

# **The Constitution of Gravesham Borough Council**

## **Annex 1: Responsibility For Functions**

**Adopted by the Council on 23 April 2002**

**Re-issued April 2024**

**The Proper Officer is responsible for ensuring that Annex 1 to the Constitution  
is kept up to date**

## Annex 1 to the Constitution: Responsibility For Functions

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## **Annex 1.1: Responsibilities Reserved to the Full Council**

**Membership:** the 39 elected Members of the Council

*Under Article 4.02 of the Constitution, the functions listed in this Schedule may not be delegated, except to the extent shown below.*

### **Functions**

#### **1. Constitutional and Procedural Matters, etc.:**

By a resolution passed by a majority of the Members present and voting, to -

- a) adopt and change this Constitution;
- b) make, amend or revoke the Procedural Rules set out in Annex 2 to this Constitution;
- c) adopt or amend the Council's Member Code of Conduct;

By a resolution passed by not less than two-thirds of the Members present and voting to:

- d) change the name of the area;
- e) confer the Freedom of the Borough or the title of Honorary Alderman.

#### **2. The Policy Framework and Related Matters**

- a) to approve the Council's Policy Framework, except that in-year amendments are delegated to the Cabinet, subject to such amendments being limited to matters that are not Key Decisions under Article 13.04 of this Constitution;
- b) to determine each year the Council's revenue and capital budget and Council Tax levy, except that the determination of rents for Housing Revenue Account properties and charges for the Council's services generally are delegated to the Cabinet;
- c) subject to 2(a) and (b) above and to the urgency procedure contained in the Access to Information Procedure Rules detailed in Annex 2.2 of this Constitution, to make decisions about any matter in the discharge of an Cabinet function which is covered by the Policy Framework or the Budget where the Cabinet is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
- d) to adopt, amend or revoke the Members' Allowances Scheme under Annex 4 of this Constitution;
- e) to determine the levels and pensionability of Councillors' allowances;
- f) to make, amend, revoke, re-enact or adopt bylaws and to promote or oppose the making of local legislation or personal Bills;
- g) to authorise applications to the Secretary of State for housing land transfers of housing stock.

## Functions

### 3. Appointments and Delegations, etc.

- a) to appoint (and remove) the Leader of the Executive;
- b) to adopt and approve amendments to the powers and terms of reference of joint and area committees and to make appointments to them;
- c) to determine the terms of reference, composition and membership of other Committees, Boards and Panels that report directly to the Council, and appointments to them;
- d) to appoint representatives to Outside Bodies, except where the appointment has been delegated by the Council. See Annex 1.16 for a full list of appointments to Outside Bodies;
- e) to make or confirm the appointment of the Council's Statutory Officers required under Article 12.5 of this Constitution;
- f) to dismiss the Head of Paid Service or other Statutory Officers.

### 4. Regulatory and Electoral Matters

- a) to deal with resolutions of maladministration (on receipt of a report from the Overview Scrutiny Committee or the Monitoring Officer following a report by the Local Government and Social Care Ombudsman) in respect of those functions which have not been delegated by the Council;
- b) to determine the action to be taken on any reports by the Head of Paid Services, Monitoring Officer or the Chief Finance Officer;
- c) to consider reports concerning the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer pursuant to the procedures set out in the Local Authorities (Standing orders) (England) Regulations 2001;
- d) to exercise the Council's powers and duties relating to elections and administrative arrangements, except that -
  - the provision of advice to the Council on policy relating to electoral matters has been delegated to the Standards Committee;
  - certain specific functions relating to elections have been delegated to Officers of the Council. See Annex 1.13 for details of functions delegated to officers.

## Functions

### 5. Other Matters

- a) to determine any matters referred to the Council for decision by a Committee, Board or Panel that reports directly to the Council;
- b) to resolve any dispute between any of the subsidiary bodies of the Council, if required;
- c) to deal with all 'local choice functions' set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 [SI 2000 No. 2853], which the Council decides should be undertaken by itself rather than by the Cabinet or a committee or Board. See Annex 1.14 of this Constitution for the allocation of responsibilities for 'local choice' functions;
- d) to deal with any other matter which must, by law, be reserved for determination by the Council.

## Annex 1.2: Responsibilities of the Council that have been delegated to Committees and Boards of the Council

In the interests of the efficient conduct of its business, the following functions of the full Council have been delegated to the Committees and Boards set out below.

Where these functions have been delegated to sub-committees, or to Officers of the Council, this is also shown below.

Committees and Boards may set up sub-committees through which to discharge their functions.

Committees, Boards, etc.	Delegations
<p><b>Planning Committee</b></p> <p><i><b>Membership:</b> 9 Councillors appointed by the Full Council, of whom not more than 2 may be Members of the Cabinet, and neither of whom may be appointed as Chair or Vice-Chair of the Board.</i></p> <p><i>It is recommended that Members of the Planning Committee (including substitutes) have undergone relevant training within the last 2 years.</i></p>	
<p>1. To discharge the Council's functions as district planning authority with the exception of policy relating to these functions and specifically -</p> <ul style="list-style-type: none"> <li>a) the Local Borough Plan;</li> <li>b) development briefs; and</li> <li>c) supplementary planning guidance.</li> </ul> <p>which shall be reserved to the Cabinet or, where required by law, to the full Council.</p> <p>2. To hear and adjudicate on appeals, including those by employees against dismissal.</p>	<p>Certain functions have been further delegated to Officers of the Council (see Annex 1.13).</p> <p>Function delegated to the <b>Appeals Sub-Committee</b> - see Annex 1.3 for details.</p>

Committees, Boards, etc.	Delegations		
<p>3. With the exception of policy in relation to the following matters, which shall be reserved to the Cabinet, to determine all matters relating to -</p> <ul style="list-style-type: none"> <li>a) contaminated land and hazardous substances;</li> <li>b) the control of pollution and the management of air quality;</li> <li>c) the identification, investigation, and remediation of statutory nuisances; and</li> <li>d) the obtaining of information relating to interests in land under s.330 of the Town and Country Planning Act 1990 and s.16 of the Local Government (Miscellaneous Provisions) Act 1976.</li> </ul>	<p>Certain functions have been further delegated to Officers of the Council (see Annex 1.13).</p>		
<p><b>Standards Committee</b></p> <p><b><i>To be updated by the Monitoring Officer</i></b></p> <p><b><i>Membership: 9 Councillors appointed by the Full Council, who shall not include the Mayor, Deputy Mayor or Leader of the Executive. Members of the Cabinet may sit on this Committee but must not Chair the committee.</i></b></p> <table border="0" style="width: 100%;"> <tr> <td data-bbox="177 1070 1161 1825"> <p>1. The Councillor Conduct Committee will have the following roles:-</p> <ul style="list-style-type: none"> <li>a) to promote and maintain high standards of conduct by Councillors and voting and non-voting -co-opted members;</li> <li>b) to advise the Council on the adoption or revision of the Councillor Code of Conduct or on revision to the adopted arrangements for investigation or making decisions on complaints;</li> <li>c) to monitor the operation of the Councillor Code of Conduct;</li> <li>d) to advise, train or arrange to train Councillors and voting and non-voting co-opted members on matters relating to the Councillor Code of Conduct;</li> <li>e) the assessment against published criteria, investigation and hearing of allegations of Councillor misconduct and recommending any action which the Council has the power to take;</li> <li>f) the adoption of any procedures necessary in order to undertake any of the above functions.</li> </ul> </td> <td data-bbox="1161 1070 1492 1825" style="vertical-align: top; text-align: center;"> <p>None</p> </td> </tr> </table>		<p>1. The Councillor Conduct Committee will have the following roles:-</p> <ul style="list-style-type: none"> <li>a) to promote and maintain high standards of conduct by Councillors and voting and non-voting -co-opted members;</li> <li>b) to advise the Council on the adoption or revision of the Councillor Code of Conduct or on revision to the adopted arrangements for investigation or making decisions on complaints;</li> <li>c) to monitor the operation of the Councillor Code of Conduct;</li> <li>d) to advise, train or arrange to train Councillors and voting and non-voting co-opted members on matters relating to the Councillor Code of Conduct;</li> <li>e) the assessment against published criteria, investigation and hearing of allegations of Councillor misconduct and recommending any action which the Council has the power to take;</li> <li>f) the adoption of any procedures necessary in order to undertake any of the above functions.</li> </ul>	<p>None</p>
<p>1. The Councillor Conduct Committee will have the following roles:-</p> <ul style="list-style-type: none"> <li>a) to promote and maintain high standards of conduct by Councillors and voting and non-voting -co-opted members;</li> <li>b) to advise the Council on the adoption or revision of the Councillor Code of Conduct or on revision to the adopted arrangements for investigation or making decisions on complaints;</li> <li>c) to monitor the operation of the Councillor Code of Conduct;</li> <li>d) to advise, train or arrange to train Councillors and voting and non-voting co-opted members on matters relating to the Councillor Code of Conduct;</li> <li>e) the assessment against published criteria, investigation and hearing of allegations of Councillor misconduct and recommending any action which the Council has the power to take;</li> <li>f) the adoption of any procedures necessary in order to undertake any of the above functions.</li> </ul>	<p>None</p>		



2. To ensure that:-
- a) all Members of the Council have access to training in all aspects of the Member Code of Conduct set out in Annex 3.2 to this Constitution; None
  - b) this training is actively promoted; and None
  - c) Members are aware of the standards expected from local Councillors under the Code. None
3. a) to grant dispensations to Councillors and Co-opted Members from requirements relating to interests set out in the Member Code of Conduct in Annex 3.2 to this Constitution;
- b) to grant dispensations in respect of politically restricted posts pursuant to the Local Government and Public Involvement in Health Act 2007.
4. To deal with complaints in the following way:-
- a) The Committee will receive allegations that a Councillor or voting or non-voting co-opted member of the Council or the 6 Parish Councils has breached the relevant Councillor Code of Conduct.
  - b) Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Committee shall decide either:
    - i. to refer the allegation to the relevant Leader and Whip of a political group for resolution;
    - ii. to refer the allegation to another body;
    - iii. to refer the allegation to the Monitoring Officer for informal resolution such as the provision of training;
    - iv. to refer the allegation to the Monitoring Officer for investigation of the allegation;
    - v. to decide that no action should be taken in respect of the allegation;
- and shall ask the Monitoring Officer to notify the person making the allegation and the member concerned of that decision.
- (c) The Committee shall state reasons for its decision.

Committees, Boards, etc.	Delegations
<p>5. When considering the outcome of an investigation:-</p> <p>a) If the Committee decides to refer the allegation to the Monitoring Officer for investigation it shall receive the report of any investigator and the opinion of the Independent Person.</p> <p>b) The Committee may on receipt of the report, the opinion and any written representations decide whether a breach of the Councillor Code of Conduct has occurred and if so what action to recommend.</p> <p>c) The Committee may on hearing all relevant parties and in accordance with an agreed procedure, decide whether a breach of the relevant Councillor Code of Conduct has occurred and if so what action to recommend.</p> <p>d) Committee shall state reasons for its decision.</p>	
<p>6. To exercise the functions detailed in paragraphs 1 to 4 above in relation to the Parish Councils wholly or mainly in the Council's area and the Members of those Parish Councils.</p>	None
<p>7. a) to advise the Council on matters relating to periodic electoral reviews, local elections, electoral registration, boundaries and representation, and electoral matters pertaining to Parish Councils;</p> <p>b) oversight and periodic review of the Council's -</p> <ul style="list-style-type: none"> <li>• "Whistleblowing" Policy;</li> <li>• Policies for handling complaints;</li> <li>• Constitution.</li> </ul> <p>8. a) oversight and periodic review of the protocol for member and authority employee relations;</p> <p>9. a) to appoint such further sub-committees and panels as it deems fit for the proper performance of its duties as a Standards Committee.</p>	<p>None</p> <p>None</p>

Committees, Boards, etc.	Delegations
<p><b>Appointments Board</b></p> <p><b>Membership:</b> 15 Members of the Council.</p> <ol style="list-style-type: none"> <li>To determine the general policies and procedures to be adopted for the recruitment of, and to make appointments to, Chief Executive, Director and Chief Officer posts within the authority's employment.</li> <li>From time to time to make recommendations to the Cabinet thought necessary to ensure that the Council is able to recruit and retain suitably qualified and experienced staff.</li> </ol>	<p>See Article 12</p> <p>In each individual case, a Panel of not less than 3 of the Board's Members will be constituted to determine the method of recruitment, carry out the short-listing and interviewing of applicants and to make an appointment on behalf of the Council.</p> <p>None</p>
<p><b>Licensing Committee</b></p> <p><b>Membership:</b> 15 Councillors appointed by the Full Council.</p> <p><i>It is recommended that Members of the Licensing Committee/Panel (including substitutes) have undergone relevant training within the last 2 years.</i></p> <ol style="list-style-type: none"> <li>To discharge the Council's licensing functions under the Licensing Act 2003.</li> <li>To discharge the Council's functions under the Gambling Act 2005.</li> <li>To discharge the Council's functions in respect of the licensing of sexual entertainment venues and sex establishments pursuant to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.</li> <li>To discharge the Council's functions under the Scrap Metal Dealers Act 2013, including fee setting.</li> </ol>	<p>Licensing Panels of 3 members consider individual cases where appropriate.</p> <p>Function delegated to the Director (Communities and Inclusive Growth) – See Annex 1.13 for details</p>

Committees, Boards, etc.	Delegations
<p>5. To consider and determine –</p> <ul style="list-style-type: none"> <li>a) applications for licences, permits or consents; and</li> <li>b) cases where revocation or suspension of licences, permits or consents is proposed.</li> </ul>	
<p><b>Finance and Audit Committee :</b></p> <p><b>Membership:</b> <i>9 Councillors appointed by the Full Council.</i></p> <p><b>Statement of Purpose:</b></p> <p>The purpose of the Finance &amp; Audit Committee is to provide independent assurance of the adequacy of the risk management and internal control environment of the Council, independent scrutiny of the authority's financial and non-financial performance and oversight of financial reporting processes.</p> <p><b>Budget and Financial Control</b></p> <ol style="list-style-type: none"> <li>1. To monitor the overall state of the Council's finances on at least a quarterly basis and advise the Cabinet on any action it recommends.</li> <li>2. To consider the Council's Treasury Management Strategy and prudential indicators prior to the start of the financial year and adoption by the Full Council. To receive at least an in-year and annual report on treasury management activity and to comment on any amendments or updates to the strategic treasury management framework during the course of the year.</li> </ol> <p><b>Annual Financial Statements</b></p> <ol style="list-style-type: none"> <li>3. To review the annual accounting policies to be used in preparing the annual statement of accounts.</li> <li>4. To review the response to the External Audit Letter to those charged with Governance prior to sign off by the Chair of the Committee.</li> <li>5. To receive the audit findings report, annual audit letter and management's response to any audit finding and recommendations.</li> <li>6. To consider and approve the Council's statement of accounts each year.</li> </ol>	

Committees, Boards, etc.	Delegations
<b>External Audit</b>	
<p>7. To inform the appointment of the External Auditor undertaken by Full Council.</p> <p>8. To review with management the annual audit fee letter and annual audit plan and to ensure that the provision of non-audit services does not impair the external auditor's independence or objectivity.</p>	
<b>Internal control, Risk Management and Internal Audit</b>	
<p>9. To review the effectiveness of the council's internal control framework, including the review and approval of the Annual Governance Statement.</p> <p>10. To inform the risk assessment process used to develop the Risk Management Strategy and Corporate Risk Register for the Council.</p> <p>11. To monitor the effective development &amp; operation of risk management in the authority.</p> <p>12. To monitor and review the performance of internal audit, the effectiveness of the internal audit and counter fraud function, the internal audit programme and internal audit findings, including the effectiveness of management's response to any recommendations made.</p> <p>13. To consider the summary findings of internal audit reports given an opinion of Red, where the Chief Audit Executive (in consultation with the Section 151 Officer and/or Monitoring Officer as applicable and the Chair of the Finance &amp; Audit Committee) considers the weaknesses identified to exceed a financial threshold of £25,000, or where they represent a significant risk to the achievement of the Council's Corporate Objectives.</p> <p>14. To seek such assurance as it may deem appropriate that the internal audit function is independent, adequately resourced and has appropriate standing within the Council.</p> <p>15. To receive the annual opinion from the Chief Audit Executive.</p> <p>16. To consider and make recommendations on reports to the Council by Internal Audit, External Audit, other external inspectorates and the Local Government and Social Care Ombudsman.</p>	

Committees, Boards, etc.	Delegations
<p><b>Appeals Sub-Committee</b></p> <p><i>Membership: 3 Councillors appointed by Full Council</i></p> <p>To hear and adjudicate on appeals against decisions made by or on behalf of the Council in cases where -</p> <ol style="list-style-type: none"> <li>1. the Council’s normal dispute resolution procedures have been exhausted and the appellant also claims that the decision was made contrary to the requirements of Council policy and/or the law;</li> <li>2. an employee of the Council appeals against dismissal.</li> </ol>	
<p><b>Hackney Carriage Sub-Committee</b></p> <p><i>Membership: 3 Councillors appointed by Full Council</i></p> <p>To determine an appeal against the revocation of a Hackney Carriage Licence.</p>	

## **Annex 1.3: Responsibilities of the Planning Committee Delegated to Sub-Committees, etc.**

In the interests of the efficient conduct of its business, the following functions of the Planning Committee have been delegated to the Sub-Committees set out below.

Where these functions have been further delegated to Officers of the Council, this is also shown below.

<b>Committees, Boards, etc.</b>	<b>Delegations</b>
None.	

## Annex 1.4: Responsibilities of the Cabinet

**Under Section 13(2) of the Local Government Act 2000, the Cabinet is responsible for carrying out all those functions of the Council which are not reserved by law to either -**

- (1) the full Council itself; or
- (2) one of the Committees, Boards, or Statutory Officers appointed under the following Articles of the Constitution:
  - Article 6 [Scrutiny Committees];
  - Articles 8&9 [Other Committees and Boards];
  - Article 10 [Area Committees and Forums];
  - Article 11 [Joint Arrangements]; or
  - Article 12 [Statutory Officers]

***Membership:*** No more than ten Cabinet Members (appointed by the Leader of the Executive), including the Leader and the Deputy Leader.

### Functions

All functions of the Authority save for those expressly reserved to Full Council, another committee or a Statutory Officer are functions for Cabinet. Broadly these functions are listed below; this list is not an exhaustive list. Where functions have been delegated, these are listed in Annexes 1.5 to 1.9. In all cases, the exercise of Cabinet functions is subject to the Cabinet Procedural Rules set out in Annex 2.4 to this Constitution.

#### 1. Community Leadership

- a) to promote the well-being of the people and the Borough of Gravesham;
- b) to provide a clear vision and leadership for the conduct of local affairs;
- c) to consult and involve local communities on important issues;
- d) through a range of partnership arrangements with others, to maintain other policies and proposals that respond to people's concerns and shape the agenda for the Council's Policy Framework and Budgets;
- e) to influence and respond to policies and initiatives from government and other public sector agencies at the national, regional, and county levels.



## 2. Performance Management

- a) to co-ordinate the preparation and approval of the annual performance report for the council;
- b) to deal with reports from external organisations relating to service improvement
- c) to ensure appropriate action is taken where necessary to manage performance through exception reporting

## 3. Annual Budget

Annually to propose a Policy Framework and Budget to the full Council designed to:

- a) advance the aims, objectives and targets of the Corporate Plan (or equivalent document);
- b) respond to the needs and aspirations of local communities;
- c) ensure adequate resources are available for these purposes and their efficient use; and
- d) meet all requirements of the law.

## 4. Management of Resources

Subject to the requirements of the approved Policy Framework and Budget to exercise the Council's powers and duties relating to -

- a) the strategic and operational management of all of the Council's current and future resources of land, buildings, finance, personnel and other assets, including the use of Council-owned land declared surplus to operational requirements;
- b) corporate risk management: keeping under review the corporate risk strategy and register, taking appropriate action to ensure that corporate business risks are being actively managed, including reporting to full Council at least annually and securing the embedding of risk management in the Council's strategic and financial planning, policy making and review, and performance management;
- c) counter fraud and corruption work across the Council, including housing benefits, ensuring that effective arrangements are in place to enable effective work to be undertaken on a proactive basis;
- d) pursue and utilise appropriate external funding opportunities to facilitate the achievement of the Council's policies and programmes;
- e) administer the provision of grants to individuals and organisations for statutory and other approved purposes.
- f) Approve the submission of grant funding bids over the value of £250,000 and delivering the associated projects following a successful bid .

**5. Rating and Valuation, etc.**

To deal with rating, valuation, Council Tax, Housing and Council Tax Benefits, charities and related matters.

**6. Planning and Transportation**

To deal with all matters of planning and transportation policy, including the content of:

- a) the Local Plan (note: formal adoption of the Local Plan is the responsibility of Full Council);
- b) development briefs;
- c) supplementary Planning Guidance;
- d) responses to government and government agencies, and regional and sub-regional bodies in relation to all matters of planning and transportation policy.

**7. Regeneration**

To discharge the Council's responsibilities for the economic, social and environmental regeneration of the Borough in a sustainable manner, so that existing communities are able to participate as fully as possible in the benefits of improvements and new opportunities created, and in particular to -

- a) develop and implement programmes and schemes for the redevelopment and/or regeneration of areas of significance to the local economy and local communities across the Borough;
- b) develop and implement proposals for increasing tourism and visitor attractions of benefit to the local economy;
- c) develop and implement proposals to help local people to improve their knowledge and skills and increase job opportunities;
- d) develop and implement proposals for the conservation, improvement and promotion of the Borough's physical heritage of buildings, landscapes and townscape features.

## 8. Housing

To deal with all matters relating to the improvement of housing conditions and people's housing circumstances within the Borough, and in particular to exercise the Council's powers and duties in relation to -

- a) assessing the housing needs of the Borough and developing and implementing measures to address the needs identified;
- b) homelessness, care in the community, and housing advice/information services;
- c) the Council's Housing Revenue Account dwellings, caravan and mobile home sites;
- d) private sector housing, including house renovation grants, the Rent Acts, loans under the Housing Acts and policies relating to fitness for habitation, repair, multiple occupation and overcrowding (but excluding decisions relating to enforcement action in individual cases, which are reserved to the Planning Committee);
- e) applications for financial assistance from Registered Social Landlords for the provision, repair and improvement of housing.

## 9. Leisure

To deal with all matters relating to the provision, maintenance and improvement of appropriate opportunities to participate in the cultural, artistic, sporting and recreational life of the community, and in particular to exercise the Council's powers and duties in relation to -

- a) assessing requirements for new and improved leisure opportunities and developing and implementing proposals to address them;
- b) parks, open spaces, pleasure grounds, children's playgrounds, sports and leisure facilities, swimming and leisure pools and public entertainment halls;
- c) cemeteries;
- d) the promotion and provision of cultural, artistic, entertainment, sporting and other recreational activities;
- e) library, museum and exhibition services;
- f) the Council's catering services and concessions.

**10. Environment and Health**

To develop and implement policies and programmes to protect and improve the environment of the Borough and the health of the population of the Borough, and in particular to discharge the Council's responsibilities for -

- a) drainage and water supply;
- b) the provision of services for refuse collection, waste reduction and recycling, street cleansing and public conveniences;
- c) health and safety at work (including matters relating to the Shops Act 1950 and trading on a Sunday), health education and safety in the home;
- d) the control of pollution, nuisances and offensive trades, etc.;
- e) food safety and hygiene and related matters;
- f) the control of unauthorised encampments and the control of caravans;
- g) animal welfare, the control of dogs and dangerous wild animals, and the control of pests;
- h) controlling the spread of infection.

but excluding decisions relating to enforcement action in individual cases, which are reserved to the Planning Committee.

**11. Public Relations and Information**

To deal with public relations, marketing and public information matters, including the production of a Council newspaper, in-house magazine and other publications.

**12. Emergency Planning and Action in Emergencies**

In collaboration with the Kent County Council, the emergency services, other public agencies, private organisations and community groups (and subject to the urgency procedure contained in the Access to Information Procedure Rules detailed in Annex 2.2 to this Constitution) to discharge the Council's responsibilities for emergencies, and in particular -

- a) to ensure that up-to-date plans are in place to deal with peace-time emergency situations, including major emergencies;
- b) in the event of an emergency occurring, to take all necessary and practicable actions to deal with the effects of emergencies on the population, infrastructure, environment and economy of the Borough.

**13. Member Support Services and Civic Matters**

#### **14. Shareholder Responsibility in respect of Rosherville Limited**

To deal with all matters that have been reserved for the Cabinet in relation to the council's wholly-owned trading company, Rosherville Limited. Specifically those relating to the following:

- a) Approval of the Parent Company's annual Business Plan (or mid-year amendments), which will include key aspects from the Business Plans of the subsidiary operations
- b) Appointment and dismissal of Directors for the Board of the Parent company and its subsidiaries.
- c) Investment decisions (in so much as the Council's investment in the company is protected).
- d) The financial agreements which set out the financial assistance that will be provided by the Council. Any decisions relating to funding and onward lending to the holding company and/or subsidiaries (where budgetary provision has been made by Full Council) will rest with the Cabinet.
- e) Delivery of appropriate social and financial returns on investment.
- f) Ensuring that trading activities are conducted in accordance with the values of the Council.
- g) The business case for the establishment of each subsidiary. This must assess risk and is the start of the full business planning process for the trading company (as per appendix three). The initial business plan for the subsidiary will be included as part of the initial business case document to Cabinet but once established, the responsibility for approving annual business plans of the subsidiaries will rest with the holding company Board.
- h) The Articles of Association (AoA), which establishes the constitution for the company structure.
- i) The Shareholders Agreement which sets out the rights of the Council as the sole shareholders and details the powers of the Board of the company and at what point the shareholder can influence this.

All other decisions relating to the company will rest with the Leader who can execute these either as a direct result of discussions with the Shareholder Advisory Board or, if felt appropriate, through discussions with the Cabinet directly.

#### **15. Other Matters**

To deal with and determine any matter not reserved to the Council or specifically delegated to any other Committee or to an officer of the Council.

**Annex 1.5: Responsibilities for Cabinet functions Delegated to Sub-Committees of the Cabinet**

The following functions of the Cabinet have been delegated to the sub-committees of the Cabinet set out below.

Where these functions have been further delegated to Officers of the Council, this is also shown below.

<b>Function</b>	<b>Delegations</b>
No sub-committees of the Cabinet have been established.	

## **Annex 1.6: Responsibilities for Cabinet functions Delegated to Individual Members of the Cabinet**

The following functions of the Cabinet have been delegated to the individual Members of the Cabinet set out below. No Key Decision may be taken by a Cabinet Member other than the Executive Leader.

### **Function Delegations**

In order to secure the effective leadership of policy development and oversight of its implementation on behalf of the Council, the Members of the Cabinet are each assigned 'policy portfolios' (i.e. areas of policy) in which they specialise and represent the Cabinet in their dealings with Members and Officers of the Council, outside bodies and members of the public.

Cabinet Members are authorised to approve the submission of grant funding bids relating to their portfolios between the values of £100,000 and £249,999. Grant bids over this value are reserved for Cabinet approval.

**Members of the Cabinet have been assigned delegated powers to decide any executive matters not reserved to the Executive Leader, save for matters requiring additional expenditure not previously set out in the budget, within the following areas:-**

#### **Leader - Councillor John Burden**

Finance

Legal Services

Communications

Digital

IT Services

Property Services

Human Resources

Car Parking

Customer Services

Emergency Planning

Special Projects

Commercial Activities

Property Investment

Climate Change

Community Safety

Committee Services

**Deputy Leader and Strategic Environment Portfolio - Councillor Shane Mochrie-Cox**

Development Management

Building Control

Environmental Management

Conservation

Planning Policy

**Community & Leisure Portfolio - Councillor Deborah Croxton**

Sport Development

Economic Development

GCLL

The Woodville

Community Engagement

Gr@nd

Arts, Heritage and Tourism

Market

Town Twinning

**Housing Services Portfolio - Councillor Karina O'Malley**

Social Housing

Repairs

Housing Strategy & Development

Housing Provision



Private Sector Housing

Rented Sector Housing

Affordable Homes

**Operational Services Portfolio - Councillor Emma Morley**

Waste & Horticulture

Street Cleaning

Cemeteries

Environmental Health

Health & Safety

Licensing

**Performance and Administration Portfolio - Councillor Narinderjit Singh Thandi**

Revenue & Benefits

Corporate Performance

Audit and Counter Fraud

Corporate Change

Information Governance

Corporate Governance

## **Annex 1.7: Terms of Reference for Cabinet Committees**

The Executive Leader has appointed the Cabinet Committees set out below.

### **Cabinet Committees:**

The Executive Leader has appointed six such Committees – one for each of the policy portfolios assigned to Lead Members within the Cabinet (*see Annex 1.6 for details of portfolios*) - i.e.

- Community and Leisure
- Housing Services
- Operational Services
- Performance and Administration
- Strategic Environment
- Special Cabinet Advisory Committee (Falls within the Leader's Portfolio however chaired by Non-Cabinet Member)

**Membership:** 9 Members of the Council.

### **Terms of reference**

1. To make recommendations to the relevant portfolio holder as to determining any matters within his/her remit.

The Committees may invite such other persons as appear appropriate to attend and take part in their deliberations, subject to the nondisclosure of confidential and exempt information (as defined in the Access to Information Rules set out in Annex 2.2 to this Constitution).

**Annex 1.8: Cabinet Functions Delegated to Area Committees**

The following functions of the Cabinet have been delegated to Area Committees of the Council.

Where these functions have been further delegated to Officers of the Council, this is also shown below.

Function	Delegations
None.	

### **Annex 1.9: Functions Delegated Under Joint Arrangements**

The following functions of the Cabinet have been delegated under Joint Arrangements with other Local Authorities.

Where these functions have been further delegated to Officers of the Council, this is also shown below.

<b>Function</b>	<b>Delegations</b>
None.	

## Annex 1.10: Responsibilities of Scrutiny Committees

The following Scrutiny Committees have been appointed under Article 6 of the Constitution.

Scrutiny Committees may appoint up to three sub-committees at any one time. Membership of such sub-committees must be drawn solely from the membership of the main committee.

Committees	Functions Delegated to Sub-Committees
<p><b>Overview Scrutiny Committee</b></p> <p><b>Membership:</b> 9 Councillors appointed by the Full Council. Neither the Mayor, nor any Member of the Cabinet may be a Member of this Committee.</p> <ul style="list-style-type: none"> <li>a) examining (but not modifying) any decision of the Cabinet, submitting reports thereon to the Council and, if appropriate, exercising the power of 'call-in' in accordance with the provisions of the Scrutiny Procedure Rules in Annex 2.5 to this Constitution;</li> <li>b) subject to the Scrutiny Procedure Rules in Annex 2.5 to this Constitution, undertaking such other reviews as are referred to it by the Cabinet or the Council, or which the Committee otherwise determines should be carried out.</li> </ul>	

## 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 HR Department. 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 table below sets out the areas of responsibility across the council's Directorates:

Post	Functions and areas of responsibility
<b>Chief Executive</b>	
<b>Chief Executive (Head of Paid Service)</b>	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers).</p> <p>Direct responsibility for:</p> <ul style="list-style-type: none"> <li>• Human resources</li> <li>• Communications</li> <li>• Corporate Change</li> <li>• Performance and Policy</li> </ul> <p>Proper Officer for Local and referenda. Proper Officer for Constitutional matters.</p> <p>Returning Officer for Local Elections and Acting Returning Officer for Parliamentary Elections.</p>

Post	Functions and areas of responsibility
<b>Communities and Inclusive Growth Directorate</b>	
<b>Director Communities &amp; Inclusive Growth</b>	<p>Direct overall responsibility for the following services:</p> <ul style="list-style-type: none"> <li>• Strategic regeneration</li> <li>• Economic Development</li> <li>• Sports and leisure</li> <li>• Strategic Property Management</li> <li>• Tourism and Heritage</li> <li>• Town Centre Management</li> <li>• Arts and Culture</li> <li>• Health &amp; Well being</li> <li>• Community Engagement</li> <li>• customer Services</li> <li>• Parks and Horticulture</li> <li>• Environmental protection</li> <li>• Licensing</li> <li>• Community Safety</li> <li>• Parking Services</li> <li>• Environmental enforcement</li> </ul>
<b>Assistant Director (Inclusive Growth)</b>	<p>Responsibility for the following services:</p> <ul style="list-style-type: none"> <li>• Strategic regeneration</li> <li>• Economic Development</li> <li>• Sports and leisure</li> <li>• Strategic Property Management</li> <li>• Tourism and Heritage</li> </ul>

Post	Functions and areas of responsibility
<b>Corporate Services Directorate</b>	
<b>Director (Corporate Services)</b>  <b>(Section 151 Officer)</b>	Direct overall responsibility for the following services: <ul style="list-style-type: none"> <li>• Information Governance</li> <li>• Internal Audit and Counter Fraud</li> <li>• Finance</li> <li>• Revenues and Benefits</li> <li>• Committee and Electoral Services</li> <li>• Property Services</li> <li>• Digital and IT Services</li> </ul> <p>Chief Financial Officer appointed for the purposes of Section 151 of the Local Government Act 1972</p>
<b>Assistant Director (Organisational Development and Democratic Support)</b>	Responsibility for the following services: <ul style="list-style-type: none"> <li>• Committee and Electoral Services</li> <li>• Buildings and Facilities Management</li> <li>• Land Charges</li> <li>• Digital and IT Services</li> </ul>
<b>Assistant Director (Corporate Services)</b>  <b>(Deputy section 151 Officer)</b>	Responsibility for the following services: <ul style="list-style-type: none"> <li>• Finance</li> <li>• Revenues and Benefits</li> </ul>
<b>Environment Directorate</b>	
<b>Director (Environment)</b>  <b>(Deputy Chief Executive)</b>	Direct overall responsibility for the following services: <ul style="list-style-type: none"> <li>• Planning</li> <li>• Waste</li> <li>• Street cleansing</li> <li>• Cemeteries and Allotment</li> <li>• Vehicle Workshop/Maintenance</li> </ul>



Post	Functions and areas of responsibility
<b>Assistant Director (Operations)</b>	Responsibility for the following services: <ul style="list-style-type: none"> <li>• Waste Management</li> <li>• Street Cleansing</li> <li>• Cemeteries and Allotments</li> <li>• Vehicle workshop/Maintenance</li> </ul>
<b>Assistant Director (Planning)</b>	Responsibility for the following services: <ul style="list-style-type: none"> <li>• Development Control</li> <li>• Planning Policy</li> <li>• Planning Enforcement</li> </ul>
<b>Housing Directorate</b>	
<b>Director (Housing)</b>	Direct overall responsibility for the following services: <ul style="list-style-type: none"> <li>• Neighbourhood Services</li> <li>• Housing Operations</li> <li>• Housing Options</li> <li>• Tenancy Management</li> <li>• Right to Buy and Leasehold Management</li> <li>• Repairs and Maintenance</li> <li>• Asset Management</li> <li>• Affordable Housing Development and Enabling</li> <li>• Homelessness</li> <li>• Rough Sleeping</li> <li>• Housing Allocation</li> <li>• Private Sector Housing</li> <li>• Empty Homes</li> </ul>

## 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.

The table below provides the detailed list of all Proper Officer roles:

Proper Officer Role	Statute and Function/Power
<b>CHIEF EXECUTIVE</b>	
To act as Registration Officer for any constituency or part of a constituency coterminous with or contained in the Borough.	Section 8 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 35 Representation of the People Act 1983
As Appropriate Officer (Proper Officer) - name of election agent to be declared	Section 67 Representation of the People Act 1983
As Appropriate Officer (Proper Officer) - name of sub-agent to be declared	Section 68 Representation of the People Act 1983
As Appropriate Officer (Proper Officer) - office of election agent and sub-agent to be declared	Section 69 Representation of the People Act 1983
As Appropriate Officer (Proper Officer) - to publish notice where satisfied candidate is his own election agent	Section 70 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 75 Representation of the People Act 1983
As Appropriate Officer (Proper Officer) - a return as to election expenses to be delivered	Section 81 Representation of the People Act 1983
As Appropriate Officer (Proper Officer) - a declaration as to election expenses to be delivered.	Section 82 Representation of the People Act 1983
As Proper Officer - inspection of returns and declarations.	Section 89 Representation of the People Act 1983

<b>Proper Officer Role</b>	<b>Statute and Function/Power</b>
As Proper Officer - presentation of petition questioning a local election.	Section 128/9 Representation of the People Act 1983
As Proper Officer - to provide suitable accommodation for election court.	Section 131/133 Representation of the People Act 1983
As Proper Officer - to receive copy of election court certificate	Section 145 Representation of the People Act 1983
As Proper Officer - special case statement by High Court	Section 146 Representation of the People Act 1983
As Proper Officer - to post public notices under this act.	Section 200 Representation of the People Act 1983
As Proper Officer - witness and receipt of declarations of acceptance of office	Section 83(1) Local Government Act 1972
As Proper Officer - receipt of declaration of resignation of office	Section 84(1) Local Government Act 1972
As Proper Officer - receipt of notice of casual vacancy from two local government electors	Section 89(1) Local Government Act 1972
As Proper Officer to give public notice of report by the Local Commissioner	Section 30(5) Local Government Act 1974
As Proper Officer the deposit of a list of politically restricted posts	Section 2 Local Government and Housing Act 1989
<b>MONITORING OFFICER</b>	
As Proper Officer - to be a parish trustee in certain circumstances	Section 13(3) Local Government Act 1972
As Proper Officer the vesting of charities	Section 210 Local Government Act 1972
As Proper Officer the deposit of documents	Section 225(1) Local Government Act 1972
As Proper Officer the certification of photographic copies of documents	Section 229(5) 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 234(1) Local Government Act 1972
As Proper Officer to send copies of bylaws for parish records	Section 236(9) Local Government Act 1972

<b>Proper Officer Role</b>	<b>Statute and Function/Power</b>
As Proper Officer to send copies of bylaws to Kent County Council	Section 236(10) Local Government Act 1972
As Proper Officer the certification of bylaws	Section 238 Local Government Act 1972
<b>DIRECTOR (CORPORATE SERVICES)</b>	
As Responsible Officer - administration of the Council's financial affairs	Section 151 Local Government Act 1972
As Proper Officer - declaration and certificates with regard to securities.	Section 146(1) (a) & (b) Local Government Act 1972
<b>ASSISTANT DIRECTOR (CORPORATE SERVICES)</b>	
As Proper Officer - accountability of officers.	Section 115(2) Local Government Act 1972
<b>ASSISTANT DIRECTOR (ORGANISATIONAL DEVELOPMENT AND DEMOCRATIC SUPPORT)</b>	
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	Section 52 Representation of the People Act 1983
As Proper Officer to publish the verification number for mayoral referenda.	The Local Authorities (Referendums) (Petitions and Directions) Regulations 2000
As Proper Officer the convening of meeting of Council to fill casual vacancy in the office of Mayor	Section 88(2) Local Government Act 1972
As Proper Officer the receipt of notices of pecuniary interest	Section 96(1) 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 96(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 (2) Local Government Act 1972
As Proper Officer to supply to a newspaper copies of documents already supplied to Members	Section 100B (7) Local Government Act 1972
As Proper Officer to make a written summary of proceedings	Section 100C (2) Local Government Act 1972

Proper Officer Role	Statute and Function/Power
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 Head of Democratic Services or such other officer identified by him/her as having the principal interest in the report.	Section 100D (1) 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 Head of Democratic Services 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 whether a document discloses exempt information	Section 100F (2) Local Government Act 1972
As Proper Officer to keep a roll of Freemen	Section 248(2) Local Government Act 1972
As Proper Officer the signature of summonses to Council meetings	Schedule 12, paragraph 4(2) (b) Local Government Act 1972
As Proper Officer the receipt of notices regarding address to which summons to meeting is to be sent	Schedule 12, paragraph 4(3) Local Government Act 1972
As Proper Officer the certification of resolutions under paragraph 25 of Schedule 14.	Schedule 14, paragraph 25(7) Local Government Act 1972
As Proper Officer to receive notification of objections to the appointment/dismissal of Head of Paid Service, Directors and Assistant Directors.).	The Local Authorities (Standing Orders) (England) Regulations 2001
As Proper Officer to notify the auditor of steps taken under Section 115 of this Act	Section 116 Local Government Finance Act 1988
As Proper Officer the giving of, delivery to and receipt of notices and expressions of wishes	Local Government (Committees and Political Groups) Regulations 1990
As Proper Officer - receiving notice of Members' pecuniary interests and the maintenance of required records.	Section 19 Local Government and Housing Act 1989

<b>Proper Officer Role</b>	<b>Statute and Function/Power</b>
<b>DIRECTOR (COMMUNITIES &amp; INCLUSIVE GROWTH)</b>	
As Proper Officer - function under the Ordnance Survey Act 1841	Section 191 Local Government Act 1972
As Authorised Officer - production of vehicle licence and certificate of insurance or security	Section 50(4) Local Government (Miscellaneous Provisions) Act 1976
As Authorised Officer - production of driver's licence	Section 56(3) Local Government (Miscellaneous Provisions) Act 1976
As Authorised Officer - production of private hire operators records and licence	Section 56(2), (3) and (4) Local Government (Miscellaneous Provisions) Act 1976
As Authorised Officer - removal of vehicle plate	Section 58(2) (b) 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 68 Local Government (Miscellaneous Provisions) Act 1976
As Proper Officer - certification for removal to suitable premises of persons in need of care and attention.	Section 47 National Assistance Act 1948 as amended by National Assistance (Amendment) Act 1951
As Proper Officer the appointment of inspectors from within Regulatory Services to aid enforcement	Part 1, Paragraph 2 of Schedule 2 to Sunday Trading Act 1994
<b>Any person for the time being employed as a Consultant in Communicable Disease Control/Consultant in Health Protection at Public Health England South East</b>	
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	Section 48 Public Health (Control of Disease) Act 1984 as amended by Health and Social Care Act 2008
As Proper Officer for receipt and disclosure of notification of suspected notifiable disease in patients and dead persons	Regulations 2, 3 and 6 The Health Protection (Notification) Regulations 2010

## 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.

The Chief Executive, Directors and Assistant Directors are authorised to exercise those powers and duties of the Council in relation to the service and activities for which they are responsible which are not reserved to the Council, the Cabinet/a Cabinet Member or a Committee, and to exercise the professional and managerial responsibilities of their posts. They are accountable to the elected Members of the Council for the efficient and economic discharge of these responsibilities.

Ref.	Description of Delegation	Responsibility Delegated From
1.13A.01	<p>To appoint employees below Assistant Director level.</p> <p>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 is to agree salary, other benefits and conditions of service. All formal written offers for appointment are to be made by the HR Manager, or someone authorised by them,, except for weekly-paid staff.</p>	<p>Head of Paid Service</p> <p>(Article 12)</p>
1.13A.02	<p>To appoint temporary and casual employees where necessary in the interest of the efficient operation of a department.</p> <p>Subject to the approval of the relevant Director in the case of temporary staff, and adequate budgetary provision.</p>	
1.13A.03	<p>To authorise payment of relocation expenses to applicants appointed to qualifying posts with the Council.</p> <p>To be paid in accordance with the policies of the Council subject to the production to the to the HR Manager 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.</p>	

Ref.	Description of Delegation	Responsibility Delegated From
1.13A.04	<p>To assist with the provision of housing accommodation in cases of key shortage of staff.</p> <p>To be exercised in accordance with the policies of the Council and subject to the agreement of the Director (Housing).</p>	<p>Head of Paid Service</p> <p>(Article 12)</p>
1.13A.05	<p>To negotiate changes in working hours and other practices which are not conducive to the efficient management of services.</p> <p>In consultation with the to the HR Manager.</p>	
1.13A.06	<p>To authorise the payment to staff of additional increments.</p> <p>Subject to budgetary provision and the approval of the to the HR Manager.</p>	
1.13A.07	<p>To authorise attendance of employees at Conferences and Courses (subject to budgetary provision)</p>	
1.13A.08	<p>Approval of the annual qualification training programme (subject to report to Management Team.)</p>	
1.13A.09	<p>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.)</p>	
1.13A.10	<p>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.</p>	
1.13A.11	<p>To vire between all revenue or capital estimate heads under each Director or Assistant Director's control.</p> <p>Subject to the provisions of Article 13.04 (Key Decisions), a limit of £25,000 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.</p>	<p>Cabinet</p>
1.13A.12	<p>Corporate Management Team authorised to vire, subject to the provisions of Article 13.04 (Key Decisions), a limit of £100,000. 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.</p>	
1.13A.13	<p>To determine fees and charges for goods and services (charges for car parking are excluded)</p>	



Ref.	Description of Delegation	Responsibility Delegated From
1.13A.14	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.	Cabinet
1.13A.15	To write off debts or losses subject to a maximum of £5,000.  The Director (Corporate Services) is to be notified of any such write-offs.	
1.13A.16	To authorise grant funding bids up to the value of £99,999, following notification of the council's Chief Finance Officer, and delivering the associated projects following a successful bid.	
1.13A.17	To arrange for any long-standing credit balances on accounts where it has not been possible to arrange repayment of the credit, up to a maximum of £5,000 to be credited to another account where possible or written-off.  The Director (Corporate Services) is to be notified of any such credit balance write-offs.	

### Financial Limits

Directors and Assistant Directors are authorised to make financial decision as follows:

- Payment against budgeted items (those agreed as part of the budget setting process) up to the up to the financial threshold that has been agreed with the Finance department. This will differ between Assistant Directors due to the nature of activities and services within their remit.
- Directors and Assistant Directors may, after consultation with the Chief Finance Officer, vire up to £25,000 between any heads of expenditure or income within the approved revenue or capital budget for which they are responsible (Annex 2.6 – paragraph 4.4.3).
- The Corporate Management Team may, after consultation with the Chief Finance Officer, vire up to £100,000 between any heads of expenditure or income within the approved revenue or capital budget for which they are responsible.
- Approve contracts within their service areas up to the value as agreed in the Authorised Signatures list, subject to ensuring the council's Contract procedure Rules are followed (Annex 2.7).

Individual delegations to Directors, Assistant Directors and Heads of Service are included in the following sections.

**Part B: Functions delegated to individual Directors, Assistant Directors and Heads of Service**

Where operationally required and unless otherwise stated or prohibited by law, all functions delegated to individual Directors, Assistant Directors and Heads of Service may be exercised by any authorised officer who reports to them and by the Chief Executive. Unless otherwise stated, the delegation of powers to Directors, Assistant Directors and Heads of Service 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)**

<b>Ref.</b>	<b>Description of Delegation</b>	<b>Responsibility Delegated From</b>
1.13B.01	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.	Council
1.13B.02	To approve election fees in respect of local elections.	
1.13B.03	To implement national wage and salary awards to the Council's employees.	
1.13B.04	To operate schemes for the provision of vehicles and/or other forms of transportation for staff, including the placing of contracts and to settle all details in connection therewith.	Cabinet
1.13B.05	To decide whether to report applications for grant or other assistance from national and regional organisations.	
1.13B.06	To maintain a Publication Scheme as required by The Freedom of Information Act 2000.	
1.13B.07	To respond to consultation documents on behalf of the Cabinet in consultation with the appropriate portfolio holder.	

**Director (Communities and Inclusive Growth)**

Ref.	Description of Delegation	Responsibility Delegated From
<b>GENERAL FUNCTIONS</b>		
1.13B.08	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.	Council
1.13B.09	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:	
	<ul style="list-style-type: none"> <li>• Public Libraries and Museums Act 1964</li> <li>• Countryside Act 1968</li> <li>• Local Government (Miscellaneous Provisions) Acts 1976 and 1982</li> <li>• Local Government Act 1972</li> </ul> Town Police Clauses Act 1847	Cabinet
	To respond to consultation documents on behalf of the Cabinet in consultation with the appropriate portfolio holder.	Head of Paid Service

Ref.	Description of Delegation	Responsibility Delegated From
<b>LICENSING FUNCTIONS</b>		
1.13B.10	<p>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:</p> <ul style="list-style-type: none"> <li>• Game Act 1831</li> <li>• Game Licences Act 1860</li> <li>• Local Government Acts 1894 &amp; 1972</li> <li>• Local Government (Miscellaneous Provisions) Acts 1894, 1976 &amp; 1982</li> <li>• Public Health Act 1936</li> <li>• House to House Collections Act 1939</li> <li>• Police, Factories, etc. (Miscellaneous Provisions) Act 1916</li> <li>• Town Police Clauses Act 1847</li> <li>• Part II Local Government (Miscellaneous Provisions) Act 1976</li> <li>• Business and Planning Act 2020</li> </ul> <p>Any application lodged under any of the enabling legislation listed will be submitted to the Licensing Committee for decision where it appears to the Director (Communities &amp; Inclusive Growth) 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.</p>	Licensing Committee
<b>LICENSING FUNCTIONS – Hackney Carriage and Private Hire Vehicles</b>		
1.13B.11	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 Local Government (Miscellaneous Provisions) Act 1976.	Full Council Cabinet
1.13B.12	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).	

Ref.	Description of Delegation	Responsibility Delegated From
1.13B.13	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).	Full Council  Cabinet
1.13B.14	To suspend and/or 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).	
1.13B.15	To suspend and/or revoke an operator license on the grounds that they are no longer a fit and proper person	
<b>LICENSING FUNCTIONS – Other Licensing Functions</b>		
1.13B.16	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)).	Licensing Committee

Ref.	Description of Delegation	Responsibility Delegated From
<b>POLLUTION CONTROL AND GENERAL PUBLIC HEALTH FUNCTIONS</b>		
1.13B.17	<p>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:</p> <ul style="list-style-type: none"> <li>• European Communities Act 1972 (Food safety, health and safety, environmental protection)</li> <li>• Health Act 2006 (Smoke free provisions)</li> </ul>	Council
1.13B.18	<ul style="list-style-type: none"> <li>• Clean Neighbourhoods and Environment Act 2005 (Nuisance and Environmental Crime) [also delegated to Director (Housing) and Director (Environment)]</li> <li>• Noise Act 1996.</li> </ul>	Cabinet
1.13B.19	<ul style="list-style-type: none"> <li>• Public Health Acts 1936 and 1961</li> <li>• Water Act 1989</li> <li>• Control of Pollution Act 1974</li> <li>• Clean Air Acts 1993</li> <li>• Refuse Disposal (Amenity) Act 1978</li> <li>• Local Government (Miscellaneous Provisions) Acts 1976 and 1982</li> <li>• Litter Act 1983</li> <li>• Food and Environment Protection Act 1985</li> <li>• Control of Pesticides Regulations 1986 (as amended)</li> <li>• Water Industry Act 1991</li> <li>• Noise &amp; Statutory Nuisance Act 1993</li> <li>• Environmental Protection Act 1990</li> <li>• Pollution Prevention and Control Act 1999</li> <li>• Environment Act 1995</li> <li>• Building Act 1984</li> <li>• Channel Tunnel Rail Link Act 1996</li> </ul>	Planning Committee

Ref.	Description of Delegation	Responsibility Delegated From
<b>HEALTH AND SAFETY AT WORK</b>		
1.13B.20	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:	
	<ul style="list-style-type: none"> <li>• European Communities Act 1972</li> </ul>	Council
1.13B.21	<ul style="list-style-type: none"> <li>• Health and Safety at Work Etc Act 1974</li> <li>• Rag, Flock and Other Filling Materials Act 1951</li> <li>• Shops Acts 1962 to 1965</li> <li>• Offices shops and Railway Premises Act 1963</li> </ul>	Planning Committee
<b>FOOD SAFETY</b>		
1.13B.22	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:	
	<ul style="list-style-type: none"> <li>• European Communities Act 1972</li> </ul>	Council
1.13B.23	<ul style="list-style-type: none"> <li>• General Food Regulations 2004</li> <li>• The Food Safety and Hygiene (England) Regulations 2013</li> <li>• The Trade in Animals and Related Products Regulations 2011</li> <li>• Emergency Control Regulations</li> <li>• The Official Feed and Food Controls (England) Regulations 2009</li> <li>• Food Safety Act 1990</li> </ul>	Planning Committee

Ref.	Description of Delegation	Responsibility Delegated From
<b>ANIMAL WELFARE</b>		
1.13B.24	<p>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:</p> <ul style="list-style-type: none"> <li>• Public Health Acts 1936 and 1961</li> <li>• Animal Welfare Act 2006</li> <li>• The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018</li> <li>• Performing Animals (Regulation) Act 1925</li> <li>• Pet Animals Act 1951</li> <li>• Animal Boarding Establishments Act 1963</li> <li>• Riding Establishments Acts 1964 &amp; 1970</li> <li>• Breeding of Dogs Act 1973</li> <li>• Dangerous Wild Animals Act 1976</li> <li>• Dangerous Dogs Act 1991</li> <li>• Breeding of Dogs Act 1973 and 1991</li> <li>• Breeding and Sale of Dogs (Welfare) Act 1999</li> </ul>	Licensing Committee
<b>PEST CONTROL</b>		
1.13B.25	<p>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:</p> <ul style="list-style-type: none"> <li>• Public Health Acts 1936 and 1961</li> <li>• Prevention of Damage by Pests Act 1949</li> <li>• Housing Act 1985</li> <li>• Control of Pesticides Regulations 1986</li> </ul>	Licensing Committee



Ref.	Description of Delegation	Responsibility Delegated From
<b>INFECTIOUS DISEASE</b>		
1.13B.26	<p>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:</p> <ul style="list-style-type: none"> <li>• Public Health Acts 1936 and 1961</li> <li>• Health, Service &amp; Public Health Act 1968</li> <li>• Public Health (Infectious Diseases) Regulations 1988 (as amended)</li> <li>• Public Health (Aircraft) Regulations 1979</li> <li>• Public Health (Ships) Regulations 1979</li> <li>• Public Health (Control of Disease) Act 1984</li> <li>• Health and Social Care Act 2008</li> <li>• Health Protection (Notification) Regulations 2010</li> <li>• Health Protection (Local Authority Powers) Regulations 2010</li> <li>• Health Protection (Part 2A Orders) Regulations 2010</li> <li>• Health Protection (Ships &amp; Aircraft) Regulations 2013</li> </ul>	Licensing Committee
<b>CARAVAN SITES</b>		
1.13B.27	<p>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:</p> <ul style="list-style-type: none"> <li>• Caravan Sites Act 1968</li> <li>• Criminal Justice and Public Order Act 1994 (Unauthorised Encampment)</li> <li>• Mobile Homes Act 2013</li> </ul>	Cabinet
1.13B.28	<ul style="list-style-type: none"> <li>• Caravan Sites and Control of Development Act 1960</li> </ul>	Planning Committee

Ref.	Description of Delegation	Responsibility Delegated From
<b>SHOPS AND SUNDAY TRADING</b>		
1.13B.29	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:	Planning Committee
	<ul style="list-style-type: none"> <li>• Sunday Trading Act 1994</li> </ul>	
<b>MARKET</b>		
1.13B.30	To determine applications for consent to hold rival markets. Subject to periodic reports to the Cabinet.	--
1.13B.31	To determine open days for the Borough Market.	--
<b>OFF-STREET PARKING ETC.</b>		
1.13B.32	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	Cabinet
	<ul style="list-style-type: none"> <li>• Road Traffic Regulation Act 1984</li> <li>• Traffic Management Act 2004</li> </ul>	
<b>LEISURE AND AMENITIES</b>		
1.13B.33	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.	Cabinet
	<ul style="list-style-type: none"> <li>• Local Government Act 1972</li> <li>• Open Spaces Act 1906</li> </ul>	
<b>STRATEGIC/COMMERCIAL PROPERTY</b>		
1.13B.34	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 £500,000 in any single transaction. Subject to consultation in all cases with the Director (Corporate Services).	Cabinet

Ref.	Description of Delegation	Responsibility Delegated From
1.13B.35	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 £250,000 in any one case where the Council pays the rent, but no restriction where the Council receives the income.	Cabinet
1.13B.36	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.37	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.38	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.39	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. Subject to consultation in all cases with the Director (Corporate Services).	
1.13B.40	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. Subject to consultation in all cases with the Director (Corporate Services).	
1.13B.41	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 Director (Corporate Services).	
1.13B.42	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 Director (Corporate Services) where financial issues are raised.	

Ref.	Description of Delegation	Responsibility Delegated From
1.13B.43	To undertake and settle the terms of any rent review pursuant to any lease of tenancy agreement. Subject to a maximum annual rent of £250,000 in any one case where the Council pays the rent but no restriction where the Council receives the income.	Cabinet
1.13B.44	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.45	To engage outside agents or practitioners to undertake work appropriate to the Strategic Property department. Subject to consultation with the Director (Corporate Services).	
1.13B.46	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 Director (Corporate Services).	
1.13B.47	To authorise the institution or defence of proceedings before the Valuation Tribunal. Subject to consultation with the Director (Corporate Services).	
1.13B.48	To authorise specific members of staff to act as qualified valuers for the purpose of certifying land transactions.	
1.13B.49	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.50	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.51	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	

**Director (Environment)**

<b>Ref.</b>	<b>Description of Delegation</b>	<b>Responsibility Delegated From</b>
<b>GENERAL FUNCTIONS</b>		
1.13B.52	Subject to consultation with the Director (Corporate Services) to engage outside agents or practitioners to undertake work appropriate to the Planning Department.	Full Council Cabinet
1.13B.53	Subject to consultation with the 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.54	Subject to the agreement of the appropriate Portfolio Holder 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	
1.13B.55	To respond to consultation documents on behalf of the Cabinet in consultation with the appropriate portfolio holder.	Head of Paid Service
<b>CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005</b>		
1.13B.56	To exercise the Council's powers and duties in respect of the Clean Neighbourhoods and Environment Act 2005 (Nuisance and Environmental Crime).	--

Ref.	Description of Delegation	Responsibility Delegated From
<b>HIGHWAYS, DRAINAGE ETC.</b>		
1.13B.57	<p>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:</p> <ul style="list-style-type: none"> <li>• Highways Act 1835</li> <li>• Rights of Way Act 1932</li> <li>• National Parks and Access to the Countryside Act 1949</li> <li>• Countryside Act 1968</li> <li>• Transport Acts 1968 and 1978</li> <li>• Control of Pollution Act 1974</li> <li>• Highways Act 1980</li> <li>• Wildlife and Countryside Act 1981</li> <li>• Acquisition of Land Act 1981</li> <li>• Road Traffic Regulation Act 1984</li> <li>• Refuse Disposal (Amenity) Act 1978</li> <li>• Cycle Tracks Act 1984</li> <li>• New Road and Street Works Act 1991</li> <li>• Coast Protection Act 1949</li> <li>• Land Drainage Act 1976</li> <li>• Countryside and Rights of Way 2000</li> </ul>	Council

Ref.	Description of Delegation	Responsibility Delegated From
<b>PLANNING, CONSERVATION AND RELATED FUNCTIONS</b>		
<p>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 Planning Committee. An update on all delegated decisions on applications is to be reported to the Planning Committee. For the avoidance of doubt, only the Planning Committee may determine applications submitted by the Council itself.</p> <p>Save for where an application submitted by the Council is for approval or discharge of conditions which are decided under delegated authority.</p>		
1.13B.58	<p>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:</p> <ul style="list-style-type: none"> <li>• Historic Buildings and Ancient Monuments Act 1953</li> <li>• Land Compensation Acts 1961 &amp; 1973</li> <li>• Town and Country Planning Act 1990 (joint delegation with Director (Housing) in respect of Empty Homes provisions)</li> <li>• Local Government Act 1972</li> <li>• Town and Country Amenities Act 1974</li> <li>• Local Government, Planning &amp; Land Act 1980</li> <li>• Derelict Land Act 1982</li> <li>• National Heritage Act 1983</li> <li>• Planning (Listed Buildings and Conservation Areas) Act 1990</li> <li>• Planning (Hazardous Substances) Act 1990</li> <li>• Planning &amp; Compensation Act 1991</li> <li>• Planning and Compulsory Purchase Act 2004</li> <li>• Planning Act 2008</li> <li>• Countryside and Rights of Way Act 2000</li> <li>• Growth and Infrastructure Act 2013</li> <li>• Housing and Planning Act 2016</li> </ul>	Council

Ref.	Description of Delegation	Responsibility Delegated From
	<ul style="list-style-type: none"> <li>• Self-build and Custom Housebuilding Act 2015</li> <li>• Neighbourhood Planning Act 2017</li> </ul>	
<b>REFUSE, WASTE ETC.</b>		
1.13B.59	<p>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:</p> <ul style="list-style-type: none"> <li>• Anti-Social Behaviour Act 2003</li> <li>• Anti-Social Behaviour, Crime and Policing Act 2014</li> <li>• Clean Neighbourhoods and Environment Act 2005</li> <li>• Control of Pollution Act 1974</li> <li>• Control of Pollution (Amendment) Act 1989</li> <li>• Environment Act 1995</li> <li>• Environment Act 2021</li> <li>• Environmental Protection Act 1990</li> <li>• Home Insulation Act 1978</li> <li>• Litter Act 1983</li> <li>• Local Government, Planning and Land Act 1980</li> <li>• Refuse Disposal (Amenity) Act 1978</li> <li>• Road Traffic Regulation Act 1984</li> </ul>	Cabinet
<b>OFFERING GOODS OR SERVICES TO OUTSIDE BODIES</b>		
1.13B.60	<p>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</p> <ul style="list-style-type: none"> <li>• Local Authorities (Goods and Services) Act 1970</li> <li>• Local Government Act 1972</li> </ul>	--



**Monitoring Officer**

<b>Ref.</b>	<b>Description of Delegation</b>	<b>Responsibility Delegated From</b>
1.13B.61	To institute, defend, prosecute and settle any legal proceedings, whether criminal or civil, which the Council is empowered to institute or defend.	Council and Cabinet
1.13B.62	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 Director (Corporate Services).	Cabinet
1.13B.63	To postpone the Council's charge for repayment discount in favour of another mortgagee. Subject to consultation with the Director (Corporate Services).	
1.13B.64	To issue grants of exclusive rights of burial in the Council owned cemeteries and certificates of ownership or transfer of ownership.	
1.13B.65	To deal with requests from other local authorities for contributions towards legal costs. Any contribution of more than £1,000 to be submitted to the Cabinet for approval.	
1.13B.66	To obtain Injunctions and Criminal Behaviour Orders under the Anti-Social Behaviour Crime and Policing Act 2014. Subject to consultation with the relevant Director.	
1.13B.67	To authorise employees to appear on behalf of the council in the County Court and/or Magistrates' Court pursuant to S60 of the County Courts Act 1984 and S223 of the Local Government Act 1972.	
1.13B.68	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.	Planning Committee
1.13B.69	To make minor and necessary amendments to this Constitution	Cabinet, Planning Committee and Council

Ref.	Description of Delegation	Responsibility Delegated From
1.13B.70	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	Standards Committee and Council
1.13B.71	To seek the views of an Independent Person to undertake the initial screening process for complaints and determine, if appropriate, that there is no further action on the following types of cases: <ul style="list-style-type: none"> <li>No Councillor has been identified.</li> <li>No potential breach of the code has been identified.</li> <li>Insufficient detail to make a determination.</li> <li>The complaint is more than 6 months old and no cogent explanation for the delay in reporting</li> <li>The complaint relates to matters that are not within the Standard's Committee's remit.</li> <li>The complaint is considered trivial, malicious or vexatious.</li> </ul>	
	To approve any minor and/or clerical or administrative amendments to procedures for the Standards Committee.	
1.13B.72	Any powers of prosecution and Court litigation in respect of any of the enabling legislation listed in respect of Licensing Functions are reserved to the Monitoring Officer.	

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

Ref.	Description of Delegation	Responsibility Delegated From
1.13B.73	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	Council
1.13B.74	To act on behalf of the Council under the provisions of the Accounts & Audit Regulations 2015.	
1.13B.75	To act on behalf of the Council in the designated role of SIRO (Senior Information Risk Owner) to oversee information management and risk.	

Ref.	Description of Delegation	Responsibility Delegated From
1.13B.76	To write off debts, subject to a maximum of £15,000.	Cabinet
1.13B.77	To write off debts, subject to a maximum of £25,000 and subject to consultation with the relevant Cabinet portfolio holder	
1.13B.78	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.79	To determine applications for discretionary rate relief within the general guidelines and criteria set down by Council from time to time.	
1.13B.80	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.81	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.	

Ref.	Description of Delegation	Responsibility Delegated From
1.13B.82	To determine the setting of the Council tax base under Section 84 of the Local Government Act 2003	Cabinet
1.13B.83	To authorise and take action for the recovery of debts due to the Council.	
1.13B.84	To serve demands for the recovery of expenses and establishment charges incurred by the Council and recoverable by virtue of any enactment	
1.13B.85	To initiate bankruptcy and liquidation proceedings against debtors, prove debts and make claims in cases of insolvency.	
1.13B.86	To authorise, in consultation with the Monitoring Officer, 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.87	To administer Housing Benefit Regulations and to determine applications thereunder.	
1.13B.88	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.89	To transfer monies and balances between provisions and reserves	
1.13B.90	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.91	To make payments to employees in respect of claims for damage. Claims over £10,000 are to be submitted to Cabinet for decision.	

Ref.	Description of Delegation	Responsibility Delegated From
1.13B.92	<p>Politically restricted posts</p> <ul style="list-style-type: none"> <li>• To prepare and maintain a list of politically restricted posts under Section 2, Local Government and Housing Act 1989.</li> <li>• To give any certificate and any information required under Section 3, Local Government and Housing Act 1989 (exemption of posts from political restriction).</li> </ul>	Cabinet
<b>OPERATIONAL PROPERTY</b>		
1.13B.93	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 £500,000 in any single transaction.	Cabinet
1.13B.94	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 £250,000 in any one case where the Council pays the rent, but no restriction where the Council receives the income.	
1.13B.95	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.96	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.97	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.98	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.99	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.	

Ref.	Description of Delegation	Responsibility Delegated From
1.13B.100	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.	Cabinet
1.13B.101	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.	
1.13B.102	To undertake and settle the terms of any rent review pursuant to any lease of tenancy agreement. Subject to a maximum annual rent of £250,000 in any one case where the Council pays the rent but no restriction where the Council receives the income.	
1.13B.103	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.104	To engage outside agents or practitioners to undertake work appropriate to the Buildings & Facilities Management department.	
1.13B.105	To undertake work for public bodies pursuant to the Local Authorities (Goods and Services) Act 1970 or orders made thereunder.	
1.13B.106	To authorise the institution or defence of proceedings before the Valuation Tribunal.	
1.13B.107	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.108	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	

Ref.	Description of Delegation	Responsibility Delegated From
1.13B.109	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.	Cabinet
1.13B.110	To exercise the powers and duties of the Council as the Local Land Charges Authority including the functions in respect of Assets of Community value and the registration of Village Greens	
1.13B.111	To maintain a Publication Scheme as required by The Freedom of Information Act 2000.	Head of Paid Service
1.13B.112	To respond to consultation documents on behalf of the Cabinet in consultation with the appropriate portfolio holder.	

**Director (Housing)**

Ref.	Description of Delegation	Responsibility Delegated From
<b>GENERAL FUNCTIONS</b>		
1.13B.113	To respond to consultation documents on behalf of the Cabinet in consultation with the appropriate portfolio holder.	Cabinet
<b>HOUSING</b>		
1.13B.114	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:	Cabinet
	<ul style="list-style-type: none"> <li>• Accommodation Agencies Act 1953</li> <li>• Airports Authority Act 1965</li> <li>• Anti-Social Behaviour, Crime and Policing Act 2014</li> <li>• Building Act 1984</li> <li>• Defective Premises Act 1972</li> <li>• Environment Act 1995</li> <li>• Homes Insulation Act 1978</li> </ul>	

Ref.	Description of Delegation	Responsibility Delegated From
	<ul style="list-style-type: none"> <li>• Homelessness Act 2002</li> <li>• Housing &amp; Planning Act 1986</li> <li>• Housing Act 1985</li> <li>• Housing Act 1988</li> <li>• Housing Act 1996</li> <li>• Housing Act 2004</li> <li>• Housing Grants, Construction and Regeneration Act 1996</li> <li>• Land Compensation Act 1961</li> <li>• Land Compensation Act 1973</li> <li>• Landlord and Tenant Acts 1954 and 1985</li> <li>• Leasehold Reform, Housing and Urban Development Act 1993</li> <li>• Local Authorities (Goods &amp; Services) Act 1970</li> <li>• Local Government &amp; Housing Act 1989 s.119 (7) &amp; (8), 121(7) (in consultation with the Assistant Director (Corporate Services))</li> <li>• Local Government (Miscellaneous Provisions) Act 1976</li> <li>• Local Government (Miscellaneous Provisions) Act 1982</li> <li>• Local Government Act 1972</li> <li>• Local Government Planning &amp; Land Act 1980</li> <li>• Mobile Homes Act 1983</li> <li>• Mobile Homes Act 2013</li> <li>• Protection from Eviction Act 1977</li> <li>• Public Health Acts</li> <li>• Control of Pollution Act 1974</li> </ul>	



Ref.	Description of Delegation	Responsibility Delegated From
	<ul style="list-style-type: none"> <li>• Environmental Protection Act 1990</li> <li>• Litter Act 1983</li> <li>• Refuse Disposal (Amenity) Act 1978</li> <li>• The Children Act 1989</li> <li>• Asylum &amp; Immigration Act 1996</li> <li>• Localism Act 2011</li> <li>• Homelessness Reduction Act 2017</li> <li>• Town and Country Planning Act 1990 (joint delegation with Director (Environment) in respect of Empty Homes provisions)</li> </ul>	
1.13B.115	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).	--
1.13B.116	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.	
<b>CARAVAN AND MOBILE HOME SITES</b>		
1.13B.117	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:	
	<ul style="list-style-type: none"> <li>• Caravan Sites and Control of Development Act 1960</li> <li>• Caravan Sites Act 1968</li> <li>• Mobile Homes Act 2013</li> </ul>	Cabinet

Ref.	Description of Delegation	Responsibility Delegated From
<b>LEISURE AND AMENITIES</b>		
1.13B.118	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.	
	<ul style="list-style-type: none"> <li>• Public Health Acts (Amendment) Acts 1890 &amp; 1907</li> <li>• Open Spaces Act 1906</li> <li>• Public Health Act 1961</li> <li>• Commons Registration Act 1965</li> <li>• Local Government, Planning &amp; Land Act 1980</li> </ul>	Cabinet

**Assistant Director (Operations)**

Ref.	Description of Delegation	Responsibility Delegated From
<b>LEISURE AND AMENITIES</b>		
1.13B.119	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.	
	<ul style="list-style-type: none"> <li>• Burial Act 1853</li> <li>• Registration of Burials Act 1864</li> <li>• Public Health Acts (Amendment) Acts 1890 &amp; 1907</li> <li>• Open Spaces Act 1906</li> <li>• Allotments Acts 1908 to 1950</li> <li>• Public Health Act 1961</li> <li>• Commons Registration Act 1965</li> <li>• Local Government, Planning &amp; Land Act 1980</li> <li>• Public Health (Control of Disease) Act 1984</li> <li>• Local Authorities Cemeteries Order 1977</li> <li>• Burials Act 1857</li> </ul>	Cabinet

**Information Governance Manager**

Ref.	Description of Delegation	Responsibility Delegated From
1.13B.120	To act on behalf of the Council in the designated role of Data Protection Officer (DPO).	Council

**Part C: Functions delegated to Chief Executive and Directors**

Ref.	Description of Delegation	Responsibility Delegated From
1.13C.01	<p data-bbox="352 376 946 409">Urgent Action on matters reserved to Council</p> <p data-bbox="352 445 1123 909">In relation to Council responsibilities, subject to consultation with the Leaders of all the groups which comprise at least 1/10<sup>th</sup> of the membership of the Council (or their nominees), and the provisions for urgent decisions which are contrary to any plan or strategy which has been approved or adopted by the Council or which are contrary to or not wholly in accordance with the budget approved by the Council (set out in Annex 2.3 of the Constitution), the Chief Executive and directors shall have the power to act on behalf of the Council in cases of urgency only where the urgent matter is of such a nature that it may be against the Council's interest to delay and where it is not practicable to obtain the approval of the Council.</p> <p data-bbox="352 945 1118 1077">Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency</p>	Council

## Annex 1.14: Responsibility For 'Local Choice' Functions

### 1. Introduction

- 1.1 Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 [SI 2000 No. 2853] specifies those functions which may be (but need not be) the responsibility of an authority's Cabinet (the so-called 'local choice' functions).
- 1.2 The table below sets out the Full Council's decisions on where responsibility for local choice functions will be exercised, along with details of any applicable onward delegations:

Function	Responsible Body	Onward Delegation
1. Any function under a local Act, other than functions that may not be delegated to the Cabinet (which are specified or referred to in Regulation 2 or Schedule 1 of SI 2000 No. 2853).	Full Council	--
2. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.	Full Council	--
3. The appointment of any individual – a) to any office other than an office in which he is employed by the authority; b) to anybody other than – i. the authority; ii. a joint committee of two or more authorities; or c) to any committee or sub-committee of such a body, and the revocation of any such appointment	Full Council	See Annex 1.16 for details of appointments to outside bodies, including where such appointments have been delegated by the Council.

Function	Responsible Body	Onward Delegation
4. The making of agreements for the execution of highways works.	Cabinet	
5. The determination of an appeal against a decision made by or on behalf of the authority.	Planning Committee	--
6. Any function relating to contaminated land.	Full Council	Planning Committee
7. The discharge of any function relating to the control of pollution or the management of air quality.	Full Council	Licensing Committee
8. The service of an abatement notice in respect of a statutory nuisance	Full Council	Licensing Committee
9. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Full Council	Licensing Committee
10. The inspection of the authority's area to detect any statutory nuisance.	Full Council	Licensing Committee
11. The investigation of any complaint as to the existence of a statutory nuisance.	Full Council	Licensing Committee
12. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Planning Committee	--
13. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Planning Committee	--

## 2. Explanatory note

2.1 The following items from Schedule 2 of the Regulations are not functions of the Council (and therefore not included above):

- a) The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the 1998 Act (appeals against exclusion of pupils).

- b) The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals).
- c) The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).
- d) The making of arrangements under section 20 (questions on police matters at Council meetings) of the Police Act 1996[57] for enabling questions to be put on the discharge of the functions of a police authority.
- e) The making of appointments under paragraphs 2 to 4 (appointment of members by relevant Councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.
- f) Placing staff at the disposal of another local authority i.e. through a shared service.

## Annex 1.15: Joint Arrangements with other Local Authorities

The Council has together with other local authorities adopted the following arrangements to delegate functions to the joint bodies detailed in the following table for the purposes shown.

Appointment by	Name of Joint Body and Persons Appointed to it	Functions Delegated	Limitations
The full Council	Joint Transportation Board  <b>Membership:</b> 5 <i>Councillors appointed by the full Council, together with 5 representatives appointed by Kent County Council and 1 representative appointed by Parish Councils within the Borough.</i>	(1) To advise the Cabinet on the Council's Highways Partnership functions under the Highways Partnership Agreement with the Kent County Council.  (2) To make recommendations from time to time to the Cabinet on matters of policy relating to transportation and transport planning.	Certain functions have been further delegated to Officers of the Council (see Annex 1.13)
The full Council	South Thames Gateway Building Control Joint Committee  -  <b>Membership:</b> 1 Councillor and 1 substitute Councillor appointed by the full Council (one of whom must be a member of the Cabinet).	(3) To exercise the powers and assume the responsibilities of the Council in relation to building control under the Building Act 1984 and other related legislation.  (4) To implement the first Business Plan and develop annual Business Plans thereafter for approval by the Council prior to implementation.	



## Annex 1.16: Appointments of Representatives on Outside Bodies, etc.

The Council appoints representatives to the Outside Bodies shown below. Where the Council's representation is in furtherance of a function of the Cabinet, the making of the appointment has been delegated to the Cabinet.

The table below provides details of the Outside Bodies and the number of representatives appointed to each body, Full details of membership is available on the council's website – <https://democracy.gravesham.gov.uk/mgListOutsideBodies.aspx?bcr=1>

Appointment By	Outside Body	No. of Reps
	Alzheimer's & Dementia Support Services	1
	CCTV – Lay Panel of Visitors	3 + 3 substitutes
	Charity of Knights Almhouses	4
	Citizens Advice Bureau (CAB)	1
	Council For Voluntary Service North West Kent	1
	Cyclopark	1
	Dartford and Gravesham NHS Trust Stakeholder Council	1
	Ebbsfleet UDC Board	1
	Elizabeth Huggins Cottages Charity	6
	Gravesend & District Mencap Society	2
	Gravesend Regatta Committee	3
	Gravesham Access Group	1
	Gravesham Community Investment Partnership	2
	Gravesham Community Leisure Limited	2
	Gravesham Community Safety Partnership	1 + 1 substitute
	Gravesham Rights of Way Committee	3
	Greater North Kent	1
	Henry Pinnocks Charity	5

<b>Appointment By</b>	<b>Outside Body</b>	<b>No. of Reps</b>
	Integrated Care Partnership (ICP) Joint Committee	1
	Dartford, Gravesham & Swanley Health & Care Partnership (Extension to ICP)	1
	Kent County Playing Fields Association	1
	Kent and Medway Police & Crime Panel	1
	Kent Downs Area of Outstanding Natural Beauty	1
	Local Government Association	1
	Local Government Information Unit	1
	Meopham Community Sports and Leisure Association Management Committee	2
	North Kent Marshes Internal Drainage Board	3
	North Kent Relate	1
	North West Kent Volunteer Centre	1
	PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee	1
	South East Employers	1 + 1 substitute
	Strategic Access Management & Monitoring Strategy (SAMMS)	1 + 1 substitute
	The Grand Community Interest Company	2
	Town Twinning Association	2

## Annex 1.17: Key Decisions - Indicative Financial Thresholds

**Explanation:** Article 13.04(2)(a) of the Constitution requires that, at the same meeting at which the Council's Policy Framework and Budget is approved each year, the full Council will set the financial limits or thresholds above which items are to be considered 'significant' for the purposes of Article 13.04(1)(a) - i.e. when deciding whether or not a decision of the Cabinet is a 'Key Decision'.

The thresholds will be reviewed as part of the annual budget setting report to Full Council.

Budget Heading	Financial Threshold (£)
<b>1. General Fund Services:</b>	
1.1 Capital Expenditure Projects	250,000
1.2 Revenue Expenditure	250,000
<b>2 Housing Revenue Account Services</b>	
2.1 Capital Expenditure Projects	250,000
2.2 Revenue Expenditure	250,000

## **Annex 1.18: Description of Executive Arrangements**

The following parts of this Constitution describe the Council's Executive arrangements;

- (1) **Article 6** (Scrutiny Committees);
- (2) Scrutiny Procedure Rules detailed in **Annex 2.5**;
- (3) **Article 7** (The Cabinet);
- (4) Cabinet Procedure Rules detailed in **Annex 2.4**;
- (5) **Article 10** (Area Committees and Forums);
- (6) Responsibilities Delegated to Area Committees and Forums set out in **Annex 1.8**;
- (7) **Article 11** (Joint Arrangements);
- (8) Responsibilities Delegated under Joint Arrangements set out in **Annex 1.15**;
- (9) **Article 13** (Decision Making);
- (10) Access to Information Procedure Rules detailed in **Annex 2.2**;
- (11) **Annexes 1.1 to 1.17** (Responsibility for Functions).

## Annex 1.19: The Independent Remuneration Panel

The Independent Remuneration Panel is appointed under Article 2.05 of this Constitution and in accordance with the Protocol set out in Annex 3.7.

The current Membership of the Panel is as follows:

Member	Expiry of Current Term of Office
Julie Hobson	April 2026
Claudette Bramble	October 2027
Kevin Burbidge	October 2027
Jason Owen	October 2027
Vacancy	

## Annex 1.20: Appointments of Members on Council Committees, Boards, etc.

The table below provides details of the appointments of Members to the various committees of the council, Full details of membership is available on the council's website – <https://democracy.gravesham.gov.uk/ieDocHome.aspx?bcr=1>

Council	Planning Committee	9
Council	Overview Scrutiny Committee	9
Council	Standards Committee	9
Council	Licensing Committee	15
Council	Appointments Board	15
Council	Finance and Audit Committee	9
Council	Crime and Disorder Scrutiny	15
Council	Gravesham Joint Transportation Board  Joint arrangement with Kent County Council	5  Plus the County Cllrs for Gravesham
Council	South Thames Gateway Building Control Joint Committee  Joint arrangement with Medway Council, Swale Borough Council and Canterbury City Council.	1
Council	Appeals Sub-Committee	3
Council	Hackney Carriage Sub-Committee	3
Appointments Board	Appointments Panel	3

Licensing Committee	Licensing Panel	3
Cabinet	Climate Change Advisory Board	5
Cabinet	Northfleet Harbourside Steering Group	2
Cabinet	Rosherville Shareholder Advisory Board	5
Cabinet	Community & Leisure Cabinet Committee	9
Cabinet	Operational Services Cabinet Committee	9
Cabinet	Housing Services Cabinet Committee	9
Cabinet	Performance and Administration Cabinet Committee	9
Cabinet	Strategic Environment Cabinet Committee	9
Cabinet	Special Cabinet Advisory Committee	9

## Annex 1.21: Terms of Reference for the Crime and Disorder Scrutiny Committee

The Council has appointed the Crime and Disorder Scrutiny Committee as set out below.

**Membership:** 15 Members of the Council. In addition, the Crime and Disorder (Overview and Scrutiny) Regulations 2009 allow the Committee to co-opt people and to give them voting rights. This power will only be exercised with the approval of the Council.

### Terms of reference

1. To review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.
2. To require information to be provided by partners, and require attendance at meetings.
3. To require partners (responsible authorities and cooperating partners) to respond to reports within 28 days and 'have regard' to recommendations.
4. To make reports or recommendations to the local authority with respect to the discharge of those functions.
5. To deal with Councillor Calls for Actions (CcfAs) which relate to crime and disorder matters. This was previously referred to in the report submitted to Council in respect of CcfAs (para 4.2) on 6 October 2009.
6. To act as a Crime and Disorder Committee constituted pursuant to section 19 of the Police and Justice Act 2006.

Notwithstanding the power to co-opt members, the Committee may in any case invite such other persons as appear appropriate to attend and take part in deliberations without the right to vote, subject to the nondisclosure of confidential and exempt information (as defined in the Access to Information Rules set out in Annex 2.2 to this Constitution).