

# Public Document Pack



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17 October 2014

Dear Councillor

## **ARRANGEMENTS MADE BY THE LEADER OF THE COUNCIL FOR THE DISCHARGE OF EXECUTIVE FUNCTIONS**

Please find attached details of amendments to the arrangements for the discharge of the Leader of the Council's executive functions which relate to the Scheme of Officer Delegations.

These amendments will be presented to Council at its meeting to be held on 26 November 2014.

Members of the public who require further information are asked to contact Kate Batty-Smith on 01304 872303 or by e-mail at [kate.batty-smith@dover.gov.uk](mailto:kate.batty-smith@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink that reads "Kate Batty-Smith". Below the signature is a short horizontal line.

Democratic Support Officer

ENCL

1 **ARRANGEMENTS MADE BY THE LEADER OF THE COUNCIL FOR THE DISCHARGE OF EXECUTIVE FUNCTIONS** (Pages 2 - 69)



**COMMITTEE SECTION ONLY**

Notice No: 03/2014

Notification Date: 13/10/14

## **Arrangements Made by the Leader of the Council for the Discharge of Executive Functions under Section 14 (2) Local Government Act 2000 (as amended)**

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

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

#### **A. Specify the Arrangements being made:**

- (1) The arrangements for the discharge of executive functions as set out in Section 3 of Part 3 of the Council's Constitution (copy attached to the original of this document only) shall have effect.

Notes:

- (a) The changes from the arrangements in force immediately prior to the date hereof are shown as tracked changes on the copy of Section 3 of Part 3 of the Constitution.
- (b) A report from the Director of Governance and a copy of Part 3 of Constitution (with tracked changes) have been circulated to Members under separate cover. These have been considered by the Governance Committee at its meeting held on 2 October 2014 and will be presented to Council at its meeting to be held on 26 November 2014.
- (2) Where, prior to the date hereof, the Cabinet has authorised any officer or individual executive member to discharge any function of the executive, either acting alone or in consultation with any member(s) of the executive or other officer(s), then the individual executive members or officers in question shall be authorised to continue to discharge the executive functions in question, subject to the same liaison/consultation requirements as were contained in the original decision.
- (3) Where the responsibilities of any officer(s) and executive member(s) have changed since the date of any decision referred to in (2) above, the executive functions to be discharged shall be discharged by the executive member or officer whose current responsibilities most closely reflect the range of responsibilities discharged by the executive member or officer described in the original decision. Where the executive function in question was to be discharged in liaison/consultation with another executive member or officer whose responsibilities have also changed, the executive member(s) or officer(s) whose current responsibilities most closely reflect the range of responsibilities discharged by the executive member(s) and officer(s) described in the original decision.

(4) I am not able to approve the scheme of officer delegations in so far as it relates to council functions. However, I approve the totality of this scheme in the event that any delegation has been incorrectly classified as a council function instead of an executive functions.

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

From the date upon which the Leader signs this document.

**C. State whether the arrangements/amendments made affect executive members or officers.**

The amendments will affect both executive members and officers.

**D. State the reasons for, and effect of, the arrangements/amendments:**

- (i) Section 3 of Part 3 – Responsibility for Executive Functions  
An amendment to incorporate a delegation approved by the Leader since the last Constitution Review.
- (ii) Section 6 of Part 3 – Scheme of Officer Delegations  
The amendments are required as a consequence of legislative and organisational change and reorganising the delegations into a new easier to read format. This was the primary focus of the review.

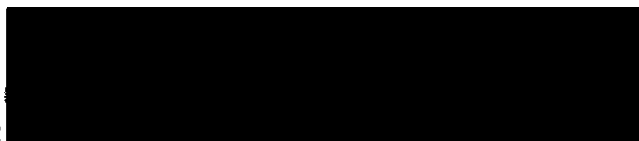
**E. State whether, in the view of the Leader of the Council, the effect of the arrangements/amendment(s) is to withdraw delegations from the executive as a whole, a committee of the executive or an individual executive member (in any such case) to any significant extent:**

No.

**F. State anticipated date of report to Council:**

26 November 2014

Signed:



Leader of the Council

Dated:

13/10/2014

**B. Delegation to: All Chief Officers**

	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
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:  (a) To verify that the ICT is fit for the purpose intended.	

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		(b) To obtain confirmation from the Director of EK Shared Services as to the compatibility of ICT selected for purchase.  (c) To ensure that appropriate funding is available to cover the costs of ICT purchase.	
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	<del>Subject to the concurrence of the Director of Finance, Housing and Community, -</del> To dispose of surplus, unserviceable or obsolescent plant, equipment, stock, stores or material.	<u>The prior approval of the Director of Finance, Housing and Community shall be sought in such circumstances as he may direct.</u>
12.	Issue appropriate licences, permits, certificates of registration and similar documents	The issue as appropriate of any licences, permits, certificates of registration and similar documents where the application conforms to statutory provisions and regulations and the requirements of the Council.	
13.	Disciplinary code of conduct	The implementation of the Council's disciplinary code of conduct.	
14.	Town and Country Planning Act 1990 (Section 225)	To take appropriate action under Section 225 of the Town and Country Planning Act 1990, including entry on to unoccupied land, to combat	

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
15.	Enforcement action	<p>flyposting</p> <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.	Local Government Act 1972 (Section 222) and Local Government (Miscellaneous Provisions) Act 1982 (Schedule 2, Paragraphs 1, 3, 4 and 12)	<p><del>(a) To authorise, in consultation with the Solicitor to the Council, proceedings under Section 222 of the Local Government Act 1972 including injunction proceedings to prevent within the District of Dover any person or persons from committing or attempting to commit an offence or offences contrary to paragraphs 1, 3, 4 and 12 of Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982 and such other action as Counsel may advise.</del></p> <p><del>(b) To authorise, in consultation with the Solicitor to the Council, proceedings under Section 222 of the Local Government Act 1972 including injunction proceedings to prevent any person or persons from causing or permitting a public nuisance to arise or continue in respect of any organised gathering or gatherings in connection with or for the purposes of public or private entertainment within the District of Dover or such further action as Counsel may advise.</del></p>	
17.	Instruct the Solicitor to the	To instruct the Solicitor to the Council to act on behalf of the Council to	

Comment [hr2]: Repealed

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Council to act	the extent that they are authorised to act themselves.	
18.	Administer formal cautions	To administer formal cautions in appropriate cases, and, in consultation with the Solicitor to the Council, in respect of offences under legislation, or regulations made thereunder, for which the relevant Chief Officer is authorised to prosecute and similarly to authorise any inspector appointed by the Council or a relevant chief officer.	
19.	Safety of staff	To make arrangements for the safety of staff.	
20.	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.	
21.	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.	
22.	Lettings or licences of sites and premises	In consultation with the Property Services and Procurement Division to effect lettings or licences of sites and premises on short term arrangements until required for the purpose for which they were acquired.	
23.	Implementation of decisions	To authorise the implementation of decisions of all recognised negotiating bodies except where a discretion is granted to the Council.	
24.	Ex gratia payments	To grant ex gratia payments not exceeding £100500 for damage to personal property of employees occurring whilst on duty.	
25.	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.	

Comment [hr3]: Deleted as not clear as to purpose.

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
26.	Regulation and Investigatory Powers Act 2000	To authorise (in consultation with the Corporate Support Manager and the Monitoring Officer) a request for covert surveillance made pursuant to the Regulation of Investigatory Powers Act 2000 and in accordance with the Council's Covert Surveillance Policy and Procedures.	
27.	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:  (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  (b) respond to the request accordingly.	
<del>28.</del> 27.	Licensing Act 2003 and Gambling Act 2005	To make application to the licensing authority under the Licensing Act 2003 and the Gambling Act 2003 for premises licences in respect of any premises to be used by or under authority of the Council and to make application to vary the terms of any such licence or to surrender the same.	
<del>29.</del> 28.	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.	
<del>30.</del> 29.	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.	
<del>31.</del> 30.	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.	
<del>32.</del>	Civic and Corporate Gifts	The Local Authority accepts, holds and administers gifts of property.	Where such gift results in ongoing revenue

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Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			implications the decision to accept the gift must be taken in consultation with the Section 151 Officer.
33-31.	Responses to any consultations by Kent County Council	To make responses to any consultation by Kent County Council irrespective of the nature or number of third party representations	This may be excrcised irrespective of the nature or number of third party representations
34-32.	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.	
35-33.	Abandoned, Lost and Uncollected Goods and Property	To exercise the powers of the Council to dispose of goods and property under (i) section 41 of the Local Government (Miscellaneous provisions) Act 1982 in relation to lost and uncollected property. (ii) The Torts (Interference with Goods) Act 1977 (iii) any other power or contractual right	

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### C. Council and Executive Functions

Delegation to: Chief Executive

#### Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
34.	Appointment of staff below	As Head of Paid Service to determine the establishment and make	(a) The Chief Executive

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Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Chief Officer level	changes to the establishment below the level of Chief Officer.
		<p>shall develop a standard briefing report outlining the reasons for the changes, the cost implications, the consultation undertaken and the timing of the new post or dismissal.</p> <p>(b) This report will be used to indicate the likely decision of the Chief Executive, which will then be sent to all members of the General Purposes Committee and to the Chairman of the Scrutiny (Policy and Performance) Committee for information and to the Unions for the purpose of consultation.</p> <p>(c) Upon conclusion of the consultation the Chief Executive shall</p>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p>consider the views of the consultees ahead of taking the decision.</p> <p>(d) Once the decision has been taken the Chief Executive will ensure that the course of action is notified to all members of the General Purposes Committee.</p> <p>(e) Where there is a pension implication of an issue of discretionary compensation a report will then be placed before the General Purposes Committee for determination of the issues.</p> <p>(f) An annual summary of all new posts and terminations will be developed for consideration by the General Purposes</p>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p>Committee and will be supplied to the Chairman of the Scrutiny (Policy and Performance) Committee.</p> <p>(g) When the budget is developed the salary and staffing budget will be clearly identified for approval, changes which increase this budget will be placed before Council for consideration as the implication will be an increase in base budget or the virement of monies from elsewhere.</p> <p>(h) Details of the establishment and changes within it will continue to form part of the quarterly Management Information Report to all Members.</p>
2.35.	Appointment and dismissal of	Within the approved establishment to appoint and dismiss all staff below
		All appointments and

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Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
staff below Chief Officer level	the level of Chief Officer and to determine the terms and conditions upon which they are appointed and continue to be employed.	<p><del>dismissals shall be subject to Compliance with Prescribed Standing Orders.</del></p> <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; <del>shall be agreed with the Head of East Kent Human Resources Partnership and recorded on a schedule which shall be reported to the General Purposes Committee not less than every six months.</del></p>
3-36. <u>S112 Local Government Act 1972</u>	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

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			policies and procedures. Any minor variations shall only be made in the interests of the effective and efficient discharge of the Council's functions. shall be agreed with the Head of East Kent Human Resources Partnership and recorded on a schedule which shall be reported to the General Purposes Committee not less than every six months.
4.37.	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, including the production of an advisory Complaints Booklet.</p> <p>(iii) To arrange the provision of such training, and to produce such guidance materials, for Members and staff as he deems appropriate.</p>	
5.38.	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	

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Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
6.39. Dover and Shepway Partnership Project	<p>provisions of section 113 of the Local Government Act 1972.</p> <p>(a) Exercise the Council's powers and functions under section 2 of the Local Government Act 2000 where to do so is calculated to facilitate, or is conducive or incidental to the achievement of the objectives of the Partnership Project.</p> <p>(b) Exercise the Council's powers and functions under section 111 of the Local Government Act 1972 where to do so is calculated to facilitate, or is conducive or incidental to the achievement of the objectives of the Partnership Project.</p>	
7.40. Section 270 Local Government Act 1972 and any legislation relating to public health, public safety, food safety or health and safety Various	To appoint any person as "Proper Officer" for any specified statutory purposes or for any specified purposes.	The Chief Executive shall be satisfied that any person whom he proposes to appoint as a proper officer has the necessary skills and experience to enable him to discharge the functions of the proper officer appointment.
41. 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 appear/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.	

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**Comment [RB6]:** See RB7

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
42.	<u>Legal Proceedings ( Local Government Act 1972; Localism Act 2011; all other enabling powers)</u>	<u>In consultation with the Solicitor to the Council, to institute, defend 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.</u>
8-43.	<u>Companies Act 2006 (Section 323)</u>	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 the Gateway Marine Parade (Dover) Limited and to act as the Council's representative at any meeting of the company pursuant to Section 323 of the Companies Act 2006.
9-44.		<del>To discharge the powers and functions of the Council in its capacity as a member of the East Kent Spatial Development Company and to act as the Council's representative at any meeting of the company pursuant to Section 323 of the Companies Act 2006.</del>
40-45.	Anti-Social Behaviour Act 2003 (Sections 30(2) and 31(2))	To grant consent pursuant to Section 31(2) of the Anti-Social Behaviour Act 2003 to the "relevant officer" of Police making an authorisation under Section 30(2) of the Act (power to disperse groups etc) in consultation with the Portfolio Holder for Community, Housing and Youth or the Leader of the Council and the Ward Councillor(s).
11-46.	Urgent Executive Business	To deal with urgent items of business falling within the remit of the Executive where the Leader, and Deputy Leader and Executive Members are not in office.
42-47.	Acquisition of key regeneration sites	The Chief Executive shall have been provided with the relevant completed pro forma in respect of the site

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**Comment [RB7]:** As per Arrangements Made by the Leader of the Council for the Discharge of Executive Functions under Section 14(2) Local Government Act 2000 (as amended) - Schemes of Delegation of Executive Functions to Executive Members/Executive Committees/Officers

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
13-48	Local Government Act 1972 (Section 138)	To exercise the powers of the Council under Section 138 of the Local Government Act 1972 in respect of emergencies or disasters.	
14-49	Civil Contingencies Act 2004	To discharge the duties of the Council under the Civil Contingencies Act 2004.	
15-50	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 under S113 of the Local Government Act 1972 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>(b) (b)-for the placing at the disposal of the Council for the purposes of its functions, the services of officers employed by that authority.</p> <p>(2) <u>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.</u></p>	
16-51	Local Authorities (Goods and Services) Act 1970 Dover and Shepway Partnership Project	<p>(a) Exercise the powers and functions of the Council under the Local Authorities (Goods and Services) Act 1970 in order to facilitate the achievement of the Dover and Shepway Partnership Project.</p> <p>(b) Exercise the Council's powers and functions under section 2 of the Local Government Act 2000 where to do so is calculated to facilitate, or is conducive or incidental to the achievement of the objectives of the Partnership Project.</p> <p>(c) Exercise the Council's powers and functions under section 111 of the Local Government Act 1972 where to do so is calculated to facilitate, or is conducive or incidental to the achievement of the objectives of the Partnership Project.</p>	

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Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
52.	Management of Claims Against the Council (Land Charges)	To authorise the Chief Executive 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.	
17-53.	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.	
18-54.	Local Government Act 1972 (Section 270(3))	Power to appoint persons as the "Proper Officer" for specific statutory purposes	The Chief Executive shall be satisfied that any person whom he proposes to appoint as a proper officer has the necessary skills and experience to enable him to discharge the functions of the proper officer appointment.
55.	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

**Delegation to:** Chief Executive  
[or in that person's absence, the Section 151 Officer]

**Executive Functions**

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
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**Comment [RB9]:** Arrangements made by the Leader of the Council for the Discharge of Executive Functions – Arrangement No. 04/12

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49-56.	Covert Surveillance Policy	To act as the authorising officer for all covert surveillance operations conducted in accordance with the Council's Covert Surveillance Policy and Procedures.	In accordance with the Council's Covert Surveillance Policy and Procedures.
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**Delegation to:** Head of Regeneration and Development

**Council Functions**

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
49-57.	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	
20-58.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990	Power to determine application for planning permission.	Referral to Planning Committee will be made where there are more than 5 contrary representations to the proposal  Or, at the written request of a Member identifying planning reasons
24-59.	Section 73 of the Town and Country Planning Act 1990	Power to determine applications to develop land without compliance with conditions previously attached.	
22-60.	Section 73A of the Town and Country Planning Act 1990	Power to grant planning permission for development already carried out.	
23-61.	Section 70A of the Town and Country Planning Act 1990	Power to decline to determine application for planning permission.	
24-62.	Sections 69, 76 and 92 of the	Duties relating to the making of determinations of planning applications.	

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**Comment [RB10]:** Insertion of Planning delegation changes approved in 2013 by Planning Committee / Council

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	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
	Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder		
25-63.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)	Power to determine application for planning permission made by a local authority, alone or jointly with another person.	
26-64.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	
27-65.	Section 106 of the Town and Country Planning Act 1990	Power to enter into agreement regulating development or use of land.	
28-66.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	Power to issue a certificate of existing or proposed lawful use or development.	
29-67.	Section 94(2) of the Town and Country Planning Act 1990	Power to serve a completion notice.	
30-68.	Section 220 of the Town and	Power to grant consent for the display of Advertisements.	

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666)		
31-69.	Section 196A of the Town and Country Planning Act 1990	Power to authorise entry onto land.	
32-70.	Section 102 of the Town and Country Planning Act 1990	Power to require the discontinuance of a use of land.	
33-71.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990	Power to serve a planning contravention notice, breach of condition notice or stop notice.	
34-72.	Section 171E of the Town and Country Planning Act 1990	Power to issue a temporary stop notice.	
35-73.	Section 172 of the Town and Country Planning Act 1990	Power to issue an enforcement notice	
36-74.	Section 187B of the Town and Country Planning Act 1990	Power to apply for an injunction restraining a breach of planning control.	
37-75.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990	Power to determine applications for hazardous substances consent, and related powers.	
38-76.	Paragraph 2(6)(a) of Schedule 2 to the Planning and	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites,	

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Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	or mineral permissions relating to mining sites, as the case may be, are to be subject.	
39-77.	Section 215(1) of the Town and Country Planning Act 1990	
40-78.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990	
41-79.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), as applied by section 74(3) of that Act	
42-80.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519) and paragraphs 8, 15 and 26 of	

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Department of the Environment, Transport and the Regions Circular 01/01		
43-81.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990	Power to serve a building preservation notice, and related powers	
44-82.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Power to issue enforcement notice in relation to demolition of listed building in conservation area	
45-83.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Powers to acquire a listed building in need of repair and to serve a repairs notice	
46-84.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990	Power to apply for an injunction in relation to a listed building.	
47-85.	Section 247 of the Town and Country Planning Act 1990	Power to authorise stopping up or diversion of highway.	
48-86.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Power to execute urgent works	
49-87.	The Town and Country Planning (Environmental Impact Assessment) Regulations 2011	To determine all matters in relation to the Regulations	

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
50-88.	Town and Country Planning Act 1990 (section 198)	To determine all matters relating to Tree Preservation Orders	
51-89.	Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012	To implement the provisions of the Regulations.	
52-90.	Anti-Social Behaviour Act 2003 (Part 8)	To undertake all functions in respect of the processing of complaints about high hedges.	
53-91.	Planning Performance Agreements	To negotiate and enter into Planning Performance Agreements	
54-92.	Localism Act 2011 (Part 6)	To deal with all planning and enforcement matters in relation to Part 6 of the Act	

#### Executive Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
55-93.	<u>The Planning and Compulsory Purchase Act 2004 – Part 3 and Town and Country Planning Act 1990</u>	<u>To exercise the powers and functions of the Council in relation to Neighbourhood Development Plans.</u>	<u>The function of designating neighbourhood areas shall be referred to the executive for decision in</u>

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**Comment [RB11]:** Scheme of Arrangements for Executive Functions – Arrangement No. 01/2014

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Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p><u>circumstances where there are objections.</u></p> <p><u>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.</u></p> <p><u>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</u></p>

**Delegation to: Director of Governance**

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
20.94. Freedom of Information Act 2000	<del>To maintain, update and amend the Records Retention Scheme and Publication Scheme in respect of the Freedom of Information Act 2000.</del>	
95. 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:  (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  (b) respond to the request accordingly.	

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**Comment [hr12]:** Executive function.

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Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
21.96. Post Entry training	To grant financial assistance for post entry training in accordance with any scheme approved by the Council.	
22. Removal expenses and lodging allowances	<del>To grant removal expenses and lodging allowances in accordance with any scheme approved by the Council.</del>	
23.97. Freedom of Information Act 2000	To maintain, update and amend the Council's Records Retention Schedule and Publication Scheme as required.	
24.98. Insurance matters	To deal with all Council insurance matters.	
25.99. Equalities	Authority to deliver the Council's equalities programme and community development matters.	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
100. Section 92 of the Localism Act 2011 (Assets of Community Value)	Review of decision to include land in list	

**Delegation to:** Solicitor to the Council

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
<del>26-101</del> 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.	
<del>27-102</del> 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.	
<del>28-103</del> 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.	
<del>29-104</del> Enforcement Notices	To issue Enforcement Notices under the instruction of the <del>Director of Regeneration and Development or Head of Development Management</del> Head of Regeneration and Development.	
<del>30-105</del> Temporary Stop Notices	To issue a Temporary Stop Notice.	
<del>31-106</del> Licensing Act 2003 and Gambling Act 2005	To act as Solicitor to the Council as Licensing Authority, under the Licensing Act 2003.	

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**Comment [hr13]:** This change requires the approval of the statutory ...

	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
<del>32-107</del>	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.	
<del>33-108</del>	Licensing Act 2003 and Gambling Act 2005	To authorise appropriately experienced officers to exercise any powers or functions delegated to him under 30 and 31-40 above.	

#### Executive Functions

	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
<del>34-109</del>	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
<del>35-110</del>	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.	
<del>36-111</del>	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.	
<del>37-112</del>	Recover money	To institute, in consultation with the Director of Finance, Housing and Community or the Director of EK Shared Services proceedings to recover money owing to the Council.	
<del>38-113</del>	Notices to Treat and Notice of Entry	To serve Notices to Treat and Notices of Entry.	
<del>39-114</del>	Local Government (Miscellaneous Provisions) Act 1976 (Section 16), Town and Country Planning Act 1990 (Section 330) and Road Traffic Regulation Act 1984 (Section	To serve Requisitions for Information and any other enabling statutory provision.	

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Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
112)		
40-115	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.
41-116	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.
42-117	Criminal Justice and Public Order Act 1994 (Sections 77-79)	To discharge the Council's powers and functions in respect of travellers encampments.
43-118	Possession Orders	To authorise the enforcement of any order for the possession of premises made in favour of the Council.

**Delegation to:** Head of Democratic Services

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
44-11	<u>The Local Land Charges Acts</u>	To exercise the functions of the Council in respect of the Local Land Charges Service.
45.	<u>Civic Gifts</u>	To accept, hold and administer civic gifts of property. Where such gifts result in ongoing revenue implications, the decision to accept the gift to be taken in consultation with the Section 151 Officer.

Delegation to: Director of Governance

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\_\_\_\_\_ Head of Regulatory Services

Council Function

120.	<u>Local Government (Miscellaneous Provisions) Act 1976 (Part II: Section 61) and Town Police Clauses Act 1847 (Sections 37 to 68)</u>	<u>Emergency Revocation of any licence or Private Hire Driver's Licence</u> <u>Revocation of a Hackney Carriage or Private Hire Driver's Licence</u>	<u>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</u>
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**Delegation to:** Head of Regulatory Services  
 Environmental Protection Manager  
 Public Protection Manager

Council Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
82-121	European Communities Act 1972  (a) All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time and relating to public Health  (b) any modification or re-enactment of the foregoing	Various measures for the optimisation of public health	
83-122	The Game Act 1831 --	Licensing of dealers in game and the killing and selling of game	

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Sections 5, 6, 17, 18 and 21 to 23  Game Licences Act 1860 – Sections 2 to 16  The Customs and Inland Revenue Act 1883 – Section 4  The Local Government Act 1874 – Sections 12(3) and 27  The Local Government Act 1972 – Section 213		
84-123	The Noise and Statutory Nuisance Act 1993 - Schedules 2 and 3	Powers relating to loudspeakers and alarms.	
85-124	Poisons Act 1972 - Sections 3(1)(b)(ii), 5, 6 and 11	List of persons entitled to sell non-medical poisons	
86-125	The Town and Country Planning Act 1990 – Sections 215 to 219	Land adversely affecting amenity of neighbourhood.	
126	The Town and Country Planning Act 1990 – Sections 224, 225 and 225A	<u>Enforcement of control over advertisements</u>	
87-127	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

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	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
88-128	The Anti-Social Behaviour Act 2003  Sections 41 & 42 Section 43 Sections 48 & 49	Closure of noisy premises To authorise officers to issue penalty notices for graffiti and fly-posting Graffiti removal and recovery of expense	
129.	The Animal Welfare Act 2006	Animal welfare	
89-130	The Building Act 1984  Section 59 Section 60 Section 65 Section 67 Section 79 Section 84 Section 85 Section 98 Section 104 Section 108	Drainage of buildings. Use and ventilation of soil pipes. Provision of sanitary conveniences in workplace. Loan of temporary sanitary conveniences. Ruinous and dilapidated buildings and neglected sites. Paving and drainage and yards and passages. Maintenance of entrances to courtyards. Power to require occupier to permit work. Local authority to give effect to appeal. Payment by instalments.	
90-131	Byelaws made by the Council in so far as they relate to dogs		
94-132	Clean Air Act 1993		Excluding Part III (provisions relating to smoke Control Areas)
92-133	Clean Neighbourhoods and Environment Act 2005  Part 2 Part 3 Part 4 Part 5	Vehicles Litter and Refuse Graffiti and other defacement Waste	

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<u>Column 1 Legislation</u>		<u>Column 2 Brief Description</u>	<u>Column 3 Conditions/ Exclusions Limitations/Notes</u>
	Part 6	Dogs	Excluding section 55 (power to make dog control orders)
	Part 7	Noise	Excluding section 69 (Designation of alarm notification areas)
93-134	The Control of Dogs Order 1992		
94-135	The Control of Pollution Act 1974		
	Part III Part V	Provisions relating to noise Supplementary Provisions	Excluding sections 63 to 67 inclusive
95-136	The Control of Pollution (Amendment) Act 1989		
	Section 5 Section 6 Section 7	Duty to produce authority to transport controlled waste Seizure and disposal of vehicles used for illegal waste disposal Further enforcement provisions	
96-137	The County of Kent Act 1981		
97-138	The Dangerous Dogs Act 1991		
139.	The Dogs Act 1871	Protection against dogs	
98-140	The Dogs (Fouling of Land Act) 1996		
	Section 3 Section 4	Prosecution of Offences Provisions relating to fixed penalty notices	
99-141	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	

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<u>Column 1 Legislation</u>		<u>Column 2 Brief Description</u>	<u>Column 3 Conditions/ Exclusions Limitations/Notes</u>
		Disease) Act 1984] whether arising or having effect under The Food Safety Act 1990 The European Communities Act 1972 The Agriculture Act 1990 Any other enactment Any Order, Rule, Regulation or other instrument whatsoever authorised or having effect under any of the above Whether made before or after the date of this delegation	
400-14	The Environment Act 1995		
	Section 108	Powers of enforcing authorities and persons authorised by them	
	Section 109	Power to deal with cause of imminent danger of serious pollution	
404-14	The Environmental Information Regulations 2004		

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	<u>Column 1 Legislation</u>	<u>Column 2 Brief Description</u>	<u>Column 3 Conditions/ Exclusions Limitations/Notes</u>
402-14	Environmental Protection Act 1990  Part I Part II Part IIA  Part III  Part IV  Part VIII	Integrated Pollution Control and Air Pollution Control by local authorities Waste on Land Contaminated Land  Statutory Nuisances  Litter etc  Miscellaneous – Other controls on substances, articles or waste	(Amended by Noise and Statutory Nuisance Act 1993)  The Director of Environment and Corporate Assets is appointed as the officer with responsibility discharging the functions imposed or conferred by section 149 for dealing with stray dogs
145.	<u>Environmental Permitting Regulations 2008</u>	<u>Powers relating to environmental permitting regulations.</u>	
403-14	European Communities Act 1972  (a) All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time and relating to public Health	Various measures for the optimisation of public health	

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Column 1 <u>Legislation</u>	Column 2 <u>Brief Description</u>	Column 3 <u>Conditions/ Exclusions</u> <u>Limitations/Notes</u>
(b) any modification or re-enactment of the foregoing		
404-14 The Food and Environment Protection Act 1985		
405-14 The Food (Chilli, Chilli Products Curcuma & Palm Oil) (Emergency Control) (England) Regulations 2005		
149. The Food Safety and Hygiene (England) Regulations 2013		
406-15 The Food (Jelly Confectionary) (Emergency Control) (England) Regulations 2002		
407-15 The Food Safety Act 1990 Part II Part III	Main Provisions Administration & Enforcement	
408-15 The Food Safety Act (Amendment) Regulations 2004		
409-15 The General Food Regulations 2004		
440-15 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.	

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	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
441-15	The Local Government Miscellaneous Provisions Act 1976  Section 16 Sections 21 and 22 Section 33 Section 35	Power to obtain particulars of persons interested in land. Sanitary conveniences. Restoration or continuation of supply of water, gas or electricity. Removal of obstructions from private sewers	
442-15	The Local Government (Miscellaneous Provisions) Act 1982 – Sections 29 to 32	Protection of buildings.	
157.	Localism Act 2011 – Section 1	To implement and operate the Food Hygiene Rating Scheme	
443-15	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.	
444-15	The Noise Act 1996	Noise at Night	
445-16	The Offices, Shops and Railway Premises Act 1963		
446-16	The Official Feed and Food Controls (England) Regulations 2009		
447-16	The Organic Products (Imports from Third Countries) Regulations 2003		
448-16	Pollution Prevention and Control Act 1999		
449-16	Pollution Prevention and Control (England and Wales) Regulations 2000		
420-16	The Prevention of Damage by		

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	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
	Pests Act 1949		
166.	Private Water Supplies Regulations 1994 2009		
424-16	Public Health Act 1936, Part II	Sanitation and buildings	
	Section 45 Section 50 Section 78 Section 79 Sections 83 and 84 Section 140 Part XII	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.	
422-16	The Public Health Act 1961		
	Section 17 Section 34 Sections 35 and 36	Drainage Accumulations of rubbish Filthy and verminous premises, articles, etc	
423-16	The Public Health (Control of Diseases Act) Act 1984		
	Part I Part II Part III Part V Part VI	Port Health Control of disease Disposal of dead bodies Miscellaneous General	
424-17	The Public Health (Ships) Regulations 1979	Public health control of ships	
425-17	The Refuse Disposal Amenity Act 1978	Provisions relating to other refuse	

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	<u>Column 1 Legislation</u>	<u>Column 2 Brief Description</u>	<u>Column 3 Conditions/ Exclusions Limitations/Notes</u>
426-17	The Rice Products (Restriction on First Placing on the Market) (England) Regulations 2008		
427-17	The Specified Products from China (Restriction on First Placing on Market) (England) Regulations 2008		
174.	Trade in Animals and Related Products Regulations 2011		
428-17	The Water Industry Act 1991 – Sections 77 to 85	Local authority functions with regard to water supplies	

**Delegation to:** Environmental Protection Manager

Executive Functions

	<u>Column 1 Legislation</u>	<u>Column 2 Brief Description</u>	<u>Column 3 Conditions/ Exclusions Limitations/Notes</u>
429-17	The Licensing Act 2003 - Parts 3 & 4	Functions of local authority whose functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health	To exercise the powers under the Act of a "responsible authority" within the meaning of sections 13(4)(e) and 69(4)(e) of the Act
177.	The Licensing Act 2003 - Parts 3-& 4	Functions of enforcing authority for the purposes of the Health & Safety at Work etc Act 1974	To exercise the powers under the Act of a

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Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		"responsible authority" within the meaning of sections 13(4)(c) and 69(4)(c) of the Act

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

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/-Exclusions Limitations/Notes
178. <u>Licensing Act 2003 (as amended) and any Regulations and Orders made or having effect thereunder</u>	<u>To exercise all functions of the Council as Licensing Authority.</u>	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]
<del>130-17</del> Licensing Act 2003 (Sections 18, 31, 35, 39, 44, 72, 85, 120 and 121)	By way of example (and not by way of limitation) the delegations effected by the above paragraph include power to discharge the following functions:	[Licensing Committee]

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**Comment [RB15]:** Gambling Act separated from this row.

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	<u>Column 1 Legislation</u>	<u>Column 2 Brief Description</u>	<u>Column 3 Conditions/-Exclusions Limitations/Notes</u>
		<p>(a) The functions under Section 18 relating to determining applications for premises licences where there are no relevant representations.</p> <p>(b) The functions under Section 31 relating to determining applications for provisional statements where there are no relevant representations.</p> <p>(c) The functions under Section 35 relating to determining applications for variations to premises licences where there are no relevant representations.</p> <p>(d) The functions under Section 39 relating to determining applications to vary the designated premises supervisor where there is no police objection.</p> <p>(e) The functions under Section 44 relating to determining applications for the transfer of a premises licence where there is no police objection.</p> <p>(f) The functions under Section 72 relating to determining applications for club premises certificates where there are no relevant representations.</p> <p>(g) The functions under Section 85 relating to determining applications to vary club premises certificates where there are no relevant representation.</p> <p>(h) The functions under Section 120 relating to determining applications for personal licences where there is neither a police objection and the applicant does not have unspent convictions.</p> <p>(i) The functions under Section 121 relating to determining applications for the renewal of personal licences where there is neither a police objection and the applicant does not have unspent convictions.</p>	

<b>Column 1 Legislation</b>		<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/-Exclusions Limitations/Notes</b>
		(j) To determine whether any complaint, representation etc is irrelevant, frivolous, vexatious or is a repetition etc.  (k) To discharge the administrative and managerial functions of the Licensing Authority under the Act and, in particular, to issue, sign or authenticate any notice, order, determination or document required or authorised to be given under the Act or any Regulations and Orders made or having effect thereunder.	
434-18	Authorise experienced officers to exercise functions	To authorise appropriately experienced officers to exercise any powers or functions delegated to them.	[Licensing Committee]
432-18	Licensing Act 2003	No officer shall authorise or bring or defend any legal proceedings (including criminal proceedings for the breach of any requirement arising under the Licensing Act 2003 or any Regulations or Orders made or having effect thereunder) otherwise than in consultation with the Solicitor to the Council.	[Licensing Committee]
182.	<u>Gambling Act 2005 and any Regulations and Orders made or having effect thereunder</u>	<u>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.</u>	Except those which are <u>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.</u>
183.	<u>Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4)</u>	<u>To exercise the powers and functions of the Council in relation to street trading. To issue, renew or revoke street trading consents, including the institution of legal proceedings.</u>	[Council]

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**Comment [RB16]:** Separated out from combined delegation with Licensing Act. Original delegation approved by the Licensing Committee – 18 May 2007

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	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/-Exclusions Limitations/Notes</b>
184.	<u>Street and House to House Collections-The House to House Collections Act 1939</u>	<u>To exercise the powers and functions of the Council in relation to house-to-house collections.</u> <del>authorise street and house-to-house collections..</del>	[Council]
185.	<u>Licenses – Pleasure Boats, Pleasure Vessels and Boatmen-The Public Health Acts Amendment Act 1907 (Section 94)</u>	To issue licences in respect of pleasure boats and pleasure vessels and boatmen.	[Council]
186.	<u>Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Town Police Clauses Act 1847 (Sections 37 to 68)</u>	<u>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.</u>	[Council]  <u>Excluding the grant or renewal of any licence in circumstances which are contrary to the Council's policy guidance</u>  <u>Excluding the making of policy, regulations and by-laws</u>  <u>Excluding the refusal of any licence</u>  <u>Excluding the revocation of any licence except in circumstances at No. 120</u>
187.	<u>Hackney Carriage and Private Hire Vehicle Driver's Licences</u>	<u>To approve applications for Hackney Carriage and Private Hire Vehicle Drivers' Licences where the applicant either:</u>  <u>(a) has no current convictions; or</u>  <u>(b) has convictions which would not, under normal circumstances, raise</u>	[Council]

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	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/-Exclusions Limitations/Notes</b>
		<u>doubts as to the applicant's fitness to hold a licence having regard to the Council's policy guidelines relating to fit and proper persons.</u>	
188.	<u>Vehicle Licences</u>	<u>To approve applications for Hackney Carriage and Private Hire Vehicle Licences.</u>	[Council]
189.	<u>Private Hire Vehicle Operator Licences</u>	<u>To approve applications for Private Hire Vehicle Operator Licences where the applicant:</u>  <u>(a) has no current convictions; or</u>  <u>(b) has convictions which would not, under normal circumstances, raise doubts as to the applicant's fitness to hold a licence having regard to the Council's policy guidelines relating to fit and proper persons.</u>	[Council]
190.	<u>Local Government (Miscellaneous Provisions) Act 1976 (Section 58) (Return of Identification Plate or Disc)</u>	<u>To exercise the powers and duties of the Council.</u>	[Council]
191.	<u>Local Government (Miscellaneous Provisions) Act 1976 (Section 79)</u>	<u>To act as Authorised Officer in respect of the specified licences (Authentication of Licences).</u>	[Council]
192.	<u>Local Government (Miscellaneous Provisions) Act 1976 (Sections 60, 61 and 62)</u>	<u>To suspend Hackney Carriage and Private Hire Vehicle and Drivers' Licences and Private Hire Operator Licences.</u>	[Council]
193.	<u>Local Government (Miscellaneous Provisions) Act 1976 (Section 68) (fitness of licensed vehicles)</u>	<u>To act as an Authorised Officer.</u>	[Council]
194.	<u>Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Town Police Clauses Act 1847 (Sections 37 to 68)</u>	<u>To institute proceedings against any person contravening legislative provisions and any Byelaws made thereunder.</u>	[Council]

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	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/-Exclusions Limitations/Notes</b>
195.	<u>Advertising on hackney carriage and private hire vehicles</u>	<u>To approve applications for advertising on the front doors of hackney carriage and private hire vehicles.</u>	[Council]
196.	<u>Refunds of surrendered Private Hire Vehicle and Private Hire Operator Licences</u>	<u>To grant refunds in respect of surrendered Private Hire Vehicle and Private Hire Operator Licences.</u>	[Council]
197.	<u>Local Government (Miscellaneous Provisions) Act 1982 To licence or register persons or premises (Part VIII)</u>	<u>To register persons and premises in respect of the business of tattooing, ear piercing, electrolysis and hairdresser or barber and the practice of acupuncture. To exercise the powers and duties in respect of acupuncture, tattooing, piercing and electrolysis, etc.</u>	[Council]
198.	<u>Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3)</u>	<u>To exercise the Council's powers and duties in relation to the control of sex establishments</u>	
199.	<u>Animal Boarding Establishment Act 1963</u>	<u>To exercise the powers and duties in respect of Animal Boarding Establishments</u>	
200.	<u>Pet Animals Act 1951 (as amended)</u>	<u>To exercise the powers and duties in respect of pets shops.</u>	
201.	<u>Riding Establishments Acts 1964 &amp; 1970</u>	<u>To exercise the powers and duties in respect of riding establishments.</u>	
202.	<u>Zoo Licensing Act 1981</u>	<u>To exercise the powers and duties in respect of zoos.</u>	
203.	<u>Performing Animals (Regulation) Act 1925</u>	<u>To exercise the powers and duties in respect of performing animals.</u>	
204.	<u>Breeding and Sale of Dogs Act 1999</u> <u>Breeding of Dogs Act 1973 &amp; 1991</u>	<u>To exercise the powers and duties in respect of the breeding and sale of dogs.</u>	
205.	<u>Hypnotism Act 1952</u>	<u>To exercise the powers and duties in respect of hypnotism.</u>	

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	<u>Column 1 Legislation</u>	<u>Column 2 Brief Description</u>	<u>Column 3 Conditions/-Exclusions Limitations/Notes</u>
206.	Dangerous Wild Animals Act 1976	To exercise the powers and duties in respect of the sale of dangerous wild animals.	

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Executive Functions

	<u>Column 1 Legislation</u>	<u>Column 2 Brief Description</u>	<u>Column 3 Conditions/ Exclusions Limitations/Notes</u>
207.	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.	
36-208	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.	
37-209	Criminal Justice and Police Act 2001  Section 19 Section 20 Section 21 Section 22 Section 23 Section 24 Section 25 Section 26 Section 27	Closure of unlicensed premises  Closure notices Applications for closure orders Closure orders Termination of closure orders by constable or local authority Discharge of closure orders by the court Appeals Enforcement of closure orders Offences by corporate body Service of notices	
210.	Criminal Justice & Police Act 1991	To exercise the power and duties in respect of closure of unlicensed premises.	

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**Comment [RB17]:** Merger of original 211 and 212. No changes to powers.

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	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
211.	Scrap Metal Dealers Act 2013	To exercise the powers and duties in respect of scrap metal dealers.	
212.	Health Act 2006	To exercise powers and duties in respect of smoke free premises places and vehicles	

**Delegation to:** Section 151 Officer

Executive Functions

	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
46-213	Financial Regulations	To deal with matters specified by Financial Regulations.	
47-214	Raising of Income	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.  "Proper arrangements" shall include, but not be limited to: <ul style="list-style-type: none"> <li>the appropriate or statutory accounting arrangements</li> <li>authorisation of statutory returns</li> <li>authorisation of write-off of irrecoverable debts</li> </ul>	Limitations: The issue of demands and recovery action in respect of council tax, and business rates and sundry debts is the responsibility of EK Services.  The collection of housing rents and service charges and rechargeable works is the responsibility of EK Housing.
48-215	Investment, borrowing and banking	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:	

**Comment [RB18]:** Approved by Regulatory Committee – 26/09/13

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Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<ul style="list-style-type: none"> <li>(a) Determining the most appropriate instruments and counterparties to use</li> <li>(b) the period and terms of the investment and borrowing, including any variations to the agreed period and terms</li> <li>(c) the banking arrangements of the council, including the appointment of bankers and the terms and conditions of any bank accounts</li> <li>(d) To declare every six months, where appropriate, a local average rate of interest in respect of Housing Act Advances.</li> </ul>	
49-216	Financing of capital and major revenue project expenditure	To take decisions to apply capital receipts, revenue resources, grants, Section 106 monies, Community Infrastructure Levy, leases and other council funds to finance the approved capital and major revenue project assets and programmes.
50-217	Revenue Budget	To approve: <ul style="list-style-type: none"> <li>(a) Virements between revenue budgets</li> <li>(b) revenue budget carry forwards</li> <li>(c) the application of funds held in reserves to fund revenue expenditure.</li> </ul>
51-218	Reserves	To authorise transfers between the reserves and balances of the councils accounts.
52-219	Benefits	To ensure the proper administration of all benefits which are the responsibility of the council, including, but not limited to: <ul style="list-style-type: none"> <li>(a) Authorisation of statutory subsidy calculations and returns.</li> <li>(b) write off irrecoverable overpayments of any benefit.</li> </ul>
53-220	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.

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
54-221	Residential Property	(e)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.	
55-222	Leasehold Service Charges	To determine the levels of service charges payable by lessees under leases of dwellings in respect of which the Council is the lesser.	
56-223	Officer car leasing scheme	To administer and manage the Council's officer car leasing scheme.	
57-224	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.
58-225	Acceptance of Gifts of Property	To accept or reject, gifts of property. (S139 LGA1972)	

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

Executive Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
59-226	Fix values of Council houses	To fix values of Council houses to be sold.	On the basis of appropriate professional valuation advice..
60.	Events	To co-ordinate the management of events taking place within the District both on and off Council land.	
61-227	Housing Act 1996, Part VII	To exercise the powers and functions of the Council in relation to	The approval for

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Comment [RB19]: Moved

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Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
<del>and the -as amended by the Homelessness Act 2002 (Part VII)</del>	<del>homelessness and threatened homelessness To determine the status of an applicant for accommodation.</del>	<del>consultation of a draft Homelessness Strategy and the adoption and modification of the Homelessness Strategy.</del>
62-228	Housing Corporation Grants submitted by Housing Associations	To administer applications for Housing Corporation Grants submitted by Housing Associations to the Council in respect of schemes approved by the Council or a Committee.
63-229	Fix rents and service charges etc	To fix reasonable rents, service charges and other charges for the tenancy and occupation of Council dwellings and garages in accordance with the Council's policy and the provisions of Social Rent Reform.
151-23	<del>Right to buy Housing Act 1985 Part V – Right to Buy</del>	To determine the circumstances in which the Right to Buy does and does not arise in accordance with the current legislation.
231.	<del>Housing Act 1985 Part V Section 156A</del>	To exercise the powers and functions of the Council in relation to the right of first refusal for the landlord
65-232	Housing (Service Charge Loans) Regulations 1992	To exercise the powers and duties of the Council under the Housing (Service Charge Loans) Regulations 1992 in accordance with such schemes as may from time to time be approved by the Council.
66-233	Private sector leasing scheme	To discharge any functions of the Council under any private sector leasing scheme.

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

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
67-234	The Town and Country	Land adversely affecting amenity of neighbourhood

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Planning Act 1990 – Section 215 to 219		
68-235	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	[Council]
69-236	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.	[Council]
237.	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.	[Council]
238.	Caravan Sites and Control of Development Act 1960 (Part 1)	To issue site licences.	[Council]

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**Comment [RB21]:** Moved from Head of Regulatory Services. Delegation otherwise unchanged.

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Executive Functions

	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
70-239	The Housing Grant, Construction and Regeneration Act 1996  Part I Part IV	Grants and other assistance for housing purposes Deferred Action Notices etc	
71-240	The Building Act 1984  Section 59 Section 60 Section 64 Section 66 Section 67 Section 72 Section 76 Section 79 Section 84 Section 85 Section 98 Section 104 Section 108	Drainage of buildings Use and ventilation of soil pipes Provision of closets in building Replacement of earth-closets etc Loan of temporary sanitary conveniences Means of escape from fire Defective premises Ruinous and dilapidated buildings and neglected sites. Paving and drainage of yards and passages Maintenance of entrances to courtyards Power to require occupier to permit work. Local authority to give effect to appeal Payment by instalments	
72-241	The Housing Act 1985  Part VI Part VI Part X Part XI		Excluding Sections 289 to 302 inclusive and sections 304 to 306 inclusive
73-242	The Housing Act 2004  Part 1	Housing Conditions	The provisions of Part 1

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Chapter 1 Chapter 2 Chapter 3 Chapter 5	Enforcement of housing standards: general Improvement notices, prohibition orders and hazard awareness notices Emergency measures General and miscellaneous provisions relating to enforcement action	Chapter 4 relating to demolition orders and slum clearance declarations have not been delegated  Including Schedule 3
74-243	The Local Government and Housing Act 1989 - Section 98	Power of entry in connection with Renewal Areas	
75-244	The Local Government Miscellaneous Provisions Act 1976  Section 16 Sections 21 & 22 Section 33	Power to obtain particulars of persons interested in land Sanitary conveniences Restoration or continuation of supply of water gas or electricity	
76-245	The Local Government (Miscellaneous Provisions) Act 1982 – Sections 29 to 32	Protection of Buildings	
77-246	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	
78-247	The Prevention of Damage by Pests Act 1949		

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
79-248	The Public Health Act 1961 – Sections 35 and 36	Filthy and verminous premises, articles, etc	
80-249	Public Health Act 1936  Part II Section 45 Sections 83 & 84	Sanitation and Buildings Defective sanitary conveniences Filthy and verminous premises, articles etc	(amended by section 35 Public Health Act 1961)
84-250	The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002	Power to improve living conditions	
82-251	Environmental Protection Act 1990, Sections 79 and 80	Any premises in such a state as to be prejudicial to health or a nuisance	Excluding Section 79(1)(b)-(h)
83-252	Recovery of repair costs by sale of property	(a) To charge property with the costs of repair works undertaken by the Council pursuant to its statutory powers.  (b) To authorise the sale by the Council of any such property pursuant to powers contained in the Law of Property Act 1925 in order to recovery any sums due to the Council and secured by such a charge.	Power of sale only to be exercised where the property in question is unoccupied
84-253	The Housing Act 2004  Part 2  Part 3  Part 4	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 designation of additional licensing areas  Excluding sections 80 to 84 relating to the designation of selective

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Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
Part 7	Supplementary and final provisions	licensing areas

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

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
254. Events	<u>To co-ordinate the management of events taking place within the District both on and off Council land.</u>	
255. Sir Ernest Bruce Charles Charity	<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 Leadership Support  
Head of Communication and Engagement

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
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**Comment [RB22]:** Moved from Director of Finance, Housing and Community and Head of Strategic Housing to Head of Communication and Engagement. Delegation otherwise unchanged.

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Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
85.256 Communication, Consultation and Marketing	Authority to deal with the <u>To manage the</u> Council's corporate communication, consultation and marketing activity.	
86. Website	To exercise responsibility for the Council's website.	

**Delegation to:** Director of Environment and Corporate Assets

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
87. Waiving of fees for the hire of rooms at the Council Offices	To determine applications for the reduction or waiving of fees for the hire of rooms at the Council Offices, Whitfield for voluntary and charitable organisations.	
88. Acquire or dispose of property	To acquire or dispose of property in those instances where the proposed acquisition or disposal is in accordance with terms previously agreed by the Executive.	
89. Hire charges for all buildings	To adjust admission and hire charges for all buildings administered by the Council in accordance with Council policy.	
257. Asset Management	To manage and maintain the Council's property assets including:  (a) Rating (i) <u>To lodge objections to and proposals for rating assessments, agree revised values, sign agreements and appear in the Valuation Court.</u> (b) Taxation (c) <u>Making applications for and accepting grants</u> (d) <u>Grant and Termination of Leases, Licences and Concessions</u> (i) <u>To settle the terms and authorise the grant of leases, licences concessions and similar agreements affecting land and premises.</u> (ii) <u>to review all rents or other consideration in connection</u>	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 Director of Governance

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**Comment [RB23]:** See new No. 257 and 258

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p><u>therewith;</u>            (iii) <u>to consent to any assignment or underletting or other variation of such lease, licence, concession or agreement; and</u>            (iv) <u>to authorise and take all action necessary to determine such a lease, licence, concession or agreement.</u>            (e) <u>Valuation</u>            (i) <u>To fix the value of property under Section 1257 of the Housing Act (Sale price Right to Buy).</u>            (ii) <u>To exercise the powers and functions of the Council in relation to the consideration of disposal under Section 158 of the Housing Act 1985 (Consideration on Right to Buy buy back)</u>             (f) <u>Management of Facilities</u>            (i) <u>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</u></p>	<p><u>Excluding demolition of buildings which except in cases of urgency must be subject to prior Cabinet approval.</u>   <u>Excluding any functions which are delegated to East Kent Housing.</u>   <u>Excluding where the rent or other consideration exceeds £50,000 per annum.</u></p>
90.	Valuation Court	To lodge objections to and proposals for rating assessments, agree revised values, sign agreements and appear in the Valuation Court.	
94.	Insurance values of property	To revise periodically insurance values of property.	
258.	<u>Acquisition and Disposal of Freehold or Leasehold Property</u>	<u>To acquire or dispose of freehold or leasehold property and to agree terms and conditions in connection therewith.</u>	<p><u>All acquisitions or disposals to be in accordance with any relevant Cabinet decision (if applicable).</u>   <u>Excluding where the value of the acquisition</u></p>

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Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			or disposal exceeds £200,000 which must be subject to prior Cabinet approval.
92.	Negotiate terms and conditions for the acquisition or disposal of freehold or leasehold property	To negotiate terms and conditions for the acquisition or disposal of freehold or leasehold property in accordance with the policy and/or instructions of the Council and to acquire or dispose of property in those instances where the proposed acquisition or disposal is in accordance with terms previously agreed by the Executive or where the value of the land/property does not exceed £30,000.	
259.	Acquisition of key regeneration sites	To authorise acquisitions relating to key regeneration sites, in the absence of the Chief Executive, in consultation with the Leader of the Council, the Director of Finance, Housing and Community, the Director of Governance and the Solicitor to the Council.	The Director of Environment and Corporate Assets shall have been provided with the relevant completed pro forma in respect of the site
93.260	Markets	To control, manage and let stalls in Markets controlled by the Council. exercise the powers and functions of the Council in relation to markets controlled by the Council.	
94.261	Local Government Act 1972 - Carrying out of minor and non-controversial works restrictive covenants	To determine applications and to (i) to grant approvals to the carrying out of minor and non-controversial works 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) otherwise than under the Housing Revenue Account. (ii) To release the benefit of restrictive covenants or other restrictions where the benefit is held by the Council	
95.262	Demolition	To arrange for demolition in the implementation of approved schemes.	
96.263	Public Health Act 1925 - Public conveniences and bus shelters	To exercise the powers and functions of the Council in relation to the provision and maintenance of public conveniences, and bus shelters.	Excluding permanent closure which must be subject to prior Cabinet approval.

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
264.	Highways Act - Bus Shelters	To exercise the powers and functions of the Council in relation to the provision and maintenance of bus shelters.	
97-265	Beach and foreshore	To deal with exercise the powers and functions of the Council in relation to all matters concerning the beach and foreshore, including coast protection, pollution of the coastline, beach chalets, the letting of moorings, scull boxes, boat pitches and winter boat storage sites.	
266.	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	
267.	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.	
268.	Land Drainage Act 1991	To exercise the powers and functions of the Council in relation to all matters concerning land drainage.	
98-269	Fix the value of property	To fix the value of property for Housing Act purposes.	
99.	Grant and Termination of Leases	(a) To settle the terms and authorise the grant of leases, licences and similar agreements affecting land and premises within the terms of Council policy where the rent or other consideration does not exceed £30,000 per annum;  (b) to review all rents or other consideration in connection therewith;  (c) to consent to any assignment or underletting or other variation of such lease, licence or agreement; and  (d) to authorise and take all action necessary to determine such a lease, licence or agreement.	
100.	Acquisition/Disposal of freehold property	(a) To negotiate terms and conditions for the acquisition or disposal of freehold or leasehold property in accordance with the policy and/or instructions of the Council and to acquire or dispose of property in these instances where the proposed acquisition or disposal is in accordance with terms previously agreed by the Executive;	

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Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<del>(b) to authorise the acquisition or disposal of freehold property up to a consideration of £30,000.</del>	
401-271	<del>Recycling and Waste Collection</del> Refuse collection, street cleansing and cesspool emptying	
271.	East Kent Waste Contract	Subject to the conditions and limitations set out in the three-way inter authority agreement between Dover District Council, Kent County Council and Shepway District Council.
272.	Abandoned Vehicles – The Refuse Disposal Amenity Act 1978, Road Traffic Regulation Act 1984; The Removal and Disposal of Vehicles Regulations 1986	
402.	Dispose of boats and ancillary equipment	
403-271	Cemeteries, closed churchyards and war memorials	
274.	The Local Government Act 1972, the Public Health Act 1936 and the Local Authorities Cemeteries Order 1977	Only those provisions relating to the matters specified in Column 2 are delegated
404.	Deal Pier	

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**Comment [RB24]:** See 280

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
405.27	Parks and open spaces – various including Public Health Act 1875 and Open Spaces Act 1906	To let parks and open spaces for sporting and recreational activities including fairs, exhibitions and displays. To exercise the powers and duties of the Council in relation to parks and open spaces.	
406.	Recreation prices	To adjust recreation prices.	
407.	Public halls	To let and administer public halls.	
408.27	White Cliffs Countryside Partnership	To manage exercise the powers and functions of the Council in relation to the White Cliffs Countryside Partnership.	
409.27	Sport, Leisure and recreation services and events Recreation and Entertainment - Various including Local Government Act 1972: Local Government (Miscellaneous Provisions) Act 1976	To discharge the powers and functions of the Council with regard to the provision and management of Sports, Leisure, entertainment and recreational facilities and events, make all necessary arrangements for the provision and advertising of leisure and recreation services and events within the general programme approved by the Council, including the engagement of artistes, negotiation of fees and conditions, issue of contracts and fixing of ticket prices.	
410.	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.	
441.	Asset Management	To maintain the Council's corporate property assets in accordance with the provisions of the Council's Corporate Property Strategy and Asset Management Plan.	
412.	Indoor and outdoor sporting and recreational facilities	To manage or liaise for the provision of indoor and outdoor sporting and recreational facilities.	
443.	Acquisition of key regeneration sites	To authorise acquisitions relating to key regeneration sites, in the absence of the Chief Executive, in consultation with the Leader of the Council, the Director of Finance, Housing and Community, the Director of Governance and the Solicitor to the Council.	

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**Comment [RB25]:** See 283

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Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
114.	East Kent Waste Contract	To discharge the executive functions of Kent County Council and Shepway District Council relating to the management of the East Kent Waste Contract as detailed in paragraph 8.2 of the joint report of the Director of Landlord Services (Shepway District Council) and the Director of Property, Leisure and Waste Management (Dover District Council) to Cabinet on 13 October 2010.	Subject to the conditions and limitations set out in the three-way inter authority agreement between Dover District Council, Kent County Council and Shepway District Council.
278.	Climate Change and Sustainable Energy Act 2006	To exercise the powers and functions of the Council relating to	
115.	The Local Government Act 1972, the Public Health Act 1936 and the Local Authorities Cemeteries Order 1977	Powers 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
116.	The Refuse Disposal Amenity Act 1978	Provisions relating to abandoned vehicles	
117.	The Removal and Disposal Of Vehicles Regulations 1986	Provisions relating to abandoned vehicles etc.	
118.27	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.	
280.	Harbours Act 1964 and Deal Pier Order	To exercise the powers and functions of the Council in relation to Deal Pier.	
119.	Anti-Social Behaviour	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.	
281.	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

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

**Delegation to:** Director of Environment and Corporate Assets  
Head of Community Safety, CCTV and Parking

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations/Notes
282. <u>Anti-Social Behaviour Act 2003 and all other powers</u>	<u>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.</u>	
283. <u>Operation of CCTV</u>	<u>To discharge the Council's powers and functions with regard to the management and operation of CCTV.</u>	<u>In accordance with any relevant policies, codes of practice and protocols adopted by the Council</u>
<del>120-28</del> <u>Covert operations</u>	<u>To act as signatory for the Council in respect of targeted covert operations requested by the Police or Customs and Exercise other enforcement agencies</u>	
<del>121-28</del> <u>Traffic Management Act 2004 (Part 6)</u>	<u>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.</u>	<u>All powers to be exercised in accordance with the requirements of the agency agreement as varied</u>

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**Comment [RB26]:** Moved and reformatted in presentation but delegation otherwise unaltered.

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations/Notes
122-28	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
123-28	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
124-28	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 .	
125-28	Town Police Clauses Act 1847	To determine applications for the temporary restriction of highways.	
126-	Street name plates and street lighting	To exercise the powers and functions of the Council in relation to street name plates and street lighting.	
127-	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	
128-	Number houses and to mark or re-mark street names	To number houses and to mark or re-mark street names.	
129-	Manage the major projects	To take all steps necessary to undertake and manage the Council's major projects in accordance with approved policy and budget.	
130-29	Highways Act 1980 (Part VIIA) – Provision of amenities on certain highways Provision of services, amenities, recreation, and refreshment facilities on the highway and related powers	To exercise the powers and functions of the Council under Part VIIA in relation to the provision of amenities etc on highways To grant permission for provision, etc of services, amenities, recreation, and refreshment facilities on the highway and related powers.	
131-	Highways Act 1980 (Section 115E)	To publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980.	

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**Comment [RB27]:** See 299 to 301

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

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

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
292. 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	
248-29 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.	
249-29 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.	
250. Transport Act 1968 (Sections 63 and 64)	To make representations to the Licensing Authority in respect of applications for goods vehicle operators' licences.	
295. 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	
251-29 Building (Local Authority Charges) Regulations 2010  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,	(a) Functions relating to Building Regulations and allied functions.  (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.	

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**Comment [hr28]:** Repeated by Goods Vehicle Act 1995

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	64, 65, 68, 70, 73, 74, 75, 91, 91A, 93, 95, 96, 97, 99, 100, 107, 108, 109, 110 and 120 and the Building Regulations 2010 as amended  Building (Approved Inspectors, etc) Regulations 2010  Building Regulations		
297.	<u>Building Act 1984 (Sections 77 and 78)</u>	<u>To serve Notices and take all necessary action in respect of dangerous buildings and structures .</u>	◀
<del>252-29</del>	<u>Building Act 1984 (Section 81 and 82)</u>	<u>To approve applications for intended demolitions and serve the appropriate notices.</u>	◀
299.	<u>Public Health Act 1925 (Section 17 – 19) – Naming of streets</u>	<u>To exercise the powers and functions of the Council in relation to the naming of streets</u>	◀
300.	<u>Public Health Act 1875 - Street lighting</u>	<u>To exercise the powers and functions of the Council in relation to the lighting of the district.</u>	◀
301.	<u>County of Kent Act 1981 (Section 10) – Power to allocate numbers to buildings in streets</u>	<u>To exercise the powers and functions of the Council in relation to the numbering of buildings.</u>	◀
<del>253-</del>	<del><u>Building Act 1984 (Sections 77 and 78)</u></del>	<del><u>To serve Notices and take all necessary action in respect of dangerous buildings and structures .</u></del>	<del>◀</del>

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

Executive Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
<del>254-30</del>	<del>Tourist Information Centres,</del>	<del>To manage or liaise for the provision of the Tourist Information Centres,</del>	<del>Includes the power to</del> ▶

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	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	museums and other tourist attractions <u>Power to Encourage Visitors – section 144 Local Government Act 1972</u>	<del>museums and other tourist attractions.</del> <u>To exercise the powers and functions of the Council in relation to the provision of information, publicity advertising and facilities.</u>	<u>manage tourist information centres and working in partnership with other agencies.</u>
255.30	<del>Official guide books and other publicity and information material</del> <u>Provision and maintenance of museums and galleries – Museums and Libraries Act 1964</u>	<del>To produce and publish official guide books and other publicity and information material including insertion of any advertisement in national and local journals</del> <u>To exercise the powers and functions of the Council in relation to the provision, maintenance and management of museums and art galleries .</u>	
256.	Joint marketing schemes	<del>To co-operate in joint marketing schemes.</del>	
257.	Display at exhibitions and in museums	<del>To select items for display at exhibitions and in museums.</del>	
304.	Salter Collection Charity	<u>To keep under review the proper administration of the Salter Collection Charity and and to make periodic reports to the Cabinet.</u>	<u>All matters requiring a decision of the Council as trustee to be taken by Cabinet.</u>

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