

## **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**

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

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

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

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

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



<b>Column 1 Legislation</b>		<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
		(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**

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

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

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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
	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.
19.	Local Government Act 1972 (Section 111), Localism Act 2011 (Section 1) and all other enabling powers.	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:  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
20.	Local Government Act 1972 (Section 111), Localism Act 2011 (Section 1) and all other enabling powers.	In connection with any agreements between the Council and the Dover Harbour Board relating to the Dover Western Dock Revival Project, whether or not arising out of or relating to any current or proposed Harbour Revision Order:  to exercise the functions and responsibilities of the Council with regard to any Design and Access Statements or the giving or withholding of any other consent, permission or approval.
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

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

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

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

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

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

	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
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**

	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
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"> <li>• the appropriate or statutory accounting arrangements</li> <li>• authorisation of statutory returns</li> <li>• authorisation of write-off of irrecoverable or uneconomic debts and approval for the management of the write-off of irrecoverable or uneconomic debts</li> </ul>	<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"> <li>(a) Determining the most appropriate assets, instruments and counterparties to use</li> <li>(b) The period and terms of the investment and borrowing, including any variations to the agreed period and terms</li> <li>(c) The banking arrangements of the council, including the appointment of bankers and the terms and conditions of any bank accounts</li> <li>(d) To declare every six months, where appropriate, a local average rate of interest in respect of Housing Act Advances.</li> </ol>	
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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>	
	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.	<a href="#"><u>Section 1 of the Localism Act 2011</u></a>	<a href="#"><u>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.</u></a>	

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

**Council Functions**

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

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

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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>	
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.	<del>Housing Corporation Grants submitted</del>	<del>To administer applications for Homes and Communities Agency grants submitted by Housing Associations to the Council in</del>



Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<del>respect of schemes approved by the Council.</del>	
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
<del>79.8</del>	The Town and Country Planning Act 1990 – Section 215 to 219	Land adversely affecting amenity of neighbourhood
<del>80.8</del>	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
<del>81.8</del>	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.

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
(Miscellaneous Provisions) Act 1976		
<a href="#">82.8</a> 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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
<a href="#">83.8</a> The Housing Grant, Construction and Regeneration Act 1996  Part I Part IV	Grants and other assistance for housing purposes	
<a href="#">84.8</a> 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	
<a href="#">85.8</a> The Housing Act 1985  Part VI Part VI Part X Part XI		Excluding Sections 289 to 302 inclusive and sections 304 to 306 inclusive
<a href="#">86.8</a> The Housing Act 2004		The provisions of Part 1 Chapter 4

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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
Section 45 Sections 83 & 84	Defective sanitary conveniences Filthy and verminous premises, articles etc.	(amended by section 35 Public Health Act 1961)
<a href="#">93-9</a> The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002	Power to improve living conditions	
<a href="#">94-9</a> 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)
<a href="#">95-9</a> 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
<a href="#">96-9</a> 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.	
<a href="#">97-9</a> 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.	
<a href="#">98-1</a> 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
<del>99.1</del> Housing and Planning Act 2016 Part 2 & Part 5	To exercise the powers and functions of the Council under this part	
<del>100.</del> 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	
<del>101.</del> 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	
<del>102.</del> 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
<del>103.1</del> 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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
<p><del>104.</del> 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><del>105.</del> 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><del>106.</del> The Noise and Statutory Nuisance Act 1993 - Schedules 2 and 3</p>	<p>Powers relating to loudspeakers and alarms.</p>	
<p><del>107.</del> Poisons Act 1972 - Sections 3(1)(b)(ii), 5, 6 and 11</p>	<p>List of persons entitled to sell non-medical poisons</p>	

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
<a href="#">408.</a> The Town and Country Planning Act 1990 – Sections 215 to 219	Land adversely affecting amenity of neighbourhood.	
<a href="#">409.</a> The Town and Country Planning Act 1990 – Sections 224, 225 and 225A	Enforcement of control over advertisements.	
<a href="#">410.</a> 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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
<a href="#">411-11</a> 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.	
<a href="#">412-11</a> The Animal Welfare Act 2006	Animal welfare.	
<a href="#">413-11</a> 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.	
<a href="#">414.11</a>	Byelaws made by the Council in so far as they relate to dogs	
<a href="#">415.11</a>	Clean Air Act 1993	Excluding Part III (provisions relating to smoke Control Areas)
<a href="#">416.11</a>	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)
<a href="#">417.11</a>	The Control of Dogs Order 1992	
<a href="#">418.12</a>	The Control of Pollution Act 1974  Part III Part V	Provisions relating to noise Supplementary Provisions  Excluding sections 63 to 67 inclusive
<a href="#">419.12</a>	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
<a href="#">420.12</a>	The County of Kent Act 1981	



<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
<a href="#">421.12</a> The Dangerous Dogs Act 1991		
<a href="#">422.12</a> The Dogs Act 1871	Protection against dogs	
<a href="#">423.12</a> The Dogs (Fouling of Land Act) 1996  Section 3 Section 4	Prosecution of Offences Provisions relating to fixed penalty notices	
<a href="#">424.12</a> 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	
<a href="#">425.12</a> 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	
<a href="#">426.12</a> The Environmental Information Regulations 2004		
<a href="#">427.12</a> Environmental Protection Act 1990  Part I  Part II Part IIA	Integrated Pollution Control and Air Pollution Control by local authorities Waste on Land	

	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
	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
<a href="#">428-13</a>	Environmental Permitting Regulations 2008	Powers relating to environmental permitting regulations.	
<a href="#">429-13</a>	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	
<a href="#">430-13</a>	The Food and Environment Protection Act 1985		
<a href="#">431-13</a>	The Food (Chilli, Chilli Products Curcuma & Palm Oil) (Emergency Control) (England) Regulations 2005		

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

	<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
	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.	
<a href="#">142.14</a>	The Noise Act 1996	Noise at Night	
<a href="#">143.14</a>	The Offices, Shops and Railway Premises Act 1963		
<a href="#">144.14</a>	The Official Feed and Food Controls (England) Regulations 2009		
<a href="#">145.14</a>	The Organic Products (Imports from Third Countries) Regulations 2003		
<a href="#">146.14</a>	Pollution Prevention and Control Act 1999		
<a href="#">147.14</a>	Pollution Prevention and Control (England and Wales) Regulations 2000		
<a href="#">148.15</a>	The Prevention of Damage by Pests Act 1949		
<a href="#">149.15</a>	Private Water Supplies Regulations 2009		
<a href="#">150.15</a>	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.	
<a href="#">151.15</a>	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
<a href="#">152-15</a> 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	
<a href="#">153-15</a> The Public Health (Ships) Regulations 1979	Public health control of ships	
<a href="#">154-15</a> The Refuse Disposal Amenity Act 1978	Provisions relating to other refuse	
<a href="#">155-15</a> The Rice Products (Restriction on First Placing on the Market) (England) Regulations 2008		
<a href="#">156-15</a> The Specified Products from China (Restriction on First Placing on Market) (England) Regulations 2008		
<a href="#">157-15</a> Trade in Animals and Related Products Regulations 2011		
<a href="#">158-16</a> The Water Industry Act 1991 – Sections 77 to 85	Local authority functions with regard to water supplies	
<a href="#">159-16</a> 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	
<a href="#">160-16</a> 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>
<a href="#">461-16</a>	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
<a href="#">462.</a>	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
<a href="#">463.</a>	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

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



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

#### Executive Functions

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
<a href="#">184.</a> 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.	
<a href="#">185.</a> 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.	
<a href="#">186.</a> Criminal Justice and Police Act 2001	Closure of unlicensed premises  Closure notices	

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
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	
<del>187.</del> Criminal Justice & Police Act 1991	To exercise the power and duties in respect of closure of unlicensed premises.	
<del>188.</del> Scrap Metal Dealers Act 2013	To exercise the powers and duties in respect of scrap metal dealers.	
<del>189.</del> Health Act 2006	To exercise powers and duties in respect of smoke free premises places and vehicles.	
<del>190.</del> Coronavirus Act 2020	To exercise the powers and functions of the Council under the Act	
<del>191.</del> 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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
<del>192.</del> Events	To co-ordinate the management of events taking place within the District both on and off Council land.	
<del>193.</del> 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.	
<del>194.</del> 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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
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>
<a href="#">202-2</a> 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
<a href="#">203-</a> Communication, Consultation and Marketing	To manage the Council's corporate communication and marketing activity.	

**Delegation to: Strategic Director (Operations and Commercial)**

## Executive Functions

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

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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
		(Corporate Resources)
<a href="#">226.</a> 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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
<a href="#">227.</a> 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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions Exclusions Limitations/Notes</b>
<a href="#">228.</a> 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
<a href="#">229.</a> 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



<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions Exclusions Limitations/Notes</b>
<a href="#">230.</a> 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
<a href="#">231.</a> 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.	
<a href="#">232.</a> Town Police Clauses Act 1847	To determine applications for the temporary restriction of highways.	
<a href="#">233.</a> 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.	
<a href="#">234.</a> 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.	
<a href="#">235.</a> 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.	
<a href="#">236.</a> 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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
<a href="#">237.</a> 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><del>(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)</del></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.	

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

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

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

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

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

<b>Column 1 Legislation</b>	<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
26	Local Development (Part 2 of the Planning and Compulsory Purchase Act 2004)	<p>To discharge the powers and functions of the council in relation to the Local Plan and supplementary planning documents and policies</p> <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.

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