

## PART 4 - EMPLOYEE DELEGATION SCHEME

### General scheme of delegation

Description of delegation	Responsibility delegated from
<b>1. General scheme of delegation to Chief Executive and directors</b>	
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/ Leader/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 agreements, the making, revoking or amending 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 or loans 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/ Leader/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 (see Appendix A to the Employee Delegation Scheme).	Council/ Leader/Cabinet
1.4 It is the responsibility of the Directors, Deputy Directors and Assistant Directors referred to in this scheme to delegate matters 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/ Leader/Cabinet
<b>2. Financial delegations</b>	
2.1 Directors may vire resources between their directorate budget heads, subject to the budget and policy framework rules and the financial rules.	Council/ Leader/Cabinet

<b>Description of delegation</b>	<b>Responsibility delegated from</b>
<p>2.2 The financial delegations permit directors to:</p> <ul style="list-style-type: none"> <li>• incur expenditure within approved revenue budgets and generate income;</li> <li>• sell items which become surplus to service;</li> <li>• write off irrecoverable debts in accordance with financial limits forming part of the Constitution;</li> <li>• enter into contracts subject to compliance with financial and contract rules;</li> <li>• commit variations to capital schemes in accordance with the financial rules;</li> <li>• accept the most economically advantageous tender.</li> </ul>	Council/ Leader/Cabinet
<p>2.3 A Director shall have authority to award without competition a contract where the particular needs of an individual (either an adult or a child) require a particular social care package, or where an individual has special educational needs which are only available from a particular provider in the opinion as appropriate of the Director of Children and Adults Services.</p>	Council
<p><b>3. Personnel delegations</b></p>	
<p>3.1 Directors may agree to reorganisations within their departments subject to there being:</p> <ul style="list-style-type: none"> <li>• no significant service policy implications or clear departure from existing Council policies;</li> <li>• no expenditure in excess of budget;</li> <li>• no growth in net expenditure beyond the current year;</li> <li>• no changes affecting directors or assistant directors;</li> <li>• consultation with the Head of HR.</li> </ul>	Council
<p>3.2 Appoint permanent staff (other than directors, deputy 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

3.7	Authorise payments to staff temporarily undertaking additional duties, as provided for in the conditions of employment.	Council
3.8	Refer staff to the Council's occupational health service in appropriate circumstances and to take any consequential action required.	Council
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.	Council
3.10	Approve the attendance of employees at conferences and courses of training.	Council
3.11	Approve financial assistance for post-entry training.	Council
3.12	Providing the costs are met from existing budgets, to implement the outcome of job evaluation exercises in conjunction with the Head of HR.	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
<b>4.</b>	<b>Urgent action</b>	
4.1	<p>Matters reserved to Council:</p> <p>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 Chapter 4, Part 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>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

4.2	Matters reserved to Cabinet:  In the event of there being no Leader, Deputy Leader or Cabinet Members, executive functions shall in the interim be carried out by the Chief Executive subject to the Access to Information Rules.	Leader/Cabinet
<b>5.</b>	<b>Departmental schemes of delegation</b>	
5.1	Directors, Deputy Directors and assistant directors referred to in this scheme may delegate matters for which they are responsible to an appropriate employee. Where the employee is not within the delegating director/assistant director's department such delegation may only occur with the agreement of the proposed employee's director or assistant director.	Council/ Leader/Cabinet

### Specific scheme of delegation

Description of delegation		Responsibility delegated from
<b>6.</b>	<b>Chief Executive</b>	
6.1	Corporate delegations:	
	<ul style="list-style-type: none"> <li>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 Leader/Cabinet;</li> </ul>	Council/ Leader/Cabinet
	<ul style="list-style-type: none"> <li>To act as the Council's Head of Paid Service under section 4(1) of the Local Government and Housing Act 1989;</li> </ul>	Council
	<ul style="list-style-type: none"> <li>To represent the interests of the Council to the community, local interest groups and external agencies;</li> </ul>	Council/ Leader/Cabinet
	<ul style="list-style-type: none"> <li>To resolve disputes between directorates.</li> </ul>	Council/ Leader/Cabinet
	<ul style="list-style-type: none"> <li>To retain contract staff or appoint consultants on matters related to the management of the Council;</li> </ul>	Council/ Leader/Cabinet
6.2	Democratic Services:	
	<ul style="list-style-type: none"> <li>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;</li> </ul>	Council
	<ul style="list-style-type: none"> <li>To make any in-year changes to the membership of Cabinet advisory groups in consultation with group whips;</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>To arrange the appointment of officers to outside bodies.</li> </ul>	Council

	<ul style="list-style-type: none"> <li>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);</li> </ul>	Council
	<ul style="list-style-type: none"> <li>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;</li> </ul>	Council
	<ul style="list-style-type: none"> <li>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;</li> </ul>	Council
	<ul style="list-style-type: none"> <li>To require a report to Full Council when requested by the Chairperson of the Overview and Scrutiny Committee on behalf of the committee in circumstances where the committee are of the opinion that an executive decision has been made and should have, but has not, been treated as a key decision.</li> </ul>	Council
	<ul style="list-style-type: none"> <li>To grant and supervise exemptions from political restrictions, in consultation with the Monitoring Officer.</li> </ul>	Council
6.3	Civil protection and civil defence:	
	<ul style="list-style-type: none"> <li>To approve and implement the Council's Emergency Plan and any amendments to it;</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>To approve and implement the Council's Civil Defence Plan and any amendments to it.</li> </ul>	Leader/Cabinet
6.4	Civic:	
	<ul style="list-style-type: none"> <li>To accept gifts on behalf of the Council, make arrangements to host and fund visits by royal, foreign, civic, political, twinning and local dignitaries and personalities.</li> </ul>	
6.5	Electoral registration:	
	<ul style="list-style-type: none"> <li>To designate an adjoining polling district for a polling place where no suitable polling station is available within the original polling place.</li> </ul>	Council
6.6	Members' allowances:	
	<ul style="list-style-type: none"> <li>Dependent carers' allowances - To authorise payment of more than the maximum payable in circumstances where more than 18 hours care is required;</li> </ul>	Council
	<ul style="list-style-type: none"> <li>Conference expenses - To agree the nomination of Councillors to attend conferences in consultation with Party Group Whips and also to approve the attendance by Councillors at conferences where these do not appear on the approved list, in liaison with Party Whips. This will</li> </ul>	Council

	only be considered in exceptional circumstances where it is clear the Council would be disadvantaged if there was no attendance.	
	<ul style="list-style-type: none"> <li>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;</li> </ul>	Council
6.7	Appointment and dismissal of senior officers:	
	<ul style="list-style-type: none"> <li>To be responsible for the executive notification procedure for the appointment and dismissal of senior officers, as outlined in the Employment Rules (Chapter 4, Part 8 of the Constitution).</li> <li>In cases of urgency, to suspend the S.151 Officer or the Monitoring Officer, following consultation with the Chairperson of the Employment Matters Committee and the Opposition Spokesperson, where practicable whilst an investigation take place into alleged misconduct. The Head of the Paid Service shall, before deciding to suspend, invite the officer to make representations unless it is impractical to do so. The Employment Matters Committee shall review the suspension as soon as is practicable and in any event no later than two months following the original decision to suspend.</li> </ul> <p><b>Note:</b> The Council has agreed that if there was an urgent need to suspend the Head of the Paid Service, a meeting of the Employment Matters Committee should be convened as soon as practically possible for that purpose (minute no. 435(i)/2018 refers).</p>	Council  Council
6.8	Honorary Aldermen and Alderwomen:	
	<ul style="list-style-type: none"> <li>To process nominations for Honorary Aldermen and Alderwomen as follows: Nominations are made by the Leader of each Political Group to the Chief Executive. In the case of Councillors who are not members of a Group, nominations can be made by any such Councillor directly to the Chief Executive. The Chief Executive will then informally share the nominations with all the Group Leaders and make the necessary arrangements for a special meeting of Full Council to be convened at which the formal decision will be sought. At the conclusion of the special Council meeting each Honorary Alderwoman/man to be provided with a scroll commemorating the occasion.</li> </ul>	Council
6.9	Channel Panel	Leader/Cabinet
	<ul style="list-style-type: none"> <li>To ensure that, in compliance with the statutory requirements set out under sections 36 – 41 of the Counter Terrorism and Security Act 2015, Medway Council has a Channel Panel in place for its area,</li> </ul>	

	has regard to the Channel duty guidance 2020 and is committed to complying with the requirements within it.	
	<b>Assistant Director, Legal and Governance</b>	
6.10	Information Governance:	
	<ul style="list-style-type: none"> <li>To amend the council's Information Governance policies and guidance in compliance with current legislation and good practice.</li> </ul>	Council
6.11	Democratic Services:	
	<ul style="list-style-type: none"> <li>To act as the proper officer for the purposes of the access to information rules, including determination, in consultation with the Leader of the Council, of a response to any representations received about why a Cabinet meeting, or part of a Cabinet meeting, should be held in public following publication of a notice of intention to meet in private in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.</li> </ul>	Council
6.12	Electoral registration:	
	<ul style="list-style-type: none"> <li>Manage the electoral registration and elections service in compliance with current legislation and the policies of the Council.</li> </ul>	Council
6.13	Legal Services:	
	<ul style="list-style-type: none"> <li>Subject to budgetary cover and regular reports being made to Cabinet to determine liability and authorise payment in respect of claims against the Council as follows: <ul style="list-style-type: none"> <li>(i) In consultation with the relevant director where the claim does not exceed £5,000;</li> <li>(ii) In consultation with the relevant director, the Chief Operating Officer and the relevant portfolio holder where the claim exceeds £5,000 but does not exceed £10,000</li> </ul> </li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>Institute, defend and conduct (including settling / withdrawing) any legal proceedings and to make any representations affecting the property rights or interests of the Council or which the Council may be entitled to authorise, institute or defend. Proceedings shall only be instituted, defended or conducted with the approval of the relevant director and that regular reports be made on the conduct of proceedings;</li> </ul>	Leader/Cabinet Council
	<ul style="list-style-type: none"> <li>Retain counsel, independent solicitors or consultants, where appropriate;</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>Give notices to quit and other notices or formal demands which are deemed requisite to serve in the interests of the Council.</li> </ul>	Leader/Cabinet

	<ul style="list-style-type: none"> <li>To convey and lease houses and flats under the Right to Buy Scheme;</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>Sign discharges on behalf of the Council signifying repayment of a mortgage or discount;</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>The Assistant Director, Legal and Governance 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.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>Manage the Coroner's Service in compliance with current legislation and the policies of the Council.</li> </ul>	Leader/Cabinet
6.14	Shared Legal Services:	
	<ul style="list-style-type: none"> <li>Management and delivery of legal services for Gravesham Borough Council jointly with the services provided for Medway Council.</li> </ul>	Leader/Cabinet
6.15	Local Land Charges:	
	<ul style="list-style-type: none"> <li>Manage the local land charges functions in compliance with current legislation and the policies of the Council.</li> </ul>	Leader/Cabinet
6.16	Licensing* and Registration: *Please note that all licensing delegations currently with the Assistant Director, Legal and Governance can also be exercised by Gravesham Borough Council's Head of Community Protection	
	<ul style="list-style-type: none"> <li>Except where a decision is reserved to Full Council, to manage all licensing and registration functions of the Council including the licensing and registration of pleasure boats, hackney carriage and private hire, sex establishments, street and house to house collections, motor salvage, scrap metal dealers, street trading consents, common land and town or village greens and such other services as may be authorised.</li> </ul>	Council Leader/Cabinet
	<ul style="list-style-type: none"> <li>With regard to Licensing Act 2003 matters, to determine: <ul style="list-style-type: none"> <li>(i) An application for a personal licence, if no objection made;</li> <li>(ii) An application for a premises licence/club premises certificate, if no relevant representation made;</li> <li>(iii) An application for a provisional statement, if no relevant representation made;</li> <li>(iv) An application to vary a premises licence/club premises certificate, if no relevant representation made;</li> </ul> </li> </ul>	



<ul style="list-style-type: none"> <li>(v) An application to vary a designated premises supervisor in all cases other than where there is a police objection;</li> <li>(vi) A request to be removed as a designated premises supervisor;</li> <li>(vii) An application for transfer of premises licence in all cases other than where there is a police objection;</li> <li>(viii) Applications for interim authorities in all cases other than where there is a police objection;</li> <li>(ix) A decision on whether a complaint is irrelevant, frivolous, vexatious, etc.</li> </ul> <p>Note: A relevant representation is one which relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives specified in the Licensing Act 2003 (Council 9 December 2004 &amp; 22 November 2007).</p>	
<ul style="list-style-type: none"> <li>• With regard to the Licensing Act 2003 (Hearings) Regulations 2005 on matters to be referred to a Licensing Hearing Panel for determination:             <ul style="list-style-type: none"> <li>(i) Subject to (ii), to agree to dispense with a hearing, and give notice to that effect to the parties, if all persons required by the Act have given notice that they agree that such a hearing is unnecessary.</li> <li>(ii) If the agenda for a meeting of a Licensing Hearing Panel to consider the matter has been despatched, to consult Panel members before agreeing to dispense with the hearing and cancelling the meeting.</li> <li>(iii) Subject to (i) and (ii), to determine the matter under the Act.</li> <li>(iv) Subject to (v), to extend the time limits provided within these Regulations, and give notice to the parties stating the period of the extension and the reasons for it, where this is considered to be necessary in the public interest.</li> <li>(v) If the agenda for a meeting of a Licensing Hearing Panel to consider the matter has been despatched and extending a time limit would require the Panel to meet on an additional specified date or dates, to consult Panel members before agreeing to such an extension.</li> <li>(vi) Subject to Notes 1 and 2, to agree to adjourn (or postpone) a hearing to a specified date or arrange for a hearing to be held on specified additional dates where this is considered necessary for the</li> </ul> </li> </ul>	<p>Council / Licensing and Safety Committee</p>

consideration of any representations or notice made by a party.

- (vii) To notify forthwith the parties of the date(s), time(s) and place(s) of any reconvened or additional meetings for the hearing.

Note 1: Once the agenda for a meeting of a Licensing Hearing Panel has been despatched, unless the hearing is cancelled because it is no longer required, the meeting must commence at the specified time, date and venue, so that the Panel may determine to adjourn the meeting to a later specified date or dates.

Note 2: Extending a time limit or adjourning/re-arranging a hearing to a later date or dates may not have the effect that: (a) an application will be treated as granted or rejected under paragraph 4(4), 7(3), 16(4), 19(3) or 26(4) of Schedule 8 of the Act; or (b) there would be a failure to determine a review of a premises licence following a closure order under section 167 of the Act within the specified period.

- (viii) To disregard any information given by a party to the hearing or any person given permission to attend, which is not relevant to their application, representations or notice, and the promotion of the licensing objectives, having first given the submitting party an opportunity to indicate why they believe the information to be relevant to the hearing.
- (ix) Subject to (x), to take such steps he or she thinks fit to cure any irregularity resulting from a failure to comply with any provision of the Regulations before a determination is made, if he or she considers that any person may have been prejudiced as a result of the irregularity.
- (x) If the agenda for a meeting of a Licensing Hearing Panel to consider the matter has been despatched, to consult the Chairperson or Vice-Chairperson of the Licensing and Safety Committee before taking steps to cure the irregularity.
- (xi) To correct any clerical mistakes in any document recording a determination or errors arising in such document from an accidental slip or omission.
- (xii) To settle appeals prior to their consideration by the Magistrates Court, where this is in the interests of the Council, with the agreement of the members of the Licensing Hearing Panel that determined the application, and to inform all parties to the original

hearing of the revised decision and the reasons for it.	
<ul style="list-style-type: none"> <li>• With regard to the Gambling Act 2005, to determine: <ul style="list-style-type: none"> <li>(i) Fee setting (when appropriate);</li> <li>(ii) An application for a premises licence, where no representations received/representations have been withdrawn;</li> <li>(iii) An application for a variation to a licence, where no representations received/representations have been withdrawn;</li> <li>(iv) An application for a transfer of a licence, where no representations received from the Commission;</li> <li>(v) An application for a provisional statement, where no representations received/representations have been withdrawn;</li> </ul> </li> </ul>	Council
<ul style="list-style-type: none"> <li>(vi) An application for club gaming/club machine permits, where no objections made/objections have been withdrawn;</li> <li>(vii) Applications for other permits;</li> <li>(viii) A cancellation of licensed premises gaming machine permits;</li> <li>(ix) The consideration of a temporary use notice (Council 7 December 2006).</li> </ul>	
<ul style="list-style-type: none"> <li>• With regard to the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009; <ul style="list-style-type: none"> <li>(i) To grant any applications for sex establishments and sexual entertainment venues whereby no representations have been received and the Assistant Director is able to agree suitable conditions with the applicant.</li> </ul> </li> </ul>	Council
<ul style="list-style-type: none"> <li>• With regard to the Scrap Metal Dealers Act 2013, to determine: <ul style="list-style-type: none"> <li>(i) Fee setting (when appropriate);</li> <li>(ii) Application for or renewal of a Site or Collector's licence, where no representations have been received from the applicant or where their representations have been withdrawn;</li> <li>(iii) Application for a variation to a licence, where no representations have been received from the applicant or where their representations have been withdrawn;</li> <li>(iv) To issue a closure notice on non-residential premises being used as a scrap metal dealer's site;</li> </ul> </li> </ul>	Leader/Cabinet

<ul style="list-style-type: none"> <li>(v) Application to the Magistrate’s Court for a closure order;</li> <li>(vi) Termination of a closure order;</li> <li>(vii) Application to the Magistrate’s Court to discharge a closure order;</li> <li>(viii) Revocation of a licence, where no representations have been received from the applicant or where their representations have been withdrawn;</li> <li>(ix) Consideration of an imposition of conditions;</li> <li>(x) to determine applications, in consultation with the Licensing Sub-Committee, from applicants for licences under the Scrap Metal Dealers Act 2013 where the authority is minded to refuse, vary or revoke a licence and the applicant has given notice to the authority within the prescribed time that they require the opportunity to make representations about the proposal.</li> </ul> <p>[Note: The functions outlined at (i) and (x) may not be sub-delegated, whilst those listed at (ii) to (ix) will be sub-delegated, in writing, to the appropriate licensing officer.</p>	
<ul style="list-style-type: none"> <li>• With regard to the registration of land as a town or village green: <ul style="list-style-type: none"> <li>(i) to determine any application for the registration of land as a town or village green where there are no objections received to the application;</li> <li>(ii) to hold public inquiries prior to the determination of applications where necessary and to instruct Counsel in relation to the same.</li> </ul> </li> </ul>	Council
6.17 Contracts:	
<ul style="list-style-type: none"> <li>• Contract Procedure Rules – To carry out executive functions delegated to the Monitoring Officer, as set out in the Contract Procedure Rules.</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>• Exemptions and Exceptions to Contract Procedure Rules – To carry out functions delegated to the Monitoring Officer, as set out in paragraph 1.8 of the Contract Procedure Rules.</li> </ul>	Council
<ul style="list-style-type: none"> <li>• The Assistant Director, Legal and Governance is authorised where appropriate to vary the terms and conditions of contract as specified in the contract rules.</li> </ul>	Leader/Cabinet
6.18 Honorary Aldermen and Alderwomen:	
<ul style="list-style-type: none"> <li>• To delete the name of the person concerned from the Honorary Freeman/Alderman Board and advise that person accordingly in the event of an Honorary Alderwoman/man being elected as a Medway Councillor. As such, they will cease to hold the office of</li> </ul>	Council

<p>Alderwoman/man and shall no longer be invited to attend meetings of Full Council or other civic and ceremonial events.</p> <ul style="list-style-type: none"> <li>To remove the name of the person concerned from the Honorary Freeman/Alderman Board upon receipt of the written notice of resignation. As such, they will cease to hold the office of Alderwoman/man and shall no longer be invited to attend meetings of Full Council or other civic and ceremonial events.</li> </ul>	
<p><b>Monitoring Officer</b></p>	
<p>6.19 Members’ Code of Conduct – Complaints</p>	
<ul style="list-style-type: none"> <li>To seek the views of the Independent Person and to undertake the initial screening process for complaints and determine, if appropriate, that there is to be no further action (subject to the Independent Person sharing this view) 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 Councillor Conduct Committee’s remit.</li> <li>The complaint is considered trivial, malicious or vexatious.</li> </ul> </li> </ul> <p>Note: If either the Monitoring Officer or Independent Person considers that a matter should be referred to the Councillor Conduct Committee for formal assessment, then this will be the action taken.</p>	<p>Council</p>
<p>6.20 Members’ Code of Conduct – Dispensations</p>	
<ul style="list-style-type: none"> <li>To consider and determine any requests for dispensations from Medway Members and voting and non-voting co-opted Members and to only refer requests for dispensations to the Councillor Conduct Committee for determination where the Monitoring Officer is minded not to grant a dispensation.</li> </ul>	<p>Council/Councillor Conduct Committee</p>

<b>Head of Democratic Services</b>		
6.21	Independent Persons:	
	<ul style="list-style-type: none"> <li>• To invite Independent Persons to serve on the Independent Persons Panel.</li> <li>• To appoint to the Independent Persons Panel Independent Persons who have accepted an invitation to be considered for appointment in accordance with the following priority order: <ul style="list-style-type: none"> <li>• an Independent Person who has been appointed by the authority and who is a local government elector in the Council's area.</li> <li>• any other Independent Person who has been appointed by the authority.</li> <li>• an Independent Person who has been appointed by another authority or authorities.</li> </ul> </li> </ul>	Council
<b>Chief Operating Officer</b>		
6.22	Financial:	
	<ul style="list-style-type: none"> <li>• To be responsible for all borrowing, investment, and financial decisions, such decisions to be consistent with the Council's Treasury Management Strategy and Treasury Management Practices.</li> </ul>	Council Leader/Cabinet
	<ul style="list-style-type: none"> <li>• 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.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>• Authorise the opening and closing of any such bank accounts as may be considered necessary in accordance with the bank mandate.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>• 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 irrecoverable sums.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>• Determine relief from non-domestic rates in accordance with the approved guidelines. Any appeal arising from a disputed decision made under these delegated powers or where the guidelines do not cover the circumstances surrounding the claim for relief shall be to the Leader/Cabinet.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>• Manage the housing benefits scheme in compliance with current legislation and policies of the Council.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>• Fund insurance management initiatives up to a maximum level of £50,000 in total per annum.</li> </ul>	Leader/Cabinet

<ul style="list-style-type: none"> <li>• Approve in-year additions to the capital programme and revenue budget in consultation with the Finance Portfolio Holder, subject to: <ul style="list-style-type: none"> <li>(i) funding coming from external sources;</li> <li>(ii) no financial contribution being required from the Council;</li> <li>(iii) funding being ring fenced for specific purposes.</li> </ul> </li> </ul>	Council
<ul style="list-style-type: none"> <li>• To set the Council Tax base, in consultation with the Portfolio Holder for Finance.</li> </ul>	Council
<ul style="list-style-type: none"> <li>• To introduce new fees and charges and vary existing fees and charges, in consultation with the Leader and relevant Portfolio Holder during the financial year, subject to the following: <ul style="list-style-type: none"> <li>(i) That any variation to existing fees and charges would not be expected to lead to increased costs to the Council or an underachievement of income;</li> <li>(ii) That the introduction of any new fees and charges will be compliant with government legislation and/or existing Council policy;</li> <li>(iii) That any decisions made under delegated authority would need to be reported to Members in the next Revenue Budget Monitoring report submitted to Cabinet.</li> </ul> <p>Note: it was reported to Council on 21 February 2019 that the delegation to vary existing fees and charges will only be used in exceptional circumstances, specifically to respond to market conditions, for example, where the Council is competing with private providers.</p> </li> </ul>	Council
6.23 Audit and Counter Fraud Service:	
<ul style="list-style-type: none"> <li>• Management and delivery of audit and counter fraud services for Gravesham Borough Council and Medway Council.</li> </ul>	Council Leader/Cabinet
6.24 Contracts:	
<ul style="list-style-type: none"> <li>• To enter into contractual arrangements on behalf of the Council for all contracts involving the purchase of utilities (ie gas, water and/or electricity supply) on behalf of both the Council and schools. This delegation shall apply to both individual contracts let between the Council and the utility supplier, and where the Council enters into any Framework Agreement or Consortia Agreement for such supplies.</li> </ul> <p>NOTE: The Monitoring Officer has the same delegation, as set out in paragraph 1.9.7 of the contract procedure notes.</p>	Leader/Cabinet

6.25	Benefit Fraud Sanction Policy:	
	<ul style="list-style-type: none"> <li>To determine the award of administrative penalties in accordance with the criteria outlined in the Benefit Fraud Sanction Policy.</li> </ul>	Leader/Cabinet
6.26	Medway Development Company Limited:	
	<ul style="list-style-type: none"> <li>To provide, in consultation with the Leader, funding to the Company through state aid compliant loans, subject to appropriate due diligence to verify the Company's ongoing viability and the viability of projects for which the loans are being provided and loan agreements between the Council and the Company setting out pre-conditions for draw down as well as performance measurements.</li> <li>To agree, in consultation with the Leader, the business case for each site and to release funding for the development of each site subject to financial due diligence and the availability of capital funding.</li> <li>To authorise, in consultation with the Leader, the Portfolio Holder for Housing and Property and the Monitoring Officer, requests to grant Guarantor and Parent Company Guarantees on behalf of the Council.</li> </ul>	Leader/Cabinet
6.27	Information Technology:	
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>Establish an overall ICT strategy for the Council and to enforce the policies of the Council in respect of ICT procurement and implementation.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>Dispose of surplus ICT equipment for the best price or lowest cost available.</li> </ul>	Leader/Cabinet
6.28	Complaints	
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Council/ Leader/Cabinet
6.29	Personnel	
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Council
	<ul style="list-style-type: none"> <li>Implement the Council's post-entry training scheme.</li> </ul>	Council
	<ul style="list-style-type: none"> <li>Negotiate and reach agreement on behalf of the Council on policies and procedures concerning the workforce.</li> </ul>	Council



	<ul style="list-style-type: none"> <li>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.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>To agree minor changes to HR policies provided such changes: <ul style="list-style-type: none"> <li>a) do not impact on a current condition of term of employment, process or entitlement;</li> <li>b) relate to an existing HR policy designated by the Employment Matters Committee as being within the scope of this delegation;</li> <li>c) have not been referred to the Committee for determination by a trade union, the Chairperson or the Opposition Spokesperson of the Employment Matters Committee.</li> </ul> </li> </ul>	Council/ Employment Matters Committee
	<ul style="list-style-type: none"> <li>To exercise the delegations set out in the Pay Policy Statement, as agreed by Full Council each year.</li> </ul>	Council
6.30	Shared Human Resources Service	
	<ul style="list-style-type: none"> <li>Management and delivery of HR services for Gravesham Borough Council jointly with the services provided for Medway Council.</li> </ul>	Council
6.31	For the avoidance of doubt, the Chief Executive shall have all the delegations of a Director in respect of the Business Support Department. The Assistant Director, Legal and Governance and Chief Operating Officer shall have all the delegations of an Assistant Director in respect of the Business Support Department.	Council/ Leader/Cabinet
7.	<b>Director of People – Children and Adults Services and Deputy Chief Executive</b>	
7.1	Manage the education service in compliance with current legislation and the policies of the Council.	Leader/Cabinet
7.2	Manage the children and families services in compliance with current legislation and the policies of the Council.	Leader/Cabinet
7.3	Services for elderly and disabled:	
	<ul style="list-style-type: none"> <li>Manage the services for the elderly and disabled people in compliance with the current legislation and policies of the Council;</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>Exercise the functions of the Council under the Community Care (Direct Payments) Act 1996 in accordance with the provisions of the proposed Medway direct payments scheme.</li> </ul>	Leader/Cabinet
7.4	Mental health:	
	<ul style="list-style-type: none"> <li>Manage the services for adults with mental health problems in compliance with current legislation and policies of the Council.</li> </ul>	Leader/Cabinet

7.5	General:	
	<ul style="list-style-type: none"> <li>To consider and determine urgent matters in relation to individual cases in consultation with the Leader/Cabinet.</li> </ul>	Leader/Cabinet
7.6	Act as the 'authorised officer' for all contracts falling within the children and adults service.	Leader/Cabinet
7.7	Contracts:	
	<ul style="list-style-type: none"> <li>To award without competition a contract where a placement is sought for an individual with a registered care provider of their choice under the National Health Service and Community Care Act 1990.</li> </ul>	Council
7.8	Local Authority School Governors:	
	<ul style="list-style-type: none"> <li>To agree changes to the criteria for the appointment of Local Authority School Governors, in consultation with Group Whips, subject to the ability to refer to Full Council for decision in any instance where the Director of Children and Adults prefers not to exercise the delegated authority.</li> </ul>	Council
7.9	Independent Reviewing Officer (IRO) Service:	
	<ul style="list-style-type: none"> <li>To manage the Independent Reviewing Officer (IRO) service in compliance with current legislation and policies of the Council.</li> </ul>	Leader/Cabinet
7.10	Quality Accounts	
	<ul style="list-style-type: none"> <li>In consultation with the Chairperson, Vice-Chairperson and Spokespersons of the Health and Adult Social Care Committee and the Assistant Director Adult Services, to comment, if appropriate, on quality accounts submitted by provider trusts in future years.</li> </ul>	Council
7.11	Better Care Fund	
	<ul style="list-style-type: none"> <li>To approve the submission of monitoring reports as required, in consultation with the Deputy Leader of the Council, in order to meet national reporting deadlines.</li> </ul>	Leader/Cabinet
7.12	<b>Director of Public Health</b>	
	<ul style="list-style-type: none"> <li>Manage the public health service (spanning the three domains of health improvement, health protection and health care public health) in compliance with legislation and the policies of the Council. This includes the following specific responsibilities and such other public health functions as specified by the Secretary of State in regulations:</li> <li>The preparation of the Annual Report on the health of the local population.</li> <li>The council's duties to take steps to improve public health</li> <li>Any of the Secretary of State's public health protection or health improvement functions.</li> <li>Functions in planning for, and responding to, emergencies that present a risk to public health.</li> </ul>	Leader/Cabinet

<ul style="list-style-type: none"> <li>• Co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders.</li> <li>• Responsibility for providing Healthy Start vitamins when the council provides or commissions a maternity or child healthcare clinic.</li> <li>• A duty to provide information and advice to the responsible bodies and to other relevant bodies within its area, with a view to promoting the preparation of appropriate local health protection arrangements by those bodies.</li> <li>• Being responsible for their local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications.</li> <li>• To, in consultation with the Chairperson of the Health and Wellbeing Board and local ward Councilors, as appropriate, respond to requests from NHS England regarding matters relating to rurality reviews and consolidation of pharmaceutical services.</li> <li>• To, in consultation with the Chairperson of the Health and Wellbeing Board, respond to surveys received asking for a response from the Health and Wellbeing Board and for details of surveys responded to under the delegation be reported to future Board meetings.</li> </ul>	Health and Wellbeing Board
8. Director of Place	
8.1 Planning:	
<ul style="list-style-type: none"> <li>• 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, high hedges and hedgerows in compliance with current legislation and Council policy.</li> </ul>	Council
<ul style="list-style-type: none"> <li>• To determine applications for planning permission except in the following circumstances:</li> </ul>	
<ul style="list-style-type: none"> <li>(i) Where the applicant is the Council and the proposed development is a major proposal or for non-operational purposes.</li> </ul>	Council
<ul style="list-style-type: none"> <li>(ii) Where the applicant is a member of the Council or an officer directly or indirectly involved in the planning process.</li> </ul>	Council
<ul style="list-style-type: none"> <li>(iii) Where the Director of Place 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).</li> </ul>	Council
<ul style="list-style-type: none"> <li>(iv) Where the proposal has other major implications for the authority.</li> </ul>	Council

<p>(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>(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, otherwise the Director of Place will deal with the application.</p>	Council
<p>(vii) Where three or more relevant letters of representation are received (which may include letters from an Amenity Society but must also include at least two from separate households in the vicinity of the site) contrary to the proposed officer decision unless following consultation with the Chairperson, Vice Chairperson and designated Opposition Spokesperson(s) it is considered inappropriate to refer an 'other' application to the Planning Committee for determination. For the avoidance of doubt, the decision not to refer the 'other' application will need to be unanimous in each case and in the event of there not being a consensus, that application will be referred to the Planning Committee for determination.</p> <p>'Other' applications consist of:</p> <ul style="list-style-type: none"> <li>• Householder applications</li> <li>• Change of use (no operational development)</li> <li>• Adverts</li> <li>• Listed building extensions/alterations</li> <li>• Listed building demolitions</li> <li>• Application for relevant demolition of an unlisted building within a Conservation Area</li> <li>• Certificates of Lawfulness (191 and 192).</li> </ul>	Council
<p>(viii) Where one letter of representation is received from a Parish Council or a Residents' Association/Society contrary to the proposed officer decision (except, in the case of a representation by a Parish Council or a Residents' Association/Society, where the Director of Place, in</p>	Council

<p>consultation with the Chairperson and Spokesperson of the Planning Committee, is of the opinion that the representation contains no reasonable planning grounds supporting the representation).</p>	
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>Council</p>
<ul style="list-style-type: none"> <li>To contest planning appeals in accordance with Council or Committee policy including the appointment of appropriate legal and professional representatives.</li> </ul>	<p>Council</p>
<ul style="list-style-type: none"> <li>To submit observations and representations upon proposals and plans outside of Medway upon which the Council has been consulted or which it is considered could impact on Medway, following prior consultation with the Portfolio Holder for Climate Change and Strategic Regeneration or, in the case of consultation on planning applications submitted to neighbouring authorities, prior consultation with members representing the wards adjoining the proposed development.</li> <li>To attend any hearing, inquiry or examination to provide evidence/statements to substantiate the observations/representations submitted, negotiate any Section 106 agreements that may be required for those hearings/inquiries/examinations and then to discharge the requirements that may flow from any consent issued.</li> </ul>	<p>Leader/Cabinet</p>
<p>8.2 Neighbourhood Planning:</p>	<p>Leader/Cabinet</p>
<ul style="list-style-type: none"> <li>To determine applications for the designation of a Neighbourhood Area and/or Neighbourhood Forum for the purpose of the preparation of a Neighbourhood Plan, including the consideration of any representations made during the statutory consultation period, in consultation with the Portfolio Holder for Climate Change and Strategic Regeneration, in accordance with the Neighbourhood Planning (General) Regulations 2012, as amended in 2015, and in the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017.</li> </ul>	

8.3	Building control:	
	<ul style="list-style-type: none"> <li>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 Operating Officer and the Council's representative on the South Thames Gateway Building Control Joint Committee.</li> </ul>	Leader/Cabinet
8.4	Highways and traffic regulations:	
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Council/ Leader/Cabinet
	<ul style="list-style-type: none"> <li>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:</li> </ul>	Leader/Cabinet
	(i) to determine plans and specifications submissions made pursuant to paragraph 15.	Leader/Cabinet
	(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.	Leader/Cabinet
	(iii) the determination of restoration plans submitted pursuant to the provisions of paragraph 19.	Leader/Cabinet
	(iv) the determination of additional details submitted pursuant to conditions imposed under paragraph 22(2).	Leader/Cabinet
	(iv) the determination of all applications for the construction and working site vehicular access points.	Leader/Cabinet
8.5	Public transport:	
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Council/ Leader/Cabinet
8.6	Land:	
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>To demolish properties (as part of any scheme approved by the Council).</li> </ul>	Leader/Cabinet

8.7	Street naming and numbering:	
	<ul style="list-style-type: none"> <li>To agree street naming and the naming or numbering of buildings.</li> </ul>	Council
8.8	Gifts for the benefit of the public:	
	<ul style="list-style-type: none"> <li>To accept gifts of seats, trees, etc. on behalf of the Council.</li> </ul>	Leader/Cabinet
8.9	Tree donation:	
	<ul style="list-style-type: none"> <li>To fix the fee for any tree donation scheme.</li> </ul>	Leader/Cabinet
8.10	Buildings at risk:	
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Leader/Cabinet
8.11	Civil protection and defence:	
	<ul style="list-style-type: none"> <li>To manage the emergency planning, civil protection and defence functions in compliance with current legislation and the policies of the Council.</li> </ul>	Leader/Cabinet
8.12	Environmental health, environmental compliance and trading standards matters:	
	<ul style="list-style-type: none"> <li>To manage the services of public health, port-health, environmental health, food poisoning and infectious diseases, waste enforcement, waste collection and management, street cleansing, health and safety, food safety, shops, markets and street trading, safety of sports grounds, Sunday trading, trading standards, consumer protection, market surveillance, weights and measures (including the appointment of a named member of staff as the chief inspector of weights and measures, and a deputy if required, as required by section 72 of the Weights and Measures Act 1985), the appointment of the Proper Officer under the Public Health (Control of Diseases) Act 1984 and supporting regulations, litter, animal health and welfare, animal licensing, pest and dog control services, contaminated land, public conveniences, shopping trolleys, second hand goods dealers, occasional sales and squat shops, abandoned vehicles and materials on the highway, private drainage, and water supplies in compliance with current legislation and the policies of the Council.</li> </ul>	Council/ Leader/Cabinet
8.13	Planning and transport fees and charges:	
	<ul style="list-style-type: none"> <li>To make minor adjustments to fees and charges, in consultation with the Leader of the Council and the Portfolio Holder for Climate Change and Strategic</li> </ul>	Leader/Cabinet

	Regeneration, during the financial year in line with government guidance as it emerges, within 5% of amount levels.	
8.14	Museums:	
	<ul style="list-style-type: none"> <li>Manage the museums and archiving services of the Council in compliance with current legislation and the policies of the Council.</li> </ul>	Leader/Cabinet
8.15	Parks and open spaces and professional fun fairs:	
	<ul style="list-style-type: none"> <li>To manage the parks, open spaces and country parks of the Council in compliance with current legislation and the policies of the Council.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>To determine applications for professional sideshows and amusements in open spaces or recreation grounds in the borough.</li> </ul>	Leader/Cabinet
8.16	Allotments:	
	<ul style="list-style-type: none"> <li>To manage the allotment service of the Council in compliance with current legislation and the policies of the Council.</li> </ul>	Leader/Cabinet
8.17	Medway Partners for Growth Scheme:	
	<ul style="list-style-type: none"> <li>Applications to the scheme to be considered and determined by the Assistant Director, Culture and Community, in consultation with the Portfolio Holder for Economic and Social Regeneration and Inward Investment.</li> </ul>	Leader/Cabinet
8.18	Sports and leisure facilities, children's play activities and halls of the Council:	
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Leader/Cabinet
8.19	Arts and entertainment:	
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Leader/Cabinet
8.20	Medway Park Car Park:	
	<ul style="list-style-type: none"> <li>The operation of the parking ticket reimbursement system to the Medway Park users.</li> </ul>	Leader/Cabinet
8.21	Libraries:	
	<ul style="list-style-type: none"> <li>Manage the library and public information services of the Council in compliance with current legislation and the policies of the Council.</li> </ul>	Leader/Cabinet



8.22	Housing:	
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>To enter into tenancies of Housing Revenue Account properties on behalf of the Council.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>To give notices to quit and other notices or formal demands which are deemed requisite to serve in the interests of the Council in connection with the Council's housing management functions.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>Manage the functions of the Council in relation to leasehold properties sold under the Right to Buy scheme to include any ancillary buildings associated with this function</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>To grant, enter into, or vary the terms of leases or sub leases for the provision of temporary accommodation, where the consideration does not exceed £15,000 per annum</li> </ul>	Leader/Cabinet
8.23	Housing grants and loans:	
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>Authorise the determination of hardship cases where improvement grant applicants have proved to be in receipt of housing benefit and or income support.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Leader/Cabinet
	<ul style="list-style-type: none"> <li>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.</li> </ul>	Leader/Cabinet
8.24	Housing Revenue Account (HRA):	
	<ul style="list-style-type: none"> <li>That the Director of Place a in consultation with the Portfolio Holder for Housing and Property adds further sites to the HRA site programme as they become</li> </ul>	Leader/Cabinet

<p>available, if they are suitable and fulfil a value for money criteria.</p> <ul style="list-style-type: none"> <li>That the Director of Place , in consultation with the Portfolio Holder for Housing and Property agree expenditure on increasing the HRA affordable housing stock, as and when a financially viable development opportunity becomes available.</li> </ul> <p>Note 1: A sum of £10m was added to the HRA Capital Programme to increase the stock of HRA affordable housing on 16 July 2020. This funding to be met from borrowing against HRA rents, HRA reserves and Right to Buy 1-4-1 receipts or grant funding, where available.</p>	Leader/Cabinet
<ul style="list-style-type: none"> <li>To agree weekly rental values presented by the Head of Housing for any in-year completed HRA acquisitions and/or new builds.</li> </ul>	Council
<ul style="list-style-type: none"> <li>To purchase properties from the development budget agreed by Council in February 2023, in consultation with the Portfolio Holder for Housing and Property.</li> </ul>	Leader/Cabinet
8.25 Rent officer service:	
<ul style="list-style-type: none"> <li>Manage the rent officer service in compliance with current legislation and the policies of the Council.</li> </ul>	Leader/Cabinet
8.26 Homelessness:	
<ul style="list-style-type: none"> <li>To exercise the Council’s functions in respect of part 7 of the Housing Act 1996 including reviews of any decisions.</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>To exercise the Council’s functions in respect of part 6 of the Housing Act 1996 including reviews of any decisions.</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>To enter into non secure tenancies/licenses pursuant to the exercise of the Council’s homeless functions.</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>To give notices to quit and other notices or formal demands which are deemed requisite to serve in the interests of the Council in connection with the Council’s homelessness functions.</li> </ul>	Leader/Cabinet
8.27 Private Sector Housing:	
<ul style="list-style-type: none"> <li>To exercise the Council’s functions under the Housing Act 2004.</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>To exercise the Council’s functions under the Environmental Protection Act 1990 so far as it relates to Private Sector Housing.</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>To exercise the Council’s functions in granting site licenses under the Caravan Sites and Control of Development Act 1960.</li> </ul>	Council

<ul style="list-style-type: none"> <li>To exercise the Council's functions under The Mobile Homes Act 2013 allowing local authorities to charge fees for their licensing functions in respect of mobile home parks and to charge for enforcement under the Act</li> </ul>	Council
<ul style="list-style-type: none"> <li>To exercise the Council's functions under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 which allows the authority to charge for the maintaining of a Fit and Proper Person Register and to evaluate a nominated Relevant Person's suitability for their inclusion on the said register and to undertake enforcement as appropriate.</li> </ul>	Council
<ul style="list-style-type: none"> <li>To exercise the Council's functions under The Mobile Homes (Site Rules) (England) Regulations 2014 which allows the authority to charge for the inspection and for depositing site rules on its published Park Rules Register and to undertake enforcement as appropriate.</li> </ul>	Council
8.28 Flood Risk Management:	
<ul style="list-style-type: none"> <li>To manage the Council's functions in relation to flooding and drainage in compliance with current legislation and policies of the Council (including without limitation the Land Drainage Act 1991, Flood Risk Regulations 2009 and the Flood and Water Management Act 2010).</li> </ul>	Leader/Cabinet
8.29 Grant and project funding:	
<ul style="list-style-type: none"> <li>To submit applications for funding from Central Government, EU and other funding streams and enter into agreements with the provider of the funding (including for the avoidance of doubt Accountable Body agreements).</li> <li>To approve applications for funding from third parties in the public, private and/or voluntary sectors, make grants to successful applicants and enter into agreements with applicants setting out the terms and conditions on which the funding is provided.</li> </ul>	Council/ Leader/Cabinet  Council/ Leader/Cabinet
8.30 Communications:	
<ul style="list-style-type: none"> <li>To deal with all matters in connection with the media and public relations including issuing press releases on behalf of the Council within the Council's procedures agreed from time to time.</li> </ul>	Council Leader/Cabinet
8.31 Bereavement and Registration:	
<ul style="list-style-type: none"> <li>Manage the burials, cremation and cemetery service in compliance with current legislation and the policies of the Council.</li> </ul>	Leader/Cabinet

<ul style="list-style-type: none"> <li>Pursuant to Section 2 of the Parish Council's and Burial Authorities (Miscellaneous Provisions) Act 1970, to sign grants of exclusive rights of burial.</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>Manage the registration of births, marriages and deaths in compliance with current legislation, guidance from the Registrar General and the policies of the Council.</li> </ul>	Leader/Cabinet
8.32 Placing Objects on the Highway:	
<ul style="list-style-type: none"> <li>To manage the Council's functions in relation to placing objects on the highway in compliance with current legislation and policies of the Council.</li> </ul>	Council
8.33 Medway Guide to Developer Contributions and Obligations:	
<ul style="list-style-type: none"> <li>To undertake, in consultation with the Portfolio Holder for Climate Change and Strategic Regeneration, the annual review of indexation of S106 contributions using the all items retail prices index (RPI) and update the Medway Guide to Developer Contributions and Obligations Supplementary Planning Document accordingly to come into effect on 1 April each year.</li> </ul>	Leader/Cabinet
8.34 Property:	
<ul style="list-style-type: none"> <li>Manage the Council's land and property resources in compliance with current legislation and Council policy;</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>Agree terms for the disposal or purchase of property. 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;</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>Within the financial limits delegated to the director, to agree terms and dispose of or purchase property;</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>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;</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>Approve the terms of short-term leases and licences of Council-owned properties on the Rochester, Strood and Chatham Riverside;</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>Approve terms for the appropriation of land previously authorised by the Leader and Cabinet or Council as appropriate;</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>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;</li> </ul>	Leader/Cabinet
<ul style="list-style-type: none"> <li>To grant licences, tenancy agreements, or leases at the Innovation Centre Medway, on the best terms</li> </ul>	Leader/Cabinet

<p>reasonably obtainable subject to these being for no more than seven years.</p>	
<p><u>Innovation Park Medway</u></p> <ul style="list-style-type: none"> <li>To enter into all necessary arrangements to facilitate all future disposals and development of the land where appropriate in consultation with the Leader of the Council, the Portfolio Holder for Economic and Social Regeneration and Inward Investment and the Portfolio Holder for Climate Change and Strategic Regeneration.</li> </ul>	Leader/Cabinet
<p><u>Direct Investment in Property</u></p> <ul style="list-style-type: none"> <li>In consultation with the Leader, Portfolio Holder for Housing and Property and Chief Operating Officer to acquire, manage, let and dispose of suitable investment properties where funded from provision made for this purpose in the Council's Capital Programme, and that the requirement to seek a Cabinet decision on any transactions exceeding £100,000 is waived only in respect of non-operational investment property transactions covered by this delegation.</li> </ul> <p>Note 1: A sum of £2m was added to the Capital Programme by the Council for this purpose on 15 October 2015. In addition, a sum of £20m was also added to the Capital Programme for this purpose on 12 October 2017. The threshold of £100,000 which triggers a requirement for a Cabinet decision does not apply for land and property transactions under this delegation.</p> <p>Note 2: A sum of £120m was added to the Capital Programme by the Council on 26 April 2018 for this purpose to fund a five year programme of development of twelve Council owned sites by Medway Development Company Ltd.</p>	Leader/Cabinet
<p><u>Commercial Property – Pentagon Centre and 205 – 209a and 181a – 189 High Street, Chatham</u></p> <ul style="list-style-type: none"> <li>To arrange management of the Pentagon Centre and 205 – 209a and 181a – 189 High Street, Chatham after acquisition and to let, cease letting and sell premises subject to an agreed criteria within the Pentagon Centre and 205 – 209a and 181a – 189 High Street, Chatham as follows: <ul style="list-style-type: none"> <li>(i) To permit new lettings that will enhance, promote and not detract from the current offer within the Centre. These will provide a mixture of retail, leisure, food and service led offers to provide the Medway community with a quality mixed use scheme in which to visit on a regular basis, promoting economic vibrancy for Chatham town centre and not contrary to Council policy.</li> <li>(ii) Consideration will be given to the quality of the incoming tenant and the financial benefit that they will add to the asset.</li> </ul> </li> </ul>	Leader/Cabinet

(iii) All lettings should be in accordance with the principles of good estate management.	
8.35 Housing Infrastructure Fund (HIF)	
<ul style="list-style-type: none"> <li>• To authorise, in consultation with the Chief Operating Officer and the Leader of the Council, the acquisition of land and Interests in connection with the Housing Infrastructure Fund: New Routes to Good Growth Project.</li> <li>• To make, in consultation with the Leader of the Council, Chief Operating Officer and Assistant Director, Legal and Governance, the relevant changes, should any further Deeds of Variation be required, for the life of the project, on the basis set out in paragraph 4.2 of the report to Cabinet dated 28 September 2021.</li> </ul>	Leader/Cabinet
8.36 Anti-Social Behaviour and Policing Act 2014	
<ul style="list-style-type: none"> <li>• To issue Community Protection Warnings and Notices on behalf of the Council.</li> <li>• To issue Closure Notices on behalf of the Council for up to 24 hours.</li> <li>• To issue Fixed Penalty Notices for breach of any Community Protection Notice or Public Spaces Protection Order.</li> <li>• To issue, as the designated officer of the Chief Executive, a Closure Notice under the Anti-Social Behaviour and Policing Act 2014 on behalf of the Council for up to 48 hours.</li> <li>• To approve the Council's Community Trigger Protocol.</li> <li>• To ensure that the amount of Fixed Penalty Notices relating to Fixed Penalty Notices issued under Sections 52 and 68 of the Anti-Social Behaviour and Policing Act 2014 is set by the Fees and Charges report.</li> <li>• To exercise such other similar mechanisms that are enacted and developed in the future to enable the Authority to effectively deliver its functions under the Anti-Social Behaviour and Policing Act 2014.</li> </ul>	Leader/Cabinet
8.37 Asset of Community Value Status	
<ul style="list-style-type: none"> <li>• To determine applications for Asset of Community Value Status and to maintain the registers as required by the Localism Act 2011, in consultation with the Portfolio Holder for Housing and Property.</li> </ul>	Leader/Cabinet
8.38 Local Enterprise Partnership Funds	
<ul style="list-style-type: none"> <li>• To approve the expenditure of LEP funds including but not limited to, Growing Places Fund, to be awarded by SELEP Accountability Board (joint Committee), in line with expectations for economic growth purposes, local business and local priorities, existing resourcing funding still to be determined by SELEP, and any future funding for LEP activities to be determined by Government, in</li> </ul>	

consultation with the Portfolio Holder for Economic and Social Regeneration and Inward Investment, and the Chief Operating Officer.	
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- 4.1 So far as this scheme relates to delegations to employees for executive functions it is provisional pending confirmation by the Leader of the Council.

