

# Public Document Pack



Democratic Services  
White Cliffs Business Park  
Dover  
Kent CT16 3PJ

Telephone: (01304) 821199  
Fax: (01304) 872452  
DX: 6312  
Minicom: (01304) 820115  
Website: [www.dover.gov.uk](http://www.dover.gov.uk)  
e-mail: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk)

25 June 2018

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **GOVERNANCE COMMITTEE** on Thursday 28 June 2018 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

- 8 **REVIEW OF THE CONSTITUTION 2018 - GENERAL AND ADMINISTRATIVE AMENDMENTS** (Pages 2 - 46)

To consider the report of the Director of Governance.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background. The signature is fluid and cursive, with a long horizontal stroke at the end.

Chief Executive

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<b>Subject:</b>	<b>REVIEW OF THE CONSTITUTION 2018 – GENERAL AND ADMINISTRATIVE AMENDMENTS</b>
<b>Meeting and Date:</b>	<b>Governance Committee – 28 June 2018 Council – 25 July 2018</b>
<b>Report of:</b>	<b>Director of Governance (Monitoring Officer)</b>
<b>Classification:</b>	<b>UNRESTRICTED</b>

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**Purpose of the report:** Article 15 of the Constitution requires the Monitoring Officer to conduct regular reviews of the Constitution. A report has previously been considered in respect of the training criteria for various committees and this report seeks to be cover more general and administrative amendments.

Article 15, paragraph 15.02(a) requires that amendments to the Constitution will only be approved by Council (or its committees) after consideration of the proposal by the Governance Committee.

Article 15, paragraph 15.02 (d) enables proposed changes to the Constitution relating to the amendment of the title of an officer to be approved by the Monitoring Officer.

Part 3, Section 6, Sub section A Paragraph 12 of the Constitution allows for the Scheme of Officer Delegations (Part 3, Section 6) to be amended from time to time by the Council.

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**Recommendation:**

**Governance Committee**

(a) That it be recommend to Council that the proposed changes in the Review of the Constitution 2018, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions be approved and incorporated into the Council’s Constitution, issue no. 21.

(b) That it be recommend to Council that the proposed changes in the Review of the Constitution 2016, specifically relating to Part 3, Section 6, Sub Section C (Scheme of Officer Delegations) that relate to executive functions be approved.

(Note: The Leader of the Council will be asked separately to approve any changes relating to executive functions but the Council is asked to approve the Scheme of Officer Delegations in its totality in the event that there has been an erroneous misclassification of functions.)

(c) That it be recommended to Council that the additional changes set out in Appendices 1 - x of the report be approved and incorporated into the Council’s Constitution, issue no. 21.

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**Council:**

- (a) That the proposed changes in the Review of the Constitution 2018, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions be approved and incorporated into the Council's Constitution, issue no. 21.
- (b) That the proposed changes in the Review of the Constitution 2016, specifically relating to Part 3, Section 6, Sub Section C (Scheme of Officer Delegations) that relate to executive functions be approved.

(Note: The Leader of the Council will be asked separately to approve any changes relating to executive functions but the Council is asked to approve the Scheme of Officer Delegations in its totality in the event that there has been an erroneous misclassification of functions.)

- (c) That the additional changes set out in Appendices 1 - x of the report be approved and incorporated into the Council's Constitution, issue no. 21.

**Planning Committee:**

That Committee note the proposed changes in the Review of the Constitution 2016 issue no. 21, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) which are planning functions.

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**1. Introduction and Background**

- 1.1 Article 15 of the Council's Constitution makes provision for the regular review of the Constitution by the Monitoring Officer on an annual and ad-hoc basis. This report forms the second report as part of the Review of the Constitution 2018 following from the report on 'Training and Development for Members' which was approved by Council at its meeting held on 23 May 2018.
- 1.2 Since the introduction of the first version of the Constitution in 2002, the Council has revised the Constitution twenty times. The Review of the Constitution 2018, which has been undertaken by the Director of Governance / Monitoring Officer in conjunction with the Solicitor to the Council and the Democratic Services Manager, will be the twenty-first revision resulting in the proposed draft version 21.
- 1.3 Due to the size of the Council's Constitution, it is not practical to conduct a detailed analysis of nearly 500 pages on an annual basis and instead specific areas are selected each year for review. This year's review has concerned itself with improving transparency and accessibility, reflecting structural changes to the Council's

organisational structure and the collation of changes made by decision-making bodies such as the Cabinet or Council during the course of the previous year.

1.4 The focus for the Review of the Constitution 2018 has been as follows:

- (a) Consequential amendments arising from changes to the Council;
- (b) General tidying up of areas for clarity or consistency;
- (c) Amendments to the scheme of officer delegations; and
- (d) Other changes.

## 2. **Approval of Amendments to the Constitution**

2.1 The changes to the Constitution come in three types – changes requiring Executive approval, changes delegated to the Director of Governance/Monitoring Officer to approve and changes requiring Council approval.

2.2 The details of the changes are set out below.

### **(a) Consequential Amendments**

#### Governance and Standards Committee

2.3 The Council at its meeting held on 17 May 2017 agreed to no longer appoint a separate Standards Committee and that its functions be transferred to the Governance Committee instead. As a consequence a number of consequential textual amendments were required to incorporate these changes which the Director of Governance was authorised to make by the Council. These included removing references to the Standards Committee and where appropriate replacing with reference to the Governance Committee.

2.4 The key non-textual changes proposed are as follows (as set out in Appendix 1):

- Article 2 – Amalgamation of Chairman of Standards Committee with Chairman of Governance Committee (Appendix to the article).
- Article 8 – Delete paragraph 8.02
- Article 9 – Insert paragraph 8.02 in paragraph 9.01  
Change name of Article 9 from ‘The Standards Committee’ to ‘The Governance Committee’

#### Proper Officer Functions

2.5 A number of amendments are required to the Proper Officer Appointments for Specified Statutory Purposes and the Proper Officer Appointments for Specified Purposes as a result of the restructuring of Democratic and Electoral Services. This has seen the functions previously assigned to the Head of Democratic Services split between the Head of Electoral Services and the Democratic Services Manager.

2.6 The Council at its meeting held on 7 March 2018 authorised the Director of Governance to make any necessary changes to the Constitution consequent to the Council designating the Solicitor to the Council as the Data Protection Officer and this is included with the Appointments for Specified Statutory Purposes.

- 2.7 Finally, an amendment to the functions previously held by the Head of Corporate Services is required following the retirement of the post holder and the subsequent restructuring.
- 2.8 These changes are set out in detail in Appendix 2.

**(b) General Amendments**

- 2.9 There are a number of references to the 'Council's Code of Conduct' and 'Members' Code of Conduct'. For clarity, it is proposed that the single phrase 'Dover District Council Kent Code of Conduct for Members' is used. This reflects the name used on the actual Code of Conduct.
- 2.10 The section on Cabinet Portfolios is amended to reflect changes notified by the Leader of the Council at full Council in May 2018. These changes are contained within Part 3 (Responsibility for Functions), Section 3 (Responsibility for Executive Functions) of the Constitution and set out in Appendix 3 of this report.
- 2.11 In Part 3 (Responsibility for Functions), Section 4 (Guidelines for Executive Committees) the reference to the Strategic Housing Committee of the Executive is to be deleted as the Cabinet no longer appoints to this committee.
- 2.12 It is proposed to amend Council Procedure Rule 1.1 (x) to insert the words "size and" to give clarity to the intention that the Shadow Cabinet mirror the Cabinet in terms of numbers of portfolios and numbers of members. The new wording would be as follows:
- (x) note the **size and** composition of the Shadow Cabinet which must directly reflect the Cabinet;*
- 2.13 A small number of changes have been made to correct references that are no longer correct due to textual changes. In addition, Council Procedure Rules 8.2 and 8.3 concerning quorum have been swapped in order to provide greater clarity as to application but the text remains unchanged.
- 2.14 It is proposed to delete Council Procedure Rule 24.2(iii) as it no longer fulfils a purpose as it does not apply to the meetings of the Cabinet, Licensing Committee, Licensing Sub-Committees and Planning Committee. In addition, Council Procedure Rule 24.2(ii) makes provision for Members to speak at a committee where permitted or invited to do so by the Committee. A further change to Council Procedure Rule 24.4 is proposed for clarity as follows:
- 24.4 Members' **shall only** right to speak at Planning Committee shall be exercised in accordance with the Protocol on Public Speaking at Planning Committee*
- 2.15 In respect of the Members' Allowance Scheme, it is proposed to delete reference to claims for Members attending the Council offices to open tender documents at paragraph 7.15 as this no longer happens. This paragraph would be replaced by a new paragraph relating to the attending the Council offices in respect of the iPads issued to Members as follows:
- 7.15 Attending the Council offices in relation to ICT equipment issued by the Council to Members.*

- 2.16 These changes have been submitted to the East Kent Joint Independent Remuneration Panel for consultation who have raised no objections to the proposed changes to the Members' Allowance Scheme set out in paragraph 2.14 above.

***(c) Amendments to the Scheme of Officer Delegations***

- 2.17 These changes are set out in Appendix 2 and implement a number of changes (a) resulting from restructuring; (b) changes to legislation; (c) previously agreed by the Council; or (d) previously agreed by the Executive (through either Cabinet decisions or delegated decisions). These changes do not grant new delegated powers other than to implement those agreed by Council or the Executive.
- 2.18 An additional amendment concerns the use of the term 'operational manager(s)' which has been replaced with the more accurate term of 'specified officer(s)'. This change is for clarity and does not change the nature of the delegation.
- 2.19 Although the full Council is only responsible for delegations relating to Council functions, it is asked to approve the scheme of officer delegations in its totality in the event that there has been an erroneous misclassification of functions.
- 2.20 The changes are set out in full in Appendix 4.

***(d) Other Changes***

Questions and Answers at full Council

- 2.21 The Leader of the Opposition, Councillor M R Eddy, has requested that as part of the Review of the Constitution 2018 consideration be given to the provision of written answers to questions asked on notice at meetings of the full Council.
- 2.22 The current position is that members of the Executive when answering questions on notice at meetings of the full Council are prepared a briefing note by officers (unless they request otherwise) which is available to them for use in formulating their verbal answer to the question. It should be noted that members of the Executive are under no obligation to use the briefing note prepared by officers. The only formal record of the answer given by the Executive member is the summary contained within the Council Minute, which by its nature is not verbatim. The questioner can request a written copy of the answer given but it is at the discretion of the Executive member as to whether this is provided.
- 2.23 If Members wished to include provision for a written answer it is suggested that this be achieved through amending the Council Procedure Rule 12 (Questions on Notice by Members) as follows:

*12.5 After the Council meeting, a copy of the questions and the answers will be given to the Members asking the questions and made available to all other Members of the Council via the Minutes of the meeting.*

- 2.24 This is based on the provision contained within the Constitution of Kent County Council. It should be noted that the definition of 'after the Council meeting' is not defined and Members will need to give consideration as to when this is to be done – i.e. after the conclusion of the meeting; the following day or a later date

### **3. Identification of Options**

- 3.1 Option 1: To approve the changes proposed as part of the Review of the Constitution 2018 as submitted.
- 3.2 Option 2: To not approve the changes as part of the Review of the Constitution 2018 as submitted.
- 3.3 Option 3: To approve in part the proposed changes as part of the Review of the Constitution.

### **4. Evaluation of Options**

- 4.1 Option 1 is the preferred option as it enables the efficient operation of the authority to continue.
- 4.2 Option 2 is not the preferred option as it will significantly impede the day-to-day operation of the authority as the Constitution will no longer be able to operate as a definitive reference for officers.
- 4.3 Option 3 is not recommended as it will not be possible for the Governance Committee or the Council to make any significant changes to the proposals at their meeting. Should members be minded to pursue this option they would need to instruct the Director of Governance/Monitoring Officer as to their wishes and require him to report to future meetings of the Governance Committee and the Council.

### **5. Resource Implications**

There are no resource implications arising from the Review of the Constitution.

### **6. Appendices**

Governance Committee:

Appendix 1 – Governance and Standards Committee

Appendix 2 – Proper Officer Functions

Appendix 3 – Cabinet Portfolios

Appendix 4 – Scheme of Officer Delegations

Council:

Appendix 1 – Draft Constitution of the Council (Version 21)

### **7. Background Papers**

Local Government Act 2000 and the regulations made under that Act

Contact Officers: Rebecca Brough, Democratic Services Manager, ext. 2304

David Randall, Director of Governance and Monitoring Officer, ext. 2141

Harvey Rudd, Solicitor to the Council, ext. 2321

## Article 2 – Members of The Council

### ~~5. Chairman of Standards Committee~~

#### ~~Purpose of Role:~~

~~To chair meetings of the Council's Standards Committee in accordance with the Committee's terms of reference; to provide leadership and direction to the Committee in close liaison with the Council's Monitoring Officer.~~

#### ~~Duties and responsibilities (in addition to those of a Chairman of a Committee):~~

~~(a) To be conversant with the protocols and practices of the Council insofar as they affect the conduct of elected District or Parish councillors.~~

~~(b) To be fully conversant with the Council's Code of Conduct, and the arrangements for dealing with Code of Conduct complaints under the Localism Act 2011.~~

~~(c) To submit a report to the Annual Meeting of the Council on the work of the Standards Committee during the previous year.~~

#### ~~Specific skills required (in addition to those of a Chairman of a Committee):~~

- ~~• Good interpersonal, questioning, analytical and summarising competencies.~~
- ~~• Clear understanding of the Members' Code of Conduct and its implications for Councillors together with Members' Disclosable Pecuniary Interests and Other Significant Interests.~~
- ~~• Ability to be completely impartial when dealing with elected councillors, officers and members of the public.~~

### 6. Chairman of Governance Committee

#### Purpose of Role:

To chair meetings of the Council's Governance Committee in accordance with the Committee's terms of reference; to provide leadership and direction to the Committee on detailed financial and audit matters brought before Committee; and to provide leadership and direction to the Committee in close liaison with the Council's Monitoring Officer in respect of the Code of Conduct.

#### Duties and responsibilities (in addition to those of a Chairman of a Committee):

- Maintain and update a working knowledge of the Council's financial practices, budget process and timetable, draft and year end accounts.
- Have an overall understanding of the various functions and service areas of the Council with regard to audit reports on performance levels.
- To have a working knowledge of the Council's Constitution in order to undertake reviews and recommend changes to Council.

- (d) To work closely with the Director of Governance, the Head of Audit Partnership and the Director of Finance, Housing and Community in respect of reports to be considered by Committee.
- (e) To undertake training on new or amended legislation, regulations or procedures as required.
- (f) To be conversant with the protocols and practices of the Council insofar as they affect the conduct of elected District or Parish councillors.
- (g) To be fully conversant with the Council's Code of Conduct, and the arrangements for dealing with Code of Conduct complaints under the Localism Act 2011.
- (h) To submit a report to the Annual Meeting of the Council on the work of the Governance Committee during the previous year.

Specific skills required (in addition to those of a Chairman of a Committee):

- Attention to detail, analytical and numeracy skills.
- Understanding of corporate risk assessment and management and the system of internal control.
- Ability to clarify and explain detailed information..
- Good interpersonal, questioning, analytical and summarising competencies.
- Clear understanding of the Dover District Council Kent Code of Conduct for Members and its implications for Councillors together with Members' Disclosable Pecuniary Interests and Other Significant Interests.
- Ability to be completely impartial when dealing with elected councillors, officers and members of the public.

## Article 8 – Regulatory and Other Committees

### 8.01 Regulatory and Other Committees

The Council will appoint the following committees to discharge the functions as set out respectively in Part 3 of this Constitution (Responsibility for Functions).

- Planning Committee
- Regulatory Committee
- ~~Standards Committee~~
- Joint Staff Consultative and Joint Health, Safety and Welfare Consultative Fora
- Scrutiny Committees
- Dover Joint Transportation Board
- Licensing Committee
- Governance Committee
- General Purposes Committee
- East Kent (Joint Arrangements) Committee
- Electoral Matters Committee

## Article 9 – The ~~Standards-Governance~~ Committee

### 9.01 ~~Standards-Governance~~ Committee

The Council may establish a ~~Standards-Governance~~ Committee.

The purpose of a Governance Committee is to provide independent assurance of the adequacy of the authority's control and risk management framework, and the associated control environment. The Governance Committee will undertake independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and oversee the financial reporting process. The Governance Committee will also sit as the Council's Audit Committee receiving reports from both internal and external audit, approving the audit programmes and ensuring sufficient resources to deliver the internal audit service.

### 9.02 **Composition**

- (a) **Membership.** The ~~Standards-Governance~~ Committee membership will be set by the full Council. It currently comprises seven district councillors.
- (b) **Political Balance.** The ~~Standards-Governance~~ Committee must comply with the political balance rules in section 15 of the Local Government and Housing Act 1989.
- (c) **Quorum.** The quorum for a meeting of the ~~Standards-Governance~~ Committee shall be one quarter of the whole number of members provided that it shall not comprise less than three members.
- (d) **Substitutes.** Substitutes shall be appointed in accordance with the Council's Procedure Rules.

*References: Localism Act 2011*

## Appendix 1

### 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
<b>National Assistance Act 1948 (as amended)</b>			
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)
<b>Local Government Act 1972</b>			
13(3)	Parish Trustee	Chief Executive	Head of <b>Democratic Electoral</b> Services
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 <b>Democratic Electoral</b> Services
88(2)	Convening of meeting to fill a casual vacancy in the office of Chairman	Chief Executive	Solicitor to the Council

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
89(1)(b)	Receipt of notice of casual vacancy from local government electors	Chief Executive	Head of <del>Democratic</del> <u>Electoral</u> Services
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
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	Director of Governance and Monitoring Officer	Solicitor to the Council

<b>Act and Section</b>	<b>Proper Officer's Function</b>	<b>Proper Officer</b>	<b>Officer Appointed to Act in Absence of Proper Officer</b>
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	Principal Solicitor
115(2)	Receipt of money due from officers	Section 151 Officer	Head of Finance
146(1)(a)&(b)	Declarations and certificates with regard to securities	Section 151 Officer	Head of Finance
151	Administration of Financial Affairs	Section 151 Officer	Head of Finance
191	Functions with respect to Ordnance Survey	Chief Executive	Solicitor to the Council

<b>Act and Section</b>	<b>Proper Officer's Function</b>	<b>Proper Officer</b>	<b>Officer Appointed to Act in Absence of Proper Officer</b>
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	
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

<b>Act and Section</b>	<b>Proper Officer's Function</b>	<b>Proper Officer</b>	<b>Officer Appointed to Act in Absence of Proper Officer</b>
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	Director of Governance
Schedule 16 paragraph 28	Deposit of Lists of Buildings of Special Architectural Interest	Chief Executive	Head of Regeneration and Development
<b>Local Government (Miscellaneous Provisions) Act 1976</b>			
41	Authentication of Resolutions and Minutes of Proceedings, etc	Chief Executive	Solicitor to the Council
<b>National Assistance Act 1948</b>			
47	Persons in need of care and attention	Chief Executive	Head of Regulatory Services

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
<b>Rent (Agriculture) Act 1976</b>			
Schedule 4	Administration of provisions of Act	Chief Executive	Director of Finance, Housing and Community
<b>Public Health (Ships) Regulations 1979</b>			
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)
<b>Representation of the People Act 1983</b>			
8 & 52	Electoral Registration Officer and person to act in absence of Registration Officer	Chief Executive	Head of <del>Democratic</del> <u>Electoral</u> Services
83	Returning Officer for District, Parish & Community Council Elections	Chief Executive	Head of <del>Democratic</del> <u>Electoral</u> Services

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
<b>The Parish and Community Meetings (Polls) Rules 1987</b>			
Rule 4	Returning Officer for Parish and Community Meetings (Polls)	Chief Executive	Head of <del>Democratic</del> <u>Electoral</u> Services
<b>The Health Protection (Notification) Regulations 2010</b>			
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)
<b>Public Health (Control of Diseases) Act 1984</b>			
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)
<b>Local Elections (Parishes and Communities) Rules 2006</b>			

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
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 <del>Democratic</del> <u>Electoral</u> Services
<b>Local Government Finance Act 1988</b>			
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
<b>Local Government and Housing Act 1989</b>			
4	Head of Paid Service	Chief Executive	
5 & 5A	Monitoring Officer	Director of Governance	Solicitor to the Council
15-17	Political Balance on Committees, etc	Chief Executive	<del>Head of</del> Democratic Services <u>Manager</u>

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
<b>The Local Government (Committees and Political Groups) Regulations 1990</b>			
All		Chief Executive	
<b>Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000</b>			
All		Chief Executive	
<b>Freedom of Information Act 2000</b>			
All	Provide information as stipulated in the Act	Monitoring Officer	Head of <a href="#">Corporate Services Leadership Support</a>
<b><u>General Data Protection Regulation</u></b>			
<a href="#">Articles 37 &amp; 38</a>	<a href="#">Designation of a Data Protection Officer</a>	<a href="#">Solicitor to the Council</a>	<a href="#">Head of Legal Services</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
<b><u>Council Procedure Rules</u></b>				
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	<del>Head of Democratic Services Manager</del>	<del>Team Leader – Democratic Support Solicitor to the Council</del>
171	11.3	Notice of questions	<del>Democratic Services Manager</del> <del>Head of Democratic Services</del>	<del>Solicitor to the Council</del> <del>Team Leader – Democratic Support</del>
172	11.5	Scope of questions	Monitoring Officer	Deputy Monitoring Officer
172	11.6	Record of questions	<del>Democratic Services Manager</del> <del>Head of Democratic Services</del>	<del>Solicitor to the Council</del> <del>Team Leader – Democratic Support</del>

PAGE	PARAGRAPH		Proper Officer	Deputy
173	12.3	Notice of questions	<u>Democratic Services Manager</u> <del>Head of Democratic Services</del>	<u>Solicitor to the Council</u> <del>Team Leader – Democratic Support</del>
174	12.6	Timing	<u>Democratic Services Manager</u> <del>Head of Democratic Services</del>	<u>Solicitor to the Council</u> <del>Team Leader – Democratic Support</del>
174	13.1	Notice	<u>Democratic Services Manager</u> <del>Head of Democratic Services</del>	<u>Solicitor to the Council</u> <del>Team Leader – Democratic Support</del>
183	26	Cancellation of a Council meeting	Chief Executive	Monitoring Officer
<b><u>Access to Information Procedure Rules</u></b>				
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
<b><u>Budget and Policy Framework Procedure Rules</u></b>				

PAGE	PARAGRAPH		Proper Officer	Deputy
195	2(b)	Process for developing the framework	<u>Democratic Services Manager</u> <u>Head of Democratic Services</u>	<u>Solicitor to the Council</u> <u>Team Leader – Democratic Support</u>
196	2(f)	Process for developing the framework	<u>Democratic Services Manager</u> <u>Head of Democratic Services</u>	<u>Solicitor to the Council</u> <u>Team Leader – Democratic Support</u>
<b><u>Leader and Executive Procedure Rules</u></b>				
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
<b><u>Overview and Scrutiny Procedure Rules</u></b>				
205	4	Meetings of the Overview and Scrutiny Committee	Monitoring Officer	Deputy Monitoring Officer
206	11	Agenda items	<u>Democratic Services Manager</u> <u>Head of Democratic Services</u>	<u>Solicitor to the Council</u> <u>Team Leader – Democratic Support</u>
208	13	Reports from Overview and Scrutiny Committees	<u>Democratic Services Manager</u> <u>Head of Democratic Services</u>	<u>Solicitor to the Council</u> <u>Team Leader – Democratic Support</u>

PAGE	PARAGRAPH		Proper Officer	Deputy
209	14(a)	Making sure that Overview and Scrutiny reports are considered by the Executive	<u>Democratic Services Manager</u> <u>Head of Democratic Services</u>	<u>Solicitor to the Council</u> <u>Team Leader – Democratic Support</u>
209	14(c)	Making sure that Overview and Scrutiny reports are considered by the Executive	<u>Democratic Services Manager</u> <u>Head of Democratic Services</u>	<u>Solicitor to the Council</u> <u>Team Leader – Democratic Support</u>
210	16(b)	Members and officers giving account	<u>Democratic Services Manager</u> <u>Head of Democratic Services</u>	<u>Solicitor to the Council</u> <u>Team Leader – Democratic Support</u>
211	18(c)	Call-in	<u>Democratic Services Manager</u> <u>Head of Democratic Services</u>	<u>Solicitor to the Council</u> <u>Team Leader – Democratic Support</u>
212	18(h)	Call-in	<u>Democratic Services Manager</u> <u>Head of Democratic Services</u>	<u>Solicitor to the Council</u> <u>Team Leader – Democratic Support</u>
216	21	Matters within the remit of more than one overview and scrutiny committee	<u>Democratic Services Manager</u> <u>Head of Democratic Services</u>	<u>Solicitor to the Council</u> <u>Team Leader – Democratic Support</u>
<b><u>Prescribed Standing Orders</u></b>				
292	3(1)	Executive arrangements	Director of <u>Collaborative Services</u> <u>Governance</u>	<u>Nominee</u> <u>Democratic Services Manager</u>

PAGE	PARAGRAPH		Proper Officer	Deputy
<b><u>Standards Committee</u></b>			Monitoring Officer	Deputy Monitoring Officer
<b>Declarations of Members Interests</b>			Monitoring Officer	Deputy Monitoring Officer
<b>Any proper officer function not dealt with elsewhere</b>			Monitoring Officer	Deputy Monitoring Officer

## **Description of Portfolios**

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

### **Portfolio: Leader of the Council**

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

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

### **Main Areas of Responsibility**

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

### **Portfolio: Deputy Leader**

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

### **Main Area of Responsibility**

- Political Management Processes

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

### **Portfolio 1: Access and Licensing**

The Portfolio Holder for Access and Licensing is responsible for:

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

#### **Main Areas of Responsibility**

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

### **Portfolio 2: Environment, Waste and Health**

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

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

#### **Main Areas of Responsibility**

- Natural Environment
- Waste
- Corporate Enforcement – overarching
- Coastal Protection
- Pollution disasters
- Relations with health-related bodies
- Health

- Leisure and Sport
- Health and Wellbeing Board

### **Portfolio 3: Built Environment**

The Portfolio Holder for Built Environment is responsible for:

- Ensuring up to date and relevant planning policies

#### **Main Areas of Responsibility**

- Local Plan
- Planning Policy

### **Portfolio 4: Corporate Resources and Performance**

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

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

#### **Main Areas of Responsibility**

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

## **Portfolio 5: Community Services**

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

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

### **Main Areas of Responsibility**

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

## **Portfolio 6: Housing and Homelessness**

The Portfolio Holder for Housing and Homelessness is responsible for:

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

### **Main Areas of Responsibility**

- Strategic Housing

- Local Authority Housing
- Landlord and Tenants
- Homelessness Prevention
- Lead for the council's relationship with East Kent Housing

**Portfolio 7: Property Management and Environmental Health**

The Portfolio Holder for Public Health and Protection is responsible for:

- Managing the Council's assets and property
- Safeguarding the health of the District, including the environmental health function of the Council.

**Main Areas of Responsibility**

- Asset Management
- Valuation
- Property Management
- Air, Water and Land Quality
- Nuisance (noise, dust, etc.)
- Accumulations
- Dog and Pest Control
- Food Safety
- Health and Safety
- Infectious Disease Control
- Port Health
- Smoke Free Enforcement
- Public Conveniences
- Environmental Crime
- Environmental Protection
- Environmental Health

The following sections are only those in which an alteration has been made to assist Members:

## 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

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

**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 <b>specified described</b> -in <b>Article 2 and Schedule 1</b> 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.</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><u>give approvals and agree certain other matters</u>—relating to the exercise of permitted development rights.</p> <p>(h) Powers to enter into planning obligations, to modify and discharge planning obligations and related powers.</p> <p>(i) Power to issue a certificate of existing or proposed lawful use or development.</p> <p>(j) Power to serve a completion notice.</p> <p>(k) Powers in relation to the display of advertisements.</p> <p>(l) Powers in relation to entry onto land.</p> <p>(m) Power to require the discontinuance of a use of land.</p> <p>(n) Powers to serve <u>a planning contravention notices, breach of condition notice or stop notice.</u><del>in connection with breaches of planning control.</del></p> <p><u>(o) Power to issue a temporary stop notice.</u></p> <p><u>(p) Power to issue an enforcement notice.</u></p> <p>(q) Power to apply for an injunction restraining a breach of planning control.</p> <p><u>(r) Power to determine applications for hazardous substances consent and related powers.</u></p> <p><u>(s) Duty to determine conditions to which old mining permissions, relevant planning permissions</u></p>	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p><u>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.</u></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><u>(v) Duties relating to applications for listed building consent.</u></p> <p>(w) Power to serve a building preservation notice, and related powers.</p> <p><u>(x) Power to issue enforcement notice in relation to demolition of listed building in conservation area.</u></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><u>(aa) Power to authorise stopping up or diversion of highway.</u></p> <p><u>(bb) Power to execute urgent works.</u></p> <p>(cc) Powers relating to the protection of important hedgerows.</p> <p>(dd) Powers relating to the preservation of trees.</p> <p><u>(ee) Power in relation to complaints about high hedges.</u></p> <p>(ff) Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.</p> <p>(gg) Power to extinguish public rights of</p>	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	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.	<del>Part 8 of the Anti-Social Behaviour Act 2003.</del>	<del>To exercise the powers and functions of the Council under Part 8 of the Anti-Social Behaviour Act 2003 in relation to high hedges.</del>
5.	<del>Section 171E of the Town and Country Planning Act 1990</del>	<del>Power to issue a temporary stop notice.</del>
6.	<del>Section 172 of the Town and Country Planning Act 1990</del>	<del>Power to issue an enforcement notice.</del>
7.	<del>Section 187B of the Town and Country Planning Act 1990</del>	<del>Power to apply for an injunction restraining a breach of planning control.</del>
8.	<del>Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990</del>	<del>Power to determine applications for hazardous substances consent, and related powers.</del>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes	
9.	<p><del>Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c. 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act</del></p>	<p><del>Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.</del></p>	
10.	<p><del>The Town and Country Planning Act 1990— Section 215 to 219</del></p>	<p><del>Power to require proper maintenance of land.</del></p>	
11.	<p><del>Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990</del></p>	<p><del>Power to determine application for listed building consent, and related powers.</del></p>	
12.	<p><del>Sections 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation</del></p>	<p><del>Duties relating to applications for listed building consent.</del></p>	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
<p>Areas) Regulations 1990 (S.I. 1990/1519) and The Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015</p>		
<p>13. Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990</p>	<p>Power to serve a building preservation notice, and related powers.</p>	
<p>14. Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990</p>	<p>Power to issue enforcement notice in relation to demolition of listed building in conservation area.</p>	
<p>15. Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990</p>	<p>Powers to acquire a listed building in need of repair and to serve a repairs notice.</p>	
<p>16. Section 44A of the Planning (Listed Buildings and</p>	<p>Power to apply for an injunction in relation to a listed building.</p>	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<del>Conservation Areas) Act 1990</del>	
17.	<del>Section 247 of the Town and Country Planning Act 1990</del>	<del>Power to authorise stopping up or diversion of highway.</del>
18.	<del>Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990</del>	<del>Power to execute urgent works.</del>
19.	The Town and Country Planning (Environmental Impact Assessment) Regulations 201 <u>4</u> <del>7</del>	To determine all matters in relation to the Regulations.
20.	<del>Town and Country Planning Act 1990 Part VIII Chapter 1 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012</del>	<del>Discharge the powers and functions of the Council in relation to trees'</del>
21.	Town and Country Planning (Fees for Applications, Deemed Applications,	To implement the provisions of the Regulations.

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Requests and Site Visits) (England) Regulations 2012 <del>7</del>	
22.	<del>Anti-Social Behaviour Act 2003 (Part 8)</del>	<del>To undertake all functions in respect of the processing of complaints about high hedges.</del>

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
23.	The Planning and Compulsory Purchase Act 2004 – Part 3 and Town and Country Planning Act 1990	<p>To exercise the powers and functions of the Council in relation to Neighbourhood Development Plans.</p> <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</p>

	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions  Limitations/Notes</b>
			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
24.	Licensing Act 2003 (Sections 13(4)(d) and 69(4)(d))	To exercise the powers of the Planning Committee as “responsible authority”.	
25.	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.	
26.	Self-build and Custom Housebuilding Act 2015	To exercise the powers and functions of the Council under the Act.	
27.	Planning Performance Agreements	To negotiate and enter into Planning Performance Agreements.	
28.	Housing and Planning Act 2016	To exercise the Council’s powers and functions in relation to the Brownfield Land Register.	
29.	Local Development (Part 2 of the Planning and Compulsory	To discharge the powers and functions of the council in relation to the Local Plan and supplementary planning documents and policies	(1) The giving of any instruction to prepare or modify any development plan or local development

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Purchase Act 2004)	<p>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>
30.	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
31.	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.

<b>Column 1 Legislation</b>		<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
32.	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.	
<u>33.</u>	<u>The Local Land Charges Acts</u>	<u>To exercise the functions of the Council in respect of the Local Land Charges Service.</u>	