

CHAPTER 3 – RESPONSIBILITY FOR FUNCTIONS

PART 1 - RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

- 1.1 The various parts of this chapter set out the responsibility for functions. These are divided between the Council and the Cabinet. In both cases these are subject to onward delegations to employees.
- 1.2 The table below sets out the Council's decisions on where local choice functions will be exercised.

Function	Responsible body
1. Any function under a local Act	Cabinet
2. The determination of an appeal against any decision made by or on behalf of the authority	Council
3. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.	Council
4. The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the 1998 Act (appeals against exclusion of pupils).	Council
5. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals).	Council
6. 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).	Council
7. The making of arrangements under section 20 (questions on police matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Council
8. 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.	Council
9. Any function relating to contaminated land under Part 11A of the Environmental Protection Act 1990 and subordinate legislation under that Part.	Cabinet
10. The discharge of any function relating to the control of pollution or the management of air quality under the Pollution Prevention and Control Act 1999, Part IV of the Environment Act 1995, Part I of the Environmental Protection Act 1990 and the Clean Air Act 1993.	Cabinet

Function	Responsible body
11. The service of an abatement notice in respect of a statutory nuisance under section 80 of the Environmental Protection Act 1990.	Cabinet
12. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area under section 8 of that Act.	Cabinet
13. The inspection of the authority's area to detect any statutory nuisance under section 79 of the Environmental Protection Act 1990.	Cabinet
14. The investigation of any complaint as to the existence of a statutory nuisance under section 79 of the Environmental Protection Act 1990.	Cabinet
15. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Cabinet
16. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Cabinet
17. The making of agreements for the execution of highways works under section 278 of the Highways Act 1980.	Council
18. The appointment of any individual: <ul style="list-style-type: none"> a) to any office other than an office in which he is employed by the authority; b) to any body other than – <ul style="list-style-type: none"> (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. 	Council
19. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Cabinet
20. Any function of the Council in the capacity of a harbour authority. The levels of employee delegation supporting these responsibilities are contained in part 4 of this chapter`.	Cabinet
21. Functions relating to the preparation, submission and modification of a Local Area Agreement under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007.	Council

References:

Chapter 5, Guidance

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Section 13, Local Government Act 2000

The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008 No. 516

Committee	Membership	Functions	Delegation of functions
		<p>Highways use and regulation</p> <p>The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions Regulations</p>	Director of Regeneration, Community and Culture
Employment Matters	Up to 7 members of the authority	To deal with all employment matters noting that the determination of the annual pay award is a matter for the Full Council if it exceeds the budgetary provision	
International Relations	Up to 5 members of the authority	To oversee all twinning matters	
Licensing and Safety	Between 10 – 15 members of the authority	<p>Taxi, gaming, alcohol, entertainment, food and miscellaneous licensing</p> <p>Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003 and other licensing functions reserved by law to the Council's Licensing and Safety Committee</p>	Chief Executive

Committee	Membership	Functions	Delegation of functions
		<p>Health and safety</p> <p>Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer</p>	Chief Executive
School Transport and Curriculum Appeals	Up to 7 members of the authority	Determining appeals regarding home to school transport and complaints regarding the curriculum	
South Thames Gateway Building Control Joint Committee	3 members (one each from Medway, Gravesham and Swale)	<p>Enforcement activity.</p> <p>Staffing matters (in accordance with Medway Council's policies and procedures).</p>	

Committee	Membership	Functions	Delegation of functions
Standards	3 members of the authority, Up to 6 voting co-optee(s) and 3 parish members	<p>The promotion and maintenance of high standards of conduct within the Council</p> <p>To advise the Council on the adoption or revision of its code of conduct;</p> <p>To monitor and advise the Council about the operation of its code of conduct in the light of best practice, changes in the law, guidance from the Standards Board and recommendations of case tribunals under section 80 of the Local Government Act 2000;</p> <p>The assessment, review and determination of written complaints about Member behaviour where it is alleged that a breach of the Local Code of Conduct has occurred and the taking of any necessary action available under the Local Government Act 2000 (As amended by the 2007 Act) and the Standards Committee (England) Regulations 2008.</p> <p>Assistance to members and co-opted members of the authority</p> <p>To ensure all members of the Council have access to training in all aspects of the member code of conduct, that this training is actively promoted, and that members are aware of the standards expected from local Councillors under the code</p>	

Committee	Membership	Functions	Delegation of functions
		<p>Other functions</p> <p>Functions relating to standards of conduct of members, under any relevant provision of, or regulations made under, the Local Government Act 2000</p> <p>to grant and specify exemptions for politically restricted posts</p>	

2.1 The details of the onward delegation to employees are contained in part 4 of this chapter.

2.2 The terms of reference of the Committees established by the Council and their sub-committees are set out below:

<p>1. Appointments Committee</p>
<p>1.1 Up to 6 members To appoint the Chief Executive.</p> <p>1.2 Up to 5 members To appoint all first and second tier posts and any other posts identified by the Employment Matters Committee as requiring appointment by the Appointments Committee.</p>
<p>2. Audit Committee</p>
<ul style="list-style-type: none"> • To provide independent assurance on the adequacy of the risk management framework and the associated control environment, including consideration of the Council's approach to risk management and the assurance framework, the production of the annual governance statement, arrangements for delivering value for money and the Council's anti-fraud arrangements and anti-corruption measures, including whistleblowing; • To monitor the Council's compliance with its own published standards and to consider any proposals for changes to Financial Rules, Codes of Practice on tenders and contracts; • To monitor financial policies and processes, including endorsement of improvement plans to strengthen the control environment; • To approve the annual governance statement; • To approve the annual accounts; • To discuss with the external auditor new accounting standards, changes to the reporting framework and the basis of the annual audit, including the content of performance work;

- To receive all reports by the external auditor including all performance reports and the annual audit and inspection letter;
- To oversee Internal Audit activity;
To provide an independent review of the Council's financial and non-financial performance.

3. Development Control Committee

- To determine all planning applications submitted pursuant to the Town and Country Planning Act 1990 (as amended), the Planning Listed Buildings and Conservation Areas Act 1990 and the Planning (Hazardous Substances) Act 1990, including those applications falling for decision under officer delegated powers which a Council member has requested to be referred for Committee determination, except that all applications recommended for approval in respect of development which is in fundamental conflict with the Development Plan or any approved proposals for amendment thereof shall be reserved for determination by the Council;
- To consider written objections received to Tree Preservation Orders made under Section 198 or 201 of the Town and Country Planning Act 1990 and notifications under Section 211 of that Act;
- To determine all applications for approvals required by a Development Order or by conditions imposed on the grant of a planning permission;
- To authorise the issue of Building Preservation Notices pursuant to Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990 except that cases where the Director of Regeneration, Community and Culture and Assistant Director, Housing and Corporate Services, consider that compensation may be payable shall be referred to the Council;
- To exercise powers under the Town and Country Planning Act 1990 in relation to the service of Enforcement Notices and Stop Notices under Parts VII and VIII, Planning Contravention Notices under Section 171(c) and Breach of Condition Notices under Section 187(a) and to take all necessary further steps up to and including prosecution except that cases where the Director of Regeneration, Community and Culture and Assistant Director, Housing and Corporate Services, consider that compensation may be payable shall be referred to the Council;
- To exercise powers in relation to the service of Listed Building Enforcement Notices under the provisions of the Planning (Listed Buildings in Conservation Areas) Act 1990 and to take all necessary further steps up to and including prosecution;
- To recommend to the Council the making of Orders for the modification or revocation of planning permission;
- To issue Completion Notices under Section 94 of the Town and Country Planning Act 1990;
- To submit views on behalf of the Planning Authority in relation to the consultations under the Pastoral Measures 1968;
- To lodge objections in connection with Goods Vehicle Operators' Licences;

<ul style="list-style-type: none"> • To consider and approve/acknowledge planning obligations offered by developers under Section 106 of the Town and Country Planning Act 1990 (as amended by Section 12 of the Planning and Compensation Act 1991); • To consider and determine development control issues in respect of the Channel Tunnel Rail Link/M2 Widening.
<p>4. Employment Matters Committee</p>
<ul style="list-style-type: none"> • To consider and determine, where appropriate, matters concerning the employment of staff and their terms and conditions of employment or secondment and to determine the terms of the annual pay award provided it is within the approved budget; • To advise on and determine policies concerning any staffing matter including equal opportunities and the allocation and utilisation of human resources within the authority; • To advise on and determine arrangements for consulting and communicating with staff and trades unions; • To hear and determine final appeals by employees on behalf of the Council relating to their conditions of service, discipline, performance or termination of employment; • To report its decisions and recommendations to the Cabinet and Business Support Overview and Scrutiny Committee.
<p>Employment Matters Appeals Panel</p>
<ul style="list-style-type: none"> • To hear and determine final appeals by employees on behalf of the Council relating to their conditions of service, discipline, performance or termination of employment.
<p>5. International Relations Committee</p>
<ul style="list-style-type: none"> • To determine the level of twinning activity between Medway and Valenciennes (France), Cadiz (Spain), Yokosuka, Ito (Japan) and Foshan (China) as follows: <ul style="list-style-type: none"> - Level 1: information exchange - Level 2: academic/economic visits for policy/working practice exchange, plus cultural promotion/research activity - Level 3: academic/economic/cultural exchange, including formal student placement exchange, trade mission activity and consultative infrastructure development. • To be responsible for the allocation of up to £10,000 per annum to develop twinning as described above. • To meet no less than four times a year on twinning activities including any decisions requiring funding from the budget. • To form sub-groups for Valenciennes, Cadiz, Yokosuka/Ito plus other sub-groups as appropriate. • To consider regular reports on progress from each sub-group.

<ul style="list-style-type: none"> To consider applications for funding from each sub-group to support proposed activities, with funding applications being supplemented by bids for funding from external organisations and through fund raising activities.
<p>6. Licensing and Safety Committee</p>
<ul style="list-style-type: none"> To act in a quasi-judicial capacity to consider appeals that may require determination upon receipt of representation from an aggrieved party where a licence has either been refused, amended or revoked by officers and make decisions related thereto; To act in a quasi-judicial capacity to determine application of licences where there is substantial objection by other parties to the grant of a licence or where in the officer's opinion the issue is of a sensitive nature and make decisions related thereto; To consider objectively other ad hoc matters relating to the licensing process which officers or the Council deems appropriate; To determine new applications for sex establishment licences and to impose such terms, conditions and/or restrictions as may be lawful and are deemed necessary; To determine matters relating to health and safety under any 'relevant statutory provision' within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer. <p>Note: for the purpose of these terms of reference the term "licence" or "licensing" includes any such controlling measure such as permit, certificate or registration.</p>
<p>7. School Transport and Curriculum Appeals Committee</p>
<ul style="list-style-type: none"> To determine appeals relating to the application of the Council's policy for assisting with transport for pupils and students at schools and colleges; To consider complaints regarding school curriculum and related matters.
<p>8. South Thames Gateway Building Control Joint Committee</p>
<ul style="list-style-type: none"> To exercise the powers and assume the responsibilities of the partner authorities in relation to building control under the Building Act 1984 and other related legislation; To implement the first Business Plan of the Joint Committee; To develop an annual Business Plan for approval by each partner authority and adoption and implementation by the Joint Committee; To make recommendations to each partner authority to provide resources as required to secure the delivery of the Business Plan and to support the aims and objectives; To prepare and submit as required all reports, business cases and supplementary information as may be required by central government and or any agency or organisation on behalf of central government in relation to the delivery of the Business Plan and/or to obtain additional funding to support the aims and objectives;

<ul style="list-style-type: none"> • To enter into dialogue with central government and/or any agency or organisation on behalf of central government to secure the delivery of the Business Plan and/or to obtain additional funding to support the aims and objectives; • To consult with appropriate persons and to commission research and public opinion surveys into matters relevant to the aims and objectives and the Business Plan; • To influence, advise and lobby central government and other agencies (whether locally, nationally and internationally) where this is felt to be consistent with the aims and objectives and the Business Plan.
<p>9. Standards Committee</p>
<ul style="list-style-type: none"> • To promote and maintain high standards of conduct by Councillors, co-opted members and church and parent governor representatives; • To assist the Councillors, co-opted members and church and parent governor representatives to observe the members’ code of conduct; • To advise the Council on the adoption or revision of the members’ code of conduct; • To monitor the operation of the members’ code of conduct; • To advise, train or arrange to train Councillors, co-opted members and church and parent governor representatives on matters relating to the members’ code of conduct; • To grant dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the members’ code of conduct; • to grant exemptions for politically restricted posts; • The assessment, review and determination of written complaints about Member behaviour where it is alleged that a breach of the Local Code of Conduct has occurred and the taking of any necessary action available under the Local Government Act 2000 (As amended by the 2007 Act) and the Standards Committee (England) Regulations 2008. • The exercise of all of the above in relation to the parish Councils wholly or mainly in its area and the members of those parish Councils.
<p>Referrals Sub-Committee</p>
<p>(a) The Referrals Sub-Committee is established to receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority’s Code of Conduct.</p> <p>(b) Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:</p>

- (i) refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
- (ii) refer the allegation to the Standards Board for England;
- (iii) decide that no action should be taken in respect of the allegation; or
- (iv) where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- (c) Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
 - (i) it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - (ii) the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
 - (iii) the matter should be referred to the Adjudication Panel for determination.
- (d) Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) or 2(c) above, the Sub-Committee shall state its reasons for that decision.
- (e) The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- (f) The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

Review Sub-Committee

- (a) The Review Sub-Committee is established to review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Referrals Sub-Committee that no action be taken in respect of that allegation.

- (b) Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Referrals Sub-Committee and shall then do one of the following:
- (i) refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;
 - (ii) refer the allegation to the Standards Board for England;
 - (iii) decide that no action should be taken in respect of the allegation; or
 - (iv) where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;
- and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.
- (c) Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) above, the Sub-Committee shall state its reasons for that decision.

Hearings Sub-Committee

- (a) To hear cases.
- (b) The functions of determining whether to accept the Monitoring Officer's findings of no breach, to go to a local hearing, or to refer the matter to a Case Tribunal.

PART 3 - RESPONSIBILITY FOR CABINET FUNCTIONS

The table below sets out a summary of the information presented to the annual meeting of the Council by the Leader of the Council and will be revised if necessary following each annual meeting. In addition, where the Leader makes any change to a portfolio, a Portfolio Holder or the themes within a portfolio, during the course of a municipal year the Leader shall produce a revised version of the table which shall be copied to all members and the Chief Executive, following which it shall replace any previous version in the constitution.

Portfolio	Portfolio Holder	Themes
Leader	Rodney Chambers	Democracy and governance Regeneration
Deputy Leader and Finance	Alan Jarrett	Communications and media Council tax and business rates Finance Housing benefit Legal Property Risk management Strategic procurement
Adult Services	Tom Mason	Community care Health Older people Services for people with learning and physical disabilities Telecare/Telemedicine
Children's Services (Lead Member)	Les Wicks	Early years Further education Home to school transport Inclusion Primary and secondary education School services Special educational needs Specialist youth services Youth
Children's Social Care	David Wildey	Children and family services
Community Safety and Enforcement	Rehman Chishti	CCTV Community safety Drugs Enforcement (executive functions only) Environmental health Trading standards Travellers Wardens

Portfolio	Portfolio Holder	Themes
Community Services	Howard Doe	Adult learning Castles Events Greenspaces Housing and homelessness Housing revenue account Leisure and community services Libraries and resource centres Sport Theatre and arts Voluntary sector
Customer First and Corporate Services	Janice Bamber	Bereavement Services Community Plan CPA Customer First Human resources ICT Learning and development Medway Local Strategic Partnership Performance Plan Registrars Service improvement
Front Line Services	Phil Filmer	Parking Public transport Roads Street cleaning and waste collection/recycling/waste disposal Traffic management Transport for Medway
Strategic Development and Economic Growth	Jane Chitty	Building and development control* Economic development Europe Local Development Framework Planning Rural strategy Social regeneration South East Plan Tourism

*Note: Council has delegated its building control functions to the South Thames Gateway Building Control Joint Committee.

- 3.1 All the responsibilities of the Leader of the Council are to be exercised by the Deputy Leader when the Leader is away, or in the view of the Chief Executive, otherwise unavailable.
- 3.2 For the avoidance of doubt the Council has adopted the strong leader model and decisions which fall during recess or are required urgently may be made by the Leader subject to compliance with the Access to Information Rules. The Leader has presently delegated functions to Portfolio Holders to the extent necessary to permit collective decision making by Cabinet.
- 3.3 Nothing in the above table or rule 3.2 above shall fetter or restrict the right of the Leader:
 - subject to compliance with rule 7.3 of Article 7 of Chapter 2 of this constitution to increase or decrease the size of Cabinet
 - subject to compliance with rule 7.5 of Article 7 of Chapter 2 of this constitution to appoint or dismiss members of the Cabinet.
- 3.3.1 To reorganise the portfolios.
- 3.3.2 To reorganise or re-allocate the portfolio theme.
- 3.3.3 To delegate executive functions or withdraw any delegation.
- 3.3.4 To exercise all rights contained in Article 7 of Chapter 2 of this constitution or the Leader and Cabinet Rules.
- 3.3.5 To exercise any other rights set out in the constitution.
- 3.4 The Cabinet as a whole has responsibility to ensure the effective operation of risk management in the Council and this is also included in the themes allocated by the Leader to the Deputy Leader and Finance Portfolio Holder.

PART 4 - EMPLOYEE DELEGATION SCHEME

General scheme of delegation	
Description of delegation	Responsibility delegated from
1. General scheme of delegation to Chief Executive and directors	
1.1 The Chief Executive should be responsible for management arrangements across the whole Council and directors shall have the responsibility to manage the department and service area for which they are responsible	Council/Cabinet
1.2 In managing the service all directors shall be authorised in their discretion to exercise such powers as may be provided by the relevant legislation including the service or receipt of notices, the making of orders, the authorisation of any action or the institution, defence or conduct of proceedings, appeals and enforcement byelaws, authorisation of named employees to enforce specific powers and making of grants within the budget and policy framework. Where the areas of responsibility and powers of an employee refer to specific acts of parliament, regulations, orders or guidance any subsequent re-enactment or amendment of the same shall apply	Council/Cabinet
1.3 Where the Council is by law required to designate a proper officer, the Chief Executive and Directors are authorised to act as proper officers within their area of responsibility save for where a different proper officer is designated either by law or by this constitution.	Council/Cabinet
1.4 It is the responsibility of the director to delegate matters within their department to ensure matters are dealt with at the appropriate level to maintain the balance between efficiency and control. Employees shall be under a duty to consult and, where appropriate, agree with other appropriate employees before exercising their delegated powers and to consult the Chief Executive in cases of doubt	Council/Cabinet
2. Financial delegations	
2.1 Directors may transfer resources between their directorate budget heads, subject to the budget and policy framework rules and the financial rules	Council/Cabinet
2.2 The financial delegations permit directors to: <ul style="list-style-type: none"> • incur expenditure within approved revenue budgets and generate income; • sell items which become surplus to service; • write off irrecoverable debts in accordance with financial limits forming part of the financial rules; • enter into contracts subject to compliance with financial and contract rules; 	Council/Cabinet

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> • commit variations to capital schemes in accordance with the financial rules; • accept the most economically advantageous tender 	
3. Personnel delegations	
<p>3.1 Directors may agree to reorganisations within their departments subject to there being:</p> <ul style="list-style-type: none"> • no significant service policy implications or clear departure from existing Council policies; • no expenditure in excess of budget; • no growth in net expenditure beyond the current year; • no changes affecting directors or assistant directors; • consultation with the Assistant Director, Organisational Services 	Council
<p>3.2 Appoint permanent staff (other than directors and assistant directors) in accordance with the approved structure and to appoint temporary staff as required</p>	Council
<p>3.3 Agree the application of Job Share Schemes to posts</p>	Council
<p>3.4 Agree extensions to sick pay, grant special leave and make maternity and paternity arrangements.</p>	Council
<p>3.5 To discipline, suspend and dismiss employees in accordance with the Council's disciplinary procedure and capability procedures</p>	Council
<p>3.6 Pay gratuities in accordance with Council policy and the Local Government Pension regulations subject to the agreement of the Chief Executive</p>	Council
<p>3.7 Authorise payments to staff temporarily undertaking additional duties, as provided for in the conditions of employment</p>	Council
<p>3.8 Refer staff to the Council's occupational health service in appropriate circumstances and to take any consequential action required</p>	Council
<p>3.9 Authorise ex-gratia payments to employees who incur loss or damage to their property whilst engaged in official duties up to a maximum of £250</p>	Council
<p>3.10 Approve the attendance of employees at conferences and courses of training</p>	Council
<p>3.11 Approve financial assistance for post-entry training</p>	Council

Description of delegation	Responsibility delegated from
3.12 Providing the costs are met from existing budgets, to implement the outcome of job evaluation exercises in conjunction with the Assistant Director, Organisational Services	Council
3.13 Authorise car allowances and to authorise payments in accordance with the conditions of employment and Council policy	Council
3.14 Approve payments of reasonable out-of-pocket expenses for newly appointed employees	Council
3.15 Authorise payments to recompense employees who are required to work on public holidays, when time off in lieu is not practicable	Council
4. Urgent action	
4.1 Matters reserved to Council: In relation to Council responsibilities, subject to consultation with the Leaders of all the groups which comprise at least 1/10 th of the membership of the Council (or their nominees), 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	Council
5. Departmental schemes of delegation	
5.1 Directors may delegate matters for which they are responsible to an appropriate employee under their management and control. Any such delegation must be in writing and remain subject to this scheme of delegation	Council/Cabinet

Specific scheme of delegation	
Description of delegation	Responsibility delegated from
6. Chief Executive	
6.1 Corporate delegations: <ul style="list-style-type: none"> • To be responsible for policy development, the overall strategic direction of the Council and the governance of the Council save for matters which should be referred to the Council or the cabinet; • To act as the Council's Head of Paid Service under section 4(1) of the Local Government and Housing Act 1989; 	Council/Cabinet Council

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> To handle complaints made against the Council (including Ombudsman complaints) and to settle complaints locally where the costs of settlement do not exceed £5,000; 	Council/Cabinet
<ul style="list-style-type: none"> To represent the interests of the Council to the community, local interest groups and external agencies; 	Council/Cabinet
<ul style="list-style-type: none"> To resolve disputes between directorates; 	Council/Cabinet
Democratic Services:	
<ul style="list-style-type: none"> To retain contract staff or appoint consultants on matters related to the management of the Council 	Council/Cabinet
<ul style="list-style-type: none"> To arrange appointments to outside bodies (other than officer appointments) in consultation with group whips to fill casual vacancies and make new appointments during the year; 	Council
<ul style="list-style-type: none"> To arrange the appointment of officers to outside bodies 	Council
<ul style="list-style-type: none"> To add to the list of joint Committees, outside bodies, other bodies and charities in respect of indemnities for members and officers (3684/09/2001); 	Council
<ul style="list-style-type: none"> In liaison with party group whips, to agree the nominations of Councillors to places at conferences; 	Council
<ul style="list-style-type: none"> In consultation with party group leaders, to approve future annual increases in travel and subsistence rates, as long as these do not exceed the maximum thresholds stipulated by the Secretary of State and subject to available budget provision; 	Council
<ul style="list-style-type: none"> To approve minor changes to Committee and Sub-Committee memberships in line with the wishes expressed by party groups and insofar as there is no change to the overall size of membership and political balance in each case 	Council
<ul style="list-style-type: none"> To appoint independent people to serve on the Complaints Review Panels dealing with stage 3 adult and children's social care complaints subject to satisfactory completion of an application form by each prospective panel member and no objections from Group Whips to each appointment. 	Council
Civil protection and civil defence:	
<ul style="list-style-type: none"> To approve and implement the Council's Emergency Plan and any amendments to it; 	Cabinet
<ul style="list-style-type: none"> To approve and implement the Council's Civil Defence Plan and any amendments to it. 	Cabinet

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> • The Assistant Director, Housing and Corporate Services is authorised where appropriate to vary the terms and conditions of contract as specified in the contract rules; • The Assistant Director, Housing and Corporate Services to authorise employees to appear on behalf of the Council in the County Court and/or Magistrates' Court pursuant to Section 60 of the County Courts Act 1984 and Section 223 of the Local Government Act 1972. • Manage the Coroner's Service in compliance with current legislation and the policies of the Council. 	<p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p>
<p>6.4 Local Land Charges:</p> <ul style="list-style-type: none"> • Manage the local land charges functions in compliance with current legislation and the policies of the Council. 	<p>Cabinet</p>
<p>6.5 Property:</p> <ul style="list-style-type: none"> • Manage the Council's land and property resources in compliance with current legislation and Council policy; • Agree terms for the disposal or purchase of property approved by the Council. Where there is a disposal of a property to accept the highest tender/offer, provided that the assistant director is satisfied it is the best price reasonably obtainable; • Within the financial limits delegated to the director, to agree terms and dispose of or purchase property; • Grant, enter into, or vary the terms of leases or sub leases, where the consideration does not exceed £10,000 per annum on any single transaction or £20,000 after consultation with the relevant portfolio holders. Similarly to enter into and vary the terms of easements, licences, agreements, restrictive covenants or other rights or documents subject to the same financial limit; • Approve the terms of short-term leases and licences of Council-owned properties on the Rochester, Strood and Chatham Riverside; • Approve terms for the appropriation of land previously authorised by the Council; • Authorise the making of 'well maintained' payments, home loss payments and the payment of statutory compensation removal expenses and trade disturbance allowance to displaced owners and occupiers. 	<p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p>
<p>6.6 Licensing:</p> <ul style="list-style-type: none"> • Except where a specific Council side responsibility, to manage all licensing and registration functions of the 	<p>Council</p>

Description of delegation	Responsibility delegated from
<p>Council including the licensing and registration of cinemas, theatres, pleasure boats, hackney carriage and private hire, late night refreshment houses, betting tracks, public entertainments, open air musicals, sex establishments, indoor sports licences, amusement with prizes and lotteries, street and house to house collections, safety in sports grounds, animal establishments, skin piercing, caravan sites, game and rag flock, petroleum, fireworks, poisons and such other services as may be authorised.</p>	
<p>6.7 Housing:</p> <ul style="list-style-type: none"> • Manage the housing service in compliance with current legislation and the policies of the Council; to include the management of shops, garages, and other ancillary buildings associated with the housing management function; • Review the allocation of two smaller properties in return for the release of a larger property and to allocate accommodation according to the merits of each case. 	<p>Cabinet</p> <p>Cabinet</p>
<p>6.8 Improvement grants:</p> <ul style="list-style-type: none"> • Exercise the function of the Council under the Housing (Grants, Construction and Regeneration) Act 1996 and the Regulatory Reform (Housing Assistance) Order 2002 and in accordance with any other relevant legislation and Council Policy; • Authorise the determination of hardship cases where improvement grant applicants have proved to be in receipt of housing benefit and or income support; • Approve the payment of renovation grants, disabled facilities grants and home repair assistance, in accordance with the renovation grant policy and within the allocated resources in the approved capital programme; • Consider applications to waive repayment of renovation grants where an elderly or infirm person is disposing of the grant property to live permanently in a care home or to be cared for at a relative's home and to demand repayment of the full grant. 	<p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p>
<p>6.9 Rent officer service:</p> <ul style="list-style-type: none"> • Manage the rent officer service in compliance with current legislation and the policies of the Council. 	<p>Cabinet</p>

Assistant Director, Customer First, Democracy and Governance		
6.10	<p>Cemeteries and cremation:</p> <ul style="list-style-type: none"> Manage the burials, cremation and cemetery service in compliance with current legislation and the policies of the Council; Pursuant to Section 2 of the Parish Council's and Burial Authorities (Miscellaneous Provisions) Act 1970, to sign grants of exclusive rights of burial. 	<p>Cabinet</p> <p>Cabinet</p>
6.11	<p>Electoral registration:</p> <ul style="list-style-type: none"> Manage the electoral registration and elections service in compliance with current legislation and the policies of the Council. 	Council
6.12	<p>Registration of births, marriages and deaths:</p> <ul style="list-style-type: none"> Manage the registration of births, marriages and deaths in compliance with current legislation, guidance from the Registrar General and the policies of the Council. 	Cabinet
Assistant Director, Organisational Services		
6.13	<p>Personnel:</p> <ul style="list-style-type: none"> Agree every three years, suitably rounded, increases in the monetary value of the 25 year long service awards to non-teaching staff, in line with inflation; Implement the Council's post-entry training scheme; Negotiate and reach agreement on behalf of the Council on policies and procedures concerning the workforce; Obtain the necessary statistical information to enable the Council to monitor the composition of its workforce in connection with the implementation of its equal opportunity and other policies. 	<p>Council</p> <p>Council</p> <p>Council</p> <p>Cabinet</p>
6.14	<p>Information technology:</p> <ul style="list-style-type: none"> To manage the information and communications technology (ICT) services of the Council including the sale of spare computer time in compliance with current legislation and Council policy; Establish an overall ICT strategy for the Council and to enforce the policies of the Council in respect of ICT procurement and implementation; Dispose of surplus ICT equipment for the best price or lowest cost available. 	<p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p>
Chief Finance Officer		
6.15	<p>Financial:</p> <ul style="list-style-type: none"> To be responsible for all borrowing, investment, and 	Cabinet

	<p>financial decisions, such decisions to be consistent with the Council's treasury policy statement;</p> <ul style="list-style-type: none"> • Approve the re-phasing of expenditure between years on approved schemes, provided that the impact does not exceed the overall level of the approved programme and the level of resources estimated to be available; • Authorise the opening and closing of any such bank accounts as may be considered necessary in accordance with the bank mandate; • In respect of national non domestic rates, Council tax, and other income and debtors to exercise the powers of the Council including the institution of legal proceedings and all steps necessary to prosecute, enforce judgements and approve the writing off of irrevocable sums; • Award rate relief for village shops under Section 47 of the Local Government Finance Act 1988, as amended; • Allow hardship relief for non-domestic rate payers in accordance with the Council's guidelines; • Manage the housing benefits scheme in compliance with current legislation and policies of the Council; • Fund insurance management initiatives up to a maximum level of £50,000 in total per annum. • Approve in-year additions to the capital programme in consultation with the Finance Portfolio Holder, subject to: <ul style="list-style-type: none"> (i) funding coming from external sources; (ii) no financial contribution being required from the Council; (iii) funding being ring fenced for specific purposes. 	<p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Council</p>
6.16	For the avoidance of doubt, the Chief Executive shall have all the delegations of a Director in respect of the Business Support Department.	Council/Cabinet
7.	Director of Children and Adults	
7.1	Manage the education service in compliance with current legislation and the policies of the Council.	Cabinet
7.2	Manage the children and families services in compliance with current legislation and the policies of the Council.	Cabinet
7.3	<p>Services for elderly and disabled:</p> <ul style="list-style-type: none"> • Manage the services for the elderly and disabled people in compliance with the current legislation and policies of the Council; 	Cabinet

	<ul style="list-style-type: none"> Exercise the function of the Council under the Community Care (Direct Payments) Act 1996 in accordance with the provisions of the proposed Medway direct payments scheme. 	Cabinet
7.4	<p>Mental health:</p> <ul style="list-style-type: none"> Manage the services for adults with mental health problems in compliance with current legislation and policies of the Council; 	Cabinet
7.5	<p>General:</p> <ul style="list-style-type: none"> To consider and determine urgent matters in relation to individual cases in consultation with the Cabinet. 	Cabinet
7.6	Act as the 'authorised officer' for all contracts falling within the children and adults service.	Cabinet
8.	Director of Regeneration, Community and Culture	
8.1	<p>Planning:</p> <ul style="list-style-type: none"> To manage the Council's functions in relation to the planning function, listed building consent, building preservation, conservation areas, tree preservation, enforcement and planning contravention, purchase notices and hedgerows in compliance with current legislation and Council policy; To determine applications for planning permission except in the following circumstances: <ul style="list-style-type: none"> (i) Where the applicant is the Council and the proposed development is a major proposal or for non-operational purposes. (ii) Where the applicant is a member of the Council or an officer directly or indirectly involved in the planning process. (iii) Where the Director of Regeneration, Community and Culture refers the application to the planning Committee (eg where the proposals are a significant departure from the development plan or otherwise are of a strategic nature in the context of the Council's planning and development policies). (iv) Where the proposal has other major implications for the authority. (v) Where a member of the Council has within 21 days of the publication of the weekly list of planning applications requested that an application be determined by Committee. In these cases members should identify the material planning considerations to warrant consideration by Committee. 	<p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p>

<p>(vi) Where a parish council has within 21 days of the publication of the weekly list of planning applications requested that an application be determined by Committee. In these cases parish Councils should identify the material planning considerations to warrant consideration by Committee.</p>	<p>Council</p>
<p>(vii) Where three or more relevant letters of representation are received (from separate households) contrary to the proposed decision or where one letter of representation is received from a Parish Council or a Residents' Society or Amenity Society contrary to the proposed decision (except, in the case of a representation by a Parish Council, a Residents' Society or an Amenity Society, where the Director of Regeneration, Community and Culture, in consultation with the Chairman and Spokesmen of the Development Control Committee, is of the opinion that the representation contains no reasonable planning grounds supporting the representation).</p>	<p>Council</p>
<ul style="list-style-type: none"> • To determine details reserved by conditions, minor amendments to proposals for which consent has been granted, applications for lopping or topping trees, to confirm or reject tree preservation orders where no more than three representations are received from separate households contrary to the proposed decision, applications on the direction of the Secretary of State in respect of a trunk road, applications for Certificates of Lawfulness of existing or proposed use and to determine applications submitted pursuant to s.10 of the Planning (Hazardous Substances) Act 1990; 	<p>Council</p>
<ul style="list-style-type: none"> • To contest planning appeals in accordance with Council or Committee policy including the appointment of appropriate legal and professional representatives; 	<p>Council</p>
<ul style="list-style-type: none"> • To submit observations upon proposals outside the Medway area upon which the Council has been consulted subject to prior consultation with members representing the wards adjoining the proposed development. 	<p>Cabinet</p>
<p>8.2 Building control:</p> <ul style="list-style-type: none"> • To submit comments to the Secretary of the Joint Committee on the first draft of the Building Control Business Plan and on any proposed amendments (during the course of each year), in consultation with the Chief Finance Officer and the Council's representative on the South Thames Gateway Building Control Joint Committee. 	<p>Cabinet</p>

<p>8.3 Highways and traffic regulations:</p> <ul style="list-style-type: none"> • To manage the highways, parking provision, public rights of way, traffic regulation, traffic calming, road safety and watercourse management services in compliance with current legislation and the policies of the Council; • With respect to the determination of requests for the approval of details submitted pursuant to the provisions of Schedule 6 of the Channel Tunnel Rail Link Act 1996: <ul style="list-style-type: none"> (i) to determine plans and specifications submissions made pursuant to paragraph 15; (ii) to determine requests for the approval of details submitted pursuant to conditions attached to Construction Arrangements Approvals granted under paragraphs 16, 17, 23, 24 and 25 and requests for approval to amendments to matters subject to approval issued under the aforementioned paragraphs; (iii) the determination of restoration plans submitted pursuant to the provisions of paragraph 19; (iv) the determination of additional details submitted pursuant to conditions imposed under paragraph 22(2); (v) the determination of all applications for the construction and working site vehicular access points. • To respond to all consultative submissions made directly to the Council pursuant to the provision of the Channel Tunnel Rail Link Act 1996 junctions 1-4 widening memorandum of undertaking by either the Highways Agency or the Channel Tunnel Rail Link's nominated undertaker; and to respond to all neighbouring authority consultative submissions. This delegation to be suspended if any member of the Council so requests. 	<p>Council/Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p> <p>Cabinet</p>
<p>8.4 Public transport:</p> <ul style="list-style-type: none"> • To manage the public transport regulation, public transport development and transport policies of the Council in compliance with current legislations and the policies of the Council. 	<p>Council/Cabinet</p>
<p>8.5 Land:</p> <ul style="list-style-type: none"> • To accept blight notices and to approve the purchase of land which is statutorily blighted by highway proposals, and to approve counter-notices where it is considered there is no such statutory obligation; • To demolish properties (as part of any scheme approved by the Council). 	<p>Cabinet</p> <p>Cabinet</p>

8.6	Street naming and numbering: <ul style="list-style-type: none"> To agree street naming and the naming or numbering of buildings. 	Council
8.7	Gifts for the benefit of the public: <ul style="list-style-type: none"> To accept gifts of seats, trees, etc. on behalf of the Council. 	Cabinet
8.8	Tree donation: <ul style="list-style-type: none"> To fix the fee for any tree donation scheme. 	Cabinet
8.9	Buildings at risk: <ul style="list-style-type: none"> To offer grant monies towards urgent repairs of buildings at risk in cases where they may have recently come into new ownership and would, therefore, not meet the normal criteria and where the director is satisfied that a grant is necessary to secure the repair of the building at risk. 	Cabinet
8.10	Civil protection and defence: <ul style="list-style-type: none"> To manage the emergency planning, civil protection and defence functions in compliance with current legislation and the policies of the Council. 	Cabinet
8.11	Environmental health and trading standards matters: <ul style="list-style-type: none"> To manage the services of public health, port-health, environmental health, food poisoning and infectious diseases, waste collection and management, street cleansing, health and safety, food safety, shops, markets and street trading, Sunday trading, trading standards, consumer protection, weights and measures, litter, animal health and welfare, pest and dog control services, contaminated land, public conveniences, shopping trolleys, abandoned vehicles and materials on the highway, private drainage, and water supplies in compliance with current legislation and the policies of the Council. 	Council/Cabinet
8.12	Planning and transport fees and charges: <ul style="list-style-type: none"> To make minor adjustments to fees and charges during the financial year in line with government guidance as it emerges, within 5% of amount levels. 	Cabinet
8.13	Museums and libraries: <ul style="list-style-type: none"> Manage the museums, library, public information and archiving services of the Council in compliance with current legislation and the policies of the Council. 	Cabinet
8.14	Parks and open spaces and professional fun fairs: <ul style="list-style-type: none"> To manage the parks, open spaces and country parks of the Council in compliance with current legislation and the policies of the Council; 	Cabinet

	<ul style="list-style-type: none"> To determine applications for professional sideshows and amusements in open spaces or recreation grounds in the borough. 	Cabinet
8.15	<p>Allotments:</p> <ul style="list-style-type: none"> To manage the allotment service of the Council in compliance with current legislation and the policies of the Council. 	Cabinet
8.16	<p>Medway Partners for Growth Scheme:</p> <ul style="list-style-type: none"> Applications to the scheme to be considered and determined by the Assistant Director (Development, Economy and Transport) in consultation with the Portfolio Holder. 	Cabinet
8.17	<p>Sports and leisure facilities, children's play activities and halls of the Council:</p> <ul style="list-style-type: none"> Manage the sports and leisure facilities, children's play activities and halls of the Council in compliance with current legislation and the policies of the Council. 	Cabinet
8.18	<p>Arts and entertainment:</p> <ul style="list-style-type: none"> Manage the arts and entertainment services of the Council including the management of theatres in compliance with current legislation and the policies of the Council. 	Cabinet
9.	Officer Scrutiny Panel	
9.1	<p>Contract award:</p> <ul style="list-style-type: none"> Subject to the provisions of paragraph 5.2 of part 5 - financial limits, to award service/supply contracts and works/construction contracts. 	Cabinet

4.1 So far as this scheme relates to delegations to employees for Cabinet functions it is provisional pending confirmation by the Leader of the Cabinet.

PART 5 - FINANCIAL LIMITS

5.1 Land acquisition and disposal

- Limit of authority for Cabinet to act – up to £1,000,000
- Limit of authority for directors to act – up to £100,000

5.2 Acceptance of tenders

- Limit of authority for a director to accept a tender where the Gateway procurement process has not been undertaken - £100,000
- Limit of authority for a director to accept a construction/works tender where the risk classification is 'low' - £500,000
- Limit of authority for a director to accept any other tender where the risk classification is 'low' - £250,000
- Limit of authority for the Officer Scrutiny Panel to accept a construction/works tender where the risk classification is 'medium' - £500,000
- Limit of authority for the Officer Scrutiny Panel to accept any other tender where the risk classification is 'medium' - £250,000
- In all cases where the risk classification is 'high' approval by Cabinet.

5.3 Sealing of contracts

All proposed contracts that exceed £250,000 or have a risk classification of 'medium' or 'high' and any other proposed contract that a director considers should be sealed.

5.4 Budget transfer limits

- Limits applicable to the Cabinet:
 - (a) Budget transfers (virements)
 - (i) Revenue item up to £500,000
 - (ii) Capital item up to £1,000,000
- Limits applicable to directors:
 - (a) Budget transfers (virements)
 - (i) Revenue item up to £250,000
 - (ii) Capital item up to £150,000

5.5 Writing off irrecoverable debts

- Director:
 - Debts relating to the services which are the responsibility of the director - up to £5,000.
- Chief Finance Officer in consultation with the director responsible for services to which the debt relates:

Council tax	within the approved provision agreed by Council when setting the Council tax base
Business rates	within the provisions recommended by the Office of the Deputy Prime Minister
Other debts of the Council	Up to £25,000

5.6 Other financial limits

- (a) Merit Award Panel (education and leisure)
- Limit of value of additional discretionary awards - £1000 to be met from the Medway Merit Award Reserve
- (b) All directors
- Ex gratia payments to staff - £250 limit
- (c) Chief Executive
- Claim against the Council, limit of power to authorise payment not exceeding £5,000
 - Ex gratia payments to members for loss suffered in the course of their duties - £250 limit (in consultation with group leaders)
- (d) Assistant Director, Housing and Corporate Services
- Variations to the terms of leases or sub leases etc, including surrenders, renewals etc, up to a limit of £10,000 per annum on any single transaction
- (e) Director of Regeneration, Community and Culture
- Limit of authority to authorise dayworks based contracts in case of urgency £5,000

(e) Chief Finance Officer

- In-year additions to the capital programme in line with the criteria set out in paragraph 3.7 (Monitoring of capital schemes) of financial rules (chapter 4, part 6)

