most recent labour market data for the three months to January 2022 showed the unemployment rate at 3.9% while the employment rate rose to 75.6%. Headline 3-month average annual growth rate for wages were 4.8% for total pay and 3.8% for regular

pay. In real terms, after adjusting for inflation, total pay growth was up 0.1% while regular pay fell by 1.0%.

With the fading of lockdown - and, briefly, the 'pingdemic' - restraints, activity in consumer-facing sectors improved substantially as did sectors such as oil and mining with the reopening of oil rigs but materials shortages and the reduction in the real spending power of households and businesses dampened some of the growth momentum. Gross domestic product (GDP) grew by an upwardly revised 1.3% in the fourth calendar quarter of 2021 according to the final estimate (initial estimate 1.0%) and took UK GDP to just 0.1% below where it was before the pandemic. The annual growth rate was revised down slightly to 7.4% (from 7.5%) following a revised 9.3% fall in 2020.

Having increased Bank Rate from 0.10% to 0.25% in December, the Bank of England hiked it further to 0.50% in February and 0.75% in March. At the meeting in February, the Monetary Policy Committee (MPC) voted unanimously to start reducing the stock of its asset purchase scheme by ceasing to reinvest the proceeds from maturing bonds as well as starting a programme of selling its corporate bonds.

In its March interest rate announcement, the MPC noted that the invasion of Ukraine had caused further large increases in energy and other commodity prices, with the expectation that the conflict will worsen supply chain disruptions around the world and push CPI inflation to around 8% later in 2022, even higher than forecast only a month before in the February Monetary Policy Report. The Committee also noted that although GDP in January was stronger than expected with business confidence holding up and the labour market remaining robust, consumer confidence had fallen due to the squeeze in real household incomes.

GDP growth in the euro zone increased by 0.3% in calendar Q4 2021 following a gain of 2.3% in the third quarter and 2.2% in the second. Headline inflation remains high, with CPI registering a record 7.5% year-on-year in March, the ninth successive month of rising inflation. Core CPI inflation was 3.0% y/y in March, was well above the European Central Bank's target of 'below, but close to 2%', putting further pressure on its long-term stance of holding its main interest rate of 0%.

The US economy expanded at a downwardly revised annualised rate of 6.9% in Q4 2021, a sharp increase from a gain of 2.3% in the previous quarter. In its March 2022 interest rate announcement, the Federal Reserve raised the Fed Funds rate to between 0.25% and 0.50% and outlined further increases should be expected in the coming months. The Fed also repeated its plan to reduce its asset purchase programme which could start by May 2022.

Financial markets: The conflict in Ukraine added further volatility to the already uncertain inflation and interest rate outlook over the period. The Dow Jones started to decline in January but remained above its pre-pandemic level by the end of the period while the FTSE 250 and FTSE 100 also fell and ended the quarter below their pre-March 2020 levels.

Bond yields were similarly volatile as the tension between higher inflation and flight to quality from the war pushed and pulled yields, but with a general upward trend from higher interest rates dominating as yields generally climbed.

The 5-year UK benchmark gilt yield began the quarter at 0.82% before rising to 1.41%. Over the same period the 10-year gilt yield rose from 0.97% to 1.61% and the 20-year yield from 1.20% to 1.82%.

The Sterling Overnight Rate (SONIA) averaged 0.39% over the quarter.

Credit review: In the first half of FY 2021-22 credit default swap (CDS) spreads were flat over most of period and are broadly in line with their pre-pandemic levels. In September spreads rose by a few basis points due to concerns around Chinese property developer Evergrande defaulting but then fell back. Fitch and Moody's revised upward the outlook on a number of UK banks and building societies on the Authority's counterparty to 'stable', recognising their improved capital positions compared to 2020 and better economic growth prospects in the UK.

Fitch also revised the outlook for Nordea, Svenska Handelsbanken and Handelsbanken plc to stable. The agency considered the improved economic prospects in the Nordic region to have reduced the baseline downside risks it previously assigned to the lenders.

The successful vaccine rollout programme was credit positive for the financial services sector in general and the improved economic outlook meant some institutions were able to reduce provisions for bad loans. However, in 2022, the uncertainty engendered by Russia's invasion of Ukraine pushed CDS prices modestly higher over the first calendar quarter, but only to levels slightly above their 2021 averages, illustrating the general resilience of the banking sector.

Having completed its full review of its credit advice on unsecured deposits, in September Arlingclose extended the maximum duration limit for UK bank entities on its recommended lending list from 35 days to 100 days; a similar extension was advised in December for the non-UK banks on this list. As ever, the institutions and durations on the Authority's counterparty list recommended by Arlingclose remains under constant review.

Revised CIPFA Codes, Updated PWLB Lending Facility Guidance

In August 2021 HM Treasury significantly revised guidance for the PWLB lending facility with more detail and 12 examples of permitted and prohibited use of PWLB loans. Authorities that are purchasing or intending to purchase investment assets primarily for yield will not be able to access the PWLB except to refinance existing loans or externalise internal borrowing. Acceptable use of PWLB borrowing includes service delivery, housing, regeneration, preventative action, refinancing and treasury management.

CIPFA published its revised Prudential Code for Capital Finance and Treasury Management Code on 20th December 2021. The key changes in the two codes are around permitted reasons to borrow, knowledge and skills, and the management of non-treasury investments.

The principles of the Prudential Code took immediate effect although local authorities could defer introducing the revised reporting requirements until the 2023/24 financial year if they wish.

To comply with the Prudential Code, authorities must not borrow to invest primarily for financial return. This Code also states that it is not prudent for local authorities to make investment or spending decision that will increase the CFR unless directly and primarily related to the functions of the authority. Existing commercial investments are not required to be sold; however, authorities with existing commercial investments who expect to need to borrow should review the options for exiting these investments.

Borrowing is permitted for cashflow management, interest rate risk management, to refinance current borrowing and to adjust levels of internal borrowing. Borrowing to refinance capital expenditure primarily related to the delivery of a local authority's function but where a financial return is also expected is allowed, provided that financial return is not the primary reason for the expenditure. The changes align the CIPFA Prudential Code with the PWLB lending rules.

Unlike the Prudential Code, there is no mention of the date of initial application in the Treasury Management Code. The TM Code now includes extensive additional requirements for service and commercial investments, far beyond those in the 2017 version.

Local Context

On 31st March 2021, the Authority had net borrowing of £34.3m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31.3.21 Actual £000
General Fund CFR	65,267
HRA CFR	73,726
Total CFR	138,993
Less: Usable reserves	(90,805)
Less: Working capital	(13,875)
Net borrowing	34,313

Lower official interest rates have lowered the cost of short-term, temporary loans and investment returns from cash assets that can be used in lieu of borrowing. The Authority pursued its strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, in order to reduce risk and keep interest costs low.

The treasury management position at 31st March 2022 and the change during the year is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.3.21 Balance £000	Movement £000	31.3.22 Balance £000	31.3.22 Rate %
Long-term borrowing	73,187	(2,521)	70,666	
Short-term borrowing	18,443	(15,922)	2,521	
Total borrowing	91,631	(18,443)	73,187	3.46%
Long-term investments	49,549	410	49,959	
Short-term investments	4	0	4	
Cash and cash equivalents	7,765	937	8,702	
Total investments	57,318	1,347	58,665	3.04%
Net borrowing	34,313		14,522	

Repaid £16m of short-term borrowing in year - no further short-term borrowing required due to funding received for Port Health operations and central government grants.

Borrowing Update

The Authority was not planning to borrow to invest primarily for commercial return and so is unaffected by the changes to the Prudential Code.

Borrowing strategy

At 31st March 2022 the Authority held £73.2m of loans, (a decrease of £18.4m since 31st March 2021), as part of its strategy for funding previous years' capital programmes. Outstanding loans on 31st March are summarised in Table 3 below.

Table 3: Borrowing Position

	31.3.21 Balance £000	Net Movement £000	31.3.22 Balance £000
Public Works Loan Board	75,631	(2,443)	73,187
Local authorities (short-term)	16,000	(16,000)	0
Total borrowing	91,631	(18,443)	73,187

The Authority's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Authority's long-term plans change being a secondary objective.

In keeping with these objectives, no new long term borrowing was undertaken. This strategy enabled the Authority to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk.

With short-term interest rates remaining much lower than long-term rates, the Authority considered it more cost effective in the near term to use internal resources or borrowed rolling temporary / short-term loans instead. The net movement in temporary / short-term loans is shown in table 3 above.

PWLB funding margins have lurched quite substantially and there remains a strong argument for diversifying funding sources, particularly if rates can be achieved on alternatives which are below gilt yields + 0.80%. The Authority will evaluate and pursue these lower cost solutions and opportunities with its advisor Arlingclose.

Treasury Investment Activity

CIPFA published a revised Treasury Management in the Public Services Code of Practice and Cross-Sectoral Guidance Notes on 20th December 2021. These define treasury management investments as investments that arise from the organisation's cash flows or treasury risk management activity that ultimately represents balances that need to be invested until the cash is required for use in the course of business.

The Authority holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year, the Authority's investment balances ranged between £71.3m and £53.7m due to timing differences between income and expenditure. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	31.3.21 Balance £000	Net Movement £000	31.3.22 Balance £000	31.3.22 Income Return %
Banks & Building Societies (unsecured)	7,764	583	8,351	0.29%
Money Market Funds	5	350	355	0.99%
Other Pooled Funds				
- <i>Cash plus funds</i>	8,032	(105)	7,927	
- <i>Strategic bond funds</i>	8,386	(384)	8,002	
- <i>Property funds</i>	5,585	981	6,566	
- <i>Multi asset income funds</i>	27,546	(82)	27,464	
Other Pooled Funds Sub-total	49,549	410	49,959	3.46%
Total investments	57,318		58,665	

Both the CIPFA Code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Authority’s objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

Ultra low short-dated cash rates, which were a feature since March 2020 when Bank Rate was cut to 0.1%, prevailed for much of the 12-month reporting period which resulted in the return on sterling low volatility net asset value (LVNAV) Money Market Funds being close to zero even after some managers have temporarily waived or lowered their fees. However, higher returns on cash instruments followed the increases in Bank Rate in December, February and March. At 31st March, the 1-day return on the Authority’s MMFs ranged between 0.48% - 0.51% p.a.

Similarly, deposit rates with the Debt Management Account Deposit Facility (DMADF) initially remained very low with rates ranging from 0% to 0.1% but following the hikes to policy rates increased to between 0.55% and 0.85% depending on the deposit maturity.

Given the risk and low returns from short-term unsecured bank investments, the Authority maintained its diversification in more secure and/or higher yielding asset classes as shown in table 4 above with £50m that is available for longer-term investment invested in pooled funds.

The progression of risk and return metrics are shown in the extracts from Arlingclose’s quarterly investment benchmarking in Table 5 below.

Table 5: Investment Benchmarking - Treasury investments managed in-house

	Credit Score	Credit Rating	Bail-in Exposure	Weighted Average Maturity (days)	Rate of Return %
31.03.2021	5.33	A+	100%	1	3.01%
31.03.2022	5.34	A+	100%	1	3.07%
Similar LAs	4.37	AA-	61%	43	2.38%
All LAs	4.39	AA-	61%	14	2.10%

Externally Managed Pooled Funds: £50m of the Authority's investments is invested in externally managed strategic pooled bond, multi-asset and property funds where short-term security and liquidity are lesser considerations, and the objectives instead are regular revenue income and long-term price stability. These funds generated an average total return of 3.61%, comprising a 2.48% income return which is used to support services in year, and 1.13% of capital growth.

In the nine months to December improved market sentiment was reflected in property and multi-asset fund valuations and, in turn, in the capital values of the Authority's property and multi-asset income funds in the Authority's portfolio. The prospect of higher inflation and rising bond yields did however result in muted bond fund performance. In the January- March quarter the two dominant themes were tighter UK and US monetary policy and higher interest rates, and the military invasion of Ukraine by Russia in February, the latter triggering significant volatility and uncertainty in financial markets.

In light of Russia's invasion, Arlingclose contacted the fund managers of our MMF, cash plus and strategic funds and confirmed no direct exposure to Russian or Belarusian assets had been identified. Indirect exposures were immaterial. It should be noted that that any assets held by banks and financial institutions (e.g. from loans to companies with links to those countries) within MMFs and other pooled funds cannot be identified easily or with any certainty as that level of granular detail is unlikely to be available to the fund managers or Arlingclose in the short-term, if at all.

The change in the Authority's funds' capital values and income earned over the 12-month period is shown in Table 4.

Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Authority's medium- to long-term investment objectives are regularly reviewed. Strategic fund investments are made in the knowledge that capital values will move both up and down on months, quarters and even years; but with the confidence that over a three- to five-year period total returns will exceed cash interest rates. *Investment in these funds has been maintained.*

The Authority had budgeted £1,673k income from these investments in 2021/22.

Non-Treasury Investments

The definition of investments in CIPFA's revised 2021 Treasury Management Code covers all the financial assets of the Authority as well as other non-financial assets which the Authority holds primarily for financial return. Investments that do not meet the definition of treasury management investments (i.e. management of surplus cash) are categorised as either for service purposes (made explicitly to further service objectives) and or for commercial purposes (made primarily for financial return).

Investment Guidance issued by the Department for Levelling Up Housing and Communities (DLUHC) and Welsh Government also broadens the definition of investments to include all such assets held partially or wholly for financial return.

Following the approval of the Property Investment Strategy in November 2016, work continues to identify and progress suitable investments to deliver economic regeneration and to generate additional income streams for the future.

The 2021/22 budget includes a forecast of total income (rent and service charges) of £1.94m. Costs including management costs, minimum revenue provision and long term borrowing of £1.30m are forecast resulting in retained income for the General Fund of £640k.

Treasury Performance

The Authority measures the financial performance of its treasury management activities both in terms of its impact on the revenue budget and its relationship to benchmark interest rates, as shown in table 6 below.

Table 6: Performance

	Actual £000	Budget £000	Over/ under	Actual %
Interest Received	£1,444	1,673	(229)	3.04%
Interest Payable	2,521	2,521	0	3.46%

Compliance

The Strategic Director of Corporate Resources reports that all treasury management activities undertaken during the year complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy. Compliance with specific investment limits is demonstrated in table 7 below.

Compliance with the authorised limit and operational boundary for external debt is demonstrated in table 7 below.

Table 7: Debt Limits

	31.3.22 Actual	2021/22 Operational Boundary	2021/22 Authorised Limit	Complied?
Borrowing	£73.2m	£333m	£338.5m	✓

Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

Table 8: Investment Limits

	31.3.22 Actual	2021/22 Limit	Complied?
Local authorities & other government entities	0	unlimited	✓
Banks (unsecured)	<1m	£8m per bank	✓
Any group of pooled funds under the same management	0	£16m per group	✓
Negotiable instruments held in a broker's nominee account	0	£15m	✓
Unsecured investments with building societies	0	£8m	✓
Money market funds	<1m	£10m per fund	✓

Strategic pooled funds	£50m	£10m per fund	✓
Operational bank	£12.3m	£20m	✓

Treasury Management Indicators

The Authority measures and manages its exposures to treasury management risks using the following indicators.

Security: The Authority has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	31.3.22 Actual	2021/22 Target	Complied?
Portfolio average credit rating	5.34	6	✓

Liquidity: The Authority has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three-month period, without additional borrowing / it can borrow each period without giving prior notice.

	31.3.22 Actual	2021/22 Target	Complied?
Total cash available within 3 months	£12.7m	£8m	✓

Interest Rate Exposures: This indicator is set to control the Authority's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interests was:

Interest rate risk indicator	31.3.22 Actual	2021/22 Limit	Complied?
Upper limit on one-year revenue impact of a 1% <u>rise</u> in interest rates	500	500	✓
Upper limit on one-year revenue impact of a 1% <u>fall</u> in interest rates	500	500	✓

The impact of a change in interest rates is calculated on the assumption that maturing loans and investment will be replaced at current rates.

Maturity Structure of Borrowing: This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of all borrowing were:

	31.3.22 Actual	Upper Limit	Lower Limit	Complied?
Under 12 months	2,521	25%	0%	✓
12 months and within 24 months	3,935	50%	0%	✓
24 months and within 5 years	8,451	50%	0%	✓
5 years and within 10 years	15,989	100%	0%	✓
10 years and above	38,291	100%	0%	✓

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

Principal Sums Invested for Periods Longer than a year: The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

	2021/22	2022/23	2023/24
Actual principal invested beyond year end	0	0	0
Limit on principal invested beyond year end	£30m	£30m	£30m
Complied?	✓	✓	✓

Other

IFRS 16: The implementation of the new IFRS 16 Leases accounting standard was due to come into force for local authorities from 1st April 2022. Following a consultation CIFPA/LASAAC announced an optional two year delay to the implementation of this standard a decision which was confirmed by the Financial Reporting Advisory Board in early April 2022. Authorities can now choose to adopt the new standard on 1st April 2022, 1st April 2023 or 1st April 2024. The Authority intends to adopt the new standard on 1st April 2024.

In-house as at 31/03/22**APPENDIX 2**

Organisation	Issue Date	Book cost	Market value	Market yield %	Credit Rating	Options available
<u>In-house investments - Long Term</u>						
CCLA Property investment Fund	30/06/17	3,000,000	3,190,801	3.69%	UK - Gov 'AA'	5 Years +
CCLA Property investment Fund	31/07/17	3,000,000	3,184,130	3.69%	UK - Gov 'AA'	5 Years +
Investec Diversified Income Fund	15/12/17	6,000,000	5,769,919	3.76%	UK - Gov 'AA'	5 Years +
Columbia Threadneedle Strategic Bond Fund	15/12/17	6,000,000	6,178,090	2.24%	UK - Gov 'AA'	5 Years +
Payden and Rygel	28/02/18	8,000,000	7,996,760	0.46%	UK - Gov 'AA'	2 Years +
Investec Diversified Income Fund	01/08/18	2,000,000	1,923,306	3.76%	UK - Gov 'AA'	5 Years +
Investec Diversified Income Fund	03/09/18	2,000,000	1,923,306	3.76%	UK - Gov 'AA'	5 Years +
CCLA Diversified Income Fund	20/09/18	8,000,000	8,428,566	2.57%	UK - Gov 'AA'	5 Years +
Columbia Threadneedle Strategic Bond Fund	13/12/18	2,000,000	2,174,881	2.24%	UK - Gov 'AA'	5 Years +
Kames Diversified Monthly Income Fund	28/02/19	8,000,000	8,304,825	5.95%	UK - Gov 'AA'	5 Years +
Kames Diversified Monthly Income Fund	16/12/19	2,000,000	1,971,096	5.95%	UK - Gov 'AA'	5 Years +

50,000,000	51,045,681
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50,000,000	51,045,681	Total Portfolio
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Cashflow:**Rate****Call Accounts/MMF (as at 31/03/22)**

Global Treasury Fund (Goldman Sachs Money Market Fund)	354,106	0.48%
Standard Life Investments (Money Market Fund)	1,000	0.51%
Natwest SIBA	12,326,688	0.10%
Santander	503	0.40%
Bank of Scotland	4,979	0.65%
Barclays	1,346	0.00%

Total Cash flow	12,688,622
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Total Portfolio and Cashflow	62,688,622
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Dover District Council Borrowing - 2021/22

APPENDIX 3

Interest Type	Date Loan Taken Out	Date Loan Matures	Repayment Dates	Loan Number	Principal Balance 01-Apr-21	Interest Rate %	Principal To Be Repaid 2021/22	Principal Balance 31-Mar-22	Interest Payable 2021/22	Lender	Type of loan
Long Term Borrowing											
Fixed	02/10/97	02/10/57	APR-OCT	479961	1,000,000	6.75		1,000,000	67,500	PWLB	Principal due on Maturity
Fixed	28/05/97	28/05/57	MAY-NOV	479542	2,000,000	7.38		2,000,000	147,500	PWLB	Principal due on Maturity
Fixed	23/08/46	23/06/26	JUNE-DEC	131582	245	2.50	45	201	6	PWLB	Equal Instalment of Principal (EIP)
Fixed	27/09/46	27/06/26	JUNE-DEC	131583	45	2.50	8	37	1	PWLB	Equal Instalment of Principal (EIP)
Fixed	16/11/01	30/09/26	SEPT-MAR	486237	1,000,000	4.75		1,000,000	47,500	PWLB	Principal due on Maturity
Fixed	26/03/12	26/03/42	SEPT-MAR	499853	71,630,591	3.18	2,443,225	69,187,366	2,258,582	PWLB	Annuity (HRA Financing)
					75,630,882		2,443,278	73,187,604	2,521,090		
Short Term Borrowing											
					0		0	0	0	<i>Sub-total</i>	
Fixed	01/05/12	01/11/27	MAY-NOV		60,966	0.00	8,710	52,257	0	Lawn Tennis Association	Interest free
					75,691,848		2,451,988	73,239,860	2,521,090		

In-house as at 31/05/22**APPENDIX 4**

Organisation	Issue Date	Book cost	Market Value	Market yield	Credit rating	Options available
<u>In-house investments - Long Term</u>						
CCLA Property investment Fund	30/06/17	3,000,000	3,209,852	3.69%	UK - Gov 'AA'	5 Years +
CCLA Property investment Fund	31/07/17	3,000,000	3,203,141	3.69%	UK - Gov 'AA'	5 Years +
Investec Diversified Income Fund	15/12/17	6,000,000	5,643,044	3.76%	UK - Gov 'AA'	5 Years +
Columbia Threadneedle Strategic Bond Fund	15/12/17	6,000,000	6,079,086	2.24%	UK - Gov 'AA'	5 Years +
Payden and Rygel	28/02/18	8,000,000	7,975,266	0.46%	UK - Gov 'AA'	2 Years +
Investec Diversified Income Fund	01/08/18	2,000,000	1,881,015	3.76%	UK - Gov 'AA'	5 Years +
Investec Diversified Income Fund	03/09/18	2,000,000	1,881,015	3.76%	UK - Gov 'AA'	5 Years +
CCLA Diversified Income Fund	20/09/18	8,000,000	8,128,318	2.57%	UK - Gov 'AA'	5 Years +
Columbia Threadneedle Strategic Bond Fund	13/12/18	2,000,000	2,140,029	2.24%	UK - Gov 'AA'	5 Years +
Kames Diversified Monthly Income Fund	28/02/19	8,000,000	8,128,425	5.95%	UK - Gov 'AA'	5 Years +
Kames Diversified Monthly Income Fund	16/12/19	2,000,000	1,929,228	5.95%	UK - Gov 'AA'	5 Years +
		50,000,000	50,198,419			
		50,000,000	50,198,419	Total Portfolio		

Cashflow:**Call Accounts/MMF (as at 31/05/22)****Rate**

Global Treasury Fund (Goldman Sachs Money Market Fund)	354,106	0.89%
Standard Life Investments (Money Market Fund)	1,000	0.89%
Natwest SIBA	10,723,148	0.10%
Santander	503	0.40%
Bank of Scotland (BOS)	4,985	0.65%
Barclays	1,346	0.00%
Total Cash flow	11,085,087	

Subject: REVIEW OF DELEGATED POWERS GIVEN TO HEAD OF PLANNING AND DEVELOPMENT FOR DETERMINING PLANNING APPLICATIONS

Meeting and Date: Governance Committee – 29 September 2022
Council – 12 October 2022

Report of: Harvey Rudd, Solicitor to the Council

Classification: Unclassified

Purpose of the report: To seek the approval of the Governance Committee for the amendments to the Scheme of Officer Delegations set out in this report

Recommendation: That the Governance Committee approve the amendments to the Scheme of Officer Delegation and recommend that the Council amend the Constitution accordingly

1. Summary

- 1.1 The report examines the existing scheme of delegation for planning applications being determined at Planning Committee, which is currently based on whether 6 or more contrary representations to the officer recommendation are received.
- 1.2 The findings, set out below, indicate that the existing scheme of delegation is outdated and no longer fit for purpose as a means of identifying planning applications of sufficient importance for referral to committee. The current scheme of delegation readily lends itself to parties ensuring that the requisite number of representations are submitted so as to require reference to the Planning Committee. This leads to too many small-scale planning applications being referred to committee, drawing attention away from applications of legitimate wider public interest, that should be the committee's main focus. The reporting of smaller cases also slows the throughput of applications generally and adds a burden on resources associated with their reporting.
- 1.3 Following evidence gathering on planning application statistics and a review of other Kent authority delegation schemes, this report recommends a new scheme of delegation. This would be for major planning applications to be reported to committee where a significant number of contrary representations to the officer recommendation have been received. The current member call-in route for applications would also be amended to ensure call-ins occur where there are robust and legitimate planning grounds, with the member calling-in the application attending committee to address the issues raised.

2. Introduction and Background

- 2.1 Part C to Section 6 of the Constitution of the Council (Council and Executive Functions) details Council functions delegated to the Head of Planning and Development. These include the power to determine planning applications under the Town and Country Planning (T&CP) Act 1990. Conditions/limitations apply to the exercising of these powers, with circumstances outlined whereby planning applications, submitted under Section 70(1)(a) and (b) of the Act, must be referred to planning committee for determination. (This part of the Act only applies to applications for planning permission and excludes referral of a range of applications, including the following:

- (i) Reserve matters;
- (ii) variation and/or removal of conditions previously imposed on a planning permission;
- (iii) advertisement consent,
- (iv) certificate of lawful development (proposed/existing);
- (v) prior approvals (28/56 day determinations); and
- (vi) listed building consent).

2.2 The existing Scheme of Delegation (see Appendix 1) requires planning applications to be referred to planning committee in the following circumstances:

- (a) Where 6 or more public representations have been received that are contrary to the intended officer recommendation (e.g., 6 or more letters of objection are received when the officer recommendation is to approve); and
- (b) There is a written request by a Member, identifying planning reasons, for the application to be called-in to committee.

As a matter of practice (not cited in the Scheme), the Head of Planning and Development does on occasion choose not to exercise her delegated authority, for example if the committee has given its opinion about a previous application on the same site, which the intended officer recommendation would be contrary to, the application is as a consequence reported to Planning Committee.

2.3 The scheme of delegation has been operating in this manner (or very similarly to it) for well in excess of 10 years. Over that time, there have been significant changes to the way the development management (DM) process is administered, particularly in regard to the use of digital platforms. These have enhanced access to the planning process, with the public now able to view application information on-line and submit comments by email. The existing Scheme and previous variants of it, were devised at a time when planning applications essentially had to be viewed at a local Council office and public comments were made by letter. Given these changes and in view of other experiences with the scheme of delegation (explained below) it was decided to carry out a review of how effectively it was operating.

2.4 Several factors gave added impetus to the need for a review:

- (a) The relative ease by which comments can be submitted on planning applications (on-line), raising a question as to whether the submission of 6 comments remains a meaningful measure of likely public interest in/concern about a planning application.
- (b) The concern that an increasing number of objectors to/proponents of development might be canvassing for representation to trigger a committee referral, with in-or-around 6 contrary representations being received with a degree of regularity and sometimes (in the case of support letters) at one time, just after the receipt of the application and on occasion from individuals living some distance from the application site. Such occurrences raised questions as to whether the number of representations received is a genuine measure of local public interest.
- (c) The fact that the 'number of contrary representations' model for referring applications to planning committee (as operated at Dover) is not currently used by many other Kent local planning authorities and that other authorities also determine a higher percentage of their applications under powers delegated to officers.
- (d) The sense that committee should generally be focusing on larger and more controversial planning applications of wider public interest, rather than small-

scale schemes, including householder applications, which are being routinely reported.

- (e) The emergence of a backlog of applications waiting to go to planning committee, causing delay and inconvenience to customers. While partly arising from the more constrained committee operation during Covid, the backlog has emphasised the need to review how/which applications are referred to committee, so ensuring applications are dealt with efficiently and in a timely manner.
- (f) Workloads within the DM service remain high with planning application numbers (and fee income) continuing to be strong. Reporting an application to planning committee is a much more resource intensive process, compared to dealing with an application under delegated powers – with additional time spent on preparing committee presentations, attending committee and engagement by senior officers. This highlights the need for applications to only go to committee when necessary, which is not considered to be the case at present.

2.5 To inform the review, an analysis was undertaken of how/what applications were determined by planning committee over a two-year period (2020 & 2021). Other Kent local planning authorities were also contacted to gain a fuller understanding of how their schemes of delegation were currently operating.

2.6 The review of committee decisions from the previous 2 years confirmed:

- (a) Committee considered a total of 109 cases.
- (b) Of these, 18% were referred to committee based on in-and-around 6 contrary representations being received, increasing to 37% accounting for where contrary representations were up to 9.
- (c) While member call-in requests were made on several applications, only 3% were determined by committee solely based on a member call-in.
- (d) 87% of planning committee decisions were decided in accordance with the officer recommendation, increasing to 94% for a few cases that were initially deferred by committee for further details/information and reported back for decision.
- (e) Of the cases considered by planning committee:
 - (i) 12% were for household planning applications;
 - (ii) 59% were predominately minor applications (above householder but below 'major' level), including some miscellaneous others; and
 - (iii) 29% were for major planning applications.

2.7 The above shows that more than a third of all applications reported to committee were due to between 6 and 9 contrary representations being received. These findings give some credence to the concerns outlined at 2.4(b). One in eight applications reported were householder proposals.

2.8 Comparing schemes of delegation across Kent authorities, Dover had 96% of planning application decisions delegated to officers. This was higher than two authorities but lower than seven, with one authority achieving 99%. Other findings include:

- (a) The use of the 'number of contrary representations' approach did not appear to be favoured by other Councils, with only two others using it in one form or another.
- (b) The use of 'thresholds' to exclude certain types of applications being reported to committee are operated by those authorities with the highest % of

applications determined under delegated powers. The thresholds vary between these authorities, with one excluding applications up to 20 dwellings from committee, although all excluded small-scale applications such as householder proposal.

- (c) Some schemes give authority to the Head of Service to determine whether an application should be referred to committee based on whether it has received 'significant objections' or is considered to be of sufficient importance to warrant member consideration.
- (d) Member call-ins are operated by all authorities, although some have additional requirements e.g. (i) requiring that the member calling-in the application attend committee to address the issues they've raised or (ii) that a call-in is only agreed where the application is judged to raise "issues of significant local importance"; suggesting a role for the Head of Service and/or the Planning Chairman in determining when this criteria was met.

3. Identification of Options

- 3.1 In carrying out the review and making recommendations, it is considered important that any revised scheme be simple to operate and as transparent as possible; making it clear to applicants and the public why a particular application has/has not been reported to committee. For this reason, it is considered preferable to steer away from referral criteria that rely solely on the judgement of an individual, which the examples at 2.8(c) and (d)(ii) above are felt to do.
- 3.2 In view of the delays experienced with reporting some applications to planning committee and the need to maintain and enhance the speed of decision making, it is also important that the overall number of applications reported to committee be reduced - which might be an inevitable consequence if some smaller cases are no longer reported – and for the reasons given at 2.4 (f), this would also assist with the efficient running of the service. Based on the foregoing, a target of around 98% delegated decisions is preferable and would also be consistent with practice elsewhere. Only time will tell whether any modifications to the scheme will meet the 98% target. Regarding less applications being reported to committee, it will be noted from the analysis of the 2020/2021 cases (see 2.6(e) above), that the committee agreed with the vast majority of officer recommendations. This hopefully gives assurance that increasing delegated authority to officers would not necessarily lead to decisions out-of-step with members' views.
- 3.3 The use of thresholds (i.e., the identification of a scale of development above which an application should usually be reported to committee) is felt to be a better alternative to relying solely on the number of contrary representations method, which has been largely set aside by authorities as the basis of their delegation schemes. What an appropriate threshold would be can be a matter for reasonable debate, however the recommendation before members is that the threshold be set at 'major planning applications'; a major application being more than 10 dwellings or more than 1000m² of non-residential floor space. This threshold has the benefit of being a nationally recognised categorisation¹. The threshold is therefore familiar to DM practitioners, including professional agents and others.
- 3.4 As a qualification to the above, it is recognised that under the current scheme of delegation, not all major planning applications have to be reported to planning committee, with many being uncontentious in nature and dealt with as such under

¹ Major development is defined in Government Planning Regulations (Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015).

powers delegated to officers. Reporting all major applications to committee therefore would be arguably unnecessary and potentially counter-productive to the aim of reducing the number of cases heard by committee and focusing committee's attention on the more challenging cases. For this reason, it is recommended that the 'number of contrary representations' model be used to 'screen out' non-contentious major applications with only major applications receiving 21 or more contrary representations being automatically referred. Based on experience, this figure is likely to represent a significant proportion of local interest, beyond immediate or adjoining neighbours, and is considered to be a reasonable bar to convey a level of public interest requiring involvement by planning committee.

- 3.5 Fundamental to these proposals is the maintenance of a committee referral under a member call-in. This in effect provides a catch-all for any other planning application (major or otherwise) that a member feels raises matters of such importance/local interest to warrant consideration by planning committee. It is possible that this route for referral could come under some initial pressure from supporters of/objectors to non-major scale planning applications.
- 3.6 Therefore, to ensure the call-in operates robustly, and in line with practice elsewhere, it is considered that a member deciding to call-in an application, in addition to citing planning reasons for doing so in writing (as at present), should also attend committee to address the issues they have raised (or, if this is not possible, provide a representative to do this on their behalf).
- 3.7 It should also be necessary for call-in requests to be screened by the Head of Service, in consultation with the Chairman of the Planning Committee, in accordance with criteria that ensures the call-in route operates in support of applications that warrant consideration by the committee. The modifications proposed in this report might result in additional call-in requests which would arguably strengthen the connection between planning and the democratic process.

4. Evaluation of Options

- 4.1 **Maintain the current Scheme of Delegation - Not recommended** for the reasons set out in this report, suggesting that the '6 contrary representations' method is now outdated and unreliable as a means of identifying the most important/contentious applications, from a public interest perspective. In particular, the method is likely encouraging the referral of smaller-scale applications that can safely be determined under delegated powers. The scheme also involves departmental resources being expended inefficiently, with smaller cases being prepared/presented for committee. By adding to the overall number of applications being referred, it also results in delays in the throughput of applications to committee generally and the speed of decision making.
- 4.2 **Increase the number of contrary representations required to trigger a referral to committee from the current 6 – Not recommended.** Experience has shown that the operation of a referral process on this basis alone is likely to simply result in more of the required number of letters being submitted by enthusiastic opponents/supporters of a development, with the drawbacks of the current scheme of delegation persisting.
- 4.3 **Change the current scheme of delegation as set out in this report - Recommended:**
 - (a) Apply a threshold meaning that only 'major planning applications' on which 21 or more contrary representations have been received are automatically referred to planning committee.
 - (b) Maintain the operation of the member call-in, with a requirement that:

- (i) planning reasons for the call-in are provided in writing (as present);
 - (ii) the Head of Service, in consultation with the Chairman of the Planning Committee, determines whether the application should be called-in on the basis of the criteria listed at Appendix 2 of this report; and
 - (iii) the member attend committee to address the issues raised in the call-in (or otherwise provide a representative to do so on their behalf).
 - (c) Amend the Constitution to reflect the above changes as outlined at Appendix 3.
- 4.4 If 4.3 is agreed, it is recommended that the operation of the revised scheme of delegation be monitored over a period of 2 years to evaluate its effectiveness.

5. Resource Implications

- 5.1 The implementation of this recommendation will enhance the efficient running of the Development Management service. By limiting the number of planning applications reported to committee to those raising matters of genuine public interest, it will reduce the amount of resource needed to draft/scrutinise committee reports, prepare presentations and attend the committee meeting and pre-meeting. This resource can be redirected to support other aspects of the DM service.

6. Climate Change and Environmental Implications

- 6.1 Allowing more focus/resources to be placed on other aspects of the DM service has the potential to enhance the quality of planning outcomes relative to these objectives.

7. Corporate Implications

- 7.1 Comment from the Section 151 Officer: Accountancy have been consulted and have no further comments. (MR)
- 7.2 Comment from the Principal Lawyer - Planning: The Principal Lawyer – Planning has been consulted in the production of this report and has no further comment to make.
- 7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>.
- 7.4 Other Officers (as appropriate): no comments.

8. Appendices

Appendix 1 – Existing Scheme of Delegation

Appendix 2 – Review of committee call-in requests by Head of Service (in consultation with the Chairman of Planning Committee)

Appendix 3 – Proposed amendments to Constitution

9. **Background Papers**

Constitution of the Council.

Department for Levelling Up, Housing and Communities, Live tables on planning application statistics. Table P134 - District planning authorities: applications received, decided, granted and delegated and environmental statements received, by local planning authority, England - Year ending March 2022.

Contact Officer: Peter Wallace

**Delegation to: Head of Regeneration and Development
Planning Enforcement Manager**

Council Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
1.	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	
2.	Functions relating to town and country planning and development control, trees, footpaths, bridleways and restricted byeways, public rights of way, as described in Article 2 and 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	<p>To exercise the powers and functions in relation to town and country planning and development control including</p> <p>(a) Power to determine applications for planning permission.</p> <p>(b) Power to determine applications to develop land without compliance with conditions previously attached.</p> <p>(c) Power to grant planning permission for development already carried out.</p> <p>(d) Power to decline to determine applications for planning permission.</p> <p>(e) Duties relating to the making of 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, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p> <p>(h) Power 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</p>	<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 request of a Member identifying planning reasons</p>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>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 a planning contravention notice, breach of condition notice or stop notice.</p> <p>(o) Power to issue a temporary stop notice.</p> <p>(p) Power to issue an enforcement notice.</p> <p>(q) Power to apply for an injunction restraining a breach of planning control.</p> <p>(r) Power to determine applications for hazardous substances consent and related powers.</p> <p>(s) Duty to determine conditions to which old mining permissions, relevant planning permissions related to dormant sites or active phase 1 or 2 sites or mineral permissions relating to mining sites as the case may be are to be subject.</p> <p>(t) Power to require proper maintenance of land.</p> <p>(u) Power to determine application for listed building consent, and related powers.</p> <p>(v) Duties relating to applications for listed building consent.</p> <p>(w) Power to serve a building preservation notice, and related powers.</p> <p>(x) Power to issue enforcement notice in relation to demolition of listed building in conservation area.</p> <p>(y) Powers to acquire a listed building in need of repair and to serve a</p>	

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		repairs notice. (z) Power to apply for an injunction in relation to a listed building. (aa) Power to authorise stopping up or diversion of highway. (bb) Power to execute urgent works. (cc) Powers relating to the protection of important hedgerows. (dd) Powers relating to the preservation of trees. (ee) Power in relation to complaints about high hedges. (ff) Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway. (gg) Power to extinguish public rights of way over land held for planning purposes.	
3.	Local choice functions allocated to the Planning Committee as set out in Section 1 of Part 3 of the Constitution.		
4.	The Town and Country Planning (Environmental Impact Assessment) Regulations 2017	To determine all matters in relation to the Regulations.	
5.	Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017	To implement the provisions of the Regulations.	

Executive Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
6.	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.	<p>The function of designating neighbourhood areas shall be referred to the executive for decision in circumstances where there are 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>
7.	Licensing Act 2003 (Sections 13(4)(d) and 69(4)(d))	To exercise the powers of the Planning Committee as “responsible authority”.	
8.	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.	
9.	Self-build and Custom Housebuilding Act 2015	To exercise the powers and functions of the Council under the Act.	
10.	Planning	To negotiate and enter into Planning	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Performance Agreements	Performance Agreements.
11.	Housing and Planning Act 2016	To exercise the Council's powers and functions in relation to the Brownfield Land Register.
12.	Local Development (Part 2 of the Planning and Compulsory Purchase Act 2004)	To discharge the powers and functions of the council in relation to the Local Plan and supplementary planning documents and policies
		<p>(1) The giving of any 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>
13.	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
14.	Planning (Listed Buildings and Conservation Areas) Act 1990	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

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
(Section 57) or the Town Grant Scheme	repaid.	
15. 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.	
16. The Local Land Charges Acts	To exercise the functions of the Council in respect of the Local Land Charges Service.	

Call-in of a planning application to Planning Committee

In calling in a planning application to planning committee, the member will need to set out, in writing, clear material planning reasons to support their call in. This could have consideration of (but is not limited to) the principle of development, impact on residential or visual amenity, non-compliance with policy or government guidance, design, layout and scale, viability or highways safety concerns.

The Head of Planning, in consultation with the Chairman of the Planning Committee, will have the delegated authority to make a final determination on whether a called-in application is taken to Planning Committee. Considerations that would inform such a decision will include:

- Whether the reason for the call-in relates to the principle of the development, where the principle has already been established (by a previous grant of planning permission and/or Local Plan allocation) and whether any changes in the material planning considerations are identified through the call-in that would justify derogating from the established principle;
- Whether the call-in reason relates to an issue upon which a consultee has been consulted and to which the consultee does not object to the proposal, with no empirical evidence having been presented that contradicts the consultee response;
- Whether it would be possible to impose planning conditions that would address the concern(s) raised and whether the condition(s) would be reasonable to impose and can be agreed by the applicant (where appropriate).
- Whether the planning reasons cited through the call-in are vague and/or imprecise and do not reasonably relate to or engage with the material planning considerations pertinent to the determination of the application.

**Delegation to: Head of Planning, Regeneration and Development
Planning Enforcement Manager**

Council Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
1.	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	
2.	Functions relating to town and country planning and development control, trees, footpaths, bridleways and restricted byeways, public rights of way, as described in Article 2 and 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	To exercise the powers and functions in relation to town and country planning and development control 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, give approvals and agree certain other matters relating to the exercise of permitted development rights. (h) Power to enter into planning obligations, to modify and discharge planning obligations and related powers. (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.	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 for Major Development* where there are 21 or more Contrary representations** to the officer recommendation Or, at the written request of a Member subject to the requirement that: (i) relevant planning reasons (in the context of the application) for the call-in are provided in writing; and (ii) the Member makes reasonable endeavours to attend committee to address the issues raised (or provide a representative to do so on their behalf); and

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>(n) Powers to serve a planning contravention notice, breach of condition notice or stop notice.</p> <p>(o) Power to issue a temporary stop notice.</p> <p>(p) Power to issue an enforcement notice.</p> <p>(q) Power to apply for an injunction restraining a breach of planning control.</p> <p>(r) Power to determine applications for hazardous substances consent and related powers (including the revocation of consent).</p> <p>(s) Duty to determine conditions to which old mining permissions, relevant planning permissions related to dormant sites or active phase 1 or 2 sites or mineral permissions relating to mining sites as the case may be are to be subject.</p> <p>(t) Power to require proper maintenance of land.</p> <p>(u) Power to determine application for listed building consent, and related powers.</p> <p>(v) Duties relating to applications for listed building consent.</p> <p>(w) Power to serve a building preservation notice, and related powers.</p> <p>(x) Power to issue enforcement notice in relation to demolition of listed building in conservation area.</p> <p>(y) Powers to acquire a listed building in need of repair and to serve a repairs notice.</p> <p>(z) Power to apply for an injunction in relation to a listed building.</p> <p>(aa) Power to authorise stopping up or diversion of highway.</p> <p>(bb) Power to execute urgent works.</p> <p>(cc) Powers relating to the protection of important hedgerows.</p> <p>(dd) Powers relating to the preservation of trees.</p> <p>(ee) Power in relation to complaints about high hedges.</p>	<p>(iii) the Head of Planning and Development in consultation with the Chairman of the Planning Committee considers that the application should be called-in on the basis that it raises issues of Significant Importance.***</p> <p>* Major Development as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015</p> <p>**For these purposes a representation shall be:</p> <p>In writing which shall mean a letter, email, submitted electronically via the Council's website or a petition</p> <p>Made by an individual or a body corporate</p> <p>Raising a material planning consideration</p> <p>Made within the period specified for the making of representations</p> <p>And where a single letter, email, electronic website submission or petition bears the name of more than one person, it shall be treated as made by the first named person</p>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>(ff) Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.</p> <p>(gg) Power to extinguish public rights of way over land held for planning purposes.</p>	<p>only for the purposes of determining whether there are 21 or more contrary representations.</p> <p>*** The Head of Planning and Development will consider the following criteria when deciding whether an application is of significant importance such that it should be determined by the Planning Committee:</p> <ul style="list-style-type: none"> • Whether the reason for the call-in relates to the principle of the development, where the principle has already been established (by a previous grant of planning permission and/or Local Plan allocation) and whether any changes in the material planning considerations are identified through the call-in that would justify derogating from the established principle; • Whether the call-in reason relates to an issue upon which a consultee has been consulted and to which the consultee does not object to the proposal, with no empirical evidence having been presented that contradicts the consultee response;

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<ul style="list-style-type: none"> • Whether it would be possible to impose planning conditions that would address the concern(s) raised and whether the condition(s) would be reasonable to impose and can be agreed by the applicant (where appropriate). • Whether the planning reasons cited through the call-in are vague and/or imprecise and do not reasonably relate to or engage with the material planning considerations pertinent to the determination of the application.
3.	Local choice functions allocated to the Planning Committee as set out in Section 1 of Part 3 of the Constitution.	
4.	The Town and Country Planning (Environmental Impact Assessment) Regulations 2017	To determine all matters in relation to the Regulations.
5.	Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits)	To implement the provisions of the Regulations.

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
(England) Regulations 2017		

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
6. 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.	<p>The function of designating neighbourhood areas shall be referred to the executive for decision in circumstances where there are 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 consideration and reserved to the Council for decision.</p>
7. Licensing Act 2003 (Sections	To exercise the powers of the Planning Committee as “responsible authority”.	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	13(4)(d) and 69(4)(d))	
8.	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.
9.	Self-build and Custom Housebuilding Act 2015	To exercise the powers and functions of the Council under the Act.
10.	Planning Performance Agreements	To negotiate and enter into Planning Performance Agreements.
11.	Housing and Planning Act 2016	To exercise the Council's powers and functions in relation to the Brownfield Land Register.
12.	Local Development (Part 2 of the Planning and Compulsory Purchase Act 2004)	To discharge the powers and functions of the council in relation to the Local Plan and supplementary planning documents and policies
		<p>The giving of any instruction to prepare or modify any development plan or local development documents, any supplementary planning documents and policies is reserved to Cabinet</p> <p>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>Approval of the Authority Monitoring Report is reserved to Cabinet</p>

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
13.	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	
14.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 57) or the Town Grant Scheme	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.	
15.	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.	
16.	The Local Land Charges Acts	To exercise the functions of the Council in respect of the Local Land Charges Service.	

Subject: CHANGES TO THE CHIEF OFFICER STRUCTURE

Meeting and Date: Governance – 29 September 2022

Council – 19 October 2022

Report of: Nadeem Aziz, Head of Paid Service

Classification: Unrestricted

Purpose of the report: This report seeks approval for changes to the functions and responsibilities of the Council’s Chief Officers following the appointment of the third Strategic Director.

If Council approves the initial redistribution of Chief Officer functions and responsibilities Council is asked to approve the changes to the Scheme of Officer Delegations (Council Functions). The Leader will separately be asked to approve changes to the Scheme of Officer Delegations (Executive Functions).

Recommendation:

Governance Committee: That Governance Committee recommend to Council that the proposed changes to Article 12 and the Scheme of Officer Delegations be approved and incorporated into the Council’s Constitution version 24A (subject to Council’s agreement to (1) below)

Council: That:

1. Council approves the re-distribution of functions between the Chief Officers who form the Council’s Corporate Management Team.
2. Council approves resultant changes to Article 12 and the Scheme of Officer Delegations (Council Functions) as outlined in the Appendices

1. Summary

1.1 In May 2021, Council received a report which identified the need for a new Strategic Director post within the existing management team structure of the Council and sought approval from the Council for the creation of this post. Internal recruitment to this post has now been successful and it is now necessary for the Council to reallocate the functions amongst the members of Corporate Management Team.

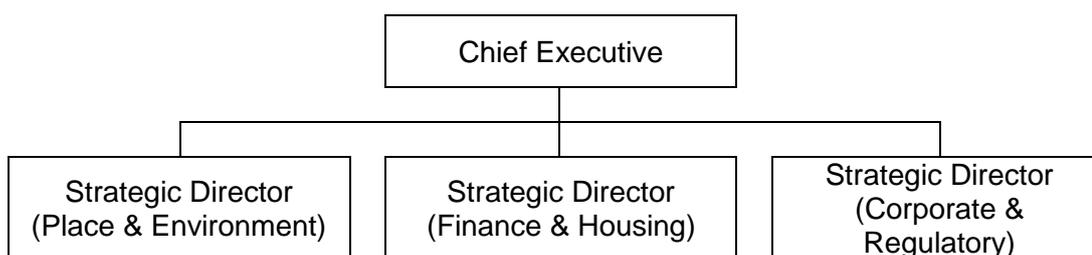
1.2 Article 12 of the Constitution, identifies the Council’s Chief Officers. Section 4 of Local Government and Housing Act 1989, (which defines the functions of the Head of Paid Service) is reflected in the Council’s Constitution. Article 12.02 This requires the Head of Paid Service to report to the full Council on the number and grade of staff required by the authority to discharge the Council’s functions. Any change to the distribution of Chief Officer functions and responsibilities requires Council approval.

2. Introduction and Background

- 2.1 Following the decision taken by Council in May 2021 to appoint a third strategic director, two rounds of recruitment took place. The first round, both internal and external was not successful. The second round, which was internal only was successful and the appointment has now been made. As a result of this it is necessary to reallocate functions amongst the Council's Chief Officers and make changes to the Constitution to reflect the addition of the third strategic director.

Allocation of Functions

- 2.2 It is proposed that these are the Council's Chief Officers as identified in Article 12 of the Council's Constitution with the allocation of functions below:



Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Change management/Transformation Civic Functions Development of partnership and joint working arrangements Leadership and strategic direction and management Member/Officer relationships Policy development Provision of external focus Community Services, Safety and CCTV Digital Services/EKS ICT
Strategic Director (Finance & Housing) (Section 151 Officer)	Financial management and budgetary control Accountancy Client Officer for East Kent Audit Partnership Client Officer for EKS/Civica Housing Management Housing Needs Procurement Property Investment Housing Investment
Strategic Director (Place & Environment)	Planning & Development Building Control Leisure Services Regeneration & Tourism Inward Investment Museums & Heritage Natural Environment Parks and Open Spaces Property and Corporate Assets Transport and Parking Waste Services

Post	Functions and areas of responsibility
Strategic Director (Corporate & Regulatory)	Corporate Governance Communications and funding Democratic and Corporate Services Legal Electoral Services Human Resources & Payroll Regulatory Services Port Health

- 2.3 As a result of these changes and the appointment of the new Strategic Director (Corporate & Regulatory), it is no longer felt to be practical for the postholder to retain her role as Deputy Monitoring Officer and Louise May intends to relinquish this role. As the Monitoring Officer is required to appoint his own Deputy, Harvey Rudd now intends to appoint Daniel Thorman, the Council's Principal Planning Solicitor, to act as his Deputy.

Changes to the Constitution

- 2.4 The resultant proposed changes to the Constitution are attached at Appendices 1, 2 and 3.
- 2.5 Appendix 1 shows the proposed necessary changes to Article 12 of the Constitution to identify the additional Director as a Chief Officer. It also details the full breakdown of areas of responsibility for each of the four Chief Officers of the Council.
- 2.6 Appendix 2 shows the necessary changes to the Scheme of Officer Delegations, to reflect the amended allocation of functions and job title changes of the Chief Officers. The Leader will be asked to approve the Scheme of Officer Delegations insofar as they relate to Executive Functions.
- 2.7 Appendix 3 shows the necessary changes made to the Proper Officer Functions within the Council's Constitution.

3. Identification of Options

- 3.1 As Head of Paid Service I have recommended the redistribution of functions following the appointment of the additional Director post. It is recognised that the new allocation of functions results in changes to the Head of Service structure and line management reporting for some service teams. The structure below chief officer level will be determined by me in accordance with Article 12 of the Constitution.
- 3.2 Therefore the options for the Council are:
- (a) To agree the reallocation of functions amongst the Council's Chief Officers and subsequent changes to the Constitution
 - (b) Request that the Head of Paid Service looks at other options

4. **Evaluation of Options**

- 4.1 The preferred option is shown at 3.2(a). This is felt to properly align the Council's functions following the appointment of the additional director.

5. **Corporate Implications**

- 5.1 Comment from the Section 151 Officer (linked to the MTFP): The s.151 Officer has been consulted and has no further comment to make.
- 5.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 5.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149> (RB)

6. **Appendices**

Appendix 1: Amendment to Article 12 Constitution

Appendix 2: Amendment to the Scheme of Officer Delegations (Council Functions) as a result of the reallocation of functions.

Appendix 3: Amendment to Proper Officer Functions

Appendix 4: Senior Management Organisation Structure

7. **Background Papers**

Constitution of this Council

Local Government and Housing Act 1989

Contact Officer: Nadeem Aziz, Head of Paid Service

Article 12 – Officers

TERMINOLOGY

The use of the words "officers" means all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of "employees" to cover those engaged under short term, agency or other non-employed situations.

12.01 Management structure

- (a) **General:** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers:** The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Change management/ <u>Transformation</u> Civic Functions Communications and funding Development of partnership and joint working arrangements Electoral Services Inward Investment Leadership and strategic direction and management Member/Officer relationships Tourism Performance management Policy development Provision of external focus <u>Community Services, Safety and CCTV</u> <u>Digital Services/EKS ICT</u> Regeneration Delivery Governance Legal and Democratic Services Human Resources
Strategic Director (Corporate Resources <u>Finance & Housing</u>) (and Section 151 Officer)	<u>Financial Management and Budgetary Control</u> Accountancy Client Officer for East Kent Audit Partnership <u>Client Officer for EKS/Civica</u> Community Services Community Safety and CCTV Digital Services Financial management and budgetary control Housing <u>Management</u> <u>Housing Needs</u> Procurement Property Investment <u>Housing Investment</u>

Post	Functions and areas of responsibility
	Regulatory Services
Strategic Director (Operations and Commercial Place & Environment)	<u>Planning and Development</u> Building Control Leisure Services Major Projects <u>Regeneration and Tourism</u> <u>Inward Investment</u> Museums <u>& Heritage</u> Natural Environment Parks and Open Spaces Planning Services (excluding enforcement) Property and Corporate Assets Transport and Parking Waste Services
<u>Strategic Director (Corporate & Regulatory)</u>	<u>Corporate Governance</u> <u>Communications and Funding</u> <u>Democratic and Corporate Services</u> <u>Legal</u> <u>Electoral Services</u> <u>Human Resources and Payroll</u> <u>Regulatory Services</u> <u>Port Health</u>

- (c) **Head of Paid Service, Monitoring Officer and Section 151 Officer.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Solicitor to the Council	Monitoring Officer
Strategic Director (Corporate Resources <u>Finance & Housing</u>)	Section 151 Officer

Such posts will have the functions described in Article 12.02–12.04 below.

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at part 7 of this Constitution.
- (e) **Corporate Management Team.** The Corporate Management Team shall comprise the Chief Executive (and Head of Paid Service), Strategic Director (~~Corporate Resources~~Finance & housing), ~~and~~ Strategic Director (~~Operations and Commercial Place and Environment~~) ~~and~~ Strategic Director (~~Corporate & Regulatory~~).

The Monitoring Officer is not a member of the Corporate Management Team; however, the Monitoring Officer will always have access to the Chief Executive and Strategic Directors and to Corporate Management Team agendas in advance of the meetings. The Monitoring Officer will be free to attend meetings of the Corporate Management Team as they require.

The Corporate Management Team is not a decision-making body and its meetings will not be held in public.

- (f) **Leadership Forum.** The Leadership Forum comprises the Leader of the Council, the Chief Executive, members of the executive, members of the Corporate Management Team and supporting officers.

In exercising their respective leadership roles, and as part of any effective working arrangements, it is necessary for the Leader and the Chief Executive to meet informally from time to time with members of the executive and members of the Corporate Management Team.

A Leadership Forum will therefore be held to enable regular and scheduled discussions to take place between members of the executive and members of the Corporate Management Team.

The purpose of the Leadership Forum is therefore to

- facilitate discussions on general or particular issues or enable clarification of matters between Leader, the Chief Executive, members of the executive, members of the Corporate Management Team
- assist in settling the Notice of Forthcoming Key Decisions.
- assist in identifying items for consideration at future meetings of the Cabinet.

The Leadership Forum is not a decision-making body and its meetings will not be held in public.

12.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

NB In the absence of the Head of Paid Service at any meeting of the Council, the Monitoring Officer or nominee shall act on his behalf for the purposes of the conduct of that meeting.

12.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service, the Strategic Director (~~Corporate Resources~~Finance & Housing), the Monitoring Officer will report to the full Council or to the Leader and executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will

have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (c) **Dover District Council Kent Code of Conduct for Members.** The Monitoring Officer will discharge those functions ascribed to him under the arrangements for dealing with Code of Conduct complaints under the Localism Act 2011.
- (d) **Proper officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (e) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional governance advice.
- (f) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.
- (g) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (h) **Restrictions on posts.** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

12.04 Functions of the Section 151 Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council or to the Leader and executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.05 Duty to provide sufficient resources to the Monitoring Officer and the Section 151 Officer

The Council will provide the Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06 Solicitor to the Council

The Solicitor to the Council shall have full access to the Council and the Executive, to all Committees and Sub-Committees of the Council and the Executive and to all Chief Officers on all matters of legal professional business.

12.07 Senior Information Risk Owner

A senior officer who is familiar with information risks and the Council's response to risk with overall responsibility for the Council's information risk and governance management arrangements. The responsibilities of the Senior Information Risk Owner are to lead and champion a culture of good information management, Own the overall information risk policy and procedures and advise the Council's senior management on information risk.

The role of the SIRO includes:

- Accountability for Information Risk Management, its confidentiality, integrity and availability and to ensure it is being effectively managed and correctly classified
- Leading and encouraging a culture that protects and exploits information within the Council, including agreeing the risk appetite within the Authority
- Responsibility for the corporate information security and information governance policy
- Providing an annual statement of the security of information assets for inclusion in the Annual Governance Assurance Statement

12.08 Data Protection Officer

Article 37 of General Data Protection Regulation 2016 requires a public body to designate a Data Protection Officer on the basis of professional qualities and particular knowledge of data protection law and practices. This post holder should not be the Senior Information Risk Officer. The council must supports its Data Protection Officer by providing resources to undertake tasks and access to personal data and process and operations and to maintain expert knowledge. The Data Protection Officer must be able to perform their duties in an independent manner and the council may not give the Data Protection Officer instruction on exercising their role.

12.09 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.10 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

*References: Chapters 8 and 9, DETR Guidance
Sections 4 and 5, Local Government and Housing Act 1989
Sections 60, 64–66, Local Government Act 2000*

SECTION 6: SCHEME OF OFFICER DELEGATIONS

A. General

1. For the purposes of this scheme of officer delegations the Chief Officers referred to are;
 - (i) Those set out in Article 12.01(b) of the Constitution and
 - (ii) Officers specified in the headings of the table in this Scheme of Officer Delegations
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.
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 officers 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 specified officer 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 specified officer 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 specified officer; 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) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To sign documents authenticating "Authorised Officers".	
5.	To authorise expenditure	(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. (b) To authorise contracts with a value not exceeding £200,000.	
6.	ICT procurement	To ensure that, prior to the procurement of any ICT (eg computer or communications hardware or software), adequate checks are carried out:	

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<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 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 Strategic Director (Corporate Resources Finance & Housing) 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.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions/ Limitations/Notes
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	<p>(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.</p> <p>(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.</p>	
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	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes	
		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	To effect lettings or licences of sites and premises on short term arrangements until required for the purpose for which they were acquired.	To be exercised in consultation with the Estate Valuation Manager
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	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions/ Limitations/Notes
		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 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	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions/ Limitations/Notes
		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	
31.	Coronavirus Act 2020	To exercise the powers and functions of the Council under the Act	

C. Council and Executive Functions

Delegation to: Chief Executive

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
32.	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.	
33.	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.	<p>All appointments shall be made 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</p> <p>The Head of Paid Service has nominated all Strategic Directors Heads of Service and service managers to appoint staff</p>
34.	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.

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			Any minor variations shall only be made in the interests of the effective and efficient discharge of the Council's functions.
35.	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>	
36.	Section 113 of the Local Government Act 1972	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.	
37.	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

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			proper officer appointment.
38.	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, or participate in any legal proceedings (and to settle any legal proceedings whether actual or prospective) 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
39.	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 Council considers that such action is necessary to protect the Council's interests.	
40.	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.	
41.	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.	
42.	Acquisition of key regeneration sites	To authorise acquisitions relating to key regeneration sites in consultation with the Leader, the Strategic Director (Corporate Resources Finance &	The Chief Executive shall have been provided with the relevant completed

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<u>Housing</u>) and the Solicitor to the Council.	pro forma in respect of the site
43.	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.	
44.	Civil Contingencies Act 2004	To discharge the duties of the Council under the Civil Contingencies Act 2004.	
45.	Local Government Act 1972 (Section 113) - Placing of services of officers at the disposal of other authorities	<p>(1) Exercise the powers and functions of the Council to enter into an agreement with another local authority:</p> <p>(a) for the placing at the disposal of that authority for the purposes of its functions, the services of officers employed by the Council;</p> <p>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>	
46.	Local Authorities (Goods and Services) Act 1970	Exercise the powers and functions of the Council.	
47.	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.	
48.	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
49.	Local Government Act 1972 (Section 111), Localism Act 2011 (Section 1)	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	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	and all other enabling powers.	Dover, whether or not arising out of or relating to any current or proposed Harbour Revision Order: 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	
50.	Local Government Act 1972 (Section 111), Localism Act 2011 (Section 1) and all other enabling powers.	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: 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.	
51.	Anti-Social Behaviour Crime and Policing Act 2014 Section 77	To authorise a Closure Notice for a maximum period of 48 hours or extend a 24 hour closure notice for a period of up to a further 24 hours	

Delegation to: Chief Executive

Head of Governance & HR Strategic Director (Corporate & Regulatory)

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
52.	Freedom of Information Act 2000 (Sections 2 and 8)	Where a request for information has been made to the Council in accordance with Section 8 of the Freedom of Information Act 2000:	

		<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>	
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Executive Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions/ Limitations/Notes
53.	Freedom of Information Act 2000	To maintain, update and amend the Council's Records Retention Schedule and Publication Scheme as required.	
54.	Environmental Information Regulations 2004	To exercise the powers and functions of the Council in relations to requests for information made under the regulations.	
55.	Insurance matters	To deal with all Council insurance matters.	
56.	Equalities	Authority to deliver the Council's equalities programme.	
57.	Local Government Act 1972, Localism Act 2011, Apprenticeship, Skills, Children and Learning Act 2009, Deregulation Act 2015 and other enabling powers	To exercise the powers and functions of the Council in relation to the delivery of apprenticeships.	
58.	General Data Protection Regulation (EU) 2016/679 (GDPR) and The Data Protection Act 2018	To exercise the powers and functions of the Council in relation to the GDPR and the Data Protection Act 2018	Excluding the functions of the Data Protection Officer
59.	Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017	To publish gender pay gap information relating to employees	

**Delegation to: Chief Executive
Head of Investment, Growth & Tourism**

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
60.	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.	
61.	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.	The power to manage tourist information centres and working in partnership with other agencies.

Delegation to: Video and Print Officer

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
62.	Localism Act 2011 – s. 1	To exercise the powers and functions of the Council in relation to the acquisition, maintenance, and operation of small unmanned aircraft (drones) including the making of any necessary notifications and registrations and the making of any applications for any necessary licences, permits, registrations and exemptions from the Civil Aviation Authority and other regulatory bodies in connection with their operation and use.	This does not authorise the use or operation of any small unmanned aircraft for or in connection with any directed surveillance within the meaning of the Regulation of Investigatory Powers Act 2000 and the codes of practice issued under that Act.

Delegation to: Section 151 Officer

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
63.	Financial Regulations	To deal with matters specified by Financial Regulations.	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
64.	In connection with the Medium-Term Financial Plan	To be exercised in consultation with the Portfolio Holder responsible for Finance
	<p>To apply capital receipts, revenue resources, grants, section 106 monies and other such monies. to finance the approved Capital and Special Revenue Projects Programmes;</p> <p>To authorise new projects up to £50,000 that can be funded within the overall resources of the approved Medium-Term Financial Plan</p> <p>To approve the allocation of funds from the Capital and Special Revenue Contingencies to projects;</p> <p>To authorise virements between Regeneration projects;</p> <p>To apply Growth Point reserves to Regeneration projects;</p> <p>To authorise and finance project overspends up to a maximum of 10% or £100,000 (whichever is lower);</p> <p>To set the level of the on-going HRA minimum balance, the transfer of balances to the HIR, the use of prudential borrowing, and adjustment of the resources of the HIR accordingly;</p> <p>To authorise the acquisition of freehold or leasehold residential properties and to agree terms and conditions in connection therewith;</p> <p>To approve feasibility assessments for projects up to a maximum of 10% or £50,000 (whichever is lower) of the project's estimated costs as set out in the approved Capital programme; to be funded from the allocation included in the Medium-Term Financial Plan for project feasibility costs (any expenditure to be added to the project following approval).</p>	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
65.	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> <p>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>	<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>
66.	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> <p>Determining the most appropriate assets, instruments and counterparties to use The period and terms of the investment and borrowing, including any variations to the agreed period and terms The banking arrangements of the council, including the appointment of bankers and the terms and conditions of any bank accounts To declare every six months, where appropriate, a local average rate of interest in respect of Housing Act Advances.</p>	
67.	Financing of capital and major revenue project expenditure	<p>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.</p>	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
68.	Revenue Budget	To approve: Virements between revenue budgets Revenue budget carry forwards 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.
69.	Reserves	To authorise transfers between the reserves and balances of the councils accounts.	In consultation with the Portfolio Holder with responsibility for finance
70.	In connection with the Housing Revenue Account	To set the level of the on-going HRA minimum balance, the transfer of balances to the HIR, the use of prudential borrowing, and adjustment of the resources of the HIR accordingly.	In consultation with the portfolio holder for Performance and Resources
71.	Benefits	To ensure the proper administration of all benefits which are the responsibility of the council, including, but not limited to: Authorisation of statutory subsidy calculations and returns. 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.
72.	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.	
73.	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.	
74.	To Acquire Residential Property. Local Government Act 1972 – s.120 Housing Act 1985 – s. 17	to acquire freehold or leasehold residential properties and to agree terms and conditions in connection therewith.	In consultation with the portfolio holder for Performance and Resources

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Localism Act 2011 – s.1		
75.	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.	
76.	Officer car leasing scheme	To administer and manage the Council's officer car leasing scheme.	
77.	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.
78.	Local Government Act 1972 S.139	To accept or reject, gifts of property.	
79.	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.	
80.	Section 92 of the Localism Act 2011 (Assets of Community Value)	Review of Decision to include land in list	
81.	Section 1 of the Localism Act 2011	To make arrangements for the administration of the Council's Discretionary Track and Trace Payment Support Scheme and to determine applications for financial assistance made under it.	

Delegation to: Solicitor to the Council

Head of Governance & HR Strategic Director (Corporate & Regulatory)

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
82.	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.	
83.	Local Government (Miscellaneous Provisions) Act 1976 (Section 16), Town	To serve Requisitions for Information and any other enabling statutory provision.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	and Country Planning Act 1990 (Section 330) and Road Traffic Regulation Act 1984 (Section 112)		
84.	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 appropriate period or periods for compliance with such notices.	
85.	Enforcement Notices	To issue Enforcement Notices under the instruction of the Head of Regeneration and Development.	
86.	Temporary Stop Notices	To issue a Temporary Stop Notice.	
87.	Licensing Act 2003 and Gambling Act 2005	To act as Solicitor to the Council as Licensing Authority.	
88.	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.	
89.	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.	
90.	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.

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
91.	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

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
92.	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.	
93.	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.	
94.	Recover money	To institute, in consultation with the Strategic Director (Finance & Housing Corporate Resources) or the Head of Shared Services proceedings to recover money owing to the Council.	
95.	Notices to Treat and Notice of Entry	To serve Notices to Treat and Notices of Entry.	
96.	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.	
97.	Proceedings for the possession of a property	To institute proceedings for the possession of a property in mortgage to the Council where the mortgage repayments are three months or more in arrears and such arrears amount to not less than £100.	
98.	National Assistance Act 1948	To make application to a Court of summary jurisdiction under the provisions of the National Assistance Act 1948, as amended, on receipt of a certificate from the Proper Officer, for the removal to suitable premises of persons in need of care and attention and to make application to extend or vary any Order made under Section 47 of that Act.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
99.	Criminal Justice and Public Order Act 1994 (Sections 77-79)	To discharge the Council's powers and functions in respect of travellers encampments.	
100.	Possession Orders	To authorise the enforcement of any order for the possession of premises made in favour of the Council.	
101.	Coronavirus Act 2020	To exercise the powers and functions of the Council under the Act	
<u>102.</u>	<u>Sir Ernest Bruce Charles Charity</u>	<u>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.</u>	<u>All matters requiring a decision of the Council as trustee to be taken by Cabinet.</u>

Delegation to: Head of Governance & HR Strategic Director (Corporate & Regulatory)

_____ Solicitor to the Council

_____ Democratic and Corporate Services Manager

Council Function

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
102.	Broadcast of Meetings	To manage all aspects of the broadcast of meetings of the Council, its committees, sub-committees and any other bodies including determining not to broadcast or to suspend a live broadcast of a meeting	
103.	Recording of Meetings	To manage all aspects of the recording of broadcast meetings of the Council, its committees, sub-committees and any other bodies including editing the broadcast and deleting the broadcast at the end of the retention period	

Executive Function

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
104.	Broadcast of Meetings	To manage all aspects of the broadcast of meetings of the Council, its committees, sub-committees and any other bodies including determining not	

		to broadcast or to suspend a live broadcast of a meeting	
105.	Recording of Meetings	To manage all aspects of the recording of broadcast meetings of the Council, its committees, sub-committees and any other bodies including editing the broadcast and deleting the broadcast at the end of the retention period	

Delegation to: ~~Head of Governance & HR~~ **Strategic Director (Corporate & Regulatory)**
HR and Payroll Manager

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
106.1	Post Entry training	To grant financial assistance for post entry training in accordance with any scheme approved by the Council.
107.1	Local Government and Housing Act 1989 – s.2	To prepare and maintain a list of politically restricted posts.

Delegation to: ~~Strategic Director (Corporate Resources~~ **Finance & Housing)**
Head of Housing

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
108.	Housing Act 1985, Housing Act 1996 Homelessness Act 2002 regulations made under any of the above.	To exercise the powers and functions of the Council as local housing authority including the management and letting of all dwellings, buildings and land held or subsequently acquired or appropriated for housing purposes. Excluding: Any functions relating to the maintenance and improvement of dwellings, buildings and land held or subsequently acquired or appropriated for housing purposes which are delegated to the Strategic Director (Operations and

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p><u>Commercial Place & Environment)</u></p> <p>The determination of reasonable rents, service charges and other charges for the tenancy and occupation of Council dwellings and garages shall be in accordance with the Council's policy and the provisions of Social Rent Reform.</p> <p>The fixing of the value of Council houses and flats to be sold shall be on the basis of appropriate professional valuation advice.</p>
<p>109. Anti-Social Behaviour Crime and Policing Act 2014</p> <p>Part 2 Part 4 Part 6</p>	<p>To exercise the powers and functions of the Council under these parts of the Act subject to the exclusions within column 3</p>	<p>Any powers under section 43 shall only be used in consultation with the Solicitor to the Council</p> <p>Excludes the making of Public Space Protection Orders under section 59</p> <p>Any closure notices made under section 76 shall be for a maximum period of 24 hours</p>
<p>110. Institution of proceedings for</p>	<p>To authorise the institution of proceedings for injunctions, and other appropriate legal</p>	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	injunctions and other appropriate legal proceeding	proceedings in consultation with the Solicitor to the Council, in order to prevent anti-social behaviour or damage to property, involving Council tenants or Council housing	
411.	Institution of legal proceedings – unauthorised occupiers (Council housing accommodation)	To authorise the institution of legal proceedings to secure the removal of unauthorised occupiers from Council housing accommodation and any necessary subsequent action to recover vacant possession.	
412.	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.
413.	Private sector leasing scheme	To discharge any functions of the Council under any private sector leasing scheme.	

**Delegation to: Strategic Director (~~Corporate Resources~~ Finance & Housing)
Head of Finance & Investment**

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
414.	Housing Act 1985 – ss 8 to 14 and 17 to 21	To exercise the specified powers and duties of the Council in relation to the provision of housing accommodation and the acquisition of land.	
415.	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.	

**Delegation to: Strategic Director (Corporate ~~& Regulatory~~ Resources)
Head of Regulatory Services
Private Sector Housing Manager**

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
116. The Town and Country Planning Act 1990 – Section 215 to 219	Land adversely affecting amenity of neighbourhood	
117. 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	
118. 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.	
119. 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
120. The Housing Grant, Construction and Regeneration Act 1996 Part I Part IV	Grants and other assistance for housing purposes	
121. The Building Act 1984 Section 59 Section 60 Section 64	Drainage of buildings	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Section 66 Section 67 Section 72 Section 76 Section 79 Section 84	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	
122.	The Housing Act 1985 Part VI Part VI Part X Part XI		Excluding Sections 289 to 302 inclusive and sections 304 to 306 inclusive
123.	The Housing Act 2004 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	The provisions of Part 1 Chapter 4 relating to demolition orders and slum clearance declarations have not been delegated Including Schedule 3

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
<p>The Local Government Miscellaneous Provisions Act 1976</p> <p>Section 16</p> <p>Section 33</p>	<p>Power to obtain particulars of persons interested in land</p> <p>Restoration or continuation of supply of water gas or electricity</p>	
<p>124. The Local Government (Miscellaneous Provisions) Act 1982 – Sections 29 to 32</p>	<p>Protection of Buildings</p>	
<p>125. The National Assistance Act 1948</p> <p>Section 47</p> <p>Section 48</p>	<p>Removal to suitable premises of persons in need of care</p> <p>Duty of councils to provide temporary protection for property of persons admitted to hospitals etc.</p>	
<p>126. The Prevention of Damage by Pests Act 1949</p>		
<p>127. The Public Health Act 1961 – Sections 35 and 36</p>	<p>Filthy and verminous premises, articles, etc.</p>	
<p>128. Public Health Act 1936</p> <p>Part II</p> <p>Section 45</p> <p>Sections 83 & 84</p>	<p>Sanitation and Buildings</p> <p>Defective sanitary conveniences</p> <p>Filthy and verminous premises, articles etc.</p>	<p>(amended by section 35 Public Health Act 1961)</p>
<p>129. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002</p>	<p>Power to improve living conditions</p>	
<p>130. Environmental Protection Act 1990, Sections 79 and 80</p>	<p>Any premises in such a state as to be prejudicial to health or a nuisance.</p>	<p>Excluding Section 79(1)(b)-(h)</p>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes	
131.	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 recover 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
132.	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.	
133.	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.	
134.	The Housing Act 2004 Part 2 Part 3 Part 4 Part 7	Licensing of houses in multiple occupation Selective licensing of other residential accommodation Additional control provisions in relation to residential accommodation	Excluding sections 55 to 60 relating to designation of additional licensing areas Excluding sections 80 to 84 relating to the designation of selective licensing areas

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Supplementary and final provisions	
135.	Housing and Planning Act 2016 Part 2 & Part 5	To exercise the powers and functions of the Council under this part
136.	Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018	To exercise the powers and functions of the Council in respect of Banning Order Offences
137.	The Rent Repayment Orders and Financial Penalties (Amounts Recovered)(England) Regulations 2017	To exercise the powers and functions of the Council in respect of Rent Payment Orders
138.	Protection from Eviction Act 1977	To exercise the powers and functions of the Council under this Act.

**Delegation to: Strategic Director (Corporate & Regulatory)resources)
Head of Regulatory Services**

Council Function

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
139.1	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: Strategy Director (Corporate & Regulatory)
Head of Regulatory Services
Environmental Protection and Crime Manager
Head of Port Health & Public Protection
Port Health Managers**

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
<p>140. European Communities Act 1972</p> <p>European Union (Withdrawal) Act 2018</p> <p>European Union (Withdrawal Agreement) Act 2020</p> <p>(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</p> <p>(b) any modification or re-enactment of the foregoing</p>	<p>Various measures for the optimisation of public health</p>	

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
<p>141. European Communities Act 1972</p> <p>European Union (Withdrawal) Act 2018</p> <p>European Union (Withdrawal Agreement) Act 2020</p> <p>(a) All Regulations, Orders and subordinate legislation made under or having effect by virtue of</p>	<p>Various measures for the optimisation of public health</p>	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions/ Limitations/Notes
	the Act from time to time and relating to public Health (b) any modification or re-enactment of the foregoing		
142.	The Animal Welfare Act 2006	Animal welfare.	
143.	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.	
144.	The County of Kent Act 1981		
145.	The Environment Act 1995 Section 108 Section 109 Section 110	Powers of enforcing authorities and persons authorised by them Power to deal with cause of imminent danger of serious pollution Power to authorise prosecution for failure to comply with Section 108 above	
146.	The Environmental Information Regulations 2004		
147.	Environmental Protection Act 1990		

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
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 Strategic Director (Operations and Commercial <u>Place & Environment</u>) is appointed as the officer with responsibility discharging the functions imposed or conferred by section 149 for dealing with stray dogs
148. Environmental Permitting (England & Wales) Regulations 2016	Powers relating to environmental permitting regulations.	
149. The Food and Environment Protection Act 1985		
150. 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.	
151. The Local Government Miscellaneous Provisions Act 1976 Section 16 Sections 21 and 22 Section 33	Power to obtain particulars of persons interested in land. Sanitary conveniences.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Section 35	Restoration or continuation of supply of water, gas or electricity. Removal of obstructions from private sewers	
152.	The Local Government (Miscellaneous Provisions) Act 1982 – Sections 29 to 32	Protection of buildings.	
153.	Localism Act 2011 – Section 1	To implement and operate the Food Hygiene Rating Scheme	
154.	The Prevention of Damage by Pests Act 1949		
155.	Private Water Supplies (England) Regulations 2016		
156.	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.	
157.	The Public Health Act 1961 Section 17 Section 34 Sections 35 and 36	Drainage Accumulations of rubbish Filthy and verminous premises, articles, etc	
158.	The Public Health (Control of Diseases) Act 1984, to include any Regulations made under the Act	To discharge the powers and functions of the Council under the legislation.	
159.	Coronavirus Act 2020 and any Regulations made under that Act	To exercise the powers and functions of the Council under the legislation	

Delegation to: **Strategic Director (Corporate & Regulatory)**
Head of Regulatory Services
Environmental Crime & Protection Manager

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
160. The Noise and Statutory Nuisance Act 1993 - Schedules 2 and 3	Powers relating to loudspeakers and alarms.	
161. Poisons Act 1972 - Sections 3(1)(b)(ii), 5, 6 and 11	List of persons entitled to sell non-medical poisons	
162. The Town and Country Planning Act 1990 – Sections 215 to 219	Land adversely affecting amenity of neighbourhood.	
163. The Town and Country Planning Act 1990 – Sections 224, 225 and 225A	Enforcement of control over advertisements.	

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
164. The Anti-Social Behaviour Act 2003, Section 43	To authorise officers to issue penalty notices for graffiti and fly-posting	
165. Byelaws made by the Council in so far as they relate to dogs		
166. Clean Air Act 1993		Excluding Part III (provisions relating to smoke Control Areas)
167. Clean Neighbourhoods and Environment Act 2005 Part 2 Part 3	Vehicles Litter and Refuse	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Part 4 Part 5 Part 6 Part 7	Graffiti and other defacement Waste Dogs Noise	 Excluding section 55 (power to make dog control orders) Excluding section 69 (Designation of alarm notification areas)
168.	The Control of Dogs Order 1992		
169.	The Control of Pollution Act 1974 Part III Part V	Provisions relating to noise Supplementary Provisions	 Excluding sections 63 to 67 inclusive
170.	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	
171.	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.	
172.	The Noise Act 1996	Noise at Night	
173.	Pollution Prevention and Control Act 1999		
174.	The Refuse Disposal Amenity Act 1978	Provisions relating to other refuse	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
175. The Water Industry Act 1991 – Sections 77 to 85	Local authority functions with regard to water supplies	
176. Anti-Social Behaviour Crime and Policing Act 2014 Part 2 Part 4 Part 6	To exercise the powers and functions of the Council under these parts of the Act subject to the exclusions within column 3	Any powers under section 43 shall only be used in consultation with the Solicitor to the Council Excludes the making of Public Space Protection Orders under section 59 Excludes the making of Closure Notices under section 76 in respect of any premises except licensed premises Any closure notices made under section 76 shall be for a maximum period of 24 hours
177. The Dangerous Dogs Act 1991		
178. The Dogs Act 1871	Protection against dogs	

Delegation to: Strategic Director (Corporate & Regulatory)
Head of Port Health & Public Protection
Port Health Managers

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
179. 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	
180.	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 European Union (Withdrawal) Act 2018 European Union (Withdrawal Agreement) Act 2020 The Agriculture Act 1970 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	
181.	The Food Safety and Hygiene (England) Regulations 2013	To exercise the powers and duties of the Council	
182.	The Food Safety Act 1990 Part II Part III	Main Provisions Administration & Enforcement	
183.	The Food Safety Act (Amendment) Regulations 2004		
184.	The General Food Regulations 2004		
185.	The Offices, Shops and Railway Premises Act 1963		
186.	The Official Feed and Food Controls (England) Regulations 2009		
187.	Organic Products Regulations 2009		
188.	The Public Health (Ships) Regulations 1979	Public health control of ships	
189.	The Specified Products from China (Restriction		

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	on First Placing on Market) (England) Regulations 2008	
190.	Trade in Animals and Related Products Regulations 2011	
191.	Fisheries Act 1981	To exercise the powers and duties of the Council
192.	The Sea Fishing (Illegal Unreported & Unregulated Fishing) Order 2009	To exercise the powers and duties of the Council
193.	Sunbed Regulation Act 2010	To exercise the powers and duties of the Council

**Delegation to: Environmental Protection and Crime Manager
Head of Port Health & Public Protection**

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
194.	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
195.	The Licensing Act 2003 - Parts 3 & 4	Functions of enforcing authority for the purposes of the Health & Safety at Work etc. Act 1974

**Delegation to: Strategic Director (Corporate & Regulatory)
Head of Regulatory Services
Licensing Manager**

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions Limitations/Notes
<p>196-1 Licensing Act 2003 (as amended) and any Regulations and Orders made or having effect thereunder</p>	<p>To exercise all functions of the Council as Licensing Authority.</p>	<p>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]</p>
<p>197-1 Authorise experienced officers to exercise functions</p>	<p>To authorise appropriately experienced officers to exercise any powers or functions delegated to them.</p>	<p>[Licensing Committee]</p>
<p>198-1 Licensing Act 2003</p>	<p>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.</p>	<p>[Licensing Committee]</p>
<p>199-2 Gambling Act 2005 and any Regulations and Orders made or having effect thereunder</p>	<p>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.</p>	<p>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.</p>
<p>200-2 Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4)</p>	<p>To exercise the powers and functions of the Council in relation to street trading.</p>	<p>[Council]</p>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions Limitations/Notes
201-2 The House to House Collections Act 1939	To exercise the powers and functions of the Council in relation to house-to-house collections.	[Council]
202-2 The Public Health Acts Amendment Act 1907 (Section 94)	To issue licences in respect of pleasure boats and pleasure vessels and boatmen.	[Council]
203-2 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.	<p>[Council]</p> <p>Excluding the grant or renewal of any licence in circumstances which are contrary to the Council's policy guidance</p> <p>Excluding the making of policy, regulations and by-laws</p> <p>Excluding the refusal of any licence</p> <p>Excluding the revocation of any licence which can only be done in accordance with No.113</p>
204-2 Local Government (Miscellaneous Provisions) Act 1982 (Part VIII)	To exercise the powers and duties in respect of acupuncture, tattooing, piercing and electrolysis, etc.	[Council]
205-2 Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3)	To exercise the Council's powers and duties in relation to the control of sex establishments.	
206-2 Animal Boarding Establishment Act 1963	To exercise the powers and duties in respect of Animal Boarding Establishments.	
207-2 Pet Animals Act 1951 (as amended)	To exercise the powers and duties in respect of pets shops.	
208-2 Riding Establishments Acts 1964 & 1970	To exercise the powers and duties in respect of riding establishments.	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions Limitations/Notes
209-2 Zoo Licensing Act 1981	To exercise the powers and duties in respect of zoos.	
210-2 Performing Animals (Regulation) Act 1925	To exercise the powers and duties in respect of performing animals.	
211-2 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.	
212-2 Hypnotism Act 1952	To exercise the powers and duties in respect of hypnotism.	
213-2 Dangerous Wild Animals Act 1976	To exercise the powers and duties in respect of the keeping of dangerous wild animals.	
214-2 Coronavirus Act 2020	To exercise the powers and functions of the Council under the Act	
215-2 Business & Planning Act 2020 (Part I)	To exercise the Council's powers and functions in relation to Pavement Licences	

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
216-2 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.	
217-2 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.	
218-2 Criminal Justice and Police Act 2001 Section 19 Section 20	Closure of unlicensed premises Closure notices Applications for closure orders Closure orders	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Section 21 Section 22 Section 23 Section 24 Section 25 Section 26 Section 27	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	
219.	Criminal Justice & Police Act 1991	To exercise the power and duties in respect of closure of unlicensed premises.	
220.	Scrap Metal Dealers Act 2013	To exercise the powers and duties in respect of scrap metal dealers.	
221.	Health Act 2006	To exercise powers and duties in respect of smoke free premises places and vehicles.	
222.	Coronavirus Act 2020	To exercise the powers and functions of the Council under the Act	
223.	Business & Planning Act 2020 (Part I)	To exercise the Council's powers and functions in relation to Pavement Licences	

Delegation to: **Strategic Director (Corporate Resources)**
Head of Community & Digital Services

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
224.	Events	To co-ordinate the management of events taking place within the District both on and off Council land.	
225.	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.	
226.	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.	
227.	Local Government Act 1972 s.145	To exercise the powers and functions of the Council with regard to the provision of entertainments	

228.	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.
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**Delegation to: Head of Community & Digital Services
Community Services Manager**

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
229.	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.	
230.	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
231.	Covert operations	To act as signatory for the Council in respect of targeted covert operations requested by the Police or other enforcement agencies	The Monitoring Officer will act as authorising officer for all covert surveillance operations conducted by the Council
232.	Anti-Social Behaviour Act 2003 (Part 8)	To exercise the powers and functions of the Council in relation to High Hedges.	
233.	Anti-Social Behaviour Crime and Policing Act 2014 Part 1 Part 2 Part 4 Part 6	To exercise the powers and functions of the Council under these parts of the Act subject to the exclusions within column 3	Any powers under Part 1 shall only be exercised in consultation with the Solicitor to the Council Any powers under section 43 shall

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			<p>only be used in consultation with the Solicitor to the Council</p> <p>Excludes the making of Public Space Protection Orders under section 59 which shall be reserved to Cabinet</p> <p>Excludes the use of Closure Notices under section 76 in respect of licensed premises</p> <p>Any closure notices made under section 76 shall be for a maximum period of 24 hours</p>
234.	Coronavirus Act 2020	To exercise the powers and functions of the Council under the Act	

Delegation to: ~~Head of Leadership Support~~ **HR & Payroll Manager**
Funding & Communication Manager

Executive Functions

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

Delegation to: **Strategic Director (~~Operations and Commercial~~ Place & Environment)**

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
236.	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> <p>This exclusion shall not apply in the case of individual properties comprised within the redevelopment of the William Muge and Snelgrove House sites, Dover</p>
237.	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 Strategic Director (Corporate Resources <u>Finance & Housing</u>) and the Solicitor to the Council.	The Strategic Director (Operations and Commercial <u>Place & Environment</u>) shall have been provided with the relevant completed pro forma in respect of the site
238.	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
239.	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	
240.	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.
241.	Highways Act - Bus Shelters	To exercise the powers and functions of the Council in relation to the provision and maintenance of bus shelters.	
242.	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.	
243.	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	
244.	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.	
245.	Land Drainage Act 1991	To exercise the powers and functions of the Council in relation to all matters concerning land drainage.	
246.	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.	
247.	East Kent Waste Contract	To discharge the executive functions of Kent County Council and Shepway District	Subject to the conditions and

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		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 Director of Property, Leisure and Waste Management (Dover District Council) to Cabinet on 13 October 2010.	limitations set out in the three-way inter authority agreement between Dover District Council, Kent County Council and Shepway District Council.
248.	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.	
249.	Cemeteries, closed churchyards and war memorials	To maintain cemeteries, closed churchyards and war memorials for which the Council is responsible.	
250.	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
251.	Parks and open spaces – various including Public Health Act 1875, Open Spaces Act 1906 and Public Health Acts Amendment Act 1907 (section 76)	To exercise the powers and duties of the Council in relation to parks and open spaces.	
252.	White Cliffs Countryside Partnership	To exercise the powers and functions of the Council in relation to the White Cliffs Countryside Partnership.	
253.	Sport, Leisure Recreation and Entertainment -	To discharge the powers and functions of the Council with regard to the provision and management of Sports, Leisure,	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Various including, Local Government Act 1972: Local Government (Miscellaneous Provisions) Act 1976	entertainment and recreational facilities and events.	
254.	Climate Change and Sustainable Energy Act 2006	To exercise the powers and functions of the Council under the Act	
255.	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.	
256.	Harbours Act 1964 and Deal Pier Order	To exercise the powers and functions of the Council in relation to Deal Pier.	
257.	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 Strategic Director (Corporate Resources Finance & Housing)
258.	Highways Act 1980 – s. 96(4)	Powers of local authorities to exercise the powers of a highways authority to plant trees, lay out grass verges, etc. on a highway with the consent of the highways authority.	

Delegation to:
Environment

Strategic Director ([Operations and Commercial](#)[Place &](#)

Head of Commercial Services

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
259.	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
260.	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
261.	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
262.	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
263.	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.	
264.	Town Police Clauses Act 1847	To determine applications for the temporary restriction of highways.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations/Notes
265.	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.	
266.	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.	
267.	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.	
268.	Anti-Social Behaviour Act 2003 (Part 8)	To exercise the powers and functions of the Council in relation to High Hedges.	

Delegation to:
Environment

**Strategic Director (~~Operations and Commercial~~Place &
Head of Assets and Building Control**

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
269.	Asset Management	To manage, maintain and improve the Council's property assets (other than those held or subsequently acquired or appropriated for housing purposes) including: Rating (i) To lodge objections to and proposals for rating assessments, agree revised values, sign agreements and appear in the Valuation Court. Taxation Making applications for and accepting grants Grant and Termination of Leases, Licences and Concessions	Property maintenance to be undertaken in accordance with the provisions of the Council's Corporate Property Strategy and Asset Management Plan. Excludes the insuring of the asset which is the responsibility of the Strategic Director (Corporate

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<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>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><u>Resources Finance & Housing)</u></p> <p>Excluding demolition of buildings which except in cases of urgency must be subject to prior Cabinet approval.</p> <p>Excluding where the rent or other consideration exceeds £50,000 per annum;</p>
270.	Housing Act 1985 and all other enabling powers.	To maintain and improve dwellings, buildings and land held or subsequently acquired or appropriated for housing purposes.
271.	Housing Act 1985 – Part V	To exercise the powers and functions of the Council relating to the right to buy (and associated functions) under this part of the Act.
272.	<p>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,</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>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
<p>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>		
273. Housing Act 1985 – Part V	To exercise the powers and functions of the Council relating to the right to buy (and associated functions) under this part of the Act.	
274. Building Act 1984 (Sections 77 and 78)	To serve Notices and take all necessary action in respect of dangerous buildings and structures .	
275. Building Act 1984 (Section 81 and 82)	To approve applications for intended demolitions and serve the appropriate notices.	
276. Public Health Act 1925 (Section 17 – 19) – Naming of streets	To exercise the powers and functions of the Council in relation to the naming of streets.	
277. Public Health Act 1875 - Street lighting	To exercise the powers and functions of the Council in relation to the lighting of the district.	
278. 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.	
279. 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.	
280. European Communities Act 1972 (a) All Regulations, Orders and	Various measures relating to land and property	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
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		

Delegation to: Strategic Director (~~Operations and Commercial~~Place & Environment)

Head of Museums and Tourism

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
281. 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.	
282. 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.	Includes the power to manage tourist information centres and working in partnership with other agencies.
283. Local Government Act 1972 s.145	To exercise the powers and functions of the Council with regard to the provision of entertainments.	
284. 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.	
285. Salter Collection Charity	To keep under review the proper administration of the Salter Collection	All matters requiring a decision of the

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		Charity and to make periodic reports to the Cabinet.	Council as trustee to be taken by Cabinet.

Delegation to: Head of Planning **and, Regeneration and** Development
Planning Enforcement Manager

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
286.	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	
287.	Functions relating to town and country planning and development control, trees, footpaths, bridleways and restricted byeways, public rights of way, as described in Article 2 and 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	To exercise the powers and functions in relation to town and country planning and development control 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, give approvals and agree certain other matters relating to the exercise of permitted development rights. (h) Power to enter into planning obligations, to modify and discharge planning obligations and related powers. (i) Power to issue a certificate of existing or proposed lawful use or development. (j) Power to serve a completion notice.	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 6 or more contrary representations* to the officer recommendation Or, at the written request of a Member identifying planning reasons *For these purposes a representation shall be: In writing which shall mean a letter, email, submitted electronically via the Council's website or a petition

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<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 a planning contravention notice, breach of condition notice or stop notice.</p> <p>(o) Power to issue a temporary stop notice.</p> <p>(p) Power to issue an enforcement notice.</p> <p>(q) Power to apply for an injunction restraining a breach of planning control.</p> <p>(r) Power to determine applications for hazardous substances consent and related powers (including the revocation of consent).</p> <p>(s) Duty to determine conditions to which old mining permissions, relevant planning permissions related to dormant sites or active phase 1 or 2 sites or mineral permissions relating to mining sites as the case may be are to be subject.</p> <p>(t) Power to require proper maintenance of land.</p> <p>(u) Power to determine application for listed building consent, and related powers.</p> <p>(v) Duties relating to applications for listed building consent.</p> <p>(w) Power to serve a building preservation notice, and related powers.</p> <p>(x) Power to issue enforcement notice in relation to demolition of listed building in conservation area.</p> <p>(y) Powers to acquire a listed building in need of repair and to serve a repairs notice.</p> <p>(z) Power to apply for an injunction in relation to a listed building.</p> <p>(aa) Power to authorise stopping up or diversion of highway.</p> <p>(bb) Power to execute urgent works.</p> <p>(cc) Powers relating to the protection of important hedgerows.</p>	<p>Made by an individual or a body corporate</p> <p>Raising a material planning consideration</p> <p>Made within the period specified for the making of representations</p> <p>And where a single letter, email, electronic website submission or petition bears the name of more than one person, it shall be treated as made by the first named person only for the purposes of determining whether there are 6 or more contrary representations.</p>

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		(dd) Powers relating to the preservation of trees. (ee) Power in relation to complaints about high hedges. (ff) Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway. (gg) Power to extinguish public rights of way over land held for planning purposes.	
288.	Local choice functions allocated to the Planning Committee as set out in Section 1 of Part 3 of the Constitution.		
289.	The Town and Country Planning (Environmental Impact Assessment) Regulations 2017	To determine all matters in relation to the Regulations.	
290.	Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017	To implement the provisions of the Regulations.	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
291.	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

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			<p>circumstances where there are 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 consideration and reserved to the Council for decision.</p>
292.	Licensing Act 2003 (Sections 13(4)(d) and 69(4)(d))	To exercise the powers of the Planning Committee as “responsible authority”.	
293.	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.	
294.	Self-build and Custom Housebuilding Act 2015	To exercise the powers and functions of the Council under the Act.	
295.	Planning Performance Agreements	To negotiate and enter into Planning Performance Agreements.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
296.	Housing and Planning Act 2016	To exercise the Council's powers and functions in relation to the Brownfield Land Register.	
297.	Local Development (Part 2 of the Planning and Compulsory Purchase Act 2004)	To discharge the powers and functions of the council in relation to the Local Plan and supplementary planning documents and policies	<p>The giving of any instruction to prepare or modify any development plan or local development documents, any supplementary planning documents and policies is reserved to Cabinet</p> <p>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>Approval of the Authority Monitoring Report is reserved to Cabinet</p>
298.	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	
299.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 57) or the Town Grant Scheme	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.	
300.	Planning (Listed Buildings and Conservation	To decide upon the recovery of sums paid out in respect of repairs to properties.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Areas) Act 1990 (Section 58)		
301.	The Local Land Charges Acts	To exercise the functions of the Council in respect of the Local Land Charges Service.	

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

PART 9 PROPER OFFICE APPOINTMENTS

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Proper Officer Appointments for Specified Statutory Purposes

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
National Assistance Act 1948 (as amended)			
47	Removal to suitable premises of persons in need of care and attention	Consultant for Communicable Disease Control in Kent	Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)
Local Government Act 1972			
13(3)	Parish Trustee	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)
83(1)	Witness and receipt of declaration of acceptance of office	Chief Executive	Solicitor to the Council
84	Receipt of declaration of resignation	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)
88(2)	Convening of meeting to fill a casual vacancy in the office of Chairman	Chief Executive	Solicitor to the Council
89(1)(b)	Receipt of notice of casual vacancy from local government electors	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)
100(B)(2)	To exclude from inspection by members of the public the whole or any part of a report during which, in his opinion, the meeting is likely not to be open to the public	The relevant Head of Service who originates the report (in consultation with the Solicitor to the Council)	Solicitor to the Council

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
100(B)(7)(C)	To supply newspapers with copies of any documents other than the agenda or reports supplied to members of the Council in connection with any item	Chief Executive	Section 151 Officer
100(C)(2)	If the minutes of proceedings during which a meeting was not open to the public disclose exempt information, and are therefore not open to inspection by the public, to make a written summary of such proceedings which provides such a record without disclosing the exempt information	Monitoring Officer	Head of Governance & HR Strategic Director (Corporate & Regulatory)
100(D)(1)(a) 100(D)(5)(a)	To determine the documents which constitute background papers for a report and to compile a list of such papers to be available for inspection by the public	The relevant Head of Service of the division which originates the report	Solicitor to the Council
100(F)(2)	To determine that a document is not required to be open for inspection by Members because it discloses exempt information falling within any of paragraphs 1 to 7 of Part 1 of Schedule 12A to the Act	Solicitor to the Council	Head of Governance & HR Strategic Director (Corporate & Regulatory)
115(2)	Receipt of money due from officers	Section 151 Officer	Head of Finance & Investment
146(1)(a)&(b)	Declarations and certificates with regard to securities	Section 151 Officer	Head of Finance & Investment
151	Administration of Financial Affairs	Section 151 Officer	Head of Finance & Investment
191	Functions with respect to Ordnance Survey	Chief Executive	Solicitor to the Council

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authority, or, if there is no such office, to proper officers	Chief Executive	Solicitor to the Council
225(1)	Deposit of Documents	Chief Executive	Solicitor to the Council
229(5)	Certification of Documents	Chief Executive	Solicitor to the Council
234	Signing any notice, demand, requisition, direction, order, regulation or similar documents which they are authorised to make	Chief Executive	Solicitor to the Council
234(1)	Authentication of Photographic Documents	Chief Executive	Solicitor to the Council
236(9) & (10)	Distribution of copies of Byelaws	Chief Executive	Solicitor to the Council
238	Certification of printed copies of Byelaws	Chief Executive	Solicitor to the Council
Schedule 12 paragraph 4(2)(b)	Summonses to Council Meetings	Chief Executive	Solicitor to the Council
Schedule 12 paragraph 4(3)	Receipt of notices regarding address to which summons to meetings is to be sent	Chief Executive	Solicitor to the Council
Schedule 14 paragraph 25(7)	Certification of Resolution relating to enactments applying	Chief Executive	Solicitor to the Council
Schedule 16 paragraph 28	Deposit of Lists of Buildings of Special Architectural Interest	Chief Executive	Head of Planning, Regeneration and Development
Local Government (Miscellaneous Provisions) Act 1976			

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
41	Authentication of Resolutions and Minutes of Proceedings, etc	Chief Executive	Solicitor to the Council
National Assistance Act 1948			
47	Persons in need of care and attention	Chief Executive	Head of Regulatory Services
Rent (Agriculture) Act 1976			
Schedule 4	Administration of provisions of Act	Chief Executive	Strategic Director (Corporate Resources Finance & Housing)
Public Health (Ships) Regulations 1979			
All		Consultant for Communicable Disease Control in Kent	Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)
Representation of the People Act 1983			
8 & 52	Electoral Registration Officer and person to act in absence of Registration Officer	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)
83	Returning Officer for District, Parish & Community Council Elections	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
The Parish and Community Meetings (Polls) Rules 1987			
Rule 4	Returning Officer for Parish and Community Meetings (Polls)	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)
The Health Protection (Notification) Regulations 2010			
2, 3 & 6	Control of Notifiable Diseases	Consultant for Communicable Disease Control in Kent	Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)
Public Health (Control of Diseases) Act 1984			
10 & 11	Control of Notifiable Diseases and Food Poisoning	Consultant for Communicable Disease Control in Kent	Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)
Local Elections (Parishes and Communities) Rules 2006			
Rule 8	Receipt of request by 10 local government electors for the electoral area to hold an election to fill a casual vacancy in the office of Parish Councillor	Chief Executive	Head of Governance & HR Strategic Director (Corporate & Regulatory)
Local Government Finance Act 1988			
114	Compilation of reports on actual or contemplated unlawful expenditure or if the Authority's expenditure, including proposed expenditure, is likely to exceed its resources	Section 151 Officer	Head of Finance & Investment
Local Government and Housing Act 1989			

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
4	Head of Paid Service	Chief Executive	
5 & 5A	Monitoring Officer	Solicitor to the Council	Head of Governance & HR Principal Solicitor - Planning
15-17	Political Balance on Committees, etc	Chief Executive	Democratic & Corporate Services Manager
The Local Government (Committees and Political Groups) Regulations 1990			
All		Chief Executive	
Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000			
All		Chief Executive	
Freedom of Information Act 2000 Environmental Information Regulations 2004			
All	Provide information as stipulated in the Act	Head of Governance & HR Strategic Director (Corporate & Regulatory)	Democratic & Corporate Services Manager
General Data Protection Regulation			
Article 39	Designation of a Data Protection Officer	Solicitor to the Council	N/A

- Notes** (1) In the absence of both the Proper Officer and the Officer appointed to act in his/her absence, the person undertaking the appropriate duties of the respective posts at that time is employed to act.
- (2) In relation to any other statutory provision requiring the performance of any act or function by the "Proper Officer" and where the Council has not made specific provision, the Proper Officer shall be the Head of Service of the division whose functions are most closely associated with the act or function in question.

Proper Officer Appointments for Specified Purposes

(References in the Constitution)

PAGE	PARAGRAPH		Proper Officer	Deputy
<u>Council Procedure Rules</u>				
168	3.1	Calling extraordinary meetings	Chief Executive	Monitoring Officer
170	5	Time and place of meetings	Chief Executive	Monitoring Officer
170	6	Notice of and summons to meetings	Democratic & Corporate Services Manager	Solicitor to the Council
171	11.3	Notice of questions	Democratic & Corporate Services Manager	Solicitor to the Council
172	11.5	Scope of questions	Monitoring Officer	Deputy Monitoring Officer
172	11.6	Record of questions	Democratic & Corporate Services Manager	Solicitor to the Council
173	12.3	Notice of questions	Democratic & Corporate Services Manager	Solicitor to the Council
174	12.6	Timing	Democratic & Corporate Services Manager	Solicitor to the Council
174	13.1	Notice	Democratic & Corporate Services Manager	Solicitor to the Council
183	26	Cancellation of a Council meeting	Chief Executive	Monitoring Officer
<u>Access to Information Procedure Rules</u>				
184	6(c)	Supply of copies	Monitoring Officer	Deputy Monitoring Officer
185	8.1	List of background papers	Appropriate Head of Service	Appropriate Service Manager
188	11	Exclusion of access by the public to reports	Monitoring Officer	Deputy Monitoring Officer

PAGE	PARAGRAPH		Proper Officer	Deputy
189	14.2	Contents of Forward Plan	Monitoring Officer	Deputy Monitoring Officer
190	15	General exceptions	Monitoring Officer	Deputy Monitoring Officer
191	17.1	When an Overview and Scrutiny Committee can require a report	Monitoring Officer	Deputy Monitoring Officer
191	18	Record of decisions	Monitoring Officer	Deputy Monitoring Officer
192	20	Notice of private meetings of the Executive	Monitoring Officer	Deputy Monitoring Officer
192	21	Officers	Monitoring Officer	Deputy Monitoring Officer
193	22.3	Record of individual decision	Appropriate Head of Service	Appropriate Service Manager
<u>Budget and Policy Framework Procedure Rules</u>				
195	2(b)	Process for developing the framework	Democratic & Corporate Services Manager	Solicitor to the Council
196	2(f)	Process for developing the framework	Democratic & Corporate Services Manager	Solicitor to the Council
<u>Leader and Executive Procedure Rules</u>				
200	1.4(b)	The Council's Scheme of Delegations and Executive Functions	Monitoring Officer	Deputy Monitoring Officer
202	2.5	Who can put items on the executive agenda?	Chief Executive	Monitoring Officer
<u>Overview and Scrutiny Procedure Rules</u>				
205	4	Meetings of the Overview and Scrutiny Committee	Monitoring Officer	Deputy Monitoring Officer
206	11	Agenda items	Democratic & Corporate Services Manager	Solicitor to the Council
208	13	Reports from Overview and Scrutiny Committees	Democratic & Corporate Services Manager	Solicitor to the Council

PAGE	PARAGRAPH		Proper Officer	Deputy
209	14(a)	Making sure that Overview and Scrutiny reports are considered by the Executive	Democratic & Corporate Services Manager	Solicitor to the Council
209	14(c)	Making sure that Overview and Scrutiny reports are considered by the Executive	Democratic & Corporate Services Manager	Solicitor to the Council
210	16(b)	Members and officers giving account	Democratic & Corporate Services Manager	Solicitor to the Council
211	18(c)	Call-in	Democratic & Corporate Services Manager	Solicitor to the Council
212	18(h)	Call-in	Democratic & Corporate Services Manager	Solicitor to the Council
216	21	Matters within the remit of more than one overview and scrutiny committee	Democratic & Corporate Services Manager	Solicitor to the Council
<u>Prescribed Standing Orders</u>				
274	3(1)	Executive arrangements	Head of Governance & HR Strategic Director (Corporate & Regulatory)	Democratic & Corporate Services Manager
Declarations of Members Interests			Monitoring Officer	Deputy Monitoring Officer
Any proper officer function not dealt with elsewhere			Monitoring Officer	Deputy Monitoring Officer

Senior Management Organisational Chart

