

Annex 1.11: Directors and Assistant Directors Roles

The precise responsibilities of each post listed in this schedule are detailed in job descriptions, which are held by the Director (Communities). This annex indicates areas of responsibilities.

In each case the role of the post concerned is to provide advice to Council, its committees and Cabinet in relation to the matters detailed against that post. It is also the role of the post to oversee and direct the work of the services set out below in accordance with the requirements of Council, its committees, Cabinet and the relevant Director or Assistant Director.

The management structure of the Council is comprised of three tiers; Directors, Assistant Directors and Service Managers.

Chief Executive

Responsible for all matters relating to the management of the Council, matters within the remit of the directorates and for matters within the remit of Corporate Change Manager, Corporate Performance Manager and Communications Manager.

Director (Communities)

Responsible for matters, within the remit of the Communities directorate including The Woodville, the shared Legal Service and shared HR Service and matters within the remit of the Assistant Director (Communities), Service Manager (Customer and Theatre Services), Service Manager (Property and Regulatory) and Service Manager (Communities).

Director (Corporate Services)

Responsible for matters within the remit of the Corporate Services directorate, and matters within the remit of Assistant Director (Corporate Services), Service Manager (Revenues & Benefits), Service Manager (IT Services), Head of Audit & Counter Fraud Shared Service, ~~Corporate Change Manager, Corporate Performance Manager~~ and Information Governance Manager and Data Protection Officer (Shared Service).

Director (Housing & Operations)

Responsible for matters within the remit of the Housing & Operations directorate, and matters within the remit of the Assistant Director (Operations) and, ~~Assistant Director (Housing Assets), and Assistant Director (Housing Policy & Management).~~

Director (Planning & Development)

Responsible for matters within the remit of the Planning & Development directorate and matters within the remit of the Assistant Director (Planning) and Service Manager (Major Regeneration Projects).

Responsible for all matters relating to the strategic development of Gravesend Town Centre and any other special projects consistent with the foregoing duties of the post.

Assistant Director (Communities)

Responsible for all matters relating to economic development, leisure, town centre, tourism, The Gr@nd, ~~and~~ public health and on street and off street parking.

Assistant Director (Corporate Services)

Responsible for all finance services.

Assistant Director (Housing)

Assistant Director (Housing Assets)

Responsible for all housing services including those relating to private sector housing grants and housing standards ~~and~~ for all matters relating to maintenance and repair of the Council's housing stock. ~~and on street and off street parking.~~

Assistant Director (Housing Policy & Management)

~~Responsible for all housing services including those relating to private sector housing grants and housing standards.~~

Assistant Director (IT & Transformation)

Responsible for all matters relating to information technology and transformation.

Assistant Director (Operations)

Responsible for all matters relating to waste management, cemeteries, horticultural, vehicle maintenance and Brookvale Depot.

Assistant Director (Planning)

Responsible for all matters relating to Planning, housing strategy and development.

Annex 1.12: Proper Officers

A Proper Officer may at any time delegate or authorise other officers (in writing) to perform the designated duties on his or her behalf save for where a different proper officer is designated either by law or by this constitution.

Generally, references in statute to "Clerk to the Local Authority" or "Town Clerk" shall mean references to the Monitoring Officer.

Chief Executive

Section 8 Representation of the People Act 1983:

To act as Registration Officer for any constituency or part of a constituency coterminous with or contained in the Borough.

Section 35 Representation of the People Act 1983:

To act as Returning Officer for elections of Councillors of the Borough or Councillors of Parishes within the Borough.

Section 67 Representation of the People Act 1983:

As Appropriate Officer (Proper Officer) - name of election agent to be declared.

Section 68 Representation of the People Act 1983:

As Appropriate Officer (Proper Officer) - name of sub-agent to be declared.

Section 69 Representation of the People Act 1983:

As Appropriate Officer (Proper Officer) - office of election agent and sub-agent to be declared.

Section 70 Representation of the People Act 1983:

As Appropriate Officer (Proper Officer) - to publish notice where satisfied candidate is his own election agent.

Section 75 Representation of the People Act 1983:

As Appropriate Officer (Proper Officer) - a return of expenses incurred at an election and a declaration to be delivered.

Section 81 Representation of the People Act 1983:

As Appropriate Officer (Proper Officer) - a return as to election expenses to be delivered.

Section 82 Representation of the People Act 1983:

As Appropriate Officer (Proper Officer) - a declaration as to election expenses to be delivered.

Section 89 Representation of the People Act 1983:

As Proper Officer - inspection of returns and declarations.

Section 128/9 Representation of the People Act 1983:

As Proper Officer - presentation of petition questioning a local election.

Section 131/133 Representation of the People Act 1983:
As Proper Officer - to provide suitable accommodation for election court.

Section 145 Representation of the People Act 1983:
As Proper Officer - to receive copy of election court certificate.

Section 146 Representation of the People Act 1983:
As Proper Officer - special case statement by High Court.

Section 200 Representation of the People Act 1983:
As Proper Officer - to post public notices under this act.

Section 83(1) Local Government Act 1972:
As Proper Officer - witness and receipt of declarations of acceptance of office.

Section 84(1) Local Government Act 1972:
As Proper Officer - receipt of declaration of resignation of office.

Section 89(1) Local Government Act 1972:
As Proper Officer - receipt of notice of casual vacancy from two local government electors.

Section 30(5) Local Government Act 1974:
As Proper Officer to give public notice of report by the Local Commissioner.

Section 2 Local Government and Housing Act 1989:
As Proper Officer the deposit of a list of politically restricted posts.

Monitoring Officer

Section 13(3) Local Government Act 1972:
As Proper Officer - to be a parish trustee in certain circumstances.

Section 210 Local Government Act 1972:
As Proper Officer the vesting of charities.

Section 225(1) Local Government Act 1972:
As Proper Officer the deposit of documents.

Section 229(5) Local Government Act 1972:
As Proper Officer the certification of photographic copies of documents.

Section 234(1) Local Government Act 1972:
As Proper Officer the authentication of documents. The Proper Officer shall be the Monitoring Officer or the officer having responsibility for the duty or service concerned.

Section 236(9) Local Government Act 1972:
As Proper Officer to send copies of bylaws for parish records.

Section 236(10) Local Government Act 1972:
As Proper Officer to send copies of bylaws to Kent County Council.

Section 238 Local Government Act 1972:
As Proper Officer the certification of bylaws.

Director (Corporate Services)

Section 151 Local Government Act 1972:
As Responsible Officer - administration of the Council's financial affairs.

Section 146(1) (a) & (b) Local Government Act 1972:
As Proper Officer - declaration and certificates with regard to securities.

Assistant Director (Corporate Services)

Section 115(2) Local Government Act 1972:
As Proper Officer - accountability of officers.

Service Manager (Communities)

Section 52 Representation of the People Act 1983:
As Proper Officer acts may be undertaken in the event of the incapacity or vacancy of the Registration Officer as appointed by the Council.

Section 52 Representation of the People Act 1983:
As Deputy Electoral Registration Officer to carry out the duties and powers of the Electoral Registration Officer as appointed by the Council.

The Local Authorities (Referendums) (Petitions and Directions) Regulations 2000:
As Proper Officer to publish the verification number for mayoral referenda.

Section 88(2) Local Government Act 1972:
As Proper Officer the convening of meeting of Council to fill casual vacancy in the office of Mayor.

Section 96(1) Local Government Act 1972:
As Proper Officer the receipt of notices of pecuniary interest.

Section 96(2) Local Government Act 1972:
As Proper Officer the keeping record of disclosures of pecuniary interest under Section 94 and of notices under Section 96(1).

Section 100B (2) Local Government Act 1972:
As Proper Officer to exclude any report relating to an item not likely to be considered in public.

Section 100B (7) Local Government Act 1972:
As Proper Officer to supply to a newspaper copies of documents already supplied to members.

Section 100C (2) Local Government Act 1972:
As Proper Officer to make a written summary of proceedings.

Section 100D (1) Local Government Act 1972:
As Proper Officer to compile a list of background papers. The officer in whose name the report is written shall be the Proper Officer. In the case of reports written in the name of more than one officer the Proper Officer shall be the first named officer. In the case of reports not written in the name of an officer or officers, the Proper Officer shall be the Service Manager (Communities) or such other officer identified by him/her as having the principal interest in the report.

Section 100D (5) Local Government Act 1972:

As Proper Officer to decide what comprises a background paper. The officer in whose name the report is written shall be the Proper Officer. In the case of reports written in the name of more than one officer the Proper Officer shall be the first named officer. In the case of reports not written in the name of an officer or officers, the Proper Officer shall be the Service Manager (Communities) or such other officer identified by him/her as having the principal interest in the report.

Section 100F (2) Local Government Act 1972:

As Proper Officer to decide whether a document discloses exempt information.

Section 248(2) Local Government Act 1972:

As Proper Officer to keep a roll of Freemen.

Schedule 12, paragraph 4(2) (b) Local Government Act 1972:

As Proper Officer the signature of summonses to Council meetings.

Schedule 12, paragraph 4(3) Local Government Act 1972:

As Proper Officer the receipt of notices regarding address to which summons to meeting is to be sent

Schedule 14, paragraph 25(7) Local Government Act 1972:

As Proper Officer the certification of resolutions under paragraph 25 of Schedule 14.

The Local Authorities (Standing Orders) (England) Regulations 2001:

As Proper Officer to receive notification of objections to the appointment/dismissal of Head of Paid Service, Directors and Assistant Directors.).

Section 116 Local Government Finance Act 1988:

As Proper Officer to notify the auditor of steps taken under Section 115 of this Act.

Local Government (Committees and Political Groups) Regulations 1990:

As Proper Officer the giving of, delivery to and receipt of notices and expressions of wishes.

Section 19 Local Government and Housing Act 1989:

As Proper Officer - receiving notice of Members' pecuniary interests and the maintenance of required records.

Director (Communities)

Section 191 Local Government Act 1972:

As Proper Officer - function under the Ordnance Survey Act 1841.

Section 50(4) Local Government (Miscellaneous Provisions) Act 1976:

As Authorised Officer - production of vehicle licence and certificate of insurance or security.

Section 56(3) Local Government (Miscellaneous Provisions) Act 1976:

As Authorised Officer - production of driver's licence.

Section 56(2), (3) and (4) Local Government (Miscellaneous Provisions) Act 1976:

As Authorised Officer - production of private hire operators records and licence.

Section 58(2) (b) Local Government (Miscellaneous Provisions) Act 1976:

As Authorised Officer - removal of vehicle plate.

Section 68 Local Government (Miscellaneous Provisions) Act 1976:

As Authorised Officer - inspection and testing of vehicles and taximeters to ascertain fitness, requirement for future inspection and testing and suspension of vehicle licence.

Section 47 National Assistance Act 1948 as amended by National Assistance (Amendment) Act 1951:

As Proper Officer - certification for removal to suitable premises of persons in need of care and attention.

Part 1, Paragraph 2 of Schedule 2 to Sunday Trading Act 1994:

As Proper Officer the appointment of inspectors from within Regulatory Services to aid enforcement.

Any person for the time being employed as a Consultant in Communicable Disease Control/Consultant in Health Protection at Public Health England South East

Section 48 Public Health (Control of Disease) Act 1984 as amended by Health and Social Care Act 2008:

As Proper Officer to prepare certificate to Justice of the Peace for removal of a body to mortuary and for burial within a prescribed time or immediately.

Regulations 2, 3 and 6 The Health Protection (Notification) Regulations 2010:

As Proper Officer for receipt and disclosure of notification of suspected notifiable disease in patients and dead persons

Annex 1.13: Functions Delegated to Officers of the Council

Part A: Functions delegated to all Directors and Assistant Directors

Unless otherwise stated, the delegation of powers to Directors, Assistant Directors and Monitoring Officer in all cases includes the power to authorise specific members of staff to undertake functions in connection with the exercise of the Council's powers under the legislation referred to.

Delegated from Head of Paid Service (Article 12)

- 1.13A.1 To appoint employees below Assistant Director level.
- Subject to the restriction that all appointments are to be within budget provision and within overall terms and conditions fixed by the Management Team. The Head of Paid Service (through the Director (Communities)) is to agree salary, other benefits and conditions of service. All formal written offers for appointment are to be made by the Director (Communities), except for weekly-paid staff.
- 1.13A.2 To appoint temporary and casual employees where necessary in the interest of the efficient operation of a department.
- Subject to the approval of the Director (Communities) in the case of temporary staff, and adequate budgetary provision.
- 1.13A.3 To authorise payment of relocation expenses to applicants appointed to qualifying posts with the Council.
- To be paid in accordance with the policies of the Council subject to the production to the Director (Communities) of quotations and receipts and to his/her being satisfied that the expenses involved are reasonable. No payments to be made until the person appointed has taken up his/her appointment with the Council.
- 1.13A.4 To assist with the provision of housing accommodation in cases of key shortage of staff.
- To be exercised in accordance with the policies of the Council and subject to the agreement of the Assistant Director (Housing ~~Policy & Management~~).
- 1.13A.5 To negotiate changes in working hours and other practices which are not conducive to the efficient management of services.
- In consultation with the Director (Communities).

- 1.13A.6 To authorise the payment to staff of additional increments.
Subject to budgetary provision and the approval of the Director (Communities).
- 1.13A.7 To authorise attendance of employees at Conferences and Courses.
Subject to budgetary provision
- 1.13A.8 Approval of the annual qualification training programme.
Subject to report to Management Team.
- 1.13A.9 Approval of requests from staff wishing to study for post-graduate qualifications.
Costs of any courses granted to be contained within the qualification training budget.

Delegated from Cabinet

- 1.13A.10 To vire between all revenue or capital estimate heads under each Director or Assistant Director's control.
Subject to the provisions of Article 13.04 (Key Decisions), a limit of £10,000 on any one item and the Director (Corporate Services) being informed of all virements made. Virement between the Housing Revenue Account and the General Fund must be approved by the full Council.
- 1.13A.11 To determine fees and charges for goods and services.
Charges for car parking are excluded.
- 1.13A.12 To serve requisitions under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to the functions of the Director or Assistant Director in question.
- 1.13A.13 To write off debts subject to a maximum of £1000.
The Director (Corporate Services) is to be notified of any such write-offs.
- 1.13A.14 To exercise all powers and functions of the Council under and in connection with the Anti-Social Behaviour, Crime & Policing Act 2014 including any orders or regulations made thereunder, and any legislation amending or replacing same; but with the exception that the power to make a Public Space Protection Order is reserved to the Chief Executive, or any officer designated by him for that purpose.

Part B: Functions delegated to individual Directors, Assistant Directors and Service Managers

Where operationally required and unless otherwise stated or prohibited by law, all functions delegated to individual Directors, Assistant Directors and Service Managers may be exercised by any officer to whom that officer may report and by the Chief Executive. Unless otherwise stated, the delegation of powers to Directors, Assistant Directors and Service Managers of the Council in all cases includes the power to authorise specific members of staff to undertake functions in connection with the exercise of the Council's powers under the legislation referred to.

Chief Executive (who has been designated Head of Paid Service)

Delegated from Council:

- 1.13B.1 To deal with applications for permission to take outside employment by Council employees, subject to the National Conditions and to the locally approved staff conditions.
- 1.13B.2 To approve election fees in respect of local elections, subject to consultation with the Leader of the Executive.

Delegated from Cabinet:

- 1.13B.3 To operate the scheme for the provision of vehicles for staff including the placing of contracts and to settle all details in connection therewith, subject to consultation with the Leader of the Executive on placing the contract for the provision and management of vehicles.
- 1.13B.4 To decide whether to report applications for grant or other assistance from national and regional organisations.
- 1.13B.5 To maintain a Publication Scheme as required by The Freedom of Information Act 2000.
- 1.13B.5 (i) To respond to consultation documents on behalf of the Cabinet in consultation with the appropriate portfolio holder.

Director (Communities)

Delegated from Council:

- 1.13B.6 To exercise the Council's powers and duties in respect of S.163 of the Criminal Justice & Public Order Act 1994 in relation to CCTV, subject to consultation with the Lead Member with responsibility for Community Safety.

Leisure and amenities

- 1.13B.7 To exercise the Council's powers and duties in respect of the leisure and amenities functions under the following legislation or any legislation replacing or amending the same or any regulation made thereunder:

Delegated from Cabinet:

Public Libraries and Museums Act 1964
Countryside Act 1968
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Local Government Act 1972

Civic Centre, committee suite, foyer and Community Square

- 1.13B.8 To authorise the use of the civic centre, committee suite, foyer and Community Square for various purposes, subject to payment of a fee where applicable. To be exercised in accordance with the Council's policy and in consultation with such officers as may be concerned.

Politically restricted posts

- 1.13B.9 To prepare and maintain a list of politically restricted posts under Section 2, Local Government and Housing Act 1989.
- 1.13B.10 To give any certificate and any information required under Section 3, Local Government and Housing Act 1989 (exemption of posts from political restriction).

Licensing

Delegated from Licensing Committee:

- 1.13B.11 To exercise the powers and duties of the Council as licensing or registration authority under the Licensing Act 2003, Gambling Act 2005, sections 19-28 of the Criminal Justice and Police Act 2001, the Scrap Metal Dealers Act 2013 and the Local Government (Miscellaneous Provisions) Act 1982, or any legislation replacing or amending the same or any regulations made thereunder. The authorisations under the Scrap Metal Dealers Act 2013, and under the Local Government (Miscellaneous Provisions) Act 1982 in respect of sexual entertainment venues and sex establishments, both include the power to set fees (in consultation with the Assistant Director (Corporate Services)).

Any application lodged under any of the enabling legislation listed will be submitted to the committee for decision where it appears to the Director (Communities) appropriate for the applicant to have the opportunity of presenting his case orally. Any case where the Director (Communities) has concluded that a licence or permit should be revoked, shall be submitted to the committee for decision. All powers of prosecution and Court litigation are reserved to the Monitoring Officer.

Delegated from Regulatory Board:

- 1.13B.12 To exercise the powers and duties of the Council as licensing or registration authority under the following legislation or any legislation replacing or amending the same or any regulations made thereunder:

Game Act 1831
Game Licences Act 1860
Local Government Acts 1894 & 1972
Local Government (Miscellaneous Provisions) Acts 1894, 1976 & 1982
Public Health Act 1936
House to House Collections Act 1939
Police, Factories, etc. (Miscellaneous Provisions) Act 1916
Town Police Clauses Act 1847
Part II Local Government (Miscellaneous Provisions) Act 1976

Any application lodged under any of the enabling legislation listed will be submitted to the Regulatory Board for decision where it appears to the Director (Communities) appropriate for the applicant to have the opportunity of presenting his case orally, particularly where adopted policies or national guidance lay out that a Member decision is required or preferable.

Any case where the Director (Communities) has concluded that a licence or permit should be revoked and any case where the requisite number of penalty points have been gained in the case of taxi enforcement shall be submitted to the Regulatory Board for decision.

Delegated from Cabinet:

- 1.13B.13 To require the proprietor of any hackney carriage or of any private hire vehicle licensed by the Council to present such hackney carriage or private hire vehicle Government (Miscellaneous Provisions) Act 1976.
- 1.13B.14 To require the proprietor of any hackney carriage or private hire vehicle licensed by the Council or in respect of which an application for a licence has been made, to state the address of every place where such hackney carriage or private hire vehicle is kept when not in use (S 50(2) of the Act of 1976).
- 1.13B.15 On (a) revocation or expiry of a vehicle licence in relation to a hackney carriage or private hire vehicle or (b) the suspension of a licence under Section 68 of the Act of 1976, to require the proprietor of a hackney carriage or private hire vehicle licensed by the Council to return the plate which, in the case of a hackney carriage, is required to be affixed to the carriage as mentioned in Section 38 of the Town Police Clauses Act 1847 ("The Act of 1847") and, in the case of a private hire vehicle, was issued for the vehicle, under Section 48(5) of the Act of 1976. (S 58(1) of the Act of 1976).
- 1.13B.16 To suspend (but not revoke) a vehicle licence on the ground that the hackney carriage or private hire vehicle is unfit for use as such and to give the proprietor of the vehicle notice of the grounds on which the licence has been suspended. (S 60(1) and (2) of the Act of 1976).

Pollution control, refuse collection and general public health functions

- 1.13B.17 To exercise the Council's powers and duties in respect of pollution control and general public health functions under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder.

Delegated from Council:

European Communities Act 1972 (Food safety, health and safety, environmental protection)
Health Act 2006 (Smoke free provisions)

Delegated from Regulatory Board:

Public Health Acts 1936 and 1961
Water Act 1989
Control of Pollution Act 1974
Clean Air Acts 1993
Refuse Disposal (Amenity) Act 1978
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Litter Act 1983
Food and Environment Protection Act 1985
Control of Pesticides Regulations 1986 (as amended)
Water Industry Act 1991
Noise & Statutory Nuisance Act 1993
Environmental Protection Act 1990
Pollution Prevention and Control Act 1999
Environment Act 1995
Building Act 1984
Channel Tunnel Rail Link Act 1996

Delegated from Cabinet:

Clean Neighbourhoods and Environment Act 2005 (Nuisance and Environmental Crime)
[also delegated to Director (Housing & Operations) and Director (Planning & Development)]
Noise Act 1996.

Health and safety at work

1.13B.18 To exercise the Council's powers and duties in respect of health and safety at work functions under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder.

Delegated from Council:

European Communities Act 1972

Delegated from Regulatory Board:

Health and Safety at Work Etc Act 1974
Rag, Flock and Other Filling Materials Act 1951
Shops Acts 1962 to 1965
Offices shops and Railway Premises Act 1963

Food hygiene

1.13B.19 To exercise the Council's powers and duties in respect of food hygiene functions under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder.

Delegated from Council:

European Communities Act 1972

Delegated from Regulatory Board:

General Food Regulations 2004
The Food Safety and Hygiene (England) Regulations 2013
The Trade in Animals and Related Products Regulations 2011
Emergency Control Regulations
The Official Feed and Food Controls (England) Regulations 2009
Food Safety Act 1990

Animal welfare

1.13B.20 To exercise the Council's powers and duties in respect of animal welfare functions under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder.

Delegated from Regulatory Board:

Public Health Acts 1936 and 1961
Animal Welfare Act 2006
The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Performing Animals (Regulation) Act 1925
Pet Animals Act 1951
Animal Boarding Establishments Act 1963
Riding Establishments Acts 1964 & 1970
Breeding of Dogs Act 1973
Dangerous Wild Animals Act 1976
Dangerous Dogs Act 1991
Breeding of Dogs Act 1973 and 1991
Breeding and Sale of Dogs (Welfare) Act 1999

Pest control

1.13B.21 To exercise the Council's powers and duties in respect of pest control functions under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder.

Delegated from Regulatory Board:

Public Health Acts 1936 and 1961
Prevention of Damage by Pests Act 1949
Housing Act 1985
Control of Pesticides Regulations 1986

Infectious diseases

1.13B.22 To exercise the Council's powers and duties in respect of control of infection functions under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder.

Delegated from Regulatory Board:

Public Health Acts 1936 and 1961
Health, Service & Public Health Act 1968
Public Health (Infectious Diseases) Regulations 1988 (as amended)
Public Health (Aircraft) Regulations 1979
Public Health (Ships) Regulations 1979
Public Health (Control of Disease) Act 1984
Health and Social Care Act 2008
Health Protection (Notification) Regulations 2010
Health Protection (Local Authority Powers) Regulations 2010
Health Protection (Part 2A Orders) Regulations 2010
Health Protection (Ships & Aircraft) Regulations 2013

Caravan sites

1.13B.23 To exercise the Council's powers and duties in respect of functions relating to caravan sites under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder.

Delegated from Regulatory Board:

Caravan Sites and Control of Development Act 1960

Delegated from Cabinet:

Caravan Sites Act 1968
Criminal Justice and Public Order Act 1994 (Unauthorised Encampment)
Mobile Homes Act 2013

Shops and Sunday trading

1.13B.24 To exercise the Council's powers and duties in respect of functions relating to shops under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder.

Regulatory Board:

Sunday Trading Act 1994

Property etc.

Delegated from Cabinet:

1.13B.25 To settle the terms, including the price, of any acquisition or disposal of any interest in or right to occupy land required for the purpose of any scheme or proposal approved in principle by the Cabinet. The amount or value of the consideration shall not exceed £250,000 in any single transaction. Subject to consultation in all cases with the Assistant Director (Corporate Services).

1.13B.26 To settle the terms, including the price, of any acquisition or disposal of any interest in or right to occupy land (except freehold ownership). Subject to a maximum annual net rent of £20,000 in any one case where the Council pays the rent, but no restriction where the Council receives the income.

- 1.13B.27 To settle the terms, including the price, of any acquisition or disposal of any interest in or right to occupy land required in connection with the provision of service by any public utility undertaker.
- 1.13B.28 To settle and pay professional fees and expenses incurred by other parties in connection with any approved transaction, scheme or proposal, including where the same is not completed owing to the Council's withdrawal.
- 1.13B.29 To settle claims for dilapidations, tenant-right and compensation arising under the Landlord and Tenant Acts and the Agricultural Holdings Acts or related Acts.
- 1.13B.30 To settle the amount of compensation payable in consequence of any order or decision made, or any direction or notice given, by the Council. The compensation shall be within the amount of an estimate previously approved by the Cabinet.
- 1.13B.31 To authorise payment of compensation or other payments arising out of the taking of boreholes or the carrying out of any soil or site investigations for any approved scheme or proposal. Subject to a maximum of £2,500 in any one case.
- 1.13B.32 To authorise the grant of any licence or consent required under any lease, tenancy or other agreement and the waiver or variation of any provision of any such lease, tenancy or other agreement where appropriate in the Council's interest and in accordance with good estate management practice. Subject in all cases to consultation with the Monitoring Officer, and with the Assistant Director (Corporate Services) where financial issues are raised.
- 1.13B.33 To authorise the giving of any notice under or respecting any lease, tenancy or other agreement, including any notice under Part II, Landlord and Tenant Act 1954. Subject in all cases to consultation with the Monitoring Officer, and with the Assistant Director (Corporate Services) where financial issues are raised.
- 1.13B.34 To undertake and settle the terms of any rent review pursuant to any lease of tenancy agreement. Subject to a maximum annual rent of £20,000 in any one case where the Council pays the rent but no restriction where the Council receives the income.
- 1.13B.35 To authorise the institution or defence of proceedings before the Institution of Arbitration, the Lands Tribunal and the Agricultural Land Tribunal. Subject to consultation with the Monitoring Officer.
- 1.13B.36 To engage outside agents or practitioners to undertake work appropriate to the Property Services department. Subject to consultation with the Assistant Director (Corporate Services).
- 1.13B.37 To undertake work for public bodies pursuant to the Local Authorities (Goods and Services) Act 1970 or orders made thereunder. Subject to consultation with the Assistant Director (Corporate Services).
- 1.13B.38 To authorise the institution or defence of proceedings before the Valuation Tribunal. Subject to consultation with the Assistant Director (Corporate Services).

- 1.13B.39 To authorise specific members of staff to act as qualified valuers for the purpose of certifying land transactions.
- 1.13B.40 To authorise specific members of staff pursuant to s.15, Local Government (Miscellaneous Provisions) Act 1976 to survey any land in connection with a proposal by the Council to acquire compulsorily an interest or right over such land and, for the purpose of such surveys, to enter on the land and other land.
- 1..13B.41 To make applications for planning permission to develop any land of the Council, or for the development of any land by the Council or by the Council jointly with any other person.
- 1.13B.42 To make applications for consent or approval under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and any regulations or orders made thereunder.

Market

- 1.13B.43 To determine applications for consent to hold rival markets. Subject to periodic reports to the Cabinet.
- 1.13B.44 To determine open days for the Borough Market.

Personnel/HR

- 1.13B.45 To implement national wage and salary awards to the Council's employees.

Off-street parking etc.

- 1.13B.46 To exercise the Council's powers and duties in respect of off-street car parking under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder.

Delegated from Cabinet:

Road Traffic Regulation Act 1984
Traffic Management Act 2004

Director (Planning & Development)

Clean Neighbourhoods and Environment Act 2005

- 1.13B.4~~7~~⁶ To exercise the Council's powers and duties in respect of the Clean Neighbourhoods and Environment Act 2005 (Nuisance and Environmental Crime).

Highways, drainage etc.

- 1.13B.4~~8~~⁷ To exercise the Council's powers and duties in respect of functions relating to highways, traffic, land drainage, coastal protection and related functions under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder:

Delegated from Council:

Highways Act 1835
Town Police Clauses Act 1847
Rights of Way Act 1932
National Parks and Access to the Countryside Act 1949
Countryside Act 1968
Transport Acts 1968 and 1978
Control of Pollution Act 1974
Highways Act 1980
Wildlife and Countryside Act 1981
Acquisition of Land Act 1981
Road Traffic Regulation Act 1984
Refuse Disposal (Amenity) Act 1978
Cycle Tracks Act 1984
New Road and Street Works Act 1991
Coast Protection Act 1949
Land Drainage Act 1976
Countryside and Rights of Way 2000

Planning, conservation and related functions

The following does not include power to make a development plan or to determine applications for deemed permission for the Council's own development. Any Member may require the reference of any undetermined application to the Regulatory Board. All decisions on applications are to be reported to the Regulatory Board. For the avoidance of doubt, only the Regulatory Board may determine applications submitted by the Council itself.

- 1.13B.4~~98~~ To exercise the Council's powers and duties in respect of the planning, conservation and related functions under the following legislation or any legislation replacing or amending the same or any regulations thereunder.

Delegated from the Council:

Historic Buildings and Ancient Monuments Act 1953
Land Compensation Acts 1961 & 1973
Town and Country Planning Act 1990
Local Government Act 1972
Town and Country Amenities Act 1974
Local Government, Planning & Land Act 1980
Derelict Land Act 1982
National Heritage Act 1983
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Hazardous Substances) Act 1990
Planning & Compensation Act 1991
Planning and Compulsory Purchase Act 2004
Planning Act 2008
Countryside and Rights of Way Act 2000
Growth and Infrastructure Act 2013
Housing and Planning Act 2016
Self-build and Custom Housebuilding Act 2015
Neighbourhood Planning Act 2017

Delegated from Cabinet:

- | 1.13B.5049 Subject to consultation with the Assistant Director (Corporate Services) to engage outside agents or practitioners to undertake work appropriate to the Planning and Regeneration Services Department.
- | 1.13B.519 Subject to consultation with the Assistant Director (Corporate Services) to undertake work for public bodies pursuant to the Local Authorities (Goods and Services) Act 1970 or orders made thereunder.
- | 1.13B.524 Subject to the agreement of the appropriate Lead Member to serve notices under s 103(i) of the Law of Property Act 1925 to bring about the repair and re-use of a property.

Monitoring Officer**Delegated from Council:**

- | 1.13B.532 To institute, defend, prosecute and settle any legal proceedings, whether criminal or civil, which the Council is empowered to institute or defend.

Delegated from Regulatory Board:

- | 1.13B.543 To serve notice to treat and notice of entry in respect of any property which is the subject of a compulsory purchase order. The power to enforce notice of entry is excluded.

Delegated from Cabinet:

- | 1.13B.554 To decide whether consent should be given to the variation of the terms of any legal charge of equal or higher priority than Council's own. Subject to consultation with the Assistant Director (Corporate Services).
- | 1.13B.565 To postpone the Council's charge for repayment discount in favour of another mortgagee. Subject to consultation with the Assistant Director (Corporate Services).
- | 1.13B.576 To issue grants of exclusive rights of burial in the Council owned cemeteries and certificates of ownership or transfer of ownership.
- | 1.13B.587 To deal with requests from other local authorities for contributions towards legal costs. Any contribution of more than £100 to be submitted to the Cabinet for approval.
- | 1.13B.598 To obtain Injunctions and Criminal Behaviour Orders under the Anti-Social Behaviour Crime and Policing Act 2014. Subject to consultation with the Assistant Director (Housing ~~Policy & Management~~).

Delegated from Cabinet, Regulatory Board and Council:

- | 1.13B.6059 To make minor and necessary amendments to this Constitution.

Delegated from Standards Committee and Council:

1.13.B.61 To consider and determine any requests for dispensations from Gravesham Members and voting co-opted Members in cases where the timing of a request would make it impractical to convene a meeting of the Standards Committee.

Director (Corporate Services) (who has been designated as Chief Finance Officer (Section 151 Officer))

Delegated from the Council

- | 1.13B.6~~2~~9 To act on behalf of the Council under the provisions of the Audit and Accountability Act 2014 relating to the appointment of auditors and publication of information.
- | 1.13B.6~~3~~4 To act on behalf of the Council in the designated role of SIRO (Senior Information Risk Owner) to oversee information management and risk.

Delegated from Cabinet:

- | 1.13B.6~~4~~2 To write off debts, subject to a maximum of £10,000.
- | 1.13B.6~~5~~3 To write off debts, subject to a maximum of £15,000 and subject to consultation with the relevant Cabinet portfolio holder.
- | 1.13B.6~~6~~4 To act on behalf of the Council under the provisions of the Local Government Finance Acts 1988 and 1992 and subsequent legislation relating to all rating, non-domestic rating and Council tax matters, except in respect of those matters reserved under the legislation or by resolution to Council or a committee.
- | 1.13B.6~~7~~5 To determine applications for discretionary rate relief within the general guidelines and criteria set down by Council from time to time. An annual report is to be submitted to the cabinet.
- | 1.13B.6~~8~~6 To determine applications for non-domestic rate relief on grounds of hardship on the basis of the following criteria: a. The business must be in the nature of a general store providing or incorporating a necessary public service, such as a sub-post office, not readily available elsewhere in the locality; b. The maximum relief to be granted shall not normally exceed 80 per cent of the ratepayer's net rate liability for the financial year in which the application and supporting details are received and shall be personal to the applicant(s). Where it is considered that relief is merited but the application falls outside the above conditions, the matter shall be referred to the Cabinet for determination. Decisions where non-domestic rate relief is granted should be reported to the Cabinet.
- | 1.13B.6~~9~~7 In respect of borrowing and investments, to arrange such loans as are legally permitted to meet the Council's borrowing requirements; to settle the terms of all loans to the Council including amounts, periods and rates of interest, to act as Registrar of Bonds and to keep any records prescribed by law; to arrange for the issue of such revenue bills as are legally permitted and are required to meet the Council's requirements; to invest any monies temporarily surplus to

requirements and to fix terms and conditions etc.; to take any necessary action in respect of the management of the Council's investments; and to arrange and conduct leasing arrangements for the purchase of assets as authorised by the Council. These functions shall not be exercised in any case where a resolution of the Council is required, in which case the matter shall be reported to the Cabinet. The Director (Corporate Services) shall at all times act in accordance with the CIPFA Code for Treasury Management in Local Authorities.

- | 1.13B.70-68 To determine the setting of the Council tax base under Section 84 of the Local Government Act 2003.
- | 1.13B.7169 To authorise and take action for the recovery of debts due to the Council.
- | 1.13B.729 To serve demands for the recovery of expenses and establishment charges incurred by the Council and recoverable by virtue of any enactment.
- | 1.13B.734 To initiate bankruptcy and liquidation proceedings against debtors, prove debts and make claims in cases of insolvency.
- | 1.13B.742 To authorise, under the appropriate enabling legislation, specific members of staff to initiate and represent the Council, and give evidence, in proceedings before Magistrates' Courts for recovery of rates, non-domestic rates, Council tax and costs, charges and penalties relating thereto. To similarly authorise specific members of staff to take enforcement action to recover debts for which liability orders have been obtained. To similarly authorise specific members of staff to appear before and represent the Council at Valuation Tribunals.
- | 1.13B.753 To administer Housing Benefit Regulations and to determine applications thereunder.
- | 1.13B.764 Under Section 438 of and Schedule 16 to the Housing Act 1985 or otherwise to vary the rate of interest on all variable interest mortgages as appropriate.
- | 1.13B.775 To transfer monies and balances between provisions and reserves.
- | 1.13B.786 To advise on the creation of new provisions and reserves when necessary in consultation with the Head of Paid Service and subject to approval by the Cabinet.
- | 1.13B.797 To make payments to employees in respect of claims for damage. Claims over £250 are to be submitted to Cabinet for decision.

Director (Housing & Operations)

Off-street parking etc.

~~1.13B.78 To exercise the Council's powers and duties in respect of off-street car parking under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder.~~

Delegated from Cabinet:

Road Traffic Regulation Act 1984

~~Traffic Management Act 2004~~

Refuse, waste etc.

- 1.13B.7809 To exercise the Council's powers and duties in respect of refuse collections and waste management under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder.

Delegated from Cabinet:

Anti-Social Behaviour Act 2003
Anti-Social Behaviour, Crime and Policing Act 2014
Clean Neighbourhoods and Environment Act 2005
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Environment Act 1995
Environmental Protection Act 1990
Home Insulation Act 1978
Litter Act 1983
Local Government, Planning and Land Act 1980
Refuse Disposal (Amenity) Act 1978
Road Traffic Regulation Act 1984

Leisure and amenities

- 1.13B.819 To exercise the Council's powers and duties in respect of the leisure and amenities functions under the following legislation or any legislation replacing or amending the same or any regulation made thereunder.

Delegated from Cabinet:

Local Government Act 1972

Offering goods or services to outside bodies

- 1.13B.824 To exercise the Council's powers and duties in respect of offering goods or services to outside bodies under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder.

Local Authorities (Goods and Services) Act 1970

Local Government Act 1972

Assistant Director (Housing) - Policy & Management

Housing

- 1.13B.832 To exercise the Council's powers and duties in respect of the housing functions, including those relating to Private Sector Housing Grants and Housing Standards under the following legislation or any legislation replacing or amending the same, or any regulation made thereunder.

- 1.13B.843 The authorisation under Housing Act 2004 includes all functions which are relevant in respect of Private Sector Housing but in particular includes Section 131 (Management order: power of entry to carry out work); Section 235 (power to require documents to be produced); Section 239 (power of entry);

Paragraph 3(4) of Schedule 3 (improvement notices: power to enter to carry out work; and Paragraph 25 of Schedule 7 (EDMOs: power of entry to carry out work).

Delegated from Cabinet:

Accommodation Agencies Act 1953
Airports Authority Act 1965
Anti-Social Behaviour, Crime and Policing Act 2014
Building Act 1984
Defective Premises Act 1972
Environment Act 1995
Homes Insulation Act 1978
Homelessness Act 2002
Housing & Planning Act 1986
Housing Act 1985
Housing Act 1988
Housing Act 1996
Housing Act 2004
Housing Grants, Construction and Regeneration Act 1996
Land Compensation Act 1961
Land Compensation Act 1973
Landlord and Tenant Acts 1954 and 1985
Leasehold Reform, Housing and Urban Development Act 1993
Local Authorities (Goods & Services) Act 1970
Local Government & Housing Act 1989 s.119 (7) & (8), 121(7) (in consultation with the Assistant Director (Corporate Services)
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government Act 1972
Local Government Planning & Land Act 1980
Mobile Homes Act 1983
Mobile Homes Act 2013
Protection from Eviction Act 1977
Public Health Acts
Control of Pollution Act 1974
Environmental Protection Act 1990
Litter Act 1983
Refuse Disposal (Amenity) Act 1978
The Children Act 1989
Asylum & Immigration Act 1996
Localism Act 2011
Homelessness Reduction Act 2017

Caravan and mobile home sites

1.13B.8⁵⁴ To exercise the Council's powers and duties in respect of the management and control of caravan and mobile home sites owned by the Council under the following legislation or any legislation replacing or amending the same or any regulations made thereunder.

Delegated from Cabinet:

Caravan Sites and Control of Development Act 1960

Caravan Sites Act 1968
Mobile Homes Act 2013

Leisure and amenities

- 1.13B.8~~65~~ To exercise the Council's powers and duties in respect of the leisure and amenities functions under the following legislation or any legislation replacing or amending the same or any regulation made thereunder.

Delegated from Cabinet:

Public Health Acts (Amendment) Acts 1890 & 1907
Open Spaces Act 1906
Public Health Act 1961
Commons Registration Act 1965
Local Government, Planning & Land Act 1980

Assistant Director (Operations)

Leisure and amenities

- 1.13B.8~~76~~ To exercise the Council's powers and duties in respect of the leisure and amenities functions under the following legislation or any legislation replacing or amending the same or any regulation made thereunder.

Delegated from Cabinet:

Burial Act 1853
Registration of Burials Act 1864
Public Health Acts (Amendment) Acts 1890 & 1907
Open Spaces Act 1906
Allotments Acts 1908 to 1950
Public Health Act 1961
Commons Registration Act 1965
Local Government, Planning & Land Act 1980

~~Assistant Director (Housing Assets)~~

~~*Off-street parking etc.*~~

- ~~1.13B.87 To exercise the Council's powers and duties in respect of off-street car parking under the following legislation or any legislation replacing or amending the same, or any regulations made thereunder.~~

~~**Delegated from Cabinet:**~~

~~Road Traffic Regulation Act 1984
Traffic Management Act 2004~~

Information Governance Manager

Delegated from Council:

- | 1.13B.8~~88~~ To act on behalf of the Council in the designated role of Data Protection Officer (DPO).