

# ANNUAL MEETING OF MEDWAY COUNCIL

27 MAY 2015

## ELECTION OF LEADER

Report from: Neil Davies, Chief Executive

Author: Richard Hicks, Deputy Director, Customer Contact, Leisure, Culture, Democracy and Governance

### Summary

This report requests the Council to elect a Leader of the Council for a four-year period in accordance with Article 7 of the Council's Constitution.

The Council is also asked to agree the Council side delegations to officers.

## 1 Budget and Policy Framework

- 1.1 The election of a Leader of the Council is a matter for the first Annual Meeting of the Council following on from the ordinary election of all Councillors.
- 1.2 The Leader must appoint one Member of the Council to be his deputy.
- 1.2 The Leader may make arrangements to delegate some matters to the Cabinet, a Cabinet Committee, individual Cabinet Members or to employees.
- 1.3 The Cabinet will consist of the Leader together with not less than two but not more than nine other Members of the Council appointed by the Leader, including the Deputy Leader.

## 2 Background

- 2.1 The current composition of the Council is set out below:

	<b>Number of councillors</b>	<b>Proportionality %</b>
Conservative	36	65.455
Labour	15	27.273
UKIP	3	5.454
Independent	1	1.818
<b>Total</b>	<b>55</b>	<b>100%</b>

- 2.2 The Council has adopted the Leader and Cabinet form of executive, the key features of which are set out below:
- Under these arrangements, the Leader will be elected by the Council at its Annual Meeting in 2015, after the local government elections on 7 May 2015. The Leader will hold office for a four year term unless he or she resigns or ceases to be a Councillor.
  - The Leader will be responsible for appointing the Deputy Leader. Unless he or she resigns or ceases to be a Councillor the Deputy Leader will hold this office for the term of the Leader.
  - The Leader may, if he or she thinks fit, remove the Deputy Leader from office.
  - The Leader will be responsible for appointing not less than two but not more than nine, and for determining their Portfolios.
  - The Council may, by resolution, remove the Leader during his or her four-year term of office.
  - The allocation of local choice functions between the Executive and the Council will continue as set out in the Council's current Constitution.
- 2.3 At the Annual Meeting of the Council, the Leader, once elected, is required to present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation as Chapter 3 to the constitution.
- 2.4 The majority group will be proposing the nomination of the Leader of the Council. Nominations from other Members can also be put forward. If other Members are to be proposed as Leader of the Council, a list of proposed Cabinet Members and their proposed portfolios must also be submitted for approval.
- 2.5 Once elected, the Leader of the Council will appoint the Deputy Leader and determine the membership of the Cabinet, including their details, the allocation of portfolios to each of the Cabinet Members for inclusion in chapter 3 of the Constitution and the names of any Cabinet Members appointed to any joint committees exercising executive functions for the forthcoming year, as set out in Appendix A to the report **(to follow)**. The Council's scheme of delegation of executive functions from the Leader and Cabinet will also be determined by the Leader as set out in Appendix B to the report.
- 2.6 The Council has to agree the delegation of any non-executive functions to officers. The scheme of delegations to officers is also set out in Appendix B to the report (which also includes the current executive side delegations).

### **3 Financial implications**

- 3.1 There are no financial implications arising from this report.

## **4 Legal implications**

- 4.1 The Local Government Act 2000, as amended by the Localism Act 2011, requires local authorities to operate one of three forms of governance. This Council has resolved to operate executive arrangements with a Leader and Cabinet with a four-year term of office for the Leader.

## **5 Risk management**

- 5.1 There are no risk management implications arising from this report.

## **6 Recommendation**

- 6.1 The Council is asked:

- (i) to elect a Leader of the Council for a four year term until the day of the next Annual Meeting of the Full Council following the ordinary election of all Councillors;
- (ii) to note the details of those appointed by the Leader to serve as Deputy Leader and Members of the Cabinet and the extent of their individual portfolios, together with appointments to the Bus Lane Adjudication Service Joint Committee and the South East Local Enterprise Partnership Accountability Board as set out in Appendix A to the report **(to follow)**;
- (iii) to agree to the delegation of non-executive functions to officers as set out in Appendix B to the report.

### **Lead officer contact**

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### **Appendices**

Appendix A - Appointment details **(to follow)**

Appendix B - Employee delegation scheme

### **Background papers**

None



**PART 4 - EMPLOYEE DELEGATION SCHEME**

<b>General scheme of delegation</b>	
<b>Description of delegation</b>	<b>Responsibility delegated from</b>
<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	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 transfer 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 financial rules;</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 Assistant Director, Organisational Services.</li> </ul>	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

<b>Description of delegation</b>	<b>Responsibility delegated from</b>
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 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
<b>4. Urgent action</b>	
<p>4.1 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

Description of delegation	Responsibility delegated from
<p>4.2 Matters reserved to Cabinet:</p> <p>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</p>	Leader/Cabinet
<b>5. Departmental schemes of delegation</b>	
<p>5.1 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.</p>	Council/ Leader/Cabinet

<b>Specific scheme of delegation</b>	
Description of delegation	Responsibility delegated from
<b>6. Chief Executive</b>	
<p>6.1 Better for Less:</p> <ul style="list-style-type: none"> <li>• To implement any subsequent restructure, in consultation with the Leader, that crosses directorate boundaries as set out in paragraph 3 of the report to Council 20 October 2011 (Better for Less Programme – Establishment of New Models for Customer Contact and Administration).</li> </ul>	Council
<p>6.2 Corporate delegations:</p> <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> <li>• To act as the Council's Head of Paid Service under section 4(1) of the Local Government and Housing Act 1989;</li> <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> <li>• To represent the interests of the Council to the community, local interest groups and external agencies;</li> <li>• To resolve disputes between directorates.</li> </ul>	<p>Council/ Leader/Cabinet</p> <p>Council</p> <p>Council/ Leader/Cabinet</p> <p>Council/ Leader/Cabinet</p> <p>Council/ Leader/Cabinet</p>



Description of delegation	Responsibility delegated from
<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
<p>6.3 Democratic Services:</p> <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> <li>To make any in-year changes to the membership of Cabinet advisory groups in consultation with group whips;</li> <li>To arrange the appointment of officers to outside bodies</li> <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> <li>In liaison with party group whips, to agree the nominations of Councillors to places at conferences;</li> <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> <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> <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> <li>To require a report to Full Council when requested by the Chairman 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>	<p>Council</p> <p>Leader/Cabinet</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p>
<p>6.4 Civil protection and civil defence:</p> <ul style="list-style-type: none"> <li>To approve and implement the Council's Emergency Plan and any amendments to it;</li> <li>To approve and implement the Council's Civil Defence Plan and any amendments to it.</li> </ul>	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p>

<b>Description of delegation</b>	<b>Responsibility delegated from</b>
6.5 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>	
6.6 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
6.7 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> <li>• Conference expenses - To agree the nomination of Councillors to attend conferences 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 only be considered in exceptional circumstances where it is clear the Council would be disadvantaged if there was no attendance.</li> </ul>	Council  Council
<b>Assistant Director, Communications, Performance and Partnerships</b>	
6.8 Communications and improvement: <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>	
<b>Assistant Director, Legal and Corporate Services</b>	
6.9 Access to information <ul style="list-style-type: none"> <li>• To determine, in consultation with the Leader, a response to any representations received or about why a Cabinet meeting should be open to the 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>	Leader/Cabinet



<p>Section 223 of the Local Government Act 1972.</p> <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
<b>Description of delegation</b>	<b>Responsibility delegated from</b>
<p>6.13 Local Land Charges:</p> <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
<p>6.14 Property:</p> <ul style="list-style-type: none"> <li>Manage the Council's land and property resources in compliance with current legislation and Council policy;</li> <li>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;</li> <li>Within the financial limits delegated to the director, to agree terms and dispose of or purchase property;</li> <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> <li>Approve the terms of short-term leases and licences of Council-owned properties on the Rochester, Strood and Chatham Riverside;</li> <li>Approve terms for the appropriation of land previously authorised by the Council;</li> <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> <li>To grant licences, tenancy agreements, or leases at the Innovation Centre Medway, on the best terms reasonably obtainable subject to these being for no more than seven years.</li> </ul>	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>6.15 Licensing:</p> <ul style="list-style-type: none"> <li>Except where a specific Council side responsibility, 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</li> </ul>	

consents and such other services as may be authorised.	
<b>Description of delegation</b>	<b>Responsibility delegated from</b>
<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> <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> </li> <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> </ul> </li> </ul>	Council

<p>(v) An application for a provisional statement, where no representations received/representations have been withdrawn;</p>	
<b>Description of delegation</b>	<b>Responsibility delegated from</b>
<p>(vi) An application for club gaming/club machine permits, where no objections made/objections have been withdrawn;</p> <p>(vii) Applications for other permits;</p> <p>(viii) A cancellation of licensed premises gaming machine permits;</p> <p>(ix) The consideration of a temporary use notice (Council 7 December 2006).</p> <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> <li>• With regard to the Scrap Metal Dealers Act 2013, to determine: <ul style="list-style-type: none"> <li>(i) Fee settling (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> <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> </ul> </li> </ul>	<p>Council</p>

<p>6.16 Contracts:</p> <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
<b>Description of delegation</b>	<b>Responsibility delegated from</b>
<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> <li>The Assistant Director, Legal and Corporate Services is authorised where appropriate to vary the terms and conditions of contract as specified in the contract rules;</li> </ul>	Council  Leader/Cabinet
<b>Deputy Director Customer Contact, Leisure, Culture, Democracy and Governance</b>	
<p>6.17 Cemeteries and cremation:</p> <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> <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  Leader/Cabinet
<p>6.18 Electoral registration:</p> <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
<p>6.19 Registration of births, marriages and deaths:</p> <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
<b>Assistant Director, Organisational Services</b>	
<p>6.20 Personnel:</p> <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> <li>Implement the Council's post-entry training scheme;</li> <li>Negotiate and reach agreement on behalf of the Council on policies and procedures concerning the workforce;</li> <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>	Council  Council Council  Leader/Cabinet
6.21 Information technology:	





<ul style="list-style-type: none"> <li>(iii) funding being ring fenced for specific purposes.</li> <li>• To set the Council Tax base, in consultation with the Portfolio Holder for Finance</li> </ul>	Council
<b>Description of delegation</b>	<b>Responsibility delegated from</b>
<p>6.23 Contracts:</p> <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 1.9.9 of the contract procedure notes.</p>	Leader/Cabinet
<p>6.24 Better for Less:</p> <p>To make such budget transfers, in consultation with the Deputy Leader, across directorate headings as required to implement the new models of Customer Contact and Administration, for phase 1 and subsequent phases of implementation, as set out in the report to Council 20 October 2011 (Better for Less Programme – Establishment of New Models for Customer Contact and Administration) with reports of the delegations exercised to be included in quarterly budget monitoring reports to Cabinet and Overview and Scrutiny Committees.</p>	Council
<p>6.25 Director of Public Health:</p> <p>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:</p> <ul style="list-style-type: none"> <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> <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</li> </ul>	Leader/Cabinet

	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	
	<b>Description of delegation</b>	<b>Responsibility delegated from</b>
	<ul style="list-style-type: none"> <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> </ul>	
6.26	For the avoidance of doubt, the Chief Executive shall have all the delegations of a Director in respect of the Business Support Department.	Council/ Leader/Cabinet
<b>7.</b>	<b>Director of Children and Adults Services</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	<p>Services for elderly and disabled:</p> <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> <li>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.</li> </ul>	Leader/Cabinet  Leader/Cabinet
7.4	<p>Mental health:</p> <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	<p>General:</p> <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	<p>Contracts:</p> <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	<p>Local Authority School Governors:</p> <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</li> </ul>	Council

of Children and Adults prefers not to exercise the delegated authority.	
<b>Description of delegation</b>	<b>Responsibility delegated from</b>
<p>7.9 Deputy Director, Children and Adults:</p> <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
<b>8. Director of Regeneration, Community and Culture</b>	
<p>8.1 Planning:</p> <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> <li>• To determine applications for planning permission except in the following circumstances: <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> <li>(ii) Where the applicant is a member of the Council or an officer directly or indirectly involved in the planning process.</li> <li>(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).</li> <li>(iv) Where the proposal has other major implications for the authority.</li> <li>(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.</li> <li>(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.</li> </ul> </li> </ul>	<p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p>

Description of delegation	Responsibility delegated from
<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 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> <li>• To contest planning appeals in accordance with Council or Committee policy including the appointment of appropriate legal and professional representatives;</li> <li>• 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.</li> </ul>	<p>Council</p> <p>Council</p> <p>Council</p> <p>Leader/Cabinet</p>
<p>8.2 Building control:</p> <p>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>	<p>Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
<p>8.3 Highways and traffic regulations:</p> <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> <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: <ul style="list-style-type: none"> <li>(i) to determine plans and specifications submissions made pursuant to paragraph 15;</li> <li>(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;</li> <li>(iii) the determination of restoration plans submitted pursuant to the provisions of paragraph 19;</li> <li>(iv) the determination of additional details submitted pursuant to conditions imposed under paragraph 22(2);</li> <li>(v) the determination of all applications for the construction and working site vehicular access points.</li> </ul> </li> </ul>	<p>Council/ Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>8.4 Public transport:</p> <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>	<p>Council/ Leader/Cabinet</p>
<p>8.5 Land:</p> <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> <li>• To demolish properties (as part of any scheme approved by the Council).</li> </ul>	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>8.6 Street naming and numbering:</p> <ul style="list-style-type: none"> <li>• To agree street naming and the naming or numbering of buildings.</li> </ul>	<p>Council</p>

<b>Description of delegation</b>	<b>Responsibility delegated from</b>
8.7 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
8.8 Tree donation: <ul style="list-style-type: none"> <li>• To fix the fee for any tree donation scheme.</li> </ul>	Leader/Cabinet
8.9 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
8.10 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
8.11 Environmental health 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 collection and management, street cleansing, health and safety, food safety, shops, markets and street trading, Sunday trading, trading standards, consumer protection, 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, 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.</li> </ul>	Council/ Leader/Cabinet
8.12 Planning and transport fees and charges: <ul style="list-style-type: none"> <li>• 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.</li> </ul>	Leader/Cabinet
8.13 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

<b>Description of delegation</b>	<b>Responsibility delegated from</b>
8.14 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> <li>• To determine applications for professional sideshows and amusements in open spaces or recreation grounds in the borough.</li> </ul>	Leader/Cabinet  Leader/Cabinet
8.15 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
8.16 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, Housing, Development and Transport, in consultation with the Portfolio Holder.</li> </ul>	Leader/Cabinet
8.17 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
8.18 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
8.19 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
8.20 International Relations Project Funding: <ul style="list-style-type: none"> <li>• To consider and determine recommendations from the International Relations Cabinet Advisory Group on the allocation of up to £12,500 per annum to develop twinning and support proposed activities including applications from the sub groups previously established for Valenciennes, Yokosuka/Ito and Foshan (the fourth sub group covering Cadiz is no longer operational).</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

<b>Description of delegation</b>	<b>Responsibility delegated from</b>
<p>8.22 Housing:</p> <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> <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>	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>8.23 Housing grants and loans:</p> <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> <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> <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> <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>	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>8.24 Rent officer service:</p> <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>	<p>Leader/Cabinet</p>
<p>8.25 Flood Risk Management:</p> <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>	<p>Leader/Cabinet</p>

**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.