



Council Meeting

Remote Meeting (Teams Live Event)

Wednesday, 21 October 2020

Summons and Agenda

Nadeem Aziz
Chief Executive



Democratic Services
White Cliffs Business Park

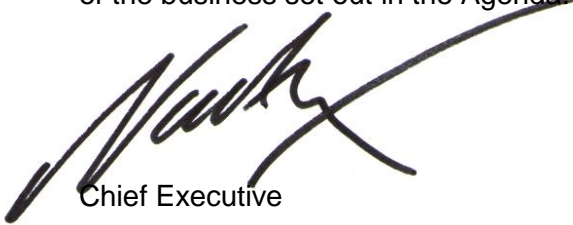
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13 October 2020

To the Members of the Council,

You are hereby summoned to attend a meeting of the **COUNCIL** to be held as a Remote Meeting - Teams Live Event on Wednesday 21 October 2020 at 6.00 pm for the transaction of the business set out in the Agenda



Chief Executive

Members of the Council:

M D Conolly (Chairman)	S S Chandler	D P Murphy
D Hannent (Vice-Chairman)	N J Collor	O C de R Richardson
J S Back	D G Cronk	J Rose
T J Bartlett	J P Haste	M Rose
M Bates	M J Holloway	C A Vinson
D G Beaney	S J Jones	R S Walkden
S H Beer	P D Jull	P Walker
E A Biggs	L A Keen	H M Williams
T A Bond	N S Kenton	C F Woodgate
P M Brivio	S C Manion	C D Zossedder
J P J Burman	K Mills	

AGENDA

1 **APOLOGIES** (Page 7)

To receive any apologies for absence.

2 **MINUTES** (Pages 8 - 15)

To confirm the attached Minutes of the meeting held on 22 July 2020.

3 **DECLARATIONS OF INTEREST** (Page 16)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **ANNOUNCEMENTS** (Page 17)

To receive any announcements from the Chairman of the Council, the Leader of the Council, Members of the Cabinet or the Head of Paid Service.

5 **LEADER'S TIME** (Page 18)

To receive an oral report at the meeting from the Leader (and Cabinet) on the business of the Executive or on any topic or subject that it is felt should be brought to the attention of the Council.

In accordance with Council Procedure Rule 10 (Leader's Time):

- (a) The Leader (and Cabinet) shall have up to 15 minutes to make within this report any statements that they wish on any topic or subject that they feel should be drawn to the attention of the Council.
- (b) The Leader of the Main Opposition Group (or their nominee) shall be allowed up to 10 minutes to respond.
- (c) The Leader of the Council shall be allowed up to 5 minutes to exercise a right of reply (or 25% of the time given to the Opposition Group Leader(s), whichever is the greatest).

6 **SEAT ALLOCATION AND GROUP APPOINTMENTS** (Page 19)

To receive from Group Leaders any changes to seat allocations or appointments.

(Note: Any changes must be within the approved allocation of seats to political groups in accordance with the political balance rules (where applicable).)

7 **QUESTIONS FROM THE PUBLIC** (Pages 20 - 21)

To receive answers in respect of questions from the public to Members of the Executive asked in accordance with Rule 11 (as amended by Rule 28 for remote meetings) of the Council Procedure Rules.

- (a) Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.
- (b) The period for questions by the public shall be limited so that no further questions shall be put after the elapse of 15 minutes from the commencement of the first question.
- (c) A maximum of three minutes is allowed for the each question to be read.
- (d) Afterwards, any other Member at the Chairman's discretion may speak for up to two minutes on a question or reply.

Questions from the Public

The questions from the public that were received within the notice period are set out in the agenda.

8 **APPROVAL OF REVISED 2020/21 GENERAL FUND REVENUE BUDGET AND PROJECT PROGRAMMES** (Pages 22 - 35)

To consider the attached report of the Strategic Director (Corporate Resources).

9 **AMENDMENT TO THE SCHEME OF OFFICER DELEGATIONS** (Pages 36 - 96)

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

10 **QUESTIONS FROM MEMBERS** (Pages 97 - 98)

Up to 60 minutes is allowed for this part of the meeting unless extended by the Chairman of Council on a motion moved, duly seconded and approved by the Council. Members may ask one supplementary question in addition to their original question.

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The questions received are set out in the agenda papers.

11 **MOTIONS** (Page 99)

Motions for which notice has been given are listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it at a later meeting or withdraw it.

If a Motion set out in the agenda is not moved by the Member who gave notice thereof it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

Up to 60 minutes is allowed for this part of the meeting unless extended by the Chairman of Council on a motion moved, duly seconded and approved by the Council. Members may ask one supplementary question in addition to their original question.

The Motions received are set out in the agenda papers.

12 **URGENT BUSINESS TIME** (Page 100)

To consider any other items deemed by the Chairman of the Council to be urgent in accordance with the Local Government Act 1972.

Access to Meetings and Information

- Members of the public are welcome to watch remote meetings of the Council, its Committees and Sub-Committees using the link on the Council website. You will not be able to watch the consideration of exempt or confidential information.
- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have changed the basis of the public's legal right to attend meetings. This means the public now has the right to hear Councillors attending the remote committee meeting that would normally be open to the public to attend in person. It is

the intention of Dover District Council to also offer the opportunity for members of the public to view, as well as hear, remote meetings where possible. You may remain present throughout them except during the consideration of exempt or confidential information.

- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Rebecca Brough, Democratic Services Manager, democraticservices@dover.gov.uk, telephone: (01304) 872304 or email: democraticservices@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

AGENDA ITEM 1: APOLOGIES

To receive any apologies for absence.

MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held as a Teams Live Events remote meeting on Wednesday, 22 July 2020 at 6.00 pm.

Present:

Chairman: Councillor M D Conolly

Councillors:

J S Back	N J Collor	K Mills
T J Bartlett	D G Cronk	D P Murphy
M Bates	D Hannent	O C de R Richardson
D G Beaney	J P Haste	M Rose
S H Beer	M J Holloway	C A Vinson
E A Biggs	S J Jones	R S Walkden
T A Bond	P D Jull	P Walker
P M Brivio	L A Keen	H M Williams
J P J Burman	N S Kenton	C F Woodgate
S S Chandler	S C Manion	C D Zosseder

Officers: Chief Executive
Strategic Director (Operations and Commercial)
Strategic Director (Corporate Resources)
Solicitor to the Council
Head of Governance
Democratic Services Manager

1 **ELECTION OF THE CHAIRMAN OF THE COUNCIL**

In the absence of the Chairman at the commencement of the meeting, the Vice-Chairman called for nominations for the position of Chairman of the Council for the ensuing municipal year 2020/21.

It was moved by Councillor S S Chandler and duly seconded by Councillor J S Back that Councillor M D Conolly be elected Chairman of Dover District Council for the ensuing municipal year.

In the absence of any other nominations it was put to the meeting and it was

RESOLVED: That Councillor M D Conolly be elected Chairman of Dover District Council for the ensuing municipal year 2020/21.

(Councillor M D Conolly took the chair and gave a short address to the Council concerning his first year as Chairman of the Council and the impact that the Covid-19 pandemic had on it.)

2 **APPOINTMENT OF THE VICE-CHAIRMAN OF THE COUNCIL**

The Chairman called for nominations for the position of Vice-Chairman for the ensuing municipal year 2020/21.

It was moved by Councillor N J Collor and duly seconded by Councillor P D Jull, that Councillor D Hannent be appointed Vice-Chairman of Dover District Council for the ensuing municipal year 2020/21.

In the absence of any other nominations it was put to the meeting and it was

RESOLVED: That Councillor D Hannent be appointed Vice-Chairman of Dover District Council for the ensuing municipal year 2020/21.

(Councillor D Hannent gave a short address to the Council looking back on the completion of his record setting fifth year as Vice-Chairman of the Council.)

3 APOLOGIES

An apology for absence was received from Councillor J Rose.

4 MINUTES

The Democratic Services Manager advised that a correction was required to the Minutes as Minute No. 71 incorrectly stated a second vote for Councillor J Rose. It should have read as one vote by Councillor J Rose against the Motion.

The Minutes of the meeting held on 26 February 2020 were approved as a correct record, subject to the above amendment.

5 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

6 ANNOUNCEMENTS

The Leader of the Council, Councillor T J Bartlett, made an announcement to commend the great work undertaken by the Community Hub and the Business Hub during the current covid-19 pandemic and to thank Members and Officers for their hard work.

The Chief Executive spoke to echo the comments of the Leader of the Council and state how proud he was of the way the council pulled together to tackle the challenges posed by covid-19.

7 APPOINTMENT OF CABINET

In accordance with Rule 1.1(vii) of the Council Procedure Rules, Councillor T J Bartlett gave notice of his intention to appoint an Executive comprising of the Leader of the Council, Deputy Leader of the Council and six portfolios.

RESOLVED: (a) That it be noted that the Leader of the Council had given formal notification to the Monitoring Officer of his intention to appoint the following portfolio structure:

Deputy Leader of the Council
Portfolio for Environment and Corporate Property
Portfolio for Finance, Governance and Digital

Portfolio for Housing and Health
 Portfolio for Inward Investment and Tourism
 Portfolio for Planning and Regulatory Services
 Portfolio for Transport, Licensing and Community

(b) That it be noted that the Leader of the Council had appointed the following Members to the following Portfolios:

<u>Portfolio</u>	<u>Councillor</u>
Deputy Leader of the Council	M J Holloway
Environment and Corporate Property	O C de R Richardson
Finance, Governance and Digital	C A Vinson
Housing and Health	D P Murphy
Inward Investment and Tourism	M J Holloway
Planning and Regulatory Services	N S Kenton
Transport, Licensing and Community	N J Collor

8 APPOINTMENT OF SHADOW CABINET

In accordance with Rule 1.1(x) of the Council Procedure Rules, Councillor K E Mills gave notice of his intention to appoint a Shadow Cabinet.

RESOLVED: That, in accordance with notice provided by the Leader of the Opposition Group, the Shadow Cabinet be composed of the following:

Shadow Portfolio	Councillor
Deputy Leader of the Opposition	P M Brivio
Environment and Corporate Property	E A Biggs
Finance, Governance and Digital	S H Beer
Housing and Health	P M Brivio
Inward Investment and Tourism	S J Jones
Planning and Regulatory Services	D G Cronk
Transport, Licensing and Community	L A Keen

9 REVIEW OF THE ALLOCATION OF SEATS TO POLITICAL GROUPS 2020-21

The Democratic Services Manager presented the Review of the Allocation of Seats to Political Groups 2020-21.

It was moved by Councillor T J Bartlett, duly seconded by Councillor P D Jull, and

RESOLVED: (a) That the Council appoints the following Committees, Board and Fora:

- Dover Joint Transportation Board
- East Kent Services Committee
- Electoral Matters Committee
- General Purposes Committee
- Governance Committee
- Joint Health, Safety and Welfare Consultative Forum
- Joint Staff Consultative Forum
- Licensing Committee
- Overview and Scrutiny Committee

- Planning Committee
- Regulatory Committee

(b) That, having noted the allocation of seats calculated in accordance with the provisions of the Local Government and Housing Act 1989, the Council Committees be constituted as indicated below for the ensuing municipal year and the Boards and Forums be constituted with the membership as shown:

Dover Joint Transportation Board

7 Dover District Council Members

7 Kent County Council Members

3 Town Council representatives (non-voting)

2 Kent Association of Local Councils representatives (non-voting)

	Conservative (4)	Labour (3)	Non-Aligned Member (0)
1	J S Back	E A Biggs	
2	M Bates	D G Cronk	
3	M J Holloway	J P Haste	
4	N S Kenton		

East Kent Services Committee

2 Executive Members (Dover District Council)

2 Executive Members (Thanet District Council)

2 Members (Canterbury City Council)

	Conservative (2)	Labour (0)	Non-Aligned Member (0)
1	T J Bartlett		
2	M J Holloway		

East Kent Services Committee - Named Substitutes

	Conservative (2)	Labour (0)	Non-Aligned Member (0)
1	N J Collor		
2	D P Murphy		

Electoral Matters Committee (5 seats)

	Conservative (3)	Labour (2)	Non-Aligned Member (0)
1	T J Bartlett	P M Brivio	
2	S S Chandler	K Mills	
3	P D Jull		

General Purposes Committee (5 seats)

	Conservative (3)	Labour (2)	Non-Aligned Member (0)
1	T A Bond	P M Brivio	
2	P D Jull	K Mills	
3	C A Vinson		

Governance Committee (7 seats)

	Conservative (4)	Labour (2)	Non-Aligned Member (1)
1	D Hannent	S H Beer	P Walker
2	P D Jull	S J Jones	
3	S S Chandler		
4	J Rose		

Joint Health, Safety and Welfare Consultative Forum

5 Dover District Council Members

5 Staff representatives

	Conservative (3)	Labour (2)	Non-Aligned Member (0)
1	P D Jull	J P Haste	
2	D G Beaney	L A Keen	
3	C A Vinson		

Joint Staff Consultative Forum

5 Dover District Council Members

5 Staff representatives

	Conservative (3)	Labour (2)	Non-Aligned Member (0)
1	P D Jull	J P Haste	
2	D G Beaney	L A Keen	
3	C A Vinson		

Licensing Committee (15 Seats)

	Conservative (9)	Labour (6)	Non-Aligned Member (0)
1	M Bates	P M Brivio	
2	D G Beaney	D G Cronk	
3	T A Bond	J P Haste	
4	D Hannent	L A Keen	

	Conservative (9)	Labour (6)	Non-Aligned Member (0)
5	P D Jull	K Mills	
6	S C Manion	C D Zosseder	
7	D P Murphy		
8	O C de R Richardson		
9	R S Walkden		

Overview and Scrutiny Committee (10 seats)

	Conservative (6)	Labour (3)	Non-Aligned Member (1)
1	M Bates	S H Beer	P Walker
2	T A Bond	H M Williams	
3	S C Manion (Spoke)	C D Zosseder	
4	J Rose		
5	M Rose		
6	R S Walkden		

Planning Committee (10 seats)

	Conservative (6)	Labour (4)	Non-Aligned Member (0)
1	J S Back	E A Biggs	
2	M Bates	J P J Burman	
3	D G Beaney	D G Cronk	
4	T A Bond	H M Williams	
5	O C de R Richardson		
6	R S Walkden		

Regulatory Committee (5 seats)

	Conservative (3)	Labour (2)	Non-Aligned Member (0)
1	D P Murphy	P M Brivio	
2	O C de R Richardson	S J Jones	
3	R S Walkden		

- (c) That the following appointments to the positions of Chairman, Vice-Chairman and Spokesperson (where applicable) for each of the ordinary committees of the council and the Overview and Scrutiny Committee be made as shown:

Committee Name	Chairman	Vice-Chairman	Spokesperson
Electoral Matters Committee	T J Bartlett	S S Chandler	-
General Purposes Committee	P D Jull	T A Bond	-
Governance Committee	D Hannent	S S Chandler	-
Overview and Scrutiny Committee	C D Zosseder	S H Beer	S C Manion
Planning Committee	J S Back	R S Walkden	D G Cronk
Regulatory Committee	D P Murphy	O C de R Richardson	-

(The Licensing Committee, Joint Staff Consultative Forum and Joint Health, Safety and Welfare Consultative Forum are responsible for electing their own Chairmen and Vice-Chairmen. The Chairman and Vice-Chairman for the Dover Joint Transportation Board are appointed by the Dover District Council and Kent County Council Cabinets respectively for 2020-21.)

(d) That the following lead members and shadow lead members be appointed:

	Portfolio	Conservative (CON)	Labour (LAB)
1	Inward Investment and Tourism	J Rose	-
2	Environment and Corporate Property	P D Jull	J P Haste
3	Housing and Health	-	H M Williams
4	Planning and Regulatory Services	D G Beaney	J P J Burman
5	Finance, Governance and Digital	M Rose (Digital Champion)	C F Woodgate
6	Transport, Licensing and Community	M Bates	-

10 CALENDAR OF ORDINARY MEETINGS 2020/21

The Democratic Services Manager presented the report on the Calendar of Ordinary Meetings 2020-21.

It was moved by Councillor C A Vinson, duly seconded by Councillor M Bates, and

RESOLVED: That the Calendar of Meetings for 2020-21 be approved.

11 ANNUAL REPORT OF THE GOVERNANCE COMMITTEE 2019/20

Councillor D Hannent introduced the Annual Report of the Governance Committee 2019/20.

There being no dissent indicated, the report was taken as noted.

12 ANNUAL REPORT ON OVERVIEW AND SCRUTINY 2019/20

Councillor L A Keen introduced the Annual Report of Overview and Scrutiny 2019/20.

There being no dissent indicated, the report was taken as noted.

13 CONSTITUTIONAL AMENDMENTS FOR REMOTE MEETINGS

The Democratic Services Manager presented the report on the Constitutional Amendments for Remote Meetings.

It was moved by Councillor M J Holloway, duly seconded by Councillor O C de R Richardson, and

RESOLVED: That the changes to the Constitution set out in Appendix 1 of the report for Remote Meetings be approved and incorporated as an annex to the Council Procedure Rules with effect until 7 May 2021.

14 REVIEW OF THE CONSTITUTION 2019-20

The Solicitor to the Council and Monitoring Officer presented the Review of the Constitution 2019-20.

It was moved by Councillor C A Vinson, duly seconded by Councillor D Hannent, and

RESOLVED: That the proposed changes in the Review of the Constitution 2019/20, as set out in Appendix 1, and specifically those changes relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions be approved and incorporated into the Council's Constitution, issue no. 23.

15 URGENT BUSINESS TIME

There were no items of urgent business for consideration.

The meeting ended at 6.53 pm

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

AGENDA ITEM 4: ANNOUNCEMENTS

To receive any announcements from the Chairman of the Council, the Leader of the Council, Members of the Cabinet or the Head of Paid Service.

AGENDA ITEM 5 - LEADER'S TIME

To receive an oral report at the meeting from the Leader (and Cabinet) on the business of the Executive or on any topic or subject that it is felt should be brought to the attention of the Council.

In accordance with Council Procedure Rule 10 (Leader's Time):

- (a) The Leader (and Cabinet) shall have up to 15 minutes to make within this report any statements that they wish on any topic or subject that they feel should be drawn to the attention of the Council.
- (b) The Leader of the Main Opposition Group (or their nominee) shall be allowed up to 10 minutes to respond.
- (c) The Leader of the Council shall be allowed up to 5 minutes to exercise a right of reply (or 25% of the time given to the Opposition Group Leader(s), whichever is the greatest).

AGENDA ITEM 6: SEAT ALLOCATION AND GROUP APPOINTMENTS

To receive from Group Leaders any changes to seat allocations or appointments.

(Note: Any changes must be within the approved allocation of seats to political groups in accordance with the political balance rules (where applicable).)

Questions Raised on Notice by Members of the Public

The Council adopted a set of remote meeting procedures at its meeting held on 22 July 2020, which were incorporated into the Constitution as Annex 2 to the Council Procedure Rules. The new procedures under Council Procedure Rule 28.9 amended Council Procedure Rule 11.7 (Asking the question at the meeting) as if to read:

“The chairman will ask the question be put to the executive member on the questioner's behalf.”

Council Procedure Rule 11.8 (Supplementary Question) is suspended so there will be no supplementary questions.

Questions to the Executive

In accordance with Rule 11 of the Council Procedure Rules, notice was given by a member of the public to ask the following question:

- (1) Keith Sansum submitted a question to the Portfolio Holder for Environment and Corporate Property, Councillor O C de R Richardson as follows:

“What DDC proposes to do to rectify the shortage of toilets in Dover?”

- (2) Sarah Gleave submitted a question to the Leader of the Council, Councillor T J Bartlett, as follows:

“Across Kent, this year, there is immense concern about the disempowerment of Kent District and Borough Councils / LPAs by Conservative central govt through Johnson / Jenrick's English Planning Reform White Paper, and standard housing proposals which double Kent housing targets. We hear 'Dover faces the greatest increase of all, a scarcely credible 125% hike on its current target potentially 1279 homes per year'. Alas, Dover's MP is not one of the 11 Kent MPs protesting that 'new Local Plans will be left in tatters, . . . empowering developers to determine which sites are prioritized for construction and sidelining . . . democratic planning process'. Have all 19 Conservative cllrs and all opposition cllrs, protested about Johnson / Jenrick's Planning White Paper, (possibly with reference to the LGA report 'Delivery of Council housing : developing a stimulus package post-pandemic' - for high quality, genuinely affordable homes in communities) and if not, why not?”

- (3) Alison Kuznets submitted a question to the Leader of the Council, Councillor T J Bartlett, as follows:

“There have been two recent instances of initiatives being implemented without genuine public consultation among local residents who are affected personally. One is the new fast-track bus road due to join the Dover Rd in Guston, (which is expected to run across the site proposed for a clearance lorry park), the other is the bus &

cycle lane on the Maison Dieu Road, Dover. In the future will DDC introduce a local Dover climate forum, so that residents, groups and parish councils, have a means of commenting on climate-change mitigation and adaptation measures before they are decided on?"

- (4) John Ward submitted a question to the Leader of the Council, Councillor T J Bartlett, as follows:

"My name is John Ward and I am a supporter of the Dover Horse Trough Group. We were pleased to learn from our Chairman, Cllr Graham Wanstall, that you have supported the Project after our formation last January. As this is now 9 months ago, we ask, what steps do you intend to take to progress this project further? As you are aware the intention of the group is to have the trough returned to its rightful place in Folkestone Road, at the Elms Vale Junction."

- (5) Graham Wanstall submitted a question to the Leader of the Council, Councillor T J Bartlett, as follows:

"I understand to date, Dover District Council have no plans to mark the life of Dame Vera Lynn. This is surprising and sad. As Vera Lynn was so closely associated with the White Cliffs of Dover, to commemorate her long life, I propose that the section of public footpath from Athol Terrace at the Eastern Docks to the Top of the cliff to the National Trust site which forms part of the Saxon Shore Way be named "Vera Lynn Way" so her name will always be connected with the White Cliffs in a most appropriate way by those walking from the Town to the white cliffs of Dover? Therefore, I ask will you support this simple proposal for the name to be adopted and the relevant signage put in place for the spring of 2021?"

Subject:	APPROVAL OF REVISED 2020/21 GENERAL FUND REVENUE BUDGET AND PROJECT PROGRAMMES
Meeting and Date:	Cabinet – 5 October 2020 Overview and Scrutiny Committee – 12 October 2020 Cabinet – 19 October 2020 Council – 21 October 2020
Report of:	Mike Davis, Strategic Director (Corporate Resources)
Portfolio Holder:	Councillor Chris Vinson, Portfolio Holder for Finance, Governance and Digital
Decision Type:	Key
Classification:	Unrestricted

Purpose of the report: To seek approval for the revised 2020/21 General Fund (GF) revenue budget and project programmes.

Recommendation: It is recommended that Cabinet recommends to Council that the General Fund Revenue Budget and the Capital & Special Projects Programmes be approved including;

- Forecast increase in the GF revenue budget deficit;
- Reduction in proposed transfers to reserves and use of Government funding to offset the forecast deficit;
- Addition, removal and amendments to projects.

1. Summary

1.1 This report has been prepared in order to present the revised 2020/21 General Fund revenue budget alongside the updated Capital and Special Project Programmes taking into account the forecast impact of Covid 19, the lockdown period and the on-going impact on the economy.

1.2 This report is split into the following sections:

- (a) 2020/21 GF revenue budget;
- (b) Budget risks, uncertainty and unknowns;
- (c) Revised Capital and Special Projects programmes;
- (d) GF Reserves and Balances;
- (e) 2021/22 budget update;
- (f) Section 114 notice.

1.3 It is recommended that a strategic approach is taken to the 2020/21 budget position utilising reserves, balances and a revised project programme to balance the revenue budget and additional projects requested. A full review of the 2021/22 budget will be undertaken and the changes required to deliver a balanced proposal will be incorporated into the budget process to be brought to Cabinet and Council in February / March 2021.

2. Background

- 2.1 The fall in GDP for the second quarter in 2020 recognises the UK economy as being in recession. The fall in the second quarter (April-June) of 20.4% was the steepest fall on record as the Covid 19 lockdown took effect, bringing much of the economy to a standstill. Although there were signs of some recovery in July with GDP growth of 6.6%, there have since been more severe lockdown and quarantine rules introduced in September, increasing uncertainty of the on-going effects on the economy.
- 2.2 For district councils such as Dover, the financial impacts in 2020/21 come from a combination of some additional cost pressures (mainly homelessness and support to leisure operators) and very significant losses of income.
- 2.3 The uncertainty surrounding the future lockdowns, the rate and timing of economic recovery, the impact of the UK transition, the future of local government financing and any potential additional government support combine to create a significant range of unknowns. Therefore, it is not possible to provide certainty as to the impact on the Council's future financial position. However, this report has been produced to provide Members with the most up to date analysis available, including the revised 2020/21 budget forecast and the proposed changes to the project programmes to release reserves to support financing of the in-year budget pressures.
- 2.4 Whatever measures the Council takes, the current circumstances are likely to have a significant impact on the Council's financial position and the range of services it provides.

3. 2020/21 GF Revenue Budget

- 3.1 The revised GF Revenue Budget is detailed at Annex 1. The budget has been reviewed taking into account the main know pressures forecast from the impact of Covid 19 on expenditure and income streams:

Ref	Description	£000	£000
	Net Cost of Increased Homelessness Support	350	
	Additional ICT investment	50	
	EU Transition Port Health Authority resources	50	
	Additional Revenues & Benefits support	50	
	Community Grant Scheme	50	
	Other shielding support	50	
1	Total Corporate Resources		600
	Loss of leisure centre income	750	
	Estimated payments re DDLC	750	
	Refuse & Recycling charges	50	
	50% Reduction in parking income	1,325	
	Loss of other leisure income	30	
	25% Reduction in Building Control income	80	
	20% Reduction in Land Charges income	35	
	Estimated reduction in rent income	50	
	Estimated reduction in other income streams	100	
2	Total Operations & Commercial Services		3,170
3	Property Investment unlikely in current climate	100	
4	Economic impact on financial investments	180	
5	Short term borrowing to support cash flow	150	
6			
	5% reduction in NDR income (excluding EZ & renewable energy)	280	
7	4% reduction in Council Tax income	300	
	Total NDR & Council Income		1,010

Forecast Total Impact on Budget**4,780**

- 3.2 As detailed the forecast impact on the GF budget is a £4.73m additional in year pressure.
- 3.3 The table below details the Government funding and other options proposed to offset this forecast pressure:

Ref	Description	£000	£000
	Forecast Total Impact on Budget		4,780
10	Government Funding Received	(1,470)	
10	Estimated funding from Income Compensation Scheme	(1,660)	
	Total Forecast Government Funding		(3,130)
	Remaining Budget Deficit		1,650
9		(600)	
	Remove investment income reserve contribution		
9	Remove Renewable Energy NDR reserve contribution	(930)	
	DDC Contribution to Deficit		(1,530)
	Net Pressure		120

- 3.4 These changes result in a net impact of an additional £120k pressure on the GF balances in 2020/21, forecasting and overall deficit of £118k and a retained GF balance of £2.4m at the end of the financial year.
- 3.5 This forecast pressure is lower than previously reported in June, however we started with prudent assumptions around the levels of core income streams and the pattern to date has not seen as significant a fall in these as forecast. The position is therefore improved on the original estimates but remains very volatile as detailed in the next section.
4. **Budget Risks, Uncertainties and Unknowns**
- 4.1 The current financial position is one of unprecedented uncertainty. A summary (not exhaustive) of the major “unknowns” identified to date is provided below.
- 4.2 Pattern of economic recovery – The economy is now in recession and with on-going tightening of restrictions across the country the timing and shape of any recovery, medium and long term impact cannot be meaningfully predicted. As a result of this, combined with the various grants and support to Businesses and Universal Benefit claimants, the current patterns are also a poor basis upon which to predict the remainder of the year’s income and next year’s income.
- 4.3 Government support to businesses – The NDR support schemes and the furloughing policy has provided interim support to businesses and reduced the level of business failures, preventing some level of unemployment in the short-term. As these schemes are reduced and withdrawn there will be a detrimental impact on the NDR income received and the level of Council Tax Support claimant. However, the uncertain nature of these means it continues to be challenging to identify the effect and start to measure the impact.
- 4.4 Council Tax – The majority of Council Tax is paid in instalments, most being “10 monthly”. The economic downturn had an impact on the ability of residents to pay the amounts due. As with all local authorities in Kent, recovery action ceased to minimise citizen distress. Statutory reminder activity recommenced in August. National indications are that Council Tax collections will be reduced by up to 5%. For Dover, current indications are that an impact of up to 2% is more likely, although the end of

the furlough scheme in October and potential local lockdowns may impact this further. Due to the on-going uncertainty in this area the revised budget forecast a reduction of 4% in Council Tax income.

- 4.5 Council Tax Support (CTS) - CTS is paid for the full year in advance and tends to peak at the start of the year and drift lower (by around 2%) over the rest of the year as changes in circumstances erode the award. There was an initial significant initial increase in CTS awards, but trend analysis suggests that the rate of increase is now more stable. Based on trend analysis, it is currently estimated that the impact of higher CTS awards on Dover District Council will be between £85k and £110k (this reduction is included in the 4% Council Tax reduction included above). CTS will be particularly impacted by changes to the national furlough schemes and is likely to increase beyond these levels should there be a further economic downturn.
- 4.6 Business Rates – Retail, leisure and hospitality businesses have been taken out of the system for a year, and small businesses have been given grants. In the short term this protects business rates income. In the longer term it is not clear what proportion of these businesses will survive the lockdown. As with all local authorities in Kent, recovery action ceased to minimise business distress and this is yet to restart. National indications are that Business Rate collections will be reduced by up to 10%, but currently at Dover underlying payments are within profiled targets. There are risks to this as Businesses who are currently receiving a full discount, cease trading, and empty rates then become payable on the property, but this is under close scrutiny. DDC is also in the unusual position with a small number of companies with a significant proportion of NDR income. This means that if they pay but no-one else does, DDC is protected to a large extent, whilst on the other hand if they face difficulties DDC is disproportionately impacted, at the moment though there are no significant alarm bells over them. The forecast includes a 5% reduction in income to reflect the uncertainty in this area.
- 4.7 Business Rates Retention – Government has been working on reforms to the Business Rates Retention (BRR) model but without notable success, so the current model will continue through 2021/22. This current model is volatile and unpredictable.
- 4.8 Business Rates Pool – DDC is a shadow member of the Kent business rates pool. There is a possibility that all (or the bulk) of the pool members suffer adverse business rates performance next year and it is not clear how the government's safety net will be applied to the pool, if levels drop significantly. It is estimated by our advisors, Local Government Futures, that there will continue to be a benefit in maintaining the pool until Business Rates income has fallen by 11-12% therefore it is likely that maintaining the pool will still provide a benefit to the participating districts and KCC.
- 4.9 Business Rates Timing – BR are paid into the collection fund from which Dover and the other stake-holders precept (draw) their shares. So poor BR performance in 2020/21 would not actually affect the DDC precept for the year but would leave a deficit in the collection fund. This deficit would not be confirmed until April / May of 2021, by which time the precept for 2021/22 would already have been set (based on an estimated deficit), so the impact of the 2020/21 poor performance impacts on the DDC budget for both 2021/22 and 2022/23. This makes the link between what is happening in the local economy and how it impacts upon the DDC budget rather tenuous. The 2020/21 forecast includes a reduction in BR performance as a direct impact upon the Council in year. This reflects the forecast reality of the BR performance rather than the technical accounting treatment.
- 4.10 EU Transition – The impact of the EU transition period remains uncertain and no positive or negative impacts have been assumed in the forecasts at this stage. However, as detailed in the report “EU Transition – Dover Port Health Authority” (included separately on the agenda) the preparations for the potential requirements as

Port Health Authority (PHA) alone are likely to result in a need for recruitment of a significant level of resources (c.140 staff by July 2021). At present the Government have only advised of funding support for additional PHA staff up to the end of financial year 2020/21.

- 4.11 Reserves and Balances – The Council has maintained prudent balances and reserves, although the capital programme has been steadily depleting these reserves and this is unsustainable. The original 2020/21 budget assumes some transfers to reserves. It is proposed that some of these transfers could be forgone to reduce the financial pressure in the year, however this will leave less in reserves for future years investment in projects and this must be borne in mind when considering prioritising projects in the amended capital programme.
- 4.12 Future Leisure Centre income – The return to use and the pattern of use and membership at both Dover District Leisure Centre & Tides are clearly significant unknowns, as is the level of competition that will survive and remain in the market after the lockdown and the level of support to be provided by the Council to support service delivery.
- 4.13 Rental income – This income stream comes from a diverse portfolio with a small number of high value leases and a high number of smaller leases. At present the majority of major rental streams are maintaining their payments at an acceptable level. An allowance for some reduction in the smaller income streams has been included based on activity to date.

5. **Revised Capital and Special Projects Programmes**

- 5.1 The report to Cabinet in June proposed the following changes to the Capital Programme:
- (a) A new town centre regeneration fund of £2.5m to support the recovery.
 - (b) An additional £1.5m to fund the Maison Dieu project.
 - (c) Transition costs of £0.5m to support any organisational changes required for 2021/22 and subsequent years.
- 5.2 In order to finance these projects and to recognise the reduction in contribution in reserves through the revenue budget a full review of the Capital and Special Projects Programmes has been undertaken. This review has identified savings / reductions in the programme of £9.2m, the main changes are detailed below:
- (a) Remove the commitment to the proposed £4.9m budget for the Tides Leisure Centre replacement project. A full review of leisure provision across the district will be required to assess the impact of Covid-19 and economic changes on future requirements in leisure services.
 - (b) Remove the £2m budget for Strategic Land Purchases. Any proposals to be self-financing and progressed through the Property Investment Strategy process.
 - (c) Remove £600k provision for planning enforcement. Projects to be assessed on an individual basis when specific requirements arise.
 - (d) Reduce street-lighting project by £300k to fund essential works and urgent repairs only.
 - (e) Reduce remaining budget on property renovations grant scheme by £200k to reflect the level of expenditure to date and to link proposals to the proposed new £2.5m town centre regeneration budget.

- (f) Remove the £200k allowance for officer time to be charged to project feasibility works. It is not expected that many new initiatives will be developed in the current climate so internal feasibility costs should be absorbed within existing revenue / project budgets.
 - (g) Removal of c.£1m of numerous repairs and maintenance and other small projects. Programme to include essentials works and health & safety requirements only unless external funding is identified, or in-house delivery can be provided.
- 5.3 In addition, the following changes are proposed to be incorporated into the programmes:
- (a) Addition of new project £150k to support enhancements to the Sandwich Quay.
 - (b) Additional allowance of up to £1.5m to support the Dover Cable Car project, subject to the development of an appropriate business case, identification of external funding, etc.
 - (c) Further increase the funding to the Maison Dieu Town Hall project by £600k to reflect the withdrawal of funding from Kent County Council. Reduce £1m of the total additional commitment from DDC reserves by financing through borrowing, to be funded by the expected revenue turnaround from running the café and other services in the refurbished model.
 - (d) Increase the provision for Tides Leisure Centre repairs by £200k to support essential works and maintain service provision.
- 5.4 In summary additional projects totalling £7m have been proposed. In order to finance these projects savings of £9.2m have been identified and borrowing of £1m is proposed. This results in a net saving against DDC reserves and capital resources of £3.2m which can be set aside to support future projects or to finance additional pressures resulting from further lockdown periods or additional economic pressures if required.
- 5.5 The full, revised Capital and Special Revenue programmes are detailed at Annexes 2 & 3.
- 6. Reserves and Balances**
- 6.1 Over many years the Council has maintained financial discipline and adopted prudent financial policies that have given it a sound financial position. The reserves and balances are held for three main purposes:
- (i) Balances – these are good buffer against unexpected overspends and “one-off” shocks. The Council has, in recent years, maintained the General Fund balance at over £2.5m. Based on the budget forecast at this time it is not necessary to utilise the GF balance and it can be retained to support any future pressures that may occur if tighter lockdown measures are implemented.
 - (ii) Smoothing reserves - these are used to set aside funding for periodic large expenditure areas, such as, managing the complexities around the Collection Fund surplus & deficits, district elections, the LDF process, ICT equipment replacement, planning appeals, etc. It is proposed that transfers to these reserves are not reduced at this stage due to the on-going need to fund these areas.
 - (iii) Capital and Revenue Project Reserves – These are held to support future projects and maintain healthy reserve levels. These are usually from one-off income streams or savings that are not considered prudent to include in the

base budget due to volatility or other factors. The transfers to these reserves have been reviewed to support the current budget financing and it is proposed that the following transfers are not made in 2020/21:

- £600k transfer of increased investment income returns;
- £930k one-off prior year renewable energy NDR income.

6.2 At the end of 2019/20 the Council held £2.5 in General Fund balances and over £33m in GF earmarked reserves. Following the review of the project programmes, and the revised current year budget it is forecast that at the end of 2020/21 the earmarked reserves will be in the region of £30m, reducing to £10m by the end of the 3-year planning period.

7. The 2021/22 Budget

7.1 For 2021/22, there is forecast to be a mix of on-going pressures from a reduced resource base and the pressures created by a slow recovery of other income streams, in addition to whatever changes government may make to the financing of local government.

7.2 The council therefore continues to face some conflicting requirements:

- (a) Trying to find some certainty in an uncertain situation;
- (b) Avoiding over-reaction and making undue reductions in service budgets;
- (c) Avoiding under-reaction and insufficient reductions in service budgets leading to possible last minute / emergency reductions in budgets at the start of 2021/22;
- (d) Avoiding making non-essential commitments during 2020/21 which may require reversal in 2021/22.

7.3 The Medium-Term Financial Plan (approved by Council in February) shows DDC facing a projected budget shortfall in 2021/22 of £1.3m. The 12 months impact of full lockdown in 2020/21 is currently forecast to be £4.7m. Assuming the recovery is underway by that time, then this impact will be diminished, but still significant. In addition, the renewal of the refuse & recycling contract has generated an additional revenue pressure of c.£500k per annum.

7.4 The main factors forecast to impact the 2020/21 budget are:

- (a) Council Tax and NDR income collection levels
- (b) Inclusion or withdrawal from the Kent NDR pool
- (c) Recovery of car parking income streams
- (d) Recovery of leisure centres and level of on-going support required

7.5 Once the statutory services (such as refuse collection, environmental health, planning, etc.) are largely removed from this calculation, the percentage pressure on the remaining discretionary services is likely to be much higher.

7.6 It is important that the significant range of budget uncertainties is recognised. Some of these repeat points made above and in previous reports. But they continue to be major unknowns and therefore create significant volatility in producing forecasts for 2021/22 and subsequent budgets.

- (a) Council Tax collection rate
- (b) Council Tax Support Scheme costs, impacted by future unemployment levels
- (c) Business Rates Tax Base

- (i) Levels of bankruptcies and unoccupied properties
 - (ii) Potential loss of growth / reduction of the tax base
 - (iii) Collection rates
 - (iv) Appeals
 - (v) Defaults and bad debt levels
 - (vi) VOA and revaluations
 - (vii) Collection Rate
 - (viii) Pooling and the safety net operation
 - (ix) BR retention review and any scheme changes
- (d) Fair Funding review - the future model of council funding
- (e) Level of major income streams:
- (i) Car parking
 - (ii) Investment returns
 - (iii) Planning / building control / land charges, etc
 - (iv) Rents
 - (v) Other fees & charges
- (f) Leisure Centre support
- (g) Pension Fund impact – next triennial valuation.
- (h) New Homes Bonus
- (i) The free port
- (j) EU transition – the report “EU Transition – Dover Port Health Authority” (included separately on the agenda) should be read in conjunction with this report.
- (k) Major contract renewals.

8. **Section 114 Notice**

- 8.1 At this time the 2020/21 budget is in a balanced position, however, there is an on-going statutory obligation on s151 officers to make a report under s114 of the Local Government Finance Act 1988 should circumstances dictate (where the relevant finance officer considered the resources of the council insufficient to meet its plans). Every effort will continue to be made to balance the budgets in 2020/21 and 2021/22 and thus avoid the need for a s114 notice. However, the extreme uncertainty of the Council’s financial position in 2021/22, the lack of clarity on the Council’s income streams, government support and the staffing requirements of the Port Health Authority post Brexit make this a significant challenge.

9. **Resource Implications**

- 9.1 The resource implications are fully detailed in this report.

10. **Climate Change and Environmental Implications**

- 10.1 One constant during these uncertain times is the risk of Climate Change. Recovery plans, strategies and projects should all consider the impacts on Climate change on a case by case basis, and what could be done within the Council’s resources to reduce emissions to ensure DDC’s Climate Emergency ambition is achieved together with the legally binding National targets.

11. **Corporate Implications**

- 11.1 Comment from the Director of Finance (linked to the MTFP): No further comments to add.

11.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

11.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010:

<https://www.legislation.gov.uk/ukpga/2010/15/section/149>.

12. **Appendices**

Annex 1 – General Fund Summary

Annex 2 – Revised Capital Projects Programme

Annex 3 – Revised Special Revenue Projects Programme

13. **Background Papers**

Council Budget 2020/21 and Medium-Term Financial Plan 2020/21 – 2023/24 and associated working papers.

Contact Officer: Helen Lamb, Head of Finance and Investment

GENERAL FUND BUDGET SUMMARY

2019/20 Actual		Ref	2020/21 Original Budget	2020/21 Forecast Changes	2020/21 Revised Budget
£000			£000	£000	£000
	Directorate				
618	Chief Executive		1,395		1,395
4,186	Operations & Commercial Services	1	4,431	3,170	7,601
11,061	Corporate Resources	2	12,359	600	12,959
194	Shared Services (DDC hosted)		221		221
561	Special Revenue Projects		16		16
0	Vacancy Allowance		-150		-150
0	Climate Change and Other Resource Requirements		100		100
16,620	Net Direct Expenditure		18,372	3,770	22,142
	Other Operating Income & Expenditure:				
0	Property Investment & Commercialisation Target	3	-100	100	0
0	Contingency		146		146
74	River Stour Drainage Board		75		75
-1,329	Recharge Income from HRA & Capital Projects		-1,646		-1,646
15,365	Net Operating Expenditure		16,847	3,870	20,717
	Financing Adjustments:				
-1,389	Revenue Expenditure Funded by Capital Under Statute		-1,124		-1,124
-1,692	Interest Receivable	4	-1,750	180	-1,570
282	Interest Payable	5	138	150	288
594	Loan Principal Repayments/Borrowing Allowance		1,953		1,953
-2,205	Total Financing Adjustments		-783	330	-453
	Contribution to/(from) Reserves:				
401	- Special Projects & Events Reserve	9	1,455	-1,530	-75
2,357	- Periodic Operations Reserve		-313		-313
302	- Regeneration Reserve		432		432
0	- District Regeneration & Economic Development Reserve		0		0
16	- IT Equipment Reserve		50		50
376	- Business Rates & Council Tax Reserve		46		46
3,452	Net Contribution to/(from) Reserves		1,670	-1,530	140
16,612	Total Budget Requirement		17,734	2,670	20,404
	Financed by:				
-7,515	Business Rates - Income from NDR	6	-8,350	280	-8,070
-56	Revenue Support Grant		-57		-57
-7,216	Council Tax	7	-7,503	300	-7,203
-112	Council Tax - Collection Fund Surplus		-84		-84
-9	Council Tax - Other S31 Grants		-9		-9
-1,729	New Homes Bonus		-1,733		-1,733
-1	New Burdens / Covid 19 Funding	10	0	-3,130	-3,130
-16,638	Total Financing		-17,736	-2,550	-20,286
-26	General Fund Deficit/(Surplus) for the Year		-2	120	118
-2,539	General Fund Balance at Start of Year		-2,565		-2,565
-2,565	Leaving Year End Balances of		-2,567	120	-2,447

MEDIUM TERM CAPITAL PROGRAMME (GENERAL FUND) - 2020/21 - REVISED SEPTEMBER 2020

APPROVED BUDGET		PROPOSED BUDGET						
Projects included in the programme	Total £000	Amended	Previous years £000	Revised Estimate 2020/21 £000	Estimate 2021/22 £000	Estimate 2022/23 £000	Future Years £000	Total £000
Committed General Fund Projects								
Dover Regeneration Projects								
DTIZ - Waterfront	1,038		904	134	0	0	0	1,038
Dover Town contributions	150	*	0	0	0	0	0	0
DTIZ Growth Point - Unallocated Grant Funding	107		0	87	0	0	0	87
Dover Pride - Dover Priory Ph 1 & 2	107	*	0	0	0	0	0	0
Bus Rapid Transit project (BRT)	16,200		316	8,179	7,725	0	0	16,220
Dover Market Square public realm improvements	2,790		0	2,791	0	0	0	2,791
Sub total	20,393		1,221	11,191	7,725	0	0	20,137
Other Regeneration Projects								
Aylesham Regeneration Project	1,604		1,557	46	0	0	0	1,604
Discovery Park - Grant no.2 (100% grant funded)	2,722		0	2,722	0	0	0	2,722
Building Foundations for Growth Grant - unallocated funding	21		0	21	0	0	0	21
Sub total	4,347		1,557	2,789	0	0	0	4,347
ICT Projects								
VM Ware server replacement & Windows datacentre licences	22		0	0	0	0	0	0
VM Ware host & associated licences	17		0	0	0	0	0	0
New Financial System	400		317	83	0	0	0	400
New Corporate Software & Hardware	437		268	169	0	0	0	437
Sub total	877		586	252	0	0	0	837
Other projects								
Disabled Facilities Grants:-								
Mandatory Disabled Facilities Grants	1,779		N/A	1,759	0	0	0	1,759
Winter Warmth Grants	71		N/A	50	0	0	0	50
Renovation Grants	5		N/A	5	0	0	0	5
Renovation/PSH Loans	260		N/A	93	0	0	0	93
Empty Homes Loans	300		N/A	115	0	0	0	115
Tides LC refurbishment	1,290	*	758	72	130	130	30	1,120
Dover Museum & Bronze Age Boat - Essential Works	306	*	48	228	0	0	0	276
Whitfield Offices - Capital Works	220		197	23	0	0	0	220
Dover Town Hall-Urgent Repairs	150		134	216	200	0	0	550
Sandwich Quay - dredge & install fenders	50		39	11	0	0	0	50
Deal Pier - Capital Works	1,413	*	1,134	229	0	0	0	1,363
DTIZ enhancement works	230	*	120	0	0	0	0	120
Purchase new beach huts	100		0	0	0	0	0	0
Our Finest Dour - Capital Works	30		0	0	0	0	0	0
Kearsney Café fit-out	100		0	100	0	0	0	100
CCTV upgrade & relocation / Town Centre WIFI	280		276	4	0	0	0	280
Maison Dieu restoration (Dover Town Hall)	627		567	155	0	0	0	722
Maison Dieu major restoration works(Dover Town Hall) - Delivery Phase	0		0	65	0	0	0	65
Street-lighting works	935		559	376	0	0	0	935
Deal Beach Management 2015-20 (100% grant funded)	1,750		367	1,062	321	0	0	1,750
Parks for People - Kearsney Abbey & Russell Gardens	3,261		2,260	1,001	0	0	0	3,261
Dover Leisure Centre - new facility provision	26,200		25,891	309	0	0	0	26,200
Old Dover Leisure Centre demolition	600		166	434	0	0	0	600
Property Investment Acquisition - 3 - 55-61 Castle St	1,398		694	704	0	0	0	1,398
Sub total	41,356		33,209	7,011	651	130	30	41,031
Sub total of Committed General Fund Projects	66,973		36,573	21,243	8,376	130	30	66,352
General Fund Projects - Proposed Projects								
Capital Contingency	106		0	106	0	0	0	106
Victoria Park-Play Area (S106 funded)	37		0	37	0	0	0	37
Dover Museum storage facilities	750		0	750	0	0	0	750
Cowdray Square play area refurbishment	68	*	0	0	0	0	0	0
Victoria Park-outdoor facilities improvements	100	*	0	0	0	0	0	0
St Margarets Bay coast protection works (grant funded)	150		0	150	0	0	0	150
Kearsney Abbey / Russell Gardens-play area/disabled facilities access	60		0	60	0	0	0	60
Strategic land purchase for redevelopment / regeneration	2,000	*	0	0	0	0	0	0
Tides Leisure Centre Refurbishment	4,500	*	0	0	0	0	0	0
Street-lighting works	500	*	0	0	0	0	200	200
Dover Town Hall - DDC contribution to major refurbishment works	2,800	*	0	0	0	0	4,835	4,835
Property Investment Strategy (note 4)	176,865		0	50,000	50,000	50,000	26,865	176,865
Public toilets refurbishment	50		0	50	0	0	0	50
Replacement coin sorter & counter	12		0	12	0	0	0	12
Dolphin House - balconies	200		0	200	0	0	0	200
Strategic Land Purchase - Dover	2,000		0	2,000	0	0	0	2,000
Planning enforcement provision	600	*	0	0	0	0	0	0
Dover Town Hall - essential repairs	400		0	0	0	0	0	0
Dover Market Square project	150		0	150	0	0	0	150
Disabled Facilities Grants	1,125		0	0	0	0	0	0
Whitfield Offices - install PVs	200		0	200	0	0	0	200
Town Centre Regeneration Fund / Future High Street Bid Match Funding	0	*	0	2,500	0	0	0	2,500
Cable Car project	0	*	0	1,500	0	0	0	1,500
Sandwich Quay	0	*	0	150	0	0	0	150

MEDIUM TERM CAPITAL PROGRAMME (GENERAL FUND) - 2020/21 - REVISED SEPTEMBER 2020

APPROVED BUDGET		PROPOSED BUDGET						
Projects included in the programme	Total £000	Amended	Previous years £000	Revised Estimate 2020/21 £000	Estimate 2021/22 £000	Estimate 2022/23 £000	Future Years £000	Total £000
Sub total of General Fund Proposed Projects	192,672		0	57,865	50,000	50,000	31,900	189,765
General Fund Projects Total	259,645		36,573	79,108	58,376	50,130	31,930	256,117
Financed by:								
Capital projects financed in previous financial years	31,960		36,573	0	0	0	0	36,573
Capital receipts - General Fund	15,459		n/a	9,087	330	130	230	9,777
Capital receipts - General Fund (Dover Regeneration)	250		n/a	250	0	0	0	250
Capital receipts - DFG Grant Repayments	83		n/a	156	0	0	0	156
Capital receipts - PSH Loan receipts	560		n/a	208	0	0	0	208
Direct Revenue Financing:-								
General Fund	272		n/a	295	0	0	0	295
HRA	144		n/a	38	0	0	0	38
Heritage Lottery Fund Grant (Parks for People-Kearsney)	2,143		n/a	1,001	0	0	0	1,001
Heritage Lottery Fund Grant (Maison Dieu restoration - Dover Town Hall)	408		n/a	41	0	0	0	41
Section 106 Funding	37		n/a	37	0	0	0	37
Grants:-								
Growth Point Grant Funding	107		n/a	107	0	0	0	107
KCC Better Care Fund (Disabled Facilities Grant)	1,767		n/a	1,653	0	0	0	1,653
KCC Better Care Fund (Disabled Facilities Grant) - 20/21	1,125		n/a	0	0	0	0	0
Coastal Communities Fund (Dover Market Sq proj)	2,440		n/a	2,441	0	0	0	2,441
Environment Agency (Deal Beach Management 2015-20)	1,492		n/a	1,062	321	0	0	1,383
Environment Agency (Sandwich Quay)	12		n/a	0	0	0	0	0
Environment Agency (St Margarets Bay coast protection works)	150		n/a	150	0	0	0	150
MHCLG Building Foundations for Growth Grant (Discovery Park)	2,743		n/a	2,743	0	0	0	2,743
Sport England - (new Dover Leisure Centre)	45		n/a	45	0	0	0	45
Homes England (BRT)	16,100		n/a	8,059	7,725	0	0	15,784
Other reserves:-								
- Cluster Prep	46		n/a	29	0	0	0	29
- Special projects	314		n/a	100	0	0	0	100
- ICT Reserve	429		n/a	152	0	0	0	152
- District Regeneration & Economic Development Reserve	2,991		n/a	84	0	0	3,835	3,919
- SEEDA-Dover Regeneration	30		n/a	150	0	0	0	150
- Developer Agreement Receipt	250		n/a	100	0	0	0	100
PWLB borrowing - Property Investment Acquisition	705		n/a	704	0	0	0	704
PWLB borrowing - other	0		n/a	0	0	0	1,000	1,000
Salix loan - Street-lighting works	518		n/a	218	0	0	0	218
Salix loan - Whitfield Offices-install PVs	200		n/a	200	0	0	0	200
Unsupported borrowing	0		n/a	0	0	0	0	0
Property Investment Strategy (note 4)	176,865		n/a	50,000	50,000	50,000	26,865	176,865
Total	259,645		36,573	79,108	58,376	50,130	31,930	256,117

SPECIAL REVENUE PROJECTS - 2020/21 - REVISED SEPTEMBER 2020

<u>SPECIAL REVENUE PROJECTS</u>	Capital / Revenue	Total Approved Budget £000	Amended	Prior Years Exp £000	Revised Estimate 2020/21 £000	Estimate 2021/22 £000	Estimate 2022/23 £000	Future years £000	Total Revised Budget £000
Committed Special Revenue Projects									
Corporate Property Maintenance	R	253	*	n/a	155	0	0	0	155
Dover Transportation Study	R	204		149	56	0	0	0	204
Duke of York Roundabout Design	R	39		29	10	0	0	0	39
Commonwealth War Memorial-Dover	R	500		484	16	0	0	0	500
Property Investment Strategy-external support	R	200		90	50	50	10	0	200
Food Waste Promotion	R	47		19	28	0	0	0	47
Dover Tourism Signage Scheme	R	20		15	0	0	0	0	15
LDF Plan	R	285		127	158	0	0	0	285
Dover Regeneration - enabling costs	R	224		96	65	0	0	0	160
Sandwich Walled Town Conservation Area - consultancy	R	20	*	0	0	0	0	0	0
North Deal Land Study	R	300		150	150	0	0	0	300
Resurfacing Car Parks & DDC owned access roads	R	240		162	78	0	0	0	240
Clarendon Field - safety boundary fence	R	30		2	28	0	0	0	30
Butts - access bridge works	R	30		1	29	0	0	0	30
Contribution to Open Golf event	R	180		119	61	0	0	0	180
Sandwich Historic Boatyard - electricity supply	R	25	*	0	0	0	0	0	0
East Kent Waste 2021	R	200		87	113	0	0	0	200
Contribution to new public toilet	R	90	*	0	0	0	0	0	0
Beach Huts - refurbishments	R	50		34	16	0	0	0	50
Property Renovations grant scheme	R	500	*	117	150	0	33	0	300
Old St James Church works	R	190		29	161	0	0	0	190
Future High Streets Fund - business case	R	150		0	150	0	0	0	150
Reopening High Streets Safety Fund	R	0		0	105	0	0	0	105
Project feasibility costs	R	50		10	40	0	0	0	50
Internal costs to facilitate new projects	R	200	*	0	0	0	0	0	0
Parks - General Repairs (walls, fences, lakes, structures etc)	R	116		108	8	0	0	0	116
Sub total - committed projects		4,142		1,827	1,626	50	43	0	3,546
ICT Infrastructure Investment Projects									
Payment Card Industry (PCI) Compliance	R	35		32	3	0	0	0	35
IDOX Upgrade - Planning, Building Control & Property Services	R	85		75	10	0	0	0	85
Regulatory Services - purchase IDOX Uniform database	R	65		26	39	0	0	0	65
Windows 2008 Servers & SQL 2008 Databases upgrade	R	18		6	12	0	0	0	18
AIM upgrade	R	11		6	6	0	0	0	11
Website Accessibility Audit	R	30		0	30	0	0	0	30
Uniform Database Server replacement	R	0		0	12	0	0	0	12
ICT Reserve funded - small projects	R	29		1	14	0	0	0	16
Sub total - committed ICT projects		272		145	125	0	0	0	271
Capital projects in capital programme financed from reserve:									
Provision allocated to capital programme to finance capital projects	C	314		n/a	100	0	0	0	100
Total committed projects		4,728		1,973	1,852	50	43	0	3,917
Proposed Projects									
Special Revenue Contingency	R/C	66		0	66	0	0	0	66
Connaught Park Tennis Courts Improvements	R	31	*	0	0	0	0	0	0
Dover Regeneration - enabling costs	R	80		0	0	0	0	0	0
Gazen Salts - nature reserve works	R	50	*	0	25	0	0	0	25
Sandwich Town place-making	R	1,050		0	1,050	0	0	0	1,050
Kearsney Abbey / Russell Gdns pond repair	R	100	*	0	0	0	0	0	0
Public realm works	R	60	*	0	0	0	0	0	0
Football pitch renovations	R	50	*	0	0	0	0	0	0
Closed churchyard repairs	R	70	*	0	50	0	0	0	50
Paths & Structures in Parks & Open Spaces	R	150	*	0	50	0	0	0	50
Astor Theatre repair	R	20		0	20	0	0	0	20
Corporate Property Maintenance	R	50		0	0	0	0	50	50
Museum Lighting Improvements	R	69		0	69	0	0	0	69
Kearsney Abbey / Russell Gdns - contingency	C/R	250		0	250	0	0	0	250
Timeball Tower works	R	80		0	80	0	0	0	80
CAB alterations to co-locate Deal & Dover CABs	R	50	*	0	30	0	0	0	30
Tower Hamlets depot works	R	75	*	0	0	0	0	0	0
Duke of York & Whitfield roundabout study	R	40		0	40	0	0	0	40
Dover Tourism signage	R	30		0	30	0	0	0	30
Aylesham Leisure allocation	R	200		0	200	0	0	0	200
Climate change initiatives	R	475		0	475	0	0	0	475
Support for organisational changes	R	0	*	0	500	0	0	0	500
Sub total - proposed projects		3,046		0	2,935	0	0	50	2,985
ICT Infrastructure Investment - Proposed Projects									
Corporate Digital Projects	R/C	155		0	143	0	0	0	143
Corporate Digital Projects	C/R	1,404		0	1,000	135	135	135	1,404
Regulatory Services - handheld systems	R	20		0	20	0	0	0	20
Sub total - ICT proposed projects		1,579		0	1,163	135	135	135	1,567
Proposed balance to transfer to capital projects	C	0		n/a	0	0	0	0	0
Total proposed projects		4,625		0	4,098	135	135	185	4,552
GRAND TOTAL		9,353		1,973	5,950	185	177	185	8,469
Special Projects Financing									
Special Projects financed in previous years		1,973		1,973					1,973
Funded from Special Project Reserve		3,161		0	3,064	5	38	55	3,161

SPECIAL REVENUE PROJECTS	Capital / Revenue	Total Approved Budget £000	Amended	Prior Years Exp £000	Revised Estimate 2020/21 £000	Estimate 2021/22 £000	Estimate 2022/23 £000	Future years £000	Total Revised Budget £000
Funded from ICT Reserve		275		0	275	0	0	0	275
Funded from ICT Reserve - 20/21		619		0	274	115	115	115	619
Funded from Regeneration Reserve		282		0	223	50	10	0	282
Funded from DTIZ & Dover Regeneration Reserve		0		0	0	0	0	0	0
Funded from SEEDA-Dover Regen Reserve		69		0	69	0	0	0	69
Funded from HCA-Dover Regen Reserve		6		0	6	0	0	0	6
Funded from Major Events Reserve		61		0	61	0	0	0	61
Funded from LDF Reserve		5		0	5	0	0	0	5
Funded from Planning Grant Reserve		4		0	4	0	0	0	4
Funded from Backfunding Equalisation Reserve		0		0	500	0	0	0	500
Funded from HM Treasury grant		16		0	16	0	0	0	16
Funded from Future High Streets Fund (MHCLG grant)		150		0	150	0	0	0	150
Funded from Reopening High Streets Safely Fund		105		0	105	0	0	0	105
Funded from Planning grant		17		0	17	0	0	0	17
Funded from Local Authority contributions		613		0	613	0	0	0	613
Funded from Developer contribution		75		0	75	0	0	0	75
Funded from S106		200		0	200	0	0	0	200
Funded from external contributions		180		0	180	0	0	0	180
Funded from HRA		10		0	10	0	0	0	10
Funded from HRA		150		0	105	15	15	15	150
TOTAL		7,969		1,973	5,950	185	177	185	8,469

Subject:	AMENDMENT TO THE SCHEME OF OFFICER DELEGATIONS
Meeting and Date:	Council – 21 October 2020
Report of:	Harvey Rudd, Solicitor to the Council & Monitoring Officer
Classification:	UNRESTRICTED
Purpose of the report:	To note the changes to the Scheme of Officer Delegations of executive functions made by the Leader of the Council.
Recommendation:	That amendments to the Scheme of Officer Delegations, made by the Leader be noted and incorporated within the Constitution.

1. Summary

Amendments have been made to the Scheme of Officer Delegations in so far as they relate to executive functions by the Leader of the Council on 30 September 2020, 8 October 2020 and 9 October 2020.

2. Introduction and Background

- 2.1 The amendments on 30 September 2020 were to ensure that officers are appropriately authorised to discharge the powers and functions of the Council in relation to the management of the Council's housing stock which is being brought back in-house with effect from 1 October 2020.
- 2.2 The amendments on 8 October 2020 were to ensure that officers are appropriately authorised to discharge the powers and functions of the Council in relation to the public health regulations made under the Public Health (Control of Disease) Act 1984 in relation to the Covid-19 pandemic.
- 2.3 The amendments made on 9 October 2020 were to allow the Section 151 Officer to make arrangements for the administration of the Council's Discretionary Track and Trace Payment Support Scheme and to determine applications for financial assistance made under it.

3. Identification of Options

- 3.1 Option 1 – To note the amendments to the Scheme of Officer Delegations in relation to executive functions made by the Leader of the Council and to incorporate them into the constitution.

4. Evaluation of Options

- 4.1 Option 1 The amendments made to the scheme of officer delegations by the Leader of the Council are a matter for him and accordingly are not a function of the Council. The Constitution does however require such amendments to be reported to the Council for informational.

5. Resource Implications

- 5.1 There are no resource implications.

6. Climate Change and Environmental Implications

- 6.1 There are no climate change implications in amending the Scheme of Delegations.

7. **Appendices**

Appendix 1 – Scheme of Officer Delegations

8. **Background Papers**

Amendments to the Scheme of Officer Delegations published on 30 September 2020 and 8 October 2020.

Contact Officer: Rebecca Brough, Democratic Services Manager

SECTION 6: SCHEME OF OFFICER DELEGATIONS

A. General

1. For the purposes of this scheme of officer delegations the Chief Officers referred to are;
 - (i) Those set out in Article 12.01(b) of the Constitution and
 - (ii) Officers specified in the headings of the table in this Scheme of Officer Delegations
2. Chief Officers or specified operational managers are hereby empowered to carry out those specific functions of the Council or the Leader/Executive delegated to them as set out in this scheme of delegations.
3. References herein to a specific statutory provision or Ministerial Circular shall include any statutory re-enactment or modification thereof for the time being in force.
4. Any decision taken under delegated powers shall be in accordance with any policies approved by the Council (the Policy Framework) and all of its Rules of Procedure. Further, where expenditure is involved, such action shall be conditional upon the necessary financial provision being included in the approved Budget.
5. Whenever an officer considers it appropriate, he or she shall seek the approval of the appropriate Committee, the Leader/executive or the executive member (as the case may be) notwithstanding the availability of a delegated power.
6. Any decision taken by an officer in exercise of a delegated power shall be reported to the appropriate Committee, the Leader/executive or executive member (as the case may be) for information at the request of any Member.
7. The action of an officer under a delegated power shall be deemed to be the act of the Council or the Leader/executive (as the case may be).
8. Chief Officers or specified officers to whom a duty, function or power is delegated may nominate another officer or officers to exercise that duty, function or power, provided that the nominated officer(s) reports to or is responsible to the Chief Officer or specified officer concerned.
9. Nothing in these delegated powers shall restrict the powers or duties placed upon any officer by statute.
10. In relation to Council functions when matters of urgency and items not involving matters of policy require decisions between the meetings of a Council or Committee or Sub-Committee of the Council, the Chief Executive or appropriate Head of Service or specified officer shall be empowered, in consultation with the Chairman and Vice-Chairman of the Council or of the relevant Committee or Sub-Committee, or one other member in the absence of either (or two other members in the absence of both), to deal with such items. A report of the urgent matters dealt with shall be included in the Official Members Bulletin with Members being afforded the opportunity to raise questions in relation to decisions taken under this paragraph at the next following ordinary meeting of the Council or Committee or Sub-Committee of the Council.

11. In all cases of urgency any Chief Officer may:
- (a) exercise any of the powers delegated herein to a Chief Officer or specified Head of Service or specified officer; and
 - (b) authorise any other officer of the Council whom he or she considers it appropriate to exercise such power.
12. The Scheme of Officer Delegations may be amended from time to time in any manner as is considered appropriate:
- (1) In relation to Council functions:
 - (a) by the Council; or
 - (b) by the relevant committee or sub-committee insofar as it relates to functions discharged by that committee or sub-committee.
 - (2) In relation to executive functions by the Leader.

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

13. The exercise of the powers and functions delegated by the Scheme of Officer Delegations shall without prejudice to any specific delegation or authorisation set out, and subject to any express Conditions/Exclusions/Limitations/Notes specified, be taken to include power to do anything incidental or conducive to the discharge of such functions including (by way of example and not by way of limitation) power to do any of the following:
- (a) To appoint or designate any officer as an "authorised officer", "inspector", "person duly authorised" or similar under any of the legislation or functions specified for the purposes of enabling any such person to carry such legislation or functions into effect.
 - (b) To authorise any officer for the purposes of any of the above-mentioned legislation or functions.
 - (c) To exercise any power or function conferred by or in connection with the specified legislation or functions to:
 - (i) Require any person to provide any information.
 - (ii) Enter or inspect any land, premises, vehicle or vessel.
 - (iii) Take samples of, seize, test, dispose of, destroy, or otherwise deal with and thing or substance in accordance with the applicable legislation.
 - (iv) Make application for any warrant or order to a court of summary jurisdiction and to execute any such warrant or order taking with him or her any other person as may be authorised.
 - (v) to make or swear any information.

- (vi) Institute, in consultation with the Solicitor to the Council, proceedings in respect of any offence.
 - (vii) Execute work.
 - (viii) Sell or dispose of any goods, articles, samples materials or other property (other than land and buildings) unless specifically authorised within this Scheme of Officer Delegations.
 - (ix) Recover any sums of money due to the Council.
 - (x) Authorise any other person to do any of the things mentioned in (i) to (vii) above to the extent permitted by law.
14. Any reference to any Act, Rule, Order or Regulation shall be taken as including a reference to that Act, Rule, Order or Regulation as re-enacted replaced or modified from time to time.
15. References to any statutory provision shall include a reference to any subordinate or secondary legislation made under or taking effect under it from time to time
16. This Scheme of Officer Delegations has been approved in its totality by both the Council and by the Leader of the Council and no delegation contained within it shall be treated as invalid by reason of it being incorrectly classified as a Council Function instead of an Executive function or vice versa.
17. The Council and/or the executive (as appropriate) have delegated the powers and functions set out in the following tables to the officers described. The powers and functions delegated are specified in Column 1 below and/or described in Column 2 below but their exercise is subject to the conditions/exclusions or limitations specified in Column 3.

B. Delegation to: All Chief Officers

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
1.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To act as an "authorised officer" in relation to any legislation under which the Chief Officer is authorised or empowered to act by the Council or a Committee, or under delegated powers.	
2.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To authorise any officer to act as an "authorised officer" to the extent that the Chief Officer is so authorised in accordance with the foregoing paragraph.	
3.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To authorise or appoint any officer to exercise any statutory power of entry in relation to any legislation under which the Council is authorised or empowered to act and to authorise any such officer to apply for a Justices Warrant for entry in any of the circumstances contemplated by the legislation concerned.	
4.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To sign documents authenticating "Authorised Officers".	
5.	To authorise expenditure	(a) To authorise expenditure and to take such action as may be necessary and appropriate thereon in respect of sums provided in the estimates approved by the Council. (b) To authorise contracts with a value not exceeding £200,000.	
6.	ICT procurement	To ensure that, prior to the procurement of any ICT (eg computer or communications hardware or software), adequate checks are carried out:	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p>(a) To verify that the ICT is fit for the purpose intended.</p> <p>(b) To obtain confirmation from the Director of EK Shared Services as to the compatibility of ICT selected for purchase.</p> <p>(c) To ensure that appropriate funding is available to cover the costs of ICT purchase.</p>	
7.	Implementation of new and existing legislation	To arrange for the implementation of new and existing legislation, statutory instruments, orders and byelaws, except where a discretion is granted to the Council.	
8.	Use of premises	In consultation with the Property Services Division to let or authorise the use of premises under their control upon the terms and conditions approved by the Council.	
9.	Applications under the Town and Country Planning legislation	To make application for consent or permission under Town and Country Planning legislation in accordance with any proposals approved by the Council or the Cabinet or a relevant Portfolio Holder, or an officer under any delegated powers.	
10.	Appointment of staff	Within agreed procedures to appoint persons nominated by any contractor to the Council to any appropriate office of the Council other than as a direct employee of the Council.	
11.	Disposal of equipment	To dispose of surplus, unserviceable or obsolescent plant, equipment, stock, stores or material.	The prior approval of the Strategic Director (Corporate Resources) shall be sought in such circumstances as he may direct.
12.	Issue appropriate licences, permits, certificates of registration and similar documents	The issue as appropriate of any licences, permits, certificates of registration and similar documents where the application conforms to statutory provisions and regulations and the requirements of the Council.	
13.	Disciplinary code of conduct	The implementation of the Council's disciplinary code of conduct.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
14.	Town and Country Planning Act 1990 (Section 225)	To take appropriate action under Section 225 of the Town and Country Planning Act 1990, including entry on to unoccupied land, to combat flyposting	
15.	Enforcement action	<p>(a) Without prejudice to the specific provisions of these Delegations to Officers and subject to any policies approved by the Council, where any statutory provision empowers or requires the Council to issue make or serve (howsoever expressed) any notice, demand, requisition, direction, order or regulation, to discharge the functions of the Council in relation thereto and to issue, make or serve (as the case may be) any such notice, demand, requisition, direction, order or regulation, to authorise the carrying out of works in default, and, in consultation with the appropriate Chairman and Vice-Chairman or Portfolio Holder (as the case may be), to institute legal proceedings in connection therewith.</p> <p>(b) Subject to the relevant statutory provisions, in matters of urgency, to carry out works and to institute such proceedings without the prior service of any notice, demand or requisition.</p>	
16.	Instruct the Solicitor to the Council to act	To instruct the Solicitor to the Council to act on behalf of the Council to the extent that they are authorised to act themselves.	
17.	Administer formal cautions	To administer formal cautions in appropriate cases and, in consultation with the Solicitor to the Council, in respect of offences under legislation, or regulations made thereunder, for which the relevant Chief Officer is authorised to prosecute and similarly to authorise any inspector appointed by the Council or a relevant chief officer.	

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
18.	Safety of staff	To make arrangements for the safety of staff.	
19.	Council's representative in relation to contracts	To act as the Council's representative in relation to any Contracts authorised by the Council for the provision of goods or services or the execution of any works within the sphere of their responsibility and to appoint any suitably qualified or experienced officer to discharge the functions of the Supervising Officer/ Contract Administrator/ Architect/Quantity Surveyor/Engineer or Clerk of Works (as the case may be) in relation to any such Contract.	
20.	Press statements	In consultation with the PR Manager to issue or authorise the issue of statements, including press statements, on behalf of the Council in consultation with the Chairman or Vice-Chairman of the Council, the Leader of the Council or the relevant Portfolio Holder or the Chairman and Vice-Chairman of the appropriate Committee as appropriate.	
21.	Lettings or licences of sites and premises	To effect lettings or licences of sites and premises on short term arrangements until required for the purpose for which they were acquired.	To be exercised in consultation with the Estate Valuation Manager
22.	Ex gratia payments	To grant ex gratia payments not exceeding £500 for damage to personal property of employees occurring whilst on duty.	
23.	Institution or Defence of any civil or criminal proceedings	To authorise, in consultation with the Solicitor to the Council, the institution or defence of any civil or criminal proceedings or of proceedings under any enactment, statutory instrument, order or byelaw on behalf of the Council.	
24.	Licensing Act 2003 and Gambling Act 2005	To make application to the licensing authority under the Licensing Act 2003 and the Gambling Act 2005 for premises licences in respect of any premises to be used by or under authority of the Council and to make application to vary the terms of any such licence or to surrender the same.	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes	
25.	Licensing Act 2003	To authorise any officer of the Council holding a personal licence as the designated premises supervisor in relation to any licence held or to be held by the Council under the Licensing Act 2003.	
26.	Licensing Act 2003 and Gambling Act 2005	To discharge the functions of a "responsible authority" within the meaning of the Licensing Act 2003 and the Gambling Act 2005 in so far as those functions relate to any functions of the Council which fall within the broad range of responsibilities of the Chief Officer concerned.	
27.	Licensing Act 2003 and Gambling Act 2005	To exercise on behalf of the Council the rights of the Council as an "interested party" within the meaning of the Licensing Act 2003 and the Gambling Act 2005 in so far as the Council falls to be considered as such.	
28.	Responses to any consultations	To make responses to any consultation	This may be exercised irrespective of the nature or number of third party representations
29.	Placing of services of officers at the disposal of other authorities	To authorise any Chief Officers or specified Operational Managers, to whom powers are delegated under the Scheme of Officer Delegations, to authorise appropriately experienced officers, whose services are placed at the disposal of the Council pursuant to section 113 of the Local Government Act 1972, to exercise any powers or functions delegated to the Chief Officer or specified Heads of Service/Operational Manager concerned.	
30.	Abandoned, Lost and Uncollected Goods and Property	To exercise the powers of the Council to dispose of goods and property under (i) Section 41 of the Local Government (Miscellaneous provisions) Act 1982 in relation to lost and uncollected property. (ii) The Torts (Interference with Goods) Act 1977	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		(iii) any other power or contractual right	
31.	Coronavirus Act 2020	To exercise the powers and functions of the Council under the Act	

C. Council and Executive Functions

Delegation to: Chief Executive

Council Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
1.	Appointment of staff below Chief Officer level	As Head of Paid Service to determine the establishment and make changes to the establishment below the level of Chief Officer.	
2.	Appointment and dismissal of staff below Chief Officer level	Within the approved establishment to appoint and dismiss all staff below the level of Chief Officer and to determine the terms and conditions upon which they are appointed and continue to be employed.	<p>All appointments shall be made substantially in accordance with the Council's Standard Terms and Conditions of Employment and agreed policies and procedures. Any minor variations shall only be made in the interests of the effective and efficient discharge of the Council's functions</p> <p>The Head of Paid Service has nominated all Strategic Directors Heads of Service and service managers to appoint staff</p>
3.	S112 Local Government Act 1972	To discharge the Council's powers and duties as employer of all employees	The Chief Executive shall act substantially in accordance with the Council's Standard Terms and Conditions of Employment and agreed policies and procedures.

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			Any minor variations shall only be made in the interests of the effective and efficient discharge of the Council's functions.
4.	Complaints procedure and policy	<p>To determine complaints made against the Council in accordance with the Council's Complaints Procedure and Policy on Remedies from time to time, and</p> <p>(i) To grant compensatory payments not exceeding £1,000 in respect of loss or damage suffered as a result of maladministration.</p> <p>(ii) To take such action as he deems appropriate from time to time to publicise the Council's Complaints Procedure</p> <p>(iii) To arrange the provision of such training, and to produce such guidance materials, for Members and staff as he deems appropriate.</p>	
5.	Section 113 of 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.	
6.	Various	To appoint any person as "Proper Officer" for any specified statutory purposes or for any specified purposes.	The Chief Executive shall be satisfied that any person whom he proposes to appoint as a proper officer has the necessary skills and experience to enable him to discharge the functions of the proper officer appointment.

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
7. Legal Proceedings (Local Government Act 1972 (Section 222); Localism Act 2011; all other enabling powers)	In consultation with the Solicitor to the Council, to institute, defend, or participate in any legal proceedings (and to settle any legal proceedings whether actual or prospective) in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Executive in consultation with the Solicitor to the Council considers that such action is necessary to protect the Council's interests.	

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
8. Legal Proceedings (Local Government Act 1972: Localism Act 2011; all other enabling powers)	In consultation with the Solicitor to the Council, to institute, defend, settle, or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Executive in consultation with the Solicitor to the Council considers that such action is necessary to protect the Council's interests.	
9. Companies Act 2006 (Section 323)	To discharge the powers and functions of the Council in its capacity as a member or shareholder of any company of which the Council is a member or shareholder and to act as the Council's representative at any meeting of the company pursuant to Section 323 of the Companies Act 2006.	
10. Anti-Social Behaviour Act 2003 (Sections 30(2) and 31(2))	To grant consent pursuant to Section 31(2) of the Anti-Social Behaviour Act 2003 to the "relevant officer" of Police making an authorisation under Section 30(2) of the Act (power to disperse groups etc) in consultation with the Portfolio Holder for Community, Housing and Youth or the Leader of the Council and the Ward Councillor(s).	
11. Urgent Executive Business	To deal with urgent items of business falling within the remit of the Executive	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	where the Leader, and Deputy Leader are not in office.	
12.	Acquisition of key regeneration sites	To authorise acquisitions relating to key regeneration sites in consultation with the Leader, the Strategic Director (Corporate Resources) and the Solicitor to the Council. The Chief Executive shall have been provided with the relevant completed pro forma in respect of the site
13.	Local Government Act 1972 (Section 138)	To exercise the powers of the Council under Section 138 of the Local Government Act 1972 in respect of emergencies or disasters.
14.	Civil Contingencies Act 2004	To discharge the duties of the Council under the Civil Contingencies Act 2004.
15.	Local Government Act 1972 (Section 113) - Placing of services of officers at the disposal of other authorities	(1) Exercise the powers and functions of the Council to enter into an agreement with another local authority: (a) for the placing at the disposal of that authority for the purposes of its functions, the services of officers employed by the Council; (b) for the placing at the disposal of the Council for the purposes of its functions, the services of officers employed by that authority. (2) As Head of Paid Service, to exercise, or nominate another officer to exercise, the powers and functions of the Council to effect any changes necessary to the contract of employment of any officer so as to enable his services to be placed at the disposal of another local authority under the provisions of section 113 of the Local Government Act 1972.
16.	Local Authorities (Goods and Services) Act 1970	Exercise the powers and functions of the Council.
17.	Management of Claims Against the Council (Land Charges)	To take all appropriate steps in the management of claims against the Council arising out of the land charges

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes	
	functions including approving the terms of any compromise or settlement.		
18.	Part VI, Chapter II, Town and Country Planning Act 1990	To exercise the powers and functions of the Council in relation to Blight Notices.	None
19.	Local Government Act 1972 (Section 111), Localism Act 2011 (Section 1) and all other enabling powers.	<p>In connection with the Dover Western Dock Revival Project, the Dover Waterfront Development and any other development proposals of the Dover Harbour Board relating to the Port of Dover, whether or not arising out of or relating to any current or proposed Harbour Revision Order:</p> <p>Acting in consultation with the Leader, to take all steps (including the submission and withdrawal of objections and representations, the conduct of negotiations and settling the terms of and approving any agreements and instruments with any relevant person) which he considers appropriate</p>	
20.	Local Government Act 1972 (Section 111), Localism Act 2011 (Section 1) and all other enabling powers.	<p>In connection with any agreements between the Council and the Dover Harbour Board relating to the Dover Western Dock Revival Project, whether or not arising out of or relating to any current or proposed Harbour Revision Order:</p> <p>to exercise the functions and responsibilities of the Council with regard to any Design and Access Statements or the giving or withholding of any other consent, permission or approval.</p>	
21.	Anti-Social Behaviour Crime and Policing Act 2014 Section 77	To authorise a Closure Notice for a maximum period of 48 hours or extend a 24 hour closure notice for a period of up to a further 24 hours	

**Delegation to: Chief Executive
Head of Governance**

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
22.	Local Government Act 1972, Localism Act 2011, Apprenticeship, Skills, Children and Learning Act 2009, Deregulation Act 2015 and other enabling powers	To exercise the powers and functions of the Council in relation to the delivery of apprenticeships.	
23.	General Data Protection Regulation (EU) 2016/679 (GDPR) and The Data Protection Act 2018	To exercise the powers and functions of the Council in relation to the GDPR and the Data Protection Act 2018	Excluding the functions of the Data Protection Officer

Delegation to: **Chief Executive**
 Head of Leadership Support

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
24.	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.	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions/ Limitations/Notes
25.	Freedom of Information Act 2000	To maintain, update and amend the Council's Records Retention Schedule and Publication Scheme as required.	

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions/ Limitations/Notes
26.	Environmental Information Regulations 2004	To exercise the powers and functions of the Council in relations to requests for information made under the regulations.	
27.	Insurance matters	To deal with all Council insurance matters.	
28.	Equalities	Authority to deliver the Council's equalities programme.	

Delegation to: **Chief Executive
Head of Inward Investment
Strategic Tourism Manager**

Executive Functions

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

Delegation to: **Video and Print Officer**

Executive Functions

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

Delegation to: Section 151 Officer

Executive Functions

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

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	project feasibility costs (any expenditure to be added to the project following approval).	
34.	<p>Raising of Income</p> <p>To be responsible for the administration of the Council's financial affairs including ensuring proper arrangements for the administration and accounting of council tax, business rates, housing rents and services charges and the accounting and raising of any other statutory charges, and charges for services, licences, fees, fines and any other income due.</p> <p>"Proper arrangements" shall include, but not be limited to:</p> <ul style="list-style-type: none"> • the appropriate or statutory accounting arrangements • authorisation of statutory returns • authorisation of write-off of irrecoverable or uneconomic debts and approval for the management of the write-off of irrecoverable or uneconomic debts 	<p>Limitations: The issue of demands and recovery action in respect of council tax, business rates and sundry debts is the responsibility of EK Services.</p> <p>The collection of housing rents and service charges and rechargeable works is the responsibility of EK Housing.</p>
35.	<p>Investment, borrowing and banking</p> <p>To manage the investment of the Council's funds and the borrowing of such sums as the Council has approved, including, but not limited to:</p> <ol style="list-style-type: none"> (a) Determining the most appropriate assets, instruments and counterparties to use (b) The period and terms of the investment and borrowing, including any variations to the agreed period and terms (c) The banking arrangements of the council, including the appointment of bankers and the terms and conditions of any bank accounts (d) To declare every six months, where appropriate, a local average rate of interest in respect of Housing Act Advances. 	
36.	<p>Financing of capital and major revenue project expenditure</p> <p>To take decisions to apply capital receipts, revenue resources, grants, Section 106 monies, Community Infrastructure Levy, leases and other</p>	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	council funds to finance the approved capital and major revenue project assets and programmes.	
37.	Revenue Budget To approve: (a) Virements between revenue budgets (b) Revenue budget carry forwards (c) The application of funds held in reserves to fund revenue expenditure.	In consultation with the Leader of the Council or the Portfolio Holder with responsibility for finance where appropriate.
38.	Reserves To authorise transfers between the reserves and balances of the councils accounts.	In consultation with the Portfolio Holder with responsibility for finance
39.	In connection with the Housing Revenue Account To set the level of the on-going HRA minimum balance, the transfer of balances to the HIR, the use of prudential borrowing, and adjustment of the resources of the HIR accordingly.	In consultation with the portfolio holder for Performance and Resources
40.	Benefits To ensure the proper administration of all benefits which are the responsibility of the council, including, but not limited to: (a) Authorisation of statutory subsidy calculations and returns. (b) Write off irrecoverable or uneconomic overpayments of any benefit and the approval of the arrangements for the write-off of irrecoverable or uneconomic overpayments.	Limitations: The calculation and payment of benefits and discretionary housing payments are undertaken by EK Services.
41.	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.	
42.	Residential Property To authorise the provision of grants and loans for house purchase and improvement in accordance with any scheme approved by the Council and to grant any approval or consent in respect of properties held in mortgage by the Council.	
43.	To Acquire Residential Property. to acquire freehold or leasehold residential properties and to agree terms and conditions in connection therewith.	In consultation with the portfolio holder for Performance and Resources

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes	
	Local Government Act 1972 – s.120 Housing Act 1985 – s. 17 Localism Act 2011 – s.1		
44.	Leasehold Service Charges	To determine the levels of service charges payable by lessees under leases of any property in respect of which the Council is the lessor.	
45.	Officer car leasing scheme	To administer and manage the Council's officer car leasing scheme.	
46.	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.
47.	Local Government Act 1972 S.139	To accept or reject, gifts of property.	
48.	Grant and Financial Assistance to the Council (Various legislation)	To make application for and to accept grants or other assistance on behalf of the Council.	
49.	Section 92 of the Localism Act 2011 (Assets of Community Value)	Review of Decision to include land in list	
50.	Section 1 of the Localism Act 2011	To make arrangements for the administration of the Council's Discretionary Track and Trace Payment Support Scheme and to determine applications for financial assistance made under it.	

**Delegation to: Solicitor to the Council
Head of Governance**

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes	
51.	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.	

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
52.	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.	
53.	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.	
54.	Enforcement Notices	To issue Enforcement Notices under the instruction of the Head of Regeneration and Development.	
55.	Temporary Stop Notices	To issue a Temporary Stop Notice.	
56.	Licensing Act 2003 and Gambling Act 2005	To act as Solicitor to the Council as Licensing Authority.	
57.	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.	
58.	Licensing Act 2003 and Gambling Act 2005	To authorise appropriately experienced officers to exercise any powers or functions delegated to him under 30 and 31 above.	
59.	Regulation of Investigatory Powers Act 2000 -Covert Surveillance Policy	To act as the authorising officer for all covert surveillance operations.	In accordance with the Council's Covert Surveillance Policy and Procedures.

Executive Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
60.	Housing Benefit or Council Tax Benefit fraud	To lay information in respect of offences involving housing benefit or council tax benefit fraud.	In conjunction with East Kent Services

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes	
61.	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.	
62.	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.	
63.	Recover money	To institute, in consultation with the Strategic Director (Corporate Resources) or the Head of Shared Services proceedings to recover money owing to the Council.	
64.	Notices to Treat and Notice of Entry	To serve Notices to Treat and Notices of Entry.	
65.	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.	
66.	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.	
67.	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.	
68.	Criminal Justice and Public Order Act	To discharge the Council's powers and functions in respect of travellers encampments.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	1994 (Sections 77-79)		
69.	Possession Orders	To authorise the enforcement of any order for the possession of premises made in favour of the Council.	
70.	Coronavirus Act 2020	To exercise the powers and functions of the Council under the Act	

Delegation to: Head of Governance

Executive Functions

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

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

Executive Functions

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

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p>The determination of reasonable rents, service charges and other charges for the tenancy and occupation of Council dwellings and garages shall be in accordance with the Council's policy and the provisions of Social Rent Reform.</p> <p>The fixing of the value of Council houses and flats to be sold shall be on the basis of appropriate professional valuation advice.</p>
74.	Institution of proceedings for injunctions, ASBOs and other appropriate legal proceeding	To authorise the institution of proceedings for injunctions, ASBOs and other appropriate legal proceedings in consultation with the Solicitor to the Council, in order to prevent anti-social behaviour or damage to property, involving Council tenants or Council housing
75.	Institution of legal proceedings – unauthorised occupiers (Council housing accommodation)	To authorise the institution of legal proceedings to secure the removal of unauthorised occupiers from Council housing accommodation and any necessary subsequent action to recover vacant possession.
76.	Housing Act 1996 Part VII and the Homelessness Act 2002	To exercise the powers and functions of the Council in relation to homelessness and threatened homelessness.
77.	Housing Corporation Grants submitted	To administer applications for Homes and Communities Agency grants submitted by Housing Associations to the Council in

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	respect of schemes approved by the Council.	
78.	Private sector leasing scheme	To discharge any functions of the Council under any private sector leasing scheme.

Delegation to: Strategic Director (Corporate Resources)
Head of Finance

<u>Column 1 Legislation</u>	<u>Column 2 Brief Description</u>	<u>Column 3 Conditions/ Exclusions Limitations/Notes</u>
79.	<u>Housing Act 1985 – ss 8 to 14 and 17 to 21</u>	<u>To exercise the specified powers and duties of the Council in relation to the provision of housing accommodation and the acquisition of land.</u>
80.	<u>Housing Corporation Grants submitted by Housing Associations</u>	<u>To administer applications for Homes and Communities Agency grants submitted by Housing Associations to the Council in respect of schemes approved by the Council.</u>

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

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
79.8	The Town and Country Planning Act 1990 – Section 215 to 219	Land adversely affecting amenity of neighbourhood
80.8	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
81.8	Caravan Sites and Control of Development Act 1960 (Breaches of Site Licence) and Local Government	To institute, in consultation with the Solicitor to the Council, legal proceedings in respect of any offence under the legislation, or Regulations.

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

Executive Functions

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

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Part 1 Chapter 1 Chapter 2 Chapter 3 Chapter 5	Housing Conditions Enforcement of housing standards: general Improvement notices, prohibition orders and hazard awareness notices Emergency measures General and miscellaneous provisions relating to enforcement action	relating to demolition orders and slum clearance declarations have not been delegated Including Schedule 3
87.8	The Local Government Miscellaneous Provisions Act 1976 Section 16 Section 33	 Power to obtain particulars of persons interested in land Restoration or continuation of supply of water gas or electricity	
88.9	The Local Government (Miscellaneous Provisions) Act 1982 – Sections 29 to 32	Protection of Buildings	
89.9	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.	
90.9	The Prevention of Damage by Pests Act 1949		
91.9	The Public Health Act 1961 – Sections 35 and 36	Filthy and verminous premises, articles, etc.	
92.9	Public Health Act 1936 Part II	 Sanitation and Buildings	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
Section 45 Sections 83 & 84	Defective sanitary conveniences Filthy and verminous premises, articles etc.	(amended by section 35 Public Health Act 1961)
93-9 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002	Power to improve living conditions	
94-9 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)
95-9 Recovery of repair costs by sale of property	(a) To charge property with the costs of repair works undertaken by the Council pursuant to its statutory powers. (b) To authorise the sale by the Council of any such property pursuant to powers contained in the Law of Property Act 1925 in order to recover any sums due to the Council and secured by such a charge.	Power of sale only to be exercised where the property in question is unoccupied
96-9 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015	To exercise the Council's powers and duties in respect of the enforcement of the Smoke and Carbon Monoxide Regulations.	
97-9 The Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme, etc.)(England) Order 2014	To exercise the Council's powers and duties in respect of the enforcement of the Redress Scheme Regulations.	
98-1 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

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
Part 7	Supplementary and final provisions	selective licensing areas
99.1 Housing and Planning Act 2016 Part 2 & Part 5	To exercise the powers and functions of the Council under this part	
100. Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018	To exercise the powers and functions of the Council in respect of Banning Order Offences	
101. The Rent Repayment Orders and Financial Penalties (Amounts Recovered)(England) Regulations 2017	To exercise the powers and functions of the Council in respect of Rent Payment Orders	
102. Protection from Eviction Act 1977	To exercise the powers and functions of the Council under this Act.	

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

Council Function

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

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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
<p>104. European Communities Act 1972</p> <p>(a) All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time and relating to public Health</p> <p>(b) any modification or re-enactment of the foregoing</p>	<p>Various measures for the optimisation of public health</p>	
<p>105. The Game Act 1831 – Sections 5, 6, 17, 18 and 21 to 23</p> <p>Game Licences Act 1860 – Sections 2 to 16</p> <p>The Customs and Inland Revenue Act 1883 – Section 4</p> <p>The Local Government Act 1874 – Sections 12(3) and 27</p> <p>The Local Government Act 1972 – Section 213</p>	<p>Licensing of dealers in game and the killing and selling of game</p>	
<p>106. The Noise and Statutory Nuisance Act 1993 - Schedules 2 and 3</p>	<p>Powers relating to loudspeakers and alarms.</p>	
<p>107. Poisons Act 1972 - Sections 3(1)(b)(ii), 5, 6 and 11</p>	<p>List of persons entitled to sell non-medical poisons</p>	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
408. The Town and Country Planning Act 1990 – Sections 215 to 219	Land adversely affecting amenity of neighbourhood.	
409. The Town and Country Planning Act 1990 – Sections 224, 225 and 225A	Enforcement of control over advertisements.	
410. The Health and Safety at Work etc. Act 1974 - Section 19	Power to appoint and to terminate the appointments of inspectors, to specify and vary the powers which any such inspector is entitled to exercise.	

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
411.11 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.	
412.11 The Animal Welfare Act 2006	Animal welfare.	
413.11 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.	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Local authority to give effect to appeal. Payment by instalments.	
414.11	Byelaws made by the Council in so far as they relate to dogs	
415.11	Clean Air Act 1993	Excluding Part III (provisions relating to smoke Control Areas)
416.11	Clean Neighbourhoods and Environment Act 2005 Part 2 Part 3 Part 4 Part 5 Part 6 Part 7	Vehicles Litter and Refuse Graffiti and other defacement Waste Dogs Noise Excluding section 55 (power to make dog control orders) Excluding section 69 (Designation of alarm notification areas)
417.11	The Control of Dogs Order 1992	
418.12	The Control of Pollution Act 1974 Part III Part V	Provisions relating to noise Supplementary Provisions Excluding sections 63 to 67 inclusive
419.12	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
420.12	The County of Kent Act 1981	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
421.12 The Dangerous Dogs Act 1991		
422.12 The Dogs Act 1871	Protection against dogs	
423.12 The Dogs (Fouling of Land Act) 1996 Section 3 Section 4	Prosecution of Offences Provisions relating to fixed penalty notices	
424.12 The Dover Port Health Authority Order 1978	To exercise the powers and functions of the council in its capacity as Port Health Authority [within the meaning of the Public Health (Control of Disease) Act 1984] whether arising or having effect under The Food Safety Act 1990 The European Communities Act 1972 The Agriculture Act 1990 Any other enactment Any Order, Rule, Regulation or other instrument whatsoever authorised or having effect under any of the above Whether made before or after the date of this delegation	
425.12 The Environment Act 1995 Section 108 Section 109 Section 110	Powers of enforcing authorities and persons authorised by them Power to deal with cause of imminent danger of serious pollution Power to authorise prosecution for failure to comply with Section 108 above	
426.12 The Environmental Information Regulations 2004		
427.12 Environmental Protection Act 1990 Part I Part II Part IIA	Integrated Pollution Control and Air Pollution Control by local authorities Waste on Land	

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Part III Part IV Part VIII	Contaminated Land Statutory Nuisances Litter etc Miscellaneous – Other controls on substances, articles or waste	(Amended by Noise and Statutory Nuisance Act 1993) The Strategic Director (Operations and Commercial) is appointed as the officer with responsibility discharging the functions imposed or conferred by section 149 for dealing with stray dogs
428-13	Environmental Permitting Regulations 2008	Powers relating to environmental permitting regulations.	
429-13	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	
430-13	The Food and Environment Protection Act 1985		
431-13	The Food (Chilli, Chilli Products Curcuma & Palm Oil) (Emergency Control) (England) Regulations 2005		

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
132.13 The Food Safety and Hygiene (England) Regulations 2013		
133.13 The Food (Jelly Confectionary) (Emergency Control) (England) Regulations 2002		
134.13 The Food Safety Act 1990 Part II Part III	Main Provisions Administration & Enforcement	
135.13 The Food Safety Act (Amendment) Regulations 2004		
136.13 The General Food Regulations 2004		
137.13 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.	
138.14 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	
139.14 The Local Government (Miscellaneous Provisions) Act 1982 – Sections 29 to 32	Protection of buildings.	
140.14 Localism Act 2011 – Section 1	To implement and operate the Food Hygiene Rating Scheme	
141.14 The National Assistance Act 1948 Section 47		

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	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.	
142.14	The Noise Act 1996	Noise at Night	
143.14	The Offices, Shops and Railway Premises Act 1963		
144.14	The Official Feed and Food Controls (England) Regulations 2009		
145.14	The Organic Products (Imports from Third Countries) Regulations 2003		
146.14	Pollution Prevention and Control Act 1999		
147.14	Pollution Prevention and Control (England and Wales) Regulations 2000		
148.15	The Prevention of Damage by Pests Act 1949		
149.15	Private Water Supplies Regulations 2009		
150.15	Public Health Act 1936, Part II Section 45 Section 50 Section 78 Section 79 Sections 83 and 84 Section 140 Part XII	Sanitation and buildings Defective sanitary conveniences. Leaking cesspools. Accumulations in yard, etc. Removal of noxious matter. Filthy and verminous premises, articles, etc. Polluted water supply. General works in default, powers of entry, prosecutions, etc.	
151.15	The Public Health Act 1961 Section 17 Section 34 Sections 35 and 36	Drainage Accumulations of rubbish Filthy and verminous premises, articles, etc	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
152-15 The Public Health (Control of Diseases) Act 1984 Part I Part II Part III Part V Part VI	<u>To discharge the powers and functions of the Council under the Act.</u> Port Health Control of disease Disposal of dead bodies Miscellaneous General	
153-15 The Public Health (Ships) Regulations 1979	Public health control of ships	
154-15 The Refuse Disposal Amenity Act 1978	Provisions relating to other refuse	
155-15 The Rice Products (Restriction on First Placing on the Market) (England) Regulations 2008		
156-15 The Specified Products from China (Restriction on First Placing on Market) (England) Regulations 2008		
157-15 Trade in Animals and Related Products Regulations 2011		
158-16 The Water Industry Act 1991 – Sections 77 to 85	Local authority functions with regard to water supplies	
159-16 The Anti-Social Behaviour Act 2003 Section 42 Section 43	Dealing with noise at night To authorise officers to issue penalty notices for graffiti and fly-posting	
160-16 Anti-Social Behaviour Crime and Policing Act 2014 Part 2 Part 4 Part 6	To exercise the powers and functions of the Council under these parts of the Act subject to the exclusions within column 3	Any powers under section 43 shall only be used in consultation with the Solicitor to the Council Excludes the making of Public Space Protection

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			<p>Orders under section 59</p> <p>Excludes the making of Closure Notices under section 76 in respect of any premises except licensed premises</p> <p>Any closure notices made under section 76 shall be for a maximum period of 24 hours</p>
461-16	Coronavirus Act2020	To exercise the powers and functions of the Council under the Act	

Delegation to: Environmental Protection Manager

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
462.	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
463.	The Licensing Act 2003 - Parts 3 & 4	Functions of enforcing authority for the purposes of the Health & Safety at Work etc. Act 1974	To exercise the powers under the Act of a "responsible authority" within the meaning of sections 13(4)(c) and 69(4)(c) of the Act

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

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions Limitations/Notes
464.1 Licensing Act 2003 (as amended) and any Regulations and Orders made or having effect thereunder	To exercise all functions of the Council as Licensing Authority.	Those which are either reserved to or conferred upon either the full Council or the Licensing Committee (or a Sub-Committee thereof) either by law, or by virtue of this or any other scheme of officer delegations made by the Licensing Committee from time to time [Licensing Committee]
465.1 Authorise experienced officers to exercise functions	To authorise appropriately experienced officers to exercise any powers or functions delegated to them.	[Licensing Committee]
466.1 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]
467.1 Gambling Act 2005 and any Regulations and Orders made or having effect thereunder	To exercise all functions of the Council as Licensing Authority under the Gambling Act 2005 and any regulations and orders made or having effect thereunder.	Except those which are either reserved to or conferred upon either the full Council, the Licensing Committee (or a Sub-Committee thereof) or, another specified officer, either by law, or by virtue of this or any other scheme of delegations made by the Licensing Committee from time to time.

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions Limitations/Notes
468-1 Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4)	To exercise the powers and functions of the Council in relation to street trading.	[Council]
469-1 The House to House Collections Act 1939	To exercise the powers and functions of the Council in relation to house-to-house collections.	[Council]
470-1 The Public Health Acts Amendment Act 1907 (Section 94)	To issue licences in respect of pleasure boats and pleasure vessels and boatmen.	[Council]
471-1 Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Town Police Clauses Act 1847 (Sections 37 to 68)	To exercise the powers and duties in respect of the licensing of Hackney Carriages and their drivers and Private Hire Vehicles, drivers and their operators.	<p>[Council]</p> <p>Excluding the grant or renewal of any licence in circumstances which are contrary to the Council's policy guidance</p> <p>Excluding the making of policy, regulations and by-laws</p> <p>Excluding the refusal of any licence</p> <p>Excluding the revocation of any licence which can only be done in accordance with No.113</p>
472-1 Local Government (Miscellaneous Provisions) Act 1982 (Part VIII)	To exercise the powers and duties in respect of acupuncture, tattooing, piercing and electrolysis, etc.	[Council]
473-1 Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3)	To exercise the Council's powers and duties in relation to the control of sex establishments.	
474-1 Animal Boarding Establishment Act 1963	To exercise the powers and duties in respect of Animal Boarding Establishments.	
475-1 Pet Animals Act 1951 (as amended)	To exercise the powers and duties in respect of pets shops.	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions Limitations/Notes
176.1 Riding Establishments Acts 1964 & 1970	To exercise the powers and duties in respect of riding establishments.	
177.1 Zoo Licensing Act 1981	To exercise the powers and duties in respect of zoos.	
178.1 Performing Animals (Regulation) Act 1925	To exercise the powers and duties in respect of performing animals.	
179.1 Breeding and Sale of Dogs Act 1999 Breeding of Dogs Act 1973 & 1991	To exercise the powers and duties in respect of the breeding and sale of dogs.	
180.1 Hypnotism Act 1952	To exercise the powers and duties in respect of hypnotism.	
181.1 Dangerous Wild Animals Act 1976	To exercise the powers and duties in respect of the keeping of dangerous wild animals.	
182.1 Coronavirus Act 2020	To exercise the powers and functions of the Council under the Act	
183.1 Business & Planning Act 2020 (Part I)	To exercise the Council's powers and functions in relation to Pavement Licences	

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
184. 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.	
185. 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.	
186. Criminal Justice and Police Act 2001	Closure of unlicensed premises Closure notices	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
Section 19 Section 20 Section 21 Section 22 Section 23 Section 24 Section 25 Section 26 Section 27	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	
187. Criminal Justice & Police Act 1991	To exercise the power and duties in respect of closure of unlicensed premises.	
188. Scrap Metal Dealers Act 2013	To exercise the powers and duties in respect of scrap metal dealers.	
189. Health Act 2006	To exercise powers and duties in respect of smoke free premises places and vehicles.	
190. Coronavirus Act 2020	To exercise the powers and functions of the Council under the Act	
191. Business & Planning Act 2020 (Part I)	To exercise the Council's powers and functions in relation to Pavement Licences	

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

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
192. Events	To co-ordinate the management of events taking place within the District both on and off Council land.	
193. Local Government Act 1972 s.142	To exercise the powers and functions of the Council with regard to the provision of information concerning the services available in the area of the authority relating to matters affecting Local Government.	
194. Power to Encourage Visitors – section 144 Local	To exercise the powers and functions of the Council in relation to the provision of information, publicity advertising and facilities.	

	Government Act 1972		
195.	Local Government Act 1972 s.145	To exercise the powers and functions of the Council with regard to the provision of entertainments	
196.	Sir Ernest Bruce Charles Charity	To keep under review the proper administration of the Sir Ernest Bruce Charles Charity and to make periodic reports to the Cabinet recommending the use and distribution of the charitable fund.	All matters requiring a decision of the Council as trustee to be taken by Cabinet.

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

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
197.1 Anti-Social Behaviour Act 2003 and all other powers	To exercise the powers and functions of the Council under the Anti-Social Behaviour Act 2003 and all other powers, to authorise the institution of proceedings for injunctions, Anti-Social Behaviour Orders and other appropriate legal proceedings in consultation with the Solicitor to the Council, in order to prevent anti-social behaviour or damage to property, occurring within the Dover District.	
198.2 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
199.2 Covert operations	To act as signatory for the Council in respect of targeted covert operations requested by the Police or other enforcement agencies	The Monitoring Officer will act as authorising officer for all covert surveillance operations conducted by the Council
200.2 Anti-Social Behaviour Act 2003 (Part 8)	To exercise the powers and functions of the Council in relation to High Hedges.	
201.2 Anti-Social Behaviour Crime and Policing Act 2014	To exercise the powers and functions of the Council under these parts of the Act subject to the exclusions within column 3	Any powers under Part 1 shall only be exercised in consultation with

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
Part 1 Part 2 Part 4 Part 6		<p>the Solicitor to the Council</p> <p>Any powers under section 43 shall only be used in consultation with the Solicitor to the Council</p> <p>Excludes the making of Public Space Protection Orders under section 59 which shall be reserved to Cabinet</p> <p>Excludes the use of Closure Notices under section 76 in respect of licensed premises</p> <p>Any closure notices made under section 76 shall be for a maximum period of 24 hours</p>
202-2 Coronavirus Act 2020	To exercise the powers and functions of the Council under the Act	

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

Executive Functions

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

Delegation to: Strategic Director (Operations and Commercial)

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes	
204.	Acquisition and Disposal of Freehold or Leasehold Property	To acquire or dispose of freehold or leasehold property and to agree terms and conditions in connection therewith.	All acquisitions or disposals to be in accordance with any relevant Cabinet decision (if applicable). Excluding where the value of the acquisition or disposal exceeds £200,000 which must be subject to prior Cabinet approval.
205.	Acquisition of key regeneration sites	To authorise acquisitions relating to key regeneration sites, in the absence of the Chief Executive, in consultation with the Leader of the Council, the Strategic Director (Corporate Resources) and the Solicitor to the Council.	The Strategic Director (Operations and Commercial) shall have been provided with the relevant completed pro forma in respect of the site
206.	Markets	To exercise the powers and functions of the Council in relation to markets controlled by the Council.	
207.	Local Government Act 1972 - restrictive covenants	(i) To grant approvals where consent is required from the Council to comply with any covenant or restriction affecting property owned or formerly owned by the Council (or its predecessor) (ii) To release the benefit of restrictive covenants or other restrictions where the benefit is held by the Council	
208.	Public Health Act 1925 - Public conveniences	To exercise the powers and functions of the Council in relation to the provision and maintenance of public conveniences.	Excluding permanent closure which must be subject to prior Cabinet approval.
209.	Highways Act - Bus Shelters	To exercise the powers and functions of the Council in relation to the provision and maintenance of bus shelters.	
210.	Beach and foreshore	To exercise the powers and functions of the Council in relation to all matters	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	concerning the beach and foreshore, , pollution of the coastline, beach chalets, the letting of moorings, boat pitches and winter boat storage sites.	
211.	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
212.	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.
213.	Land Drainage Act 1991	To exercise the powers and functions of the Council in relation to all matters concerning land drainage.
214.	Recycling and Waste Collection, street cleansing and cesspool emptying	To exercise the powers and functions of the Council in relation to recycling, waste collection, street cleansing and cesspool emptying.
215.	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.
216.	Abandoned Vehicles – The Refuse Disposal Amenity Act 1978, Road Traffic Regulation Act 1984; The Removal and Disposal of Vehicles Regulations 1986	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.
217.	Cemeteries, closed churchyards and war memorials	To exercise the powers and functions of the Council in relation to the removal and disposal of vehicles.
		To maintain cemeteries, closed churchyards and war memorials for which the Council is responsible.

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
218. The Local Government Act 1972, the Public Health Act 1936 and the Local Authorities Cemeteries Order 1977	To exercise the powers and functions of the Council in relation to the grant of rights of burial, rights to erect memorials and the maintenance of graves.	Only those provisions relating to the matters specified in Column 2 are delegated
219. Parks and open spaces – various including Public Health Act 1875, Open Spaces Act 1906 and Public Health Acts Amendment Act 1907 (section 76)	To exercise the powers and duties of the Council in relation to parks and open spaces.	
220. White Cliffs Countryside Partnership	To exercise the powers and functions of the Council in relation to the White Cliffs Countryside Partnership.	
221. Sport, Leisure 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.	
222. Climate Change and Sustainable Energy Act 2006	To exercise the powers and functions of the Council under the Act	
223. 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.	
224. Harbours Act 1964 and Deal Pier Order	To exercise the powers and functions of the Council in relation to Deal Pier.	
225. Localism Act 2011, Part V, Chapter 3	To exercise the powers and functions of the Council in relation to Assets of Community Value	Except Section 92 which is delegated to the Strategic Director

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		(Corporate Resources)
226. Highways Act 1980 – s. 96(4)	Powers of local authorities to exercise the powers of a highways authority to plant trees, lay out grass verges, etc. on a highway with the consent of the highways authority.	

**Delegation to: Strategic Director (Operations and Commercial)
Head of Commercial Services**

Council Functions

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

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations/Notes
228. Traffic Management Act 2004 (Part 6)	To exercise such of the executive functions of Kent County Council under part 6 of the Act as are exercisable in the District by virtue of the Agency Agreement made with Kent County Council on 23 January 2011 as subsequently varied.	All powers to be exercised in accordance with the requirements of the agency agreement as varied
229. 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

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations/Notes
230. 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
231. 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.	
232. Town Police Clauses Act 1847	To determine applications for the temporary restriction of highways.	
233. Highways Act 1980 (Part VIIA) – Provision of amenities on certain highways	To exercise the powers and functions of the Council under Part VIIA in relation to the provision of amenities etc. on highways.	
234. 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.	
235. 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.	
236. Anti-Social Behaviour Act 2003 (Part 8)	To exercise the powers and functions of the Council in relation to High Hedges.	

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

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
237. Asset Management	To manage, maintain and improve the Council's property assets (other than	Property maintenance to be

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>those held or subsequently acquired or appropriated for housing purposes) including:</p> <p>(a) Rating (i) To lodge objections to and proposals for rating assessments, agree revised values, sign agreements and appear in the Valuation Court.</p> <p>(b) Taxation</p> <p>(c) Making applications for and accepting grants</p> <p>(d) Grant and Termination of Leases, Licences and Concessions (i) To settle the terms and authorise the grant of leases, licences concessions and similar agreements affecting land and premises. (ii) to review all rents or other consideration in connection therewith; (iii) to consent to any assignment or underletting or other variation of such lease, licence, concession or agreement; and (iv) to authorise and take all action necessary to determine such a lease, licence, concession or agreement.</p> <p>(e) Valuation To fix the value of property under Section 127 of the Housing Act (Sale price Right to Buy). To exercise the powers and functions of the Council in relation to the consideration of disposal under Section 158 of the Housing Act 1985 (Consideration on Right to Buy buy back)</p> <p>(fe) Management of Facilities (i) To make arrangements for the hire of land, buildings, recreation facilities and all other assets owned or managed by the Council including determining the terms of</p>	<p>undertaken in accordance with the provisions of the Council's Corporate Property Strategy and Asset Management Plan.</p> <p>Excludes the insuring of the asset which is the responsibility of the Strategic Director (Corporate Resources)</p> <p>Excluding demolition of buildings which except in cases of urgency must be subject to prior Cabinet approval.</p> <p>Excluding any functions which are delegated to East Kent Housing.</p> <p>Excluding where the rent or other consideration exceeds £50,000 per annum;</p>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	conditions of use and admission and hire charges	
238. Housing Act 1985 and all other enabling powers.	To maintain and improve dwellings, buildings and land held or subsequently acquired or appropriated for housing purposes.	
2 <u>Housing Act 1985 – Part V</u>	<u>To exercise the powers and functions of the Council relating to the right to buy (and associated functions) under this part of the Act.</u>	
2 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, 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	(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.	
2 Building Act 1984 (Sections 77 and 78)	To serve Notices and take all necessary action in respect of dangerous buildings and structures .	
2 Building Act 1984 (Section 81 and 82)	To approve applications for intended demolitions and serve the appropriate notices.	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
2 Public Health Act 1925 (Section 17 – 19) – Naming of streets	To exercise the powers and functions of the Council in relation to the naming of streets.	
2 Public Health Act 1875 - Street lighting	To exercise the powers and functions of the Council in relation to the lighting of the district.	
2 County of Kent Act 1981 (Section 10) – Power to allocate numbers to buildings in streets	To exercise the powers and functions of the Council in relation to the numbering of buildings.	
2 Energy Performance of Buildings (England and Wales) Regulations	To exercise the powers and functions of the Council under the regulations in relation to the energy performance of buildings.	
2 European Communities Act 1972 (a) All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time and relating to land and property (b) any modification or re-enactment of the foregoing	Various measures relating to land and property	

**Delegation to: Strategic Director (Operations and Commercial)
Head of Museums and Tourism**

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
24 Local Government Act 1972 s.142	To exercise the powers and functions of the Council with regard to the provision of information concerning the services available in the area of the authority relating to matters affecting Local Government.	
24 Power to Encourage Visitors – section 144 Local Government Act 1972	To exercise the powers and functions of the Council in relation to the provision of information, publicity advertising and facilities.	Includes the power to manage tourist information centres and working in partnership with other agencies.
24 Local Government Act 1972 s.145	To exercise the powers and functions of the Council with regard to the provision of entertainments.	
25 Provision and maintenance of museums and galleries – Museums and Libraries Act 1964	To exercise the powers and functions of the Council in relation to the provision, maintenance and management of museums and art galleries.	
25 Salter Collection Charity	To keep under review the proper administration of the Salter Collection Charity and to make periodic reports to the Cabinet.	All matters requiring a decision of the Council as trustee to be taken by Cabinet.

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

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
25 Goods Vehicles (Licensing of Operators) Act 1995	To make objections and representations on behalf of the planning authority to the grant of applications for operators licences	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
<p>25 Functions relating to town and country planning and development control, trees, footpaths, bridleways and restricted byeways, public rights of way, as described in Article 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000 no.2853) with the exception of any functions required by any enactment or this constitution to be discharged by the Council</p>	<p>To exercise the powers and functions in relation to town and country planning and development control including:</p> <p>(a) Power to determine applications for planning permission.</p> <p>(b) Power to determine applications to develop land without compliance with conditions previously attached.</p> <p>(c) Power to grant planning permission for development already carried out.</p> <p>(d) Power to decline to determine applications for planning permission.</p> <p>(e) Duties relating to the making of determinations of planning applications.</p> <p>(f) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.</p> <p>(g) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p> <p>(h) Power to enter into planning obligations, to modify and discharge planning obligations and related powers.</p> <p>(i) Power to issue a certificate of existing or proposed lawful use or development.</p> <p>(j) Power to serve a completion notice.</p> <p>(k) Powers in relation to the display of advertisements.</p> <p>(l) Powers in relation to entry onto land.</p> <p>(m) Power to require the discontinuance of a use of land.</p> <p>(n) Powers to serve a planning contravention notice, breach of condition notice or stop notice.</p> <p>(o) Power to issue a temporary stop notice.</p>	<p>In relation to the determination of planning applications under Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (column 2(a)) referral to Planning Committee will be made where there are 6 or more contrary representations* to the officer recommendation</p> <p>Or, at the written request of a Member identifying planning reasons</p> <p>*For these purposes a representation shall be:</p> <p>In writing which shall mean a letter, email, submitted electronically via the Council's website or a petition</p> <p>Made by an individual or a body corporate</p> <p>Raising a material planning consideration</p> <p>Made within the period specified for the making of representations</p> <p>And where a single letter, email, electronic website submission or petition bears the</p>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>(p) Power to issue an enforcement notice.</p> <p>(q) Power to apply for an injunction restraining a breach of planning control.</p> <p>(r) Power to determine applications for hazardous substances consent and related powers (including the revocation of consent).</p> <p>(s) Duty to determine conditions to which old mining permissions, relevant planning permissions related to dormant sites or active phase 1 or 2 sites or mineral permissions relating to mining sites as the case may be are to be subject.</p> <p>(t) Power to require proper maintenance of land.</p> <p>(u) Power to determine application for listed building consent, and related powers.</p> <p>(v) Duties relating to applications for listed building consent.</p> <p>(w) Power to serve a building preservation notice, and related powers.</p> <p>(x) Power to issue enforcement notice in relation to demolition of listed building in conservation area.</p> <p>(y) Powers to acquire a listed building in need of repair and to serve a repairs notice.</p> <p>(z) Power to apply for an injunction in relation to a listed building.</p> <p>(aa) Power to authorise stopping up or diversion of highway.</p> <p>(bb) Power to execute urgent works.</p> <p>(cc) Powers relating to the protection of important hedgerows.</p> <p>(dd) Powers relating to the preservation of trees.</p> <p>(ee) Power in relation to complaints about high hedges.</p>	<p>name of more than one person, it shall be treated as made by the first named person only for the purposes of determining whether there are 6 or more contrary representations.</p>

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

Executive Functions

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

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

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
26 Local Development (Part 2 of the Planning and Compulsory Purchase Act 2004)	To discharge the powers and functions of the council in relation to the Local Plan and supplementary planning documents and policies	<p>(1) The giving of any instruction to prepare or modify any development plan or local development documents, any supplementary planning documents and policies is reserved to Cabinet</p> <p>(2) Approval of any draft of the Statement of Community Involvement or Local Development documents for the purposes of consultation and the making of recommendations to Council of any such documents is reserved to Cabinet</p> <p>(3) Approval of the Authority Monitoring Report is reserved to Cabinet</p>
26 The Planning Act 2008 (Parts 4 – 8)	To exercise the powers and functions of the Council in relation to develop consent for national significant infrastructure projects	
26 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.	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
26	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.
26	The Local Land Charges Acts	To exercise the functions of the Council in respect of the Local Land Charges Service.

COUNCIL – 21 October 2020

Questions Raised on Notice by Members

(a) To Chairmen/Vice-Chairmen of Committees

There were no questions received for Chairmen/Vice-Chairmen of Committees.

(b) To the Executive

To receive answers in respect of questions from Members of the Council to a Member of the Executive asked in accordance with Rule 12 of the Council Procedure Rules.

- (1) Councillor M Bates will ask the Portfolio Holder for Planning and Regulatory Services, Councillor N S Kenton:

“Obviously during these difficult times many things have been affected. Could the Portfolio Holder for Environment, Waste, and Planning, outline how recycling collections have fared during the pandemic, and how this compares with our neighbours?”

- (2) Councillor H M Williams will ask the Portfolio Holder for Planning and Regulatory Services, Councillor N S Kenton:

“Please explain why the planning committee were not informed about the major changes to Planning proposed by the White Paper which came out on August 6th with responses to be submitted by 13 October. Members of the committee were not involved at any stage in discussion nor were they able to ask questions about the proposals or DDC’s response. Nor were other interested councillors informed or invited to participate in any way. Are you able to advise why this happened like this?”

- (3) Councillor S H Beer will ask the Portfolio Holder for Finance, Governance and Digital, Councillor C A Vinson:

“When reviewing our property assets are social values applied as well as financial values?”

- (4) Councillor P M Brivio will ask the Portfolio Holder for Housing and Health, Councillor D P Murphy:

“Can the Portfolio Holder advise what the progress is on the sale of the shared ownership properties at the new development at Harold Street?”

- (5) Councillor P M Brivio will ask the Portfolio Holder for Housing and Health, Councillor D P Murphy:

“Does he have any view on the new shared ownership eligibility as outlined by Homes England.”

- (6) Councillor C D Zosseder will ask the Portfolio Holder for Transport, Licensing and Community, Councillor N J Collor:

“To provide the costs of the ill thought out cycle/bus lane in Maison Dieu road?”

COUNCIL – 21 October 2020

Motions on Notice by Members

(1) In accordance with Council Procedure Rule 13, Councillor E A Biggs will move:

“Providing information on Brexit Lorry parks in the District

This Council notes:

1. That all Councillors are elected by the Community to decide how the Council should carry out its various activities and to represent the public interest.
2. That Councillors have not been informed of plans for a Lorry Park in the District.
3. That Department of Transport has been conducting on the ground research for sites in March this year.
4. That Senior Officers and the Leader were party to these discussions and were informed of a site selected in March this year.
5. That the Opposition Leader and the Shadow Portfolio for Transport were excluded from any discussions.
6. That Michael Gove made a statement to the House of Commons on 13th July ‘I stress that there are no plans to build a new lorry park at Dover’
7. That on 14th July a Senior Officer of the Council responded that Highways England has undertaken a trawl of sites in the District but the conclusions have not been shared with DDC.
8. That on 15th July Portfolio Holder for Transport responded ‘I only know what we are picking up from Michael Gove’s comments in Parliament’.

This Council believes:

1. That in order for Councillors to fulfill their elected mandate major infrastructure plans such as Lorry Parks should be subject to full disclosure.
2. Any Lorry Park proposal should be subject to all current planning standards and satisfy issues, including impact on the road network, proximity to existing built up areas, avoidance of harm to open landscape and unacceptable harm to ecology, water quality and heritage/archaeology.
3. Any disruption to the Local Plan should be fully compensated by Central Government.

URGENT BUSINESS

To consider any other items deemed by the Chairman of the Council to be urgent in accordance with the Local Government Act 1972.