

COUNCIL

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CHANGES TO THE SENIOR MANAGEMENT STRUCTURE

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Summary

This report provides a summary of the consultation responses and asks Council to agree a set of recommendations on changes to the senior management structure following consideration by the Cabinet on 12 January 2016.

1. Budget and Policy Framework

1.1 Changes to the senior management structure are a matter for Council. As part of this process, the Cabinet considered the consultation responses and has made a number of recommendations to Council.

2. Background

2.1 The Council is facing unprecedented financial challenges over the next few years. At the meeting in September 2015, Cabinet discussed the medium term financial plan that reported a funding gap for 2016/17 of some £13.85m. The appointment of a new Director of Regeneration, Community and Culture has given the Council the opportunity to review the senior management structure both within that directorate but also more broadly across the Council.

2.2 At its meeting on 27 October 2015, Cabinet gave approval to commence formal consultation on proposals for a slimmer senior management structure which is considered more effective and fit for purpose, reflecting the priorities and shape of the organisation today but, more importantly, the demands of the future.

2.3 The proposal placed a priority on delivering efficient front line services and reducing senior management in the business support department. There is clearly an imperative to achieve cost savings to address the financial challenges ahead and the recommended proposal which has been consulted on provides an annual revenue cost saving of approximately £300,000.

2.4 A formal 30 day consultation period has been undertaken with trade unions and the staff directly and indirectly affected.

3. Principles for the review

- 3.1 The last review of the Council's senior management structure was approximately six years ago when the Council moved to a two directorate 'people and place' model as well as combining the roles of some assistant directors. Given the rapid changes that have occurred in the sector in recent years, this is perhaps a long period without review
- 3.2 The senior management reorganisation proposals have been developed first and foremost to reinforce the achievement of Members' priorities but in so doing they also reflect certain guiding principles, with a revised structure that:
- maintains our commitment to front line services, ensuring delivery is to a high standard and valued by our residents;
 - delivers savings and efficiencies, with a reduced corporate centre, including only statutory prescribed senior management posts;
 - is fit for purpose, reflecting the priorities and shape of the organisation today but, more importantly, that required for the future;
 - supports a culture that is agile and enables pace and flexible working;
 - offers increased opportunities, succession planning and career development for enthusiastic and ambitious middle managers;
 - is innovative in its thinking, offering a platform for further change and development, including shared services and greater local authority partnership working, increases the scope for trading, and devolution opportunities;
 - gives momentum to move to a more commissioning organisation; and
 - reiterating the principles above, it must support the Council's priorities, particularly ensuring a focus on the delivery of our ambitious regeneration programme, enhancing the public realm and providing homes for Medway residents.
- 3.3 Responding to the financial challenges confronting the Council is a key driver in proposing a reduced senior management structure. It is one important and necessary measure to assist with addressing the funding gap outlined above.

4. Outcome of the consultation

- 4.1 In total 13 responses were received during the 30 day consultation period. Each of these has been reviewed by the Chief Executive and the Director of Regeneration, Community and Culture (RCC).
- 4.1.1 The following points are themes from across the responses received together with an outline of the consideration and outcome. A summary of all the responses can be found at Appendix A.
- 4.2 Why is the Transformation area being placed under the Director for RCC and not the Chief Executive?
- 4.2.1 The reorganisation proposals seek to embed our 'one-council' approach, and the leadership of the Transformation agenda being placed with the Director, reporting to the Chief Executive, supports that agenda. In addition, the principles of the reorganisation as laid out earlier in the report are to streamline the corporate centre. The placing of the transformation team under the Chief Executive would not meet these principles but would in fact represent an addition of two service managers.
- 4.3 Should NORSE be considered as an alternative delivery model for further Greenspaces services?

- 4.3.1 Given the successful implementation of the Norse model and the maturity of our arrangements, it is considered appropriate to take on board the proposals from the consultation and revisit the initial proposals. In light of the consultation it is now proposed that responsibility for clienting the Grounds Maintenance and Tree Contracts could be delivered through the Norse partnership. Under this model the Greenspaces Development Team will report to the new Head of Regeneration Delivery post, with the Ranger Service continuing to be the responsibility of the Head of Safer Communities, but given these changes, there is no longer a 30% change to the role, and so the post will no longer be affected by the proposals. Formal consultation with affected staff will need to be undertaken before a final decision is made by the Director of Regeneration, Culture, Environment and Transformation under already existing delegated authority.
- 4.4 MACLS, Customer Contact, Libraries and community hubs do not naturally fit into the transformation area and should be in frontline services
- 4.4.1 Customer Contact, Libraries and Community Hubs will play a pivotal role in the Transformation agenda through the provision of “assisted digital” support. Our aspiration to move as much of our services online to be provided digitally, will require the provision of support to our communities to enable that change. Given the clear synergies between Customer Contact and Community Hubs, this assisted digital role will ensure our customers are better supported to embrace these changes. The provision of training through MACLS further supports this agenda, and bringing these services together under a single leadership will ensure there is a strategic focus given to this vital component on our Transformation programme.
- 4.5 The RCC performance hub should not be in the transformation area but should remain within front line services.
- 4.5.1 The RCC performance and intelligence hub has responsibility for corporate activity which spans the Council, including Risk Management and Business Continuity. Given the close working with the Corporate Head of Performance role, it is appropriate to co-locate in the Transformation Division.
- 4.6 Responsibility for delivery of the digital programme should remain within Communications.
- 4.6.1 Digital is one aspect of the transformation programme needed to meet future service and budget needs. Organisational change, ICT enablement, continuation of the agile working programme, service re-alignment and business process reviews will also be key in ensuring the programme is a success. The Head of Transformation will be required to co-ordinate these strands of work but the Communications team will continue to be responsible for the delivery of the digital by default programme.
- ## 5. Advice and Analysis
- 5.1 Consequences of a reshaped RCC directorate.
- 5.1.1 The services contained in the front line division will be enlarged to enable a better ‘place’ alignment. In contrast, there will be a significant addition to the existing housing and planning division, augmented by all leisure and cultural services to more effectively integrate our physical, and cultural regeneration aims.
- 5.1.2 As explained above, creating a new transformation division offers increased capacity and the opportunity to research, review and implement different ways of working across the Council. ICT services will enable transformation projects to be implemented end to end. In the same way, HR services will support organisational reform by driving cultural and

behavioural change that is so crucial to ensure the new ways of working are embedded, sustained and successful. Placing the administration support team(s) in this new division will also support this aim. This division will operate differently, it shall be project based with a task/finish ethos to help shape the organisation for the future. Hence it shall be agile in character.

5.2 Children and Adults services

- 5.2.1 At this stage, it is difficult to consider options for a different senior management structure in the Children and Adults directorate. Members have emphasised the importance of stability and continued improvement in Children's Social Care.
- 5.2.2 Adult services is currently implementing a challenging array of new responsibilities arising from the Care Act. At this stage, therefore, it is prudent to implement and embed these successfully.
- 5.2.3 The Assistant Director Commissioning post is jointly funded with the Clinical Commissioning Group (CCG). We would not want to implement any change that precipitated a loss of health partnership funding.
- 5.2.4 Therefore, given the sizeable challenges confronting the Children and Adults directorate, it is premature to change senior management at this stage. However, there is scope to consider rearranging functions and reviewing the configuration of certain services, which should be considered at some future stage.
- 5.2.5 Overall it is appropriate to revisit the senior management structure in this directorate in the future. We will then have defined more clearly our commissioning intentions, and we will know the partnership opportunities available for some of these services.

Cabinet – 12 January 2016

- 5.2.6 The Cabinet considered this report on 12 January 2016 and its recommendations are set out in paragraph 10.1 below.

6. **Changes required to the Constitution**

- 6.1 If the Council approves the changes to the Council's senior management structure as proposed by the Cabinet and set out in this report several changes will also need to be made to the Council's Constitution as follows:
 - 6.1.1 **Scrutiny Officer:** The Local Democracy, Economic Development and Construction Act 2009 introduced a statutory position of "scrutiny officer" who has to be an officer designated by the Council with responsibility for promoting the role of overview and scrutiny, supporting overview and scrutiny committees, and providing advice to officers and members about overview and scrutiny committees. The law relating to this officer post now sits at Section 9FB of the Local Government Act 2000 (having been incorporated into that Act by the Localism Act 2011). The scrutiny officer cannot be the authority's Head of Paid Service, the Monitoring Officer or the Chief Finance Officer (s151 officer).
 - 6.1.2 Until now the Deputy Director, Customer Contact, Leisure, Culture, Democracy and Governance has fulfilled the role of the statutory scrutiny officer. Under the proposed structure this post will no longer exist and Democratic Services will transfer to the Chief Legal Officer's division. As the Chief Legal Officer is the Council's Monitoring Officer it is recommended that the Head of Democratic Services should be formally designated as

the statutory Scrutiny Officer with immediate effect. The Head of Democratic Services is responsible for delivery of support to the Council's Overview and Scrutiny Committees. This will require a change to the list of designated officers in 11.1 (b) of Article 11 in the Constitution, as set out in Appendix 7 to this report.

- 6.1.3 **Employee Scheme of Delegation:** A number of minor changes are required to Article 11 in the Constitution and the employee scheme of delegation to ensure that current delegations match the new posts and job titles in the revised senior management structure. The changes required to Article 11 and to the employee scheme of delegation in Part 4 of Chapter 3 of the Constitution are set out as tracked changes in Appendices 7 and 8 to this report. The Leader of the Council will be requested to approve the proposed changes to delegations relating to executive functions. Other changes are for approval by full Council. These changes will take effect from 1 April 2016.
- 6.1.4 **Terms of Reference of Overview and Scrutiny Committees:** a review of the Council's Constitution is currently underway which will include the terms of reference of the Council's Overview and Scrutiny Committees to ensure they are up to date and coherent. Any recommended changes will be reported to a later meeting of the Council for approval.
- 6.1.5 In the meantime the Council is recommended to rename the current Regeneration, Community and Culture Overview and Scrutiny Committee as the Regeneration, Culture and Environment Overview and Scrutiny Committee. This is to ensure consistency with the new title of the relevant directorate. The Council is also recommended to agree that scrutiny of the areas of responsibility of the new Assistant Director Transformation, Chief Legal Officer and Chief Finance Officer should remain with the Business Support Overview and Scrutiny Committee and that scrutiny of the responsibilities of the Director of Public Health should remain as set out in the current terms of reference of the Council's Overview and Scrutiny Committees. In effect this will mean the addition of scrutiny of any Transformation division work streams to the role of the Business Support Overview and Scrutiny Committee.
- 6.1.6 It is also recommended that scrutiny of Bereavement and Registration Services should transfer from the Business Support Overview and Scrutiny Committee to the Regeneration, Culture and Environment (RCE) Overview and Scrutiny Committee. This will, to some extent, offset the impact of the addition of scrutiny of the work of the Transformation division to the workload of the Business Support Overview and Scrutiny Committee. It will also align scrutiny of all the areas of responsibility of the Assistant Director Frontline Services within the terms of reference of the RCE Overview and Scrutiny Committee. Scrutiny of housing is currently the responsibility of the Business Support Overview and Scrutiny Committee in line with a previous decision of the Council to maintain an appropriate balance across the workloads of each Overview and Scrutiny Committee. All of these changes in this section will take effect from 1 April 2016.
- 6.1.7 **Management Structure:** The current structure chart of the Council's senior management arrangements appears in Chapter 7 of the Constitution. This will be replaced with a chart showing the new structure agreed by the Council.
- 6.1.8 **General terminology:** the Council is asked to authorise the Chief Legal Officer to substitute the correct Directorate titles and job titles throughout the Constitution to reflect the new Senior Management Structure insofar as this makes no changes to established practice or procedures.

7. Risk Management

- 7.1 There is really only one significant risk which relates to loss of assistant director capacity and expertise, recognising that Medway's senior management team is already slim compared to most equivalent local authorities. There is some validity in this concern however, the funding gap confronting the Council and the need to implement structures that are agile and fit for the future, necessitate this senior management review. The key mitigation, which accords with one of the guiding principles referred to earlier in the report, is that the restructuring proposal (particularly within the new transformation division), gives the opportunity for some of our more ambitious and capable service managers to assume an increased and more senior role. It is believed there is scope to allow this to occur and to create valuable spare capacity in implementing the new structure.

8. Financial implications

- 8.1 The cost of the existing corporate management structure is approximately £1.8m. A review of the senior management structure will give the Council the opportunity to reduce some of these costs.
- 8.2 Analysis of the options outlined in the previous Cabinet report are, in part, repeated below, offering the following cost savings:

	£000s	£000s
Lean corporate centre		
- delete two corporate assistant director posts	237.4	

- less recompense to service managers to mitigate key risk

(10.0)

227.4

Or

Lean corporate centre

- delete two corporate assistant director posts	237.4	
- create new transformation assistant director in new regeneration, culture, environment & transformation directorate	<u>(120.0)</u>	117.4

Reconfigured Place Directorate

- delete deputy director role	127.5	
- less recompense for reallocation of responsibilities to others	<u>(10.0)</u>	117.5
- Deletion of Service Manager post		<u>65.0</u>
- Total savings		<u>299.9</u>

- 8.3 The consultation process also included merging two service posts in the new RCET directorate to create a new post entitled Head of Regeneration Delivery. If this is taken forward, it would result in the deletion of one service manager post, yielding a further saving of approximately £65,000. This is reflected in the table above giving total savings estimated at approximately £300,000 annually.
- 8.4 The figures illustrated above do not include further savings that could arise from team and service reviews that would naturally follow this restructuring. Also, staff reduction costs (e.g. redundancy) are not factored in, but should they arise these will be 'one off' and funded from the central provision. Hence, these costs would not impact on the revenue account.

9. Legal Implications

- 9.1 The Chief Executive as Head of Paid Service must share proposals such as these with all Members of the Council. The Leader and Cabinet have ultimate executive responsibility and it is therefore appropriate that they, in consultation with the Chief Executive make recommendations to full Council having taken account of consultation responses.
- 9.2 The proposed redundancies are being carried out in accordance with the Council's reorganisation procedure, and formal consultation with the trade unions and staff has taken place.
- 9.3 The Council must ensure that the process for any proposed redundancies complies with the required statutory obligations to inform and consult employees both collectively and individually under Section 188 of The Trade Union and Labour Relations (Consolidation) Act 1992. The Council is also under a duty to inform the Secretary of State under Section 193 of the above Act about proposed redundancies, where the relevant threshold has been met.
- 9.4 The process adopted must be in accordance with the Council's Organisational Change Policy (including redundancy) and comply with the general principles of fairness to minimise the risk of successful Employment Tribunal claims.
- 9.5 If the Council agrees the recommended changes outlined in this report, some constitutional changes will be required. These are relatively minor changes to align the employee scheme of delegation and Overview and Scrutiny Committee Terms of Reference with the new organisational structure, as outlined in paragraph 6 above.
- 9.6 The Council has legal duties to pay due regard to the need to eliminate discrimination and promote equality. A Diversity Impact Assessment is attached at Appendix 6 and based on the evidence available it is recommended to proceed with the proposed changes to the senior management structure.

10. Recommendations

- 10.1 Having carefully and fully considered the consultation responses, using the principles for reviewing senior management outlined earlier in this report, Cabinet has made the following recommendations to Full Council:

10.1.1 To delete the following posts:

- Deputy Director Regeneration Community and Culture
- Assistant Director Customer Contact, Democracy and Governance
- Assistant Director Communications, Performance and Partnerships
- Assistant Director Organisational Services
- Assistant Director Housing and Regeneration
- Head of Greenspaces, Heritage and Libraries
- Head of Regeneration and Economic Development
- Head of LGF Projects

10.1.2 In order to capture the importance of environmental services for residents and to reflect the priorities of the Administration, to agree that the new directorate be named Regeneration, Culture, Environment and Transformation.

10.1.3 To agree that the following new posts should be created in the Regeneration, Culture, Environment and Transformation directorate

- Assistant Director Transformation
- Assistant Director Physical and Cultural Regeneration
- Head of Transformation
- Head of Regeneration Delivery

10.1.4 To agree to change the job title of Assistant Director Legal and Corporate services to Chief Legal Officer.

10.1.5 To agree to transfer responsibility for Elections and Members' Services and Democratic Services to the Chief Legal Officer.

10.1.6 To note the proposals laid out in 4.3.1 of this report regarding the transfer of Grounds Maintenance to Norse and taking account of the budget set on 25 February 2016.

10.1.7 To agree to continue to integrate public health services across the Council noting that the Director of Public Health (DPH) is a joint appointment with Public Health England and there will be a vacancy from March 2016, the Chief Executive will make recommendations to Members in due course on options for filling this post.

10.1.8 To agree that the organisational change will be undertaken, creating the new Regeneration, Culture, Environment and Transformation directorate (Appendix 4 to the report) and revised Chief Executive and Business Support Department (Appendix 5 to the report) on 1 April 2016.

10.2 The Council is also asked to agree the following recommendations to take account of the required changes to the Constitution as a consequence of the reorganisation:

10.2.1 To designate the Head of Democratic Services as the Council's statutory Scrutiny Officer with immediate effect and amend paragraph 11.1(b) in Article 11 of the Constitution accordingly.

10.2.2 To approve other changes to Article 11 of the Constitution as set out in Appendix 7 to the report with effect from 1 April 2016.

10.2.3 Approve changes to the Employee Scheme of Delegation as set out in Appendix 8, noting that the Leader of the Council will agree any changes to delegations relating to executive functions, with effect from 1 April 2016.

10.2.4 To agree with effect from 1 April 2016 that scrutiny of all the areas of responsibility of the new Assistant Director Transformation, Chief Legal Officer and Chief Finance Officer should be within the terms of reference of the Business Support Overview and Scrutiny Committee and that scrutiny of the responsibilities of the Director of Public Health should remain as set out in the current terms of reference of the Council's Overview and Scrutiny Committees.

10.2.5 To agree with effect from 1 April 2016 that the current Regeneration, Community and Culture Overview and Scrutiny Committee be renamed the Regeneration, Culture and Environment Overview and Scrutiny Committee and that the Constitution be amended accordingly.

10.2.6 To agree with effect from 1 April 2016 that responsibility for scrutiny of Bereavement and Registration Services should transfer from the Business Support Overview and Scrutiny Committee to the Regeneration, Culture and Environment Overview and Scrutiny Committee.

10.2.7 To note that a revised senior management structure chart will replace the current chart at Chapter 7 of the Constitution.

10.2.8 To authorise the Chief Legal Officer to substitute the correct Directorate titles and job titles throughout the Constitution to reflect the new Senior Management Structure insofar as this makes no changes to established practice or procedures.

Lead officer contact

Neil Davies, Chief Executive, Civic Centre, Gun Wharf, telephone Medway 332705.

Appendices

Appendix 1 - Consultation responses by theme

Appendices 2-5 - structure charts

Appendix 6 - Diversity Impact Assessment

Appendix 7 – Article 11(Employees) – Constitution

Appendix 8 – Employee Delegation Scheme - Constitution

Background papers

None

Appendix 1

Explanatory note: the comments from the 13 respondents, some of which covered a range of areas, are reflected below under a series of themed headings. Each numbered section essentially represents a separate response under the theme. The proposals have been cut and pasted from the originals received however in some cases these have been precede to ensure the anonymity of the respondee.

Consultation responses

1.0 - Why is the Transformation area being placed under the Director for RCC and not the Chief Executive?

1.1 - The position of transformation

Having worked in a number of councils where transformation has been taken forward, I feel by placing transformation into a service directorate is the wrong position. The transformation division needs to be cross cutting across the entire council and in my mind for this to be effective it should be part of Business Support. I feel otherwise it will get lost as an RCC addition. If anything transformation needs to work closely with finance colleagues as well as HR so why move just some services to transformation – why not keep all in Business Support?

By being part of Business Support it shows transformation is being led by the Chief Executive and it is very important the leadership is correctly positioned. Strong leadership is the only way transformation will be successful.

It also seems to jar that we have two directorates based on people and place. Placing transformation in place doesn't fit.

1.2 - The location of the transformation division within RCT

I entirely support the principle of 'one council' but I disagree with the premise of the proposals that a lean centre consisting only of the statutory posts is the best way to achieve that. Medway has always benefited from a strong centre - it has been a model favoured by the leader of the council. The change and transformation function that the review proposes to create needs to act both as corporate glue to give coherence to our strategies and change programmes, but it also needs to be able to exercise a constructive challenge function. To do that effectively a degree of separation and independence is required. .

1.3 -. I appreciate the logic of combining the current posts of AD, Organisational Services and AD, Communications, Performance and Partnerships given the financial difficulties the Council finds itself. However I have a number of concerns relating to the structure of this post.

Firstly I believe the post should remain as a corporate post if it is to work successfully across the whole Council. I understand the aim is to break down departmental silos; but to maintain influence and impartiality I think it would be better placed reporting directly to the Chief Executive.

2.0 - Should NORSE be considered as an alternative delivery model

for further Greenspaces services?

2.1 - Alternative Proposal for Consideration.

Rather than splitting Greenspace Services into various department consideration may be made to merge the service into the Medway Norse JV model. There are many operational benefits in keeping this service together which I would gladly supply.

There would of course be other savings which I would happily explain should these proposals be taken as a positive move.

2.2 - Grounds maintenance client arrangements and greenspaces.

The proposals transfer responsibility for the GM contract management to the current waste services manager retitling the post head of contracts management for waste and grounds maintenance. The residual part of greenspaces is proposed for transfer to the safer communities post.

It is a seemingly small but important point to remember that Medway Norse is not a contractor – they are our strategic partner operating under a memorandum of understanding. An adversarial model of ‘contract management’ is not the best way to maximise the partnership aspects of the joint venture.

There have been conversations (council greenspaces and Medway Norse) about how best to reconfigure the GM client side with Medway Norse taking on this aspect as well as their current responsibility to supply labour and equipment. There is an opportunity to further embed partnership working by bringing the expertise of the current GM client team to a combined team based with Medway Norse. This brings together a huge amount of expertise in grounds maintenance and the Medway area. We would not lose the focus on the performance of the service as current contract monitoring activity can be re provisioned as quality assurance within a robust performance framework to be agreed alongside a re negotiated specification (to respond to the need to absorb statutory wage increases within the current financial envelope). This will also give efficiencies as we would not need a contract manager within Medway Norse and a manager of the client side. It will enable there to be holistic management of both the core GM contract and the GM for bereavement services, and the tree contract, with a further efficiency when the other tree contract work currently carried out by a third party moves into Medway Norse as agreed in 2016. This concept of a combined team was agreed in principle at the Grounds Strategic Meeting but for phased implementation within the next year. Given the financial pressures the council faces and the other benefits described above, I propose that this is implemented from April 2016 (subject to the necessary staff consultation).

The rationale I have been given during the consultation period was the desire to bring more closely together the operation of waste and GM contracts to respond to lack of synchrony across the two areas – eg litter picking on verges by Veolia in sequence with grass cutting. It should be possible to resolve these issues through collaboration that would not necessitate one manager taking responsibility.

I would also suggest that the council considers transferring the residual greenspaces activity and staff to Medway Norse. Whilst there is a link to safer communities, presumably through environmental crime and anti social behaviour in parks and open spaces, there is a better fit to the grounds maintenance activities carried out by Medway Norse..

3.0 - MACLS, Customer Contact libraries and community hubs do not naturally fit into the transformation area and should be in frontline services.

3.1 - *The location of Libraries and Adult Community Learning respectively outside of the 'Place' and 'People' divisions and into the Transformation division can be made to work as there is the common ground of delivering those services from shared building locations. However this factor does not seem the strongest driver for service amalgamations.*

3.2 - *Some parts of the proposed division do not seem to fit – MACLS for example seems to jar as they have no transformation role.*

3.3 - *The positioning of MACLS seems odd. Although I understand there are synergies with customer contact, aren't there more synergies on the education side with the Children and Adults directorate*

3.4 - *There are proposed functions that I do not see as part of the portfolio in the medium term or, in two instances, at all. Customer contact and BASS will both be transformed themselves by the digital transformation programme. Both also have the potential to be engines and agents of change. I would see them as part of the portfolio in the short term but once they are starting to be delivered differently - an assisted digital model for customer contact and a digitally enabled support service for BASS - they should be transferred to either the chief finance officer or the AD for corporate services.*

In relation to services that I do not believe that it is appropriate to include within the portfolio of the new AD post at all, the first is adult learning. Overall I do not consider that the restructure proposals sufficiently address the challenge of employment and skills. The new regeneration posts reference physical and cultural regeneration to a much greater degree than employment and skills, yet these areas are key challenges for the council and the area. I would propose that greater emphasis is given to employment and skills within the regeneration delivery team and that adult education also moves within that remit to ensure, whether the service remains with the council or is outsourced, that it is led or commissioned to support skills improvement in the context of our regeneration plans. The link from adult education to customer contact is tenuous and the fact that Macls and the Rochester community hub are delivered from the same site is insufficient reason to bring them under one manager. This is also emphasised by the recent in principle agreement to return Macls customer contact activity to the service.

I understand better the rationale for bringing libraries in with customer contact - that is a model that we had previously and there is overlap with community hubs because of close physical co location. However I don't think the rationale is strong enough to warrant including such an important frontline service as libraries within the transformation division. The council needs to decide what the strategic purpose is for libraries. Will libraries develop as assisted digital outlets? (although care needs to be taken that we do not have a programme that creates more face to face outlets for all council services that is at odds with a digital council;) are they community assets to

support social regeneration? Are they sites to support learning? The purpose should dictate the development of the service, the delivery model and its management. Libraries may be a candidate for transformation but of course not all services requiring transformation need to sit within the transformation division. I believe there are various potential alternative homes for libraries including with leisure, with school improvement or social regeneration, all of which would be a better fit than adding the service to a change function.

3.5 - find the combination of cross organisation functions and the front line services of particularly libraries and customer contact somewhat odd. I have been given to understand that this is because there is a belief that the transformation required will be delivered through customer contact in particular. I think this missing the point of transformation, especially digitalisation. Whilst the front facing services and first point of contact clearly have a role to play the bigger prize is in the ability to integrate with back office functions and to streamline processes wherever possible. The key players in this will be ICT and HR.

4.0 - The RCC performance hub should not be in the transformation area but should remain within front line services.

4.1 - Incorporation of the RCC Performance Hub into the Transformation division.

The current consultation document doesn't provide any detail on the rationale for including the RCC performance hub as part of the transformation division. Given the suggestion in section 7.4 of the consultation paper that a further review of the structure is likely once an assistant director is appointed, this would suggest a future discussion over the possible merging of the two hubs?

This would however raise a number of issues that may need to be considered. Any merging of the hubs would potentially undermine the hubs ability to objectively manage both the Directorate and Council performance monitoring as it will be responsible for both functions, and would therefore in effect have to hold itself to account.

Given the small size of both teams there is very little additional scope for any savings to be made by merging the hubs unless the scope and workload of the teams was also cut, which currently exceed beyond the capacity of both teams were designed to deliver. For example the RCC hub manager currently fulfils the role of Business continuity and risk managements lead within the council, which is outside of the hubs remit defined by the Target Operating Model. Similarly the Corporate hub currently provides support to BSD services in completing and uploading service plans, diversity impact assessments and analysis even though this is outside of the unit's remit. The Corporate hub also has number of corporate responsibilities including the maintenance of the corporate GIS system and the Local Land Property Gazetteer.

Most importantly however any proposed merger with a view to reducing the number of posts would significantly erode the capacity of the Corporate hub to support the Transformation programme, which is currently the primary rationale for including the Corporate performance hub within the Transformation division. This would include the ability to lead on monitoring and briefing on national policies such as the Devolution agenda.

It is therefore suggested that the RCC performance hub remain in the Frontline services division which would ensure that there was a distinction between Directorate and Corporate performance monitoring. The remaining capacity of the Corporate hub could then remain fully focused on supporting the Transformation programme.

5.0 - Responsibility for delivery of the digital programme should remain within Communications.

5.1 - *Digital transformation should be led by communications –digital transformation is about service redesign and customer experience. Communicators know how to do this. The LGA suggest this is what should happen for these very reasons.*

5.2 - *My perspective is that our whole transformation agenda is about taking the council on the journey to be a digital council – an organisation fit for the future in the digital age. This would encompass anything from putting an individual transaction on line to rethinking our LAC service, or entering into a shared service– but always asking how can we better deliver the outcomes our communities need through exploiting the power of digital. Digital is an enabler, not an end in itself. This requires collaboration not only across the transformation division but also every service in the council. In this context it is important that digital transformation is not seen as a separate programme assigned only to one individual.*

I have an alternative proposal which positions digital as a core part of all transformation. My proposal is that we think about digital service redesign as one element of overall transformation, and in the same way as the transformation manager ensures appropriate input from organisational change on skills issues, IT on technology, communications on messaging, performance on data analytics, then s/he would call upon digital services to deliver service redesign. Digital services would remain part of the communications and marketing team which would be retitled to communications, marketing and digital services.

This means the transformation manager is not responsible directly for a delivery team but is the glue between all of the components. The job description would need to be updated to reflect the focus on transformation overall, rather than digital transformation specifically.

6.0 – Miscellaneous.

6.1 - *The re-organisation has my support. I believe the bringing together of a number of key support functions into the new Transformation Division will assist the pace and ambition of change across the council. Having all of these functions around one senior management team will be advantageous, give a higher profile to change programmes and allow greater synergy for improvement.*

The statement at paragraph 3.4 recognising that the new Transformation Division will support reform across the council is important. In common with other support services, Business Administration also supports the Children and Adults Directorate with both business support, and complaint investigation and management. The future management of change and resources needs this council wide perspective,

and this recognition is welcomed.

All of the proposed Transformation Division's support functions have considerable operational responsibilities as well as being key advisors on their professional areas. The creation of a Transformation Service Manager position recognises that dedicated capacity is needed to support the Assistant Director and the Director, and will be a real asset to driving change forwards.

Clarification of the wider digital agenda and the respective work areas of Communications and Transformation would amplify lead responsibilities and increase opportunities for collaboration and partnership working.

It is clear that the digital transformation programme offers the opportunity to continue to modernise business support functions; in BASS we have been a part of this agenda for some time and are keen to contribute further; we see much scope to do so.

In all re-structures, there is no single blue print for organisation design. As well as re-examining logical and customer focussed service groupings, it is reasonable to play to the experience, strengths and passions of existing managers.

6.2 -

We should be taking this opportunity to address this with a fuller and wider consultation. With the impact the council needs to make I feel the consultation should have had a wider reach – was this not the time to look much deeper into head of service roles and reconfigure teams? While it is a fantastic attitude to want to protect staff this is no longer an option – the organisation needs to be realistic that jobs cuts will be needed and should be made to remove staff who do not have the right skills, bringing in some who do but ultimately becoming a leaner organisation. Culturally we risk doing little bits of change constantly which unsettles and the organisation loses its talent. What we should be doing is keeping the talent that does undoubtedly exist across the organisation but removing those who are content doing half a job as that is not helping transformation and is not value to the tax payer.

6.3 - The present restructuring of RCC has presented a scenario in which the Greenspace Development Team (GDT) would move to Safer Communities.

The GDT is surprised at the suggested location as the team's current and future work priorities do not seem to be closely aligned to those of Safer Communities. The GDT acknowledge the important work of Safer Communities and do understand that one aspect of GDT's work does contribute towards building community safety, however this is just one element alongside other broad goals such as healthier communities, regeneration and tourism. The GDT therefore believes that, unlike the greenspaces ranger, the GDT does not sit comfortably or logically with Safer Communities.

The GDT do believe that their priorities, skills and connections are best aligned and

embedded in the work of the regeneration and economic development team. We therefore request that consideration is given to the location of the GDT within Economic Development. Such a move could enable the provision of managerial and development support for the Great Lines Heritage Park officer.

Sections 7 through to 12 are individual counter proposals which do not fall into themes or miscellaneous:

7. Alternative Management Structure - Overview

7.1 Fundamentally this Alternative Proposal for the Senior Management Review:

- *Strengthens the senior management team (Assistant Directors) within the proposed Regeneration, Culture & Transformation Directorate through retention of the Deputy Director Role aligned to the Frontline Services remit.*
- *Reduces the number of Service Manager Posts to realise further savings.*
- *Creates additional capacity for delivery of the Regeneration Agenda.*
- *Incorporates Public Health into the Regeneration, Culture & Transformation Directorate to build synergies and reduce the overall management structure.*
- *Consolidates service functions to deliver a better Strategic Fit.*

7.2 Frontline Services

7.2.1 The headline changes within this Alternative Proposal for the Senior Management Review are:

- *Re-grading the Assistant Director Frontline Services Post to Deputy Director Frontline Services.*
- *Merging the Bereavement & Registration Service with Safer Communities to create a new service of Public Protection.*
- *Merging the Greenspaces Land Management Functions (Ranger Team) with Waste Services to create a new service of Street Scene & Greenspaces. As part of this proposal the in-house Pest Control & Sign Shop Service should transfer to Medway NORSE to ensure a service focus on strategic client management.*
- *Merging the Greenspaces Development Functions (Greenspaces Development) into the new service of Head of Regeneration Delivery (Physical & Cultural Regeneration Division).*
- *Transferring the South Thames Gateway Partnership from the proposed Physical & Cultural Regeneration Division to the Frontline Services Division.*
- *Merging the Highways and Integrated Transport to create a new service of Highways and Transportation.*

7.2.2 The rationale for these changes are:

- Applying the Deputy Director grade to this Division reflects the strategic span of control for this Division, the political importance of ensuring delivery to standards framed within the affordability model and ensures a balanced senior management structure with that of the Children & Adults Directorate that retains a Deputy Director post.
- Merging of Bereavement & Registration with Safer Communities delivers better synergies than those proposed (Greenspaces & Safer Communities) and (if adopted) realising further savings. This combined service function has also been adopted by a number of other Local Authorities so can be seen as an accepted model for service delivery.
- Merging the Land management functions (Ranger Team) build better synergies than those proposed (Greenspaces & Safer Communities) also ensuring that there is a critical mass for Greenspaces Management through retention of the land management functions with contracted functions under one Head of Service.
- Merging the Greenspaces Development Functions into the new service of Regeneration Delivery ensures that the place making value of Greenspaces is captured and maximised within the Council's wider Regeneration Ambitions.
- Transferring the South Thames Gateway Partnership from the proposed Physical & Cultural Regeneration Division to Frontline Services ensures (except for Housing) that all frontline services are delivered within one division (spans of control efficiencies) and provides a quicker opportunity for externalisation of this service with CCTV via the LATC route that is due to be created by the 1st April 2016.

7.3 Physical & Cultural Regeneration

7.3.1 The headline changes with this alternative proposal for the Senior Management Review are;

- Amending the role profile title for the Assistant Director post from Assistant Director Physical & Cultural Regeneration to Assistant Director Regeneration.
- Transferring the South Thames Gateway Partnership from the Physical & Cultural Regeneration Division to the Frontline Services Division.
- Transferring the Head of Festivals, Arts, Theatres & Events and Head of Sports Leisure & Events to Public Health.
- Retaining Tourism and creating a new service of Economic Development & Tourism.
- Merging the Greenspaces Development Functions (Greenspaces Development) from the proposed new service of Safer Communities & Greenspaces (Frontline Division) into the new service of Head of

Regeneration Delivery. This should also include the transferring of management responsibility for Great Lines Heritage Park and LGF Delivery functions for cycling to the substantive post of Greenspaces Development Manager that will result in a grade adjustment.

- *Transferring the service functions for Capital Projects & Property from the Chief Legal Officer (Corporate Services) to the proposed Physical & Cultural Regeneration Division.*

7.3.2 *The rationale for these changes are:*

- *Proposed alternative role profile title reflects the core division functions and the proposed transfer of Leisure & Culture service functions to Public Health.*
- *Transferring of Leisure & Culture service functions to Public Health builds better synergies around delivering “wellbeing” whilst ensuring a better strategic span of control around delivery of the Councils Regeneration Ambitions.*
- *Creating a new service function for Economic Development & Tourism builds capacity to deliver these service remits and ensures a more sustainable span of control for the proposed new service of Regeneration Delivery.*
- *Merging the Greenspaces Development Functions into the new service of Regeneration Delivery ensures that the place making value of Greenspaces is captured and maximised within the Council’s Regeneration Ambitions.*
- *The service functions for Capital Projects & Property have better synergies within this Division around building lifecycle delivery teams for regeneration and alignment of property commercial development.*

7.4 A further phase (2017-18) of restructuring of this Division should be considered to merge capital projects with regeneration delivery (thus removing the artificial internal market and gaining efficiency savings) and transferring the Corporate Client Functions for Medway NORSE to Frontline Services.

7.5. Transformation

7.5.1 *The headline changes with this alternative proposal for the Senior Management Review are:*

- *Transferring the service functions for Administration to the Chief Legal Officer (Corporate Services).*
- *Merging the Head of Performance and Head of Performance RCC into one new Head of Performance Post, creating (if approved) additional savings through the deletion of one service manager post.*
- *Transferring Libraries & Adult Education to Public Health.*

7.5.2 *The rationale for these changes are:*

- A better strategic fit with Administration being managed as a Corporate Service under the Chief Legal Officer specifically around Information Governance and Records Management.
- Efficiency savings through merging the 2 proposed Heads of Performance within the Transformation Division as there is no capacity value to maintain 2 posts especially in the context of the financial challenges that the Authority is facing.
- A better strategic fit for Libraries and Adult Education being managed within an enhanced management structure for Public Health than that proposed. The rationale for merging these with Customer Contact will have a negative impact on the wider wellbeing delivery agenda and also restricts the Council's outsourcing models for Customer Contact post digital transformation.

7.5.3 Consideration should also be given to interim management arrangements for IT to enable the option of a private partnership delivery model or shared services model to be tested especially in the context of the Digital by Default Programme that would require significant upfront skills and capacity investment into the IT Infrastructure to deliver.

7.6 Public Health

7.6.1 The headline changes with this alternative proposal for the Senior Management Review are:

- Director of Public Health transfers into the new Directorate of Regeneration, Culture & Transformation – direct line management report to the Director of Regeneration, Culture & Transformation.
- Public Health Directorate takes on management functions for Leisure & Culture (except Tourism) and Libraries and Adult Education.
- Two new Heads of Service are created (from those transferring so on a cost neutral basis) for the delivery of the Council's Leisure & Culture agenda.

7.6.2 The rationale for these changes are:

- Enabling a further flattening of the senior management structure (Direct Reports to the Head of Paid Service) through the transfer of Public Health into Regeneration, Culture & Transformation. Directors of Public Health do no need to be direct reports to the Head of Paid Service and a number of Local Authorities have placed Public Health within a non corporate management structure.
- Builds a strong integration of public health functions with service delivery of Leisure & Culture through a single management structure whilst still retaining the wider placemaking agenda in one directorate
- A better strategic fit of Leisure & Culture service functions in terms of (a) spans of control around traded services and (b) opportunities for outsourcing.

7.7 Financial Implications

7.7.1 *The financial implications with this Alternative Proposal for a Senior Management Review if adopted would be an increased savings target being realised through:*

- *Reduction of an additional 4 Service Managers Posts (Existing Structure)*
- *Creation of 1 New Service Manger Post*
- *Re-grading of the Assistant Director Post Frontline Services to Deputy Director Post Frontline Services.*

7.8. Summary

7.8.1 *This Alternative Proposal for a Senior Management Review if adopted provides an opportunity for further savings to be realised, strengthens functional delivery and It is line within the design principles set out within the Cabinet Report 27th October 2015 Decision Number 132/2015.*

8.

I would like to make a few observations, but overall the alignment of services is indeed heading in the appropriate direction.

On issues of details:

- *I question whether enough thought has been given to the grouping of particular functions across all the services.*
- *I question, without detailed knowledge of discipline, why we have two (2) proposed Heads of performance (albeit one has "Intelligence attached to it) and whether the scope of their responsibilities justify both posts?*
- *I question why some contracted services have been omitted from being included in the head of contracted services post?*
- *I question why elements of capital projects have been omitted from the regeneration delivery team or indeed the corporate capital projects team?*
- *Equally I wonder if thought had been given to combine the highway adoption function into the regeneration delivery service area, linking the planning, delivery and adoption element together?*
- *I wonder whether there would have been opportunities to consider an enforcement service area given the remit of "Community safety" being EHO, Trading standards and wardens, who all have an enforcement role*

9.

In the structure there appears to be a “Head of Performance” and a “Head of Performance Intelligence RCC”. As the basis of the proposal is about cost-saving, wouldn’t it make sense to merge these two posts and teams into one? The potential would be to save more.

Is it worth considering if we still need “head of category management (place)” and “head of category management (people)” roles who both report to the Chief Legal Officer ?

Although the transformation change is viewed as generally positive and a good foundation for going forwards, it could be argued that the strategic vision for the transformation is still not really fleshed out yet for Medway (or perhaps has not been communicated very well into the lower areas of the organisation).

10 The scope and focus of the AD transformation post.

I welcome the creation of the post of assistant director for transformation. Bringing together all the key corporate functions that support, enable and drive change under unified management is a positive development. The functions I include in this context are communications, marketing, digital services, performance, research, business planning, analytics, ICT, HR and organisational change.

However, the scope of the new AD post is very broad - too broad in my view given the ambitious change programme it will be required to lead. In effect the post will take on the work currently overseen by at least two assistant directors. The span of control proposed - 8 direct reports - contravenes the council's own recognised good practice. Whilst the point is made within the consultation document that extra capacity is provided with the new transformation service manager post (the cabinet report went so far as to say 'valuable spare capacity') I remain of the view that the proposed mix of change services and frontline services proposed within the AD's remit is not workable. The post holder needs to have space for strategic thinking and stakeholder engagement.

11.

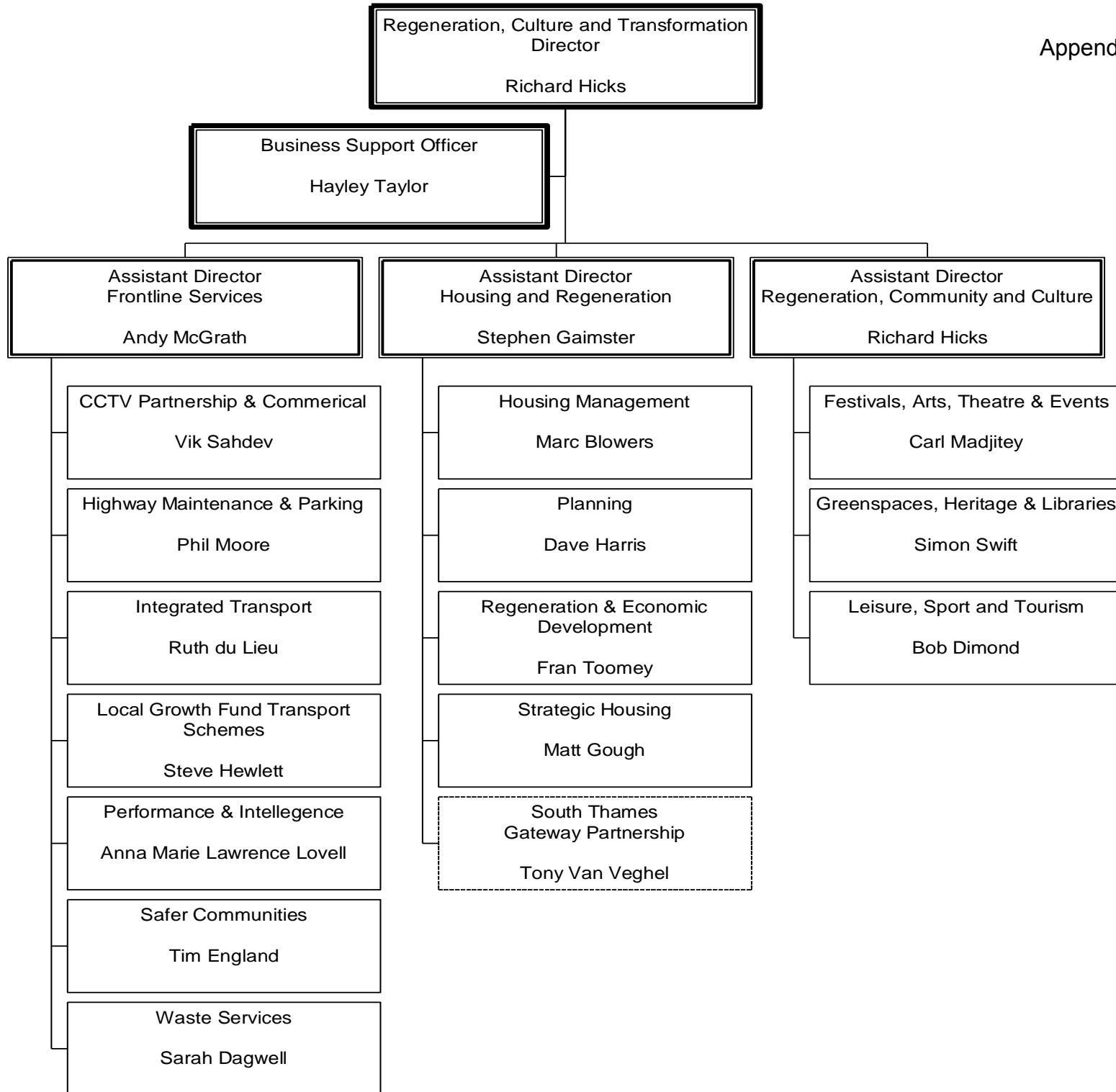
I have one other observation on the proposed name for the new directorate. Members give particular focus to frontline environmental services as do our residents in what is important to them. The Leader has been explicit about that with his set of priorities for the new council plan. In that context it appears slightly at odds to emphasise the cultural responsibilities of the directorate (which are rightly seen as a key part of regeneration) as opposed to the community aspects in the new name—both of course currently are reflected in the directorate title RCC. Naming a directorate by committee is not a good idea, but in terms of effectively communicating the council's core business through the way it structures itself, Members may want to consider either retaining a community reference or to be specific about the environmental responsibilities rather than, or in addition to the cultural ones.

12.

There are a number of Heads of Service roles in Medway Council that in other similarly sized authorities are combined. Examples of these include: the Highways, Parking and Transport functions; Performance and Intelligence functions; and brigaded regulatory services to include environmental health, trading standards, private sector housing and licensing enforcement. This latter would align to Better for Less principles, in that licensing processing could become a hub function, while the more complex issues of enforcement and advice could be provided by more specialist officers.

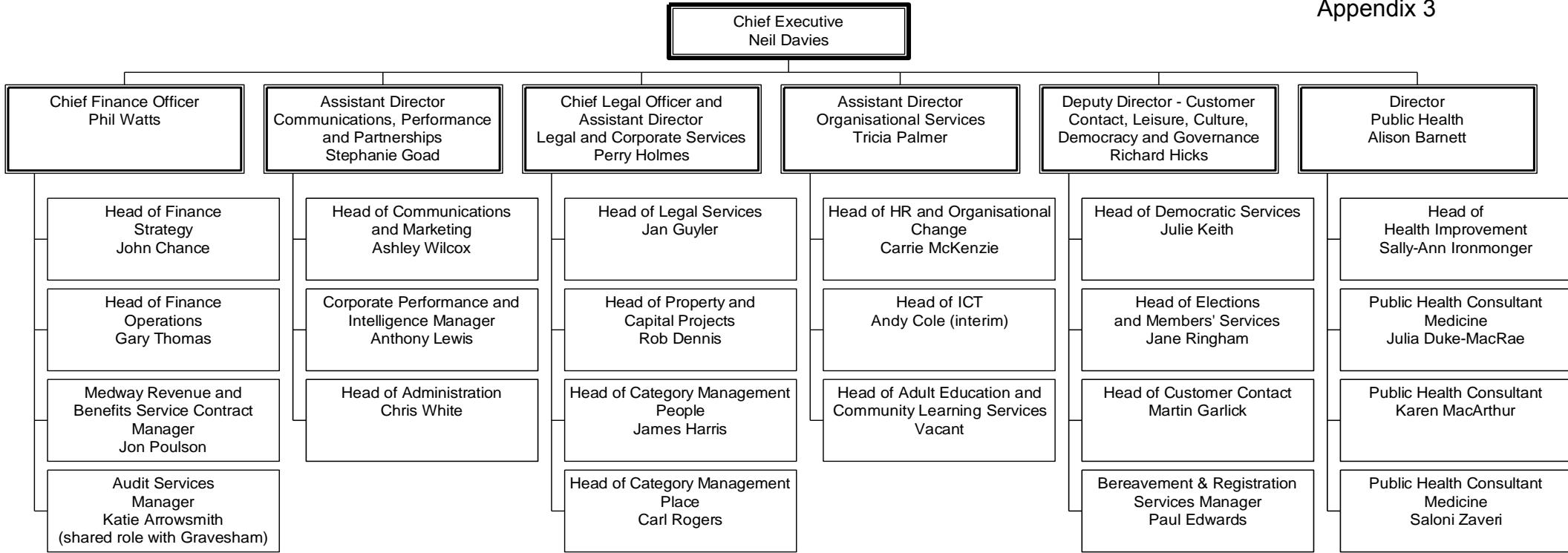
The consultation paper proposes combining the Safer Communities and Greenspace functions into a single role, with the grounds maintenance element being placed within Waste Services. This sounds to be an exciting opportunity. Having sought clarification, it appears that the two elements of Greenspaces to be combined, within the scope of the proposal, are the Rangers Team and Development Team. I believe that it makes sense to combine the Rangers team with the existing services providing a broadly similar role in other parts of the public realm within Safer Communities. I do not feel however that there is so cogent an argument for the development team. I do believe that the development role for Greenspaces needs to be very closely aligned to Medway's significant building regeneration programme over the next few decades, an issue highlighted ...at the recent Service Managers' event and that the Development Team has a more natural fit within regeneration than regulation.

END

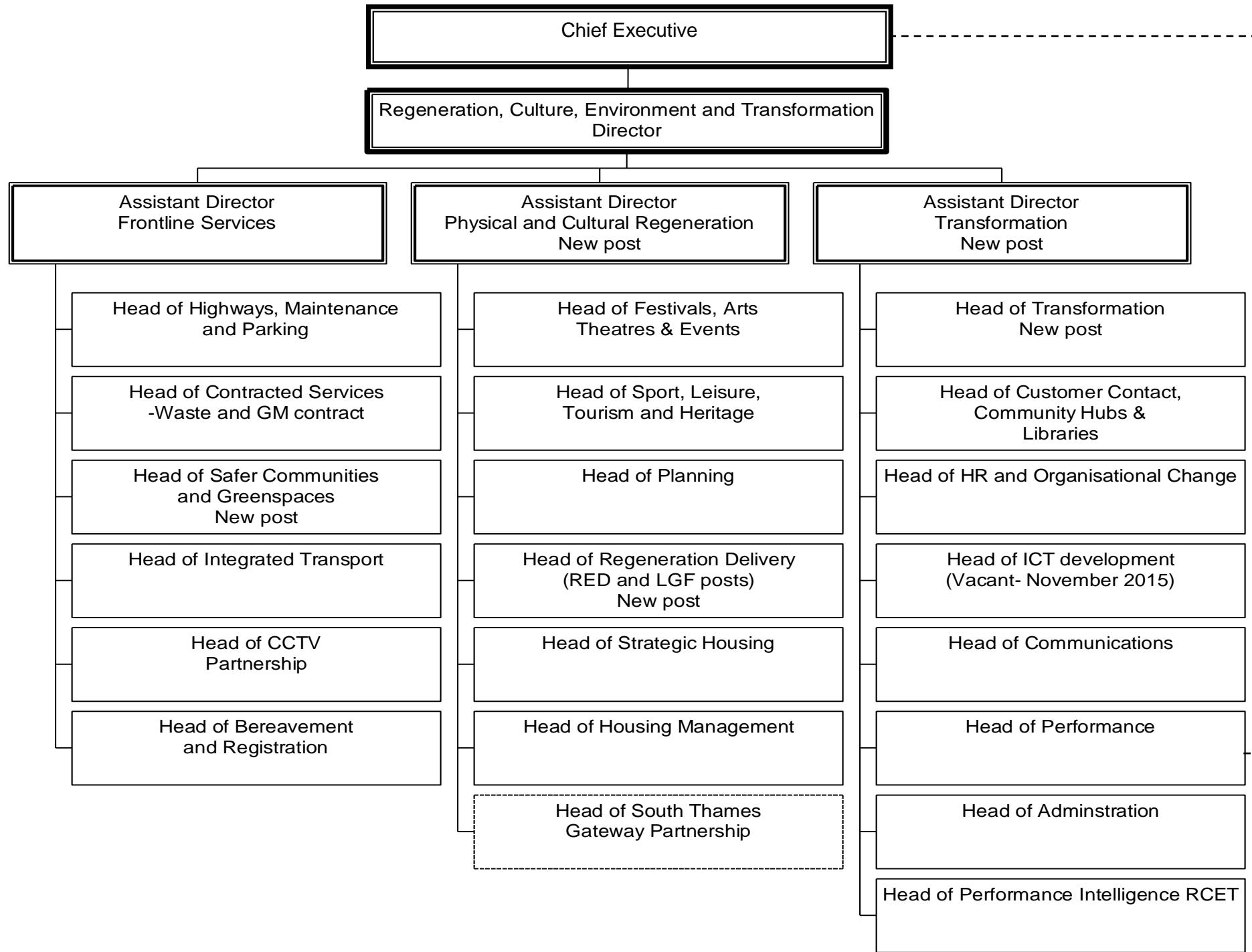


Chief Executive and Business Support Department

Appendix 3

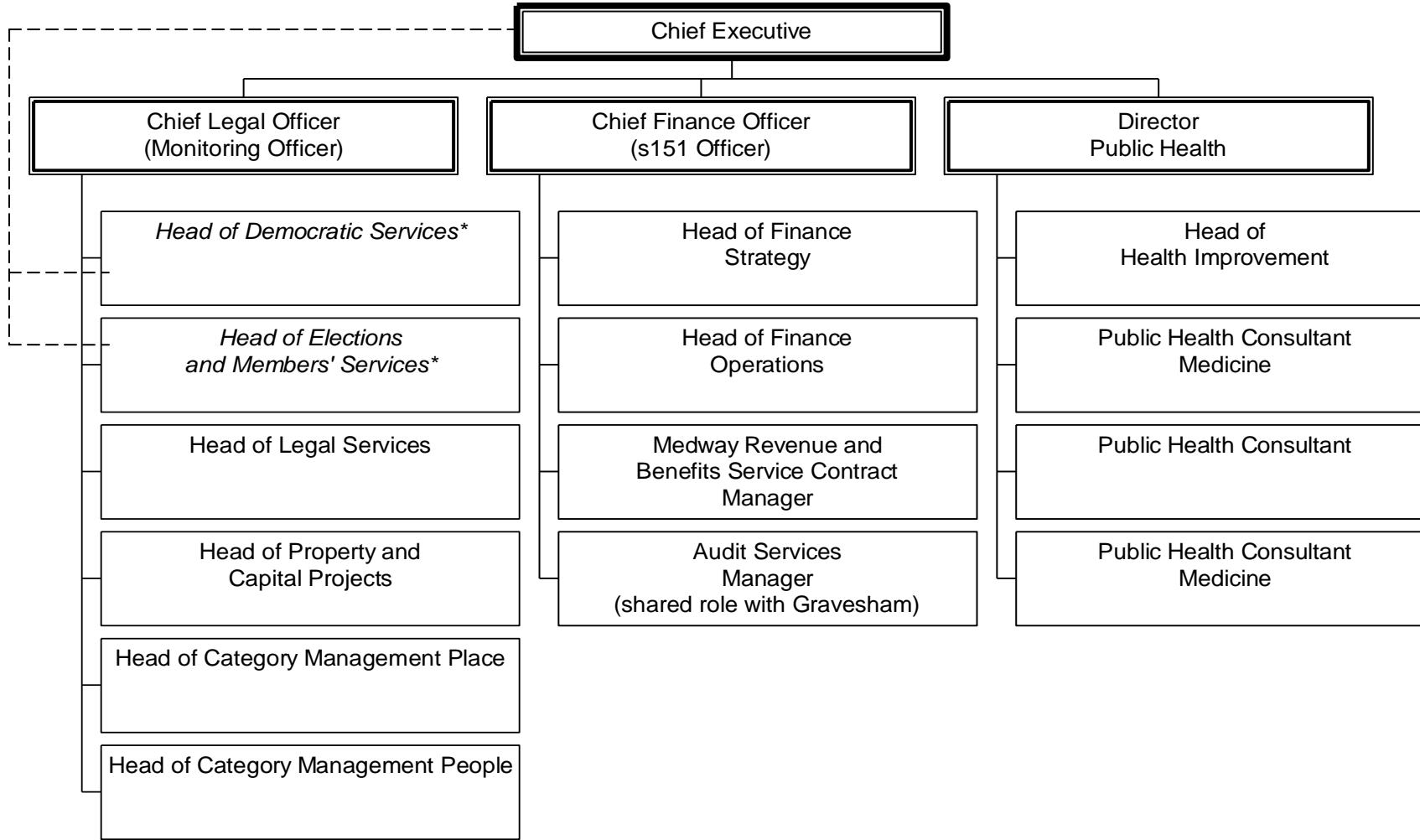


Appendix 4



Chief Executive and Business Support Department

Appendix 5



*- new transferred services

Diversity impact assessment

Appendix 6

TITLE <i>Name/description of the issue being assessed</i>	Changes to Senior Management Structure
DATE <i>Date the DIA is completed</i>	Initially completed prior to start of formal consultation updated 4 January 2016 following end of consultation period
LEAD OFFICER <i>Name and title of person responsible for carrying out the DIA.</i>	Carrie McKenzie, Head of HR and Organisational Change

1 Summary description of the proposed change

The Council is facing unprecedented financial challenges over the next few years. At the meeting in September 2015, Cabinet discussed the medium term financial plan that reported a funding gap for 2016/17 of some £13.85m. The appointment of a new Director of Regeneration, Community and Culture has given the Council the opportunity to review the senior management structure both within that directorate but also more broadly across the Council. The proposed new structure will result in the Regeneration Community and Culture Directorate being renamed to Regeneration Culture Environment and Transformation.

The revised structure will delete the following posts :-

- Deputy Director Regeneration Community and Culture
- Assistant Director Customer Contact, Democracy and Governance
- Assistant Director Communications, Performance and Partnerships
- Assistant Director Organisational Services
- Assistant Director Housing and Regeneration
- Head of Greenspaces, Heritage and Libraries
- Head of Regeneration and Economic Development
- Head of LGF Projects

The revised structure will create the following new posts:-

- Assistant Director Transformation
- Assistant Director Physical and Cultural Regeneration
- Head of Transformation
- Head of Regeneration Delivery

It also changes the job title of Assistant Director Legal and Corporate services to Chief Legal Officer and gives this post overall responsibility for Member and Democratic Services.

Diversity impact assessment

There is also a proposal to transfer grounds maintenance responsibility to Medway Norse under existing joint venture arrangements.

2 Summary of evidence used to support this assessment

Formal consultation over a 30 day period has been undertaken with both affected employees and relevant recognised Trade Unions and the 13 responses received have been used to shape the final proposals,

3 What is the likely impact of the proposed change?

(insert ✓ in one or more boxes)

Protected characteristic groups	Adverse impact	Advance equality	Foster good relations
Age	✓		
Disability			
Gender reassignment			
Marriage/civil partnership			
Pregnancy/maternity			
Race			
Religion/belief			
Sex	✓		
Sexual orientation			
Other (eg low income groups)			

4 Summary of the likely impacts

The employees directly affected by these proposals are all Service Managers and above and therefore all comparisons in regards to impact have been limited to this part of the total employee population. The attached spreadsheet shows a breakdown of protected characteristics for this group.

Due to the small numbers in the sample group there is a particularly adverse impact on gender and age within the Assistant Director Group.

Diversity impact assessment

As there is an overall reduction in the number of posts available there may be an adverse impact in terms of continued employment. However it should be noted that until the selection process has been completed the final impact will not be known.

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

Those individuals directly affected by the proposed changes will have the opportunity to apply for new roles within the revised structure, and if unsuccessful will have access to the Council's redeployment process.

Volunteers for redundancy have also been sought to try to mitigate the impact on affected staff.

6 Action plan

Action	Lead	Deadline or review date
Reorganisation undertaken using Council's policy and procedures	CM	
Selection for posts undertaken using Reorganisation and Recruitment policies ensuring fair and consistent approach to any selection methods	CM	
Volunteers for redundancy sought to reduce impact on affected group	CM	
Affected employees given access to Council's redeployment process to reduce impact	CM	

7 Recommendation

Based on the evidence available it is recommended to proceed with the proposed changes to the senior management structure.

8 Authorisation

The authorising officer is consenting that:

- the recommendation can be implemented*
- sufficient evidence has been obtained and appropriate mitigation is planned*
- the Action Plan will be incorporated into service plan and monitored*

Assistant Director

Diversity impact assessment

Date

11. ARTICLE 11 – EMPLOYEES

11.1 Management structure

(a) General

The Council may engage such staff (referred to as employees) as it considers necessary to carry out its functions.

The Council will engage people for the following posts:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all employees)</p> <p>Provision of professional advice to all parties in the decision making process</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council)</p> <p>Central support services, Finance and, administration and legal services governance, housing functions, personnel and policy and communications</p>
Community and Culture, Environment and Transformation	Development management, the local plan, regeneration, highways and transportation, waste management, economic development, culture and leisure Front Line Services, Physical and Cultural Regeneration and Transformation
Director of Children and Adults Services	Education, the children and adults service, social welfare services and child protection Statutory Officer for Children's Services (schools and social care), adult social care, commissioning and strategic development and inclusion and improvement (schools).
Director of Public Health	The principal adviser on all public health matters, with responsibility spanning the three domains of public health: health improvement, health protection and healthcare public health.

(b) Head of Paid Service, Monitoring Officer and Chief Finance Officer and Scrutiny Officer

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Chief Finance Officer	Chief Finance Officer
Assistant Director, Legal and Corporate Services Chief Legal Officer	Monitoring Officer
Assistant Director, Customer First, Leisure, Culture, Democracy and Governance Head of Democratic Services	Scrutiny Officer

Such posts will have the functions described in article 11.2–11.45.

(c) **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of employees. This is set out at chapter 7 of this Constitution.

11.2 Functions of the Head of Paid Service

(a) **Discharge of functions by the Council**

The Head of Paid Service will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.

(b) **Restrictions on functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

11.3 Functions of the Monitoring Officer

(a) **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, employees and the public.

(b) **Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council or to the Leader and Cabinet in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered by the Council or Cabinet as appropriate.

(c) **Supporting the Councillor Conduct Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Councillor Conduct Committee.

(d) **Proper officer for access to information**

The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(e) **Advising whether Cabinet decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

(f) **Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

(g) **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

*References: (Section 5), Local Government and Housing Act 1989
Chapters 8 and 9 DETR Guidance
Sections 26-33 Localism Act 2011*

11.4 Functions of the Chief Finance Officer

(a) **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or to the Leader and Cabinet in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and employees in their respective roles.

(e) **Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

11.5 Functions of the Scrutiny Officer

The Scrutiny Officer may not be the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer and will discharge the following functions:

- promote the role of the Council's Overview and Scrutiny Committees;
- provide support to the Council's Overview and Scrutiny Cecommittees and the members of those Committees;
- provide support and guidance to Councillors, members of the Cabinetexecutive and Council officers in relation to the functions of Medway's Overview and Scrutiny Committees.

11.6 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such employees, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.7 Conduct

Employees will comply with the employee code of conduct and the protocol on member/employee relations set out in chapter 5 of this Ceconstitution.

11.8 Employment

The recruitment, selection and dismissal of employees will comply with the employment rules set out in chapter 4 of this Ceconstitution.

References:

Chapter 8 and 9 DETR Guidance
Section 9FB Local Government Act 2000

PART 4 - EMPLOYEE DELEGATION SCHEME

General scheme of delegation	
Description of delegation	Responsibility delegated from
1. General scheme of delegation to Chief Executive and directors	
1.1 The Chief Executive should be responsible for management arrangements across the whole Council and directors shall have the responsibility to manage the department and service area for which they are responsible	Council/ 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 <u>constitution</u> <u>Constitution</u>	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
2. Financial delegations	
2.1 Directors may transfer resources between their directorate budget heads, subject to the budget and policy framework rules and the financial rules	Council/ Leader/Cabinet

Description of delegation	Responsibility delegated from
<p>2.2 The financial delegations permit directors to:</p> <ul style="list-style-type: none"> • incur expenditure within approved revenue budgets and generate income; • sell items which become surplus to service; • write off irrecoverable debts in accordance with financial limits forming part of the financial rules; • enter into contracts subject to compliance with financial and contract rules; • commit variations to capital schemes in accordance with the financial rules; • accept the most economically advantageous tender. 	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>3. Personnel delegations</p>	
<p>3.1 Directors may agree to reorganisations within their departments subject to there being:</p> <ul style="list-style-type: none"> • no significant service policy implications or clear departure from existing Council policies; • no expenditure in excess of budget; • no growth in net expenditure beyond the current year; • no changes affecting directors or assistant directors; • consultation with the Assistant Director, Organisational Services Transformation. 	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

Description of delegation	Responsibility delegated from
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 Transformation	Council
3.13 Authorise car allowances and to authorise payments in accordance with the conditions of employment and Council policy	Council
3.14 Approve payments of reasonable out-of-pocket expenses for newly appointed employees	Council
3.15 Authorise payments to recompense employees who are required to work on public holidays, when time off in lieu is not practicable	Council
4. Urgent action	
<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 1/10th 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
5. Departmental schemes of delegation	
<p>5.1 Directors, <u>Deputy Directors</u> 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
Specific scheme of delegation	
Description of delegation	Responsibility delegated from
6. Chief Executive	
<p>6.1 Better for Less:</p> <ul style="list-style-type: none"> • 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). 	Council
<p>6.21 Corporate delegations:</p> <ul style="list-style-type: none"> • To be responsible for policy development, the overall strategic direction of the Council and the governance of the Council save for matters which should be referred to the Council or the Leader/Cabinet; • To act as the Council's Head of Paid Service under section 4(1) of the Local Government and Housing Act 1989; • 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; • To represent the interests of the Council to the community, local interest groups and external agencies; • To resolve disputes between directorates. 	Council/ Leader/Cabinet Council Council/ Leader/Cabinet Council Council/ Leader/Cabinet Council/ Leader/Cabinet

Description of delegation	Responsibility delegated from
Description of delegation	Responsibility delegated from
6.54 Civic: <ul style="list-style-type: none"> 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. 	
6.65 Electoral registration: <ul style="list-style-type: none"> To designate an adjoining polling district for a polling place where no suitable polling station is available within the original polling place. 	Council
6.76 Members' allowances: <ul style="list-style-type: none"> Dependent carers' allowances - To authorise payment of more than the maximum payable in circumstances where more than 18 hours care is required; 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. 	Council Council
6.87 Appointment and dismissal of senior officers <ul style="list-style-type: none"> 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). 	Council
Assistant Director, Communications, Performance and Partnerships	
6.9 Communications and improvement: <ul style="list-style-type: none"> 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. 	
Assistant Director, Legal and Corporate Services<u>Chief Legal Officer</u>	
6.108 Access to information <ul style="list-style-type: none"> 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. 	Leader/Cabinet

Description of delegation	Responsibility delegated from
<p>6.11_9 Information Governance</p> <ul style="list-style-type: none"> To amend the council's Information Governance policies and guidance in compliance with current legislation and good practice. 	Council
<p>6.12_10 Democratic Services</p> <ul style="list-style-type: none"> 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. <u>in consultation with the Chairman, Vice-Chairman and spokespersons of the Health and Adult Social Care Committee and the Assistant Director, Social Care, to comment, if appropriate, on quality accounts submitted by provider trusts in future years</u> 	Council
<p>6.11 Electoral registration:</p>	
<ul style="list-style-type: none"> <u>Manage the electoral registration and elections service in compliance with current legislation and the policies of the Council.</u> 	Council
<p>6.13_12 Legal Services:</p> <ul style="list-style-type: none"> 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"> (i) In consultation with the relevant director where the claim does not exceed £5,000; (ii) In consultation with the relevant director, the Chief Finance Officer and the relevant portfolio holder where the claim exceeds £5,000 but does not exceed £10,000 Institute, defend and conduct 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; Retain counsel, independent solicitors or consultants, where appropriate; Give notices to quit and other notices or formal demands which are deemed requisite to serve in the interests of the Council. 	Leader/Cabinet Leader/Cabinet Leader/Cabinet Leader/Cabinet

Description of delegation	Responsibility delegated from
<p>more than seven years.</p> <p><u>Direct Investment in Property</u></p> <ul style="list-style-type: none"> • To acquire, manage and let suitable investment properties, in consultation with the Leader, Portfolio Holder for Resources and Chief Finance Officer. <p>Note: A sum of £2m was allocated by the Council for this purpose on 15 October 2015</p>	Council
<p>6.1615 Licensing:</p> <ul style="list-style-type: none"> • 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 consents and such other services as may be authorised. • With regard to Licensing Act 2003 matters, to determine: <ul style="list-style-type: none"> (i) An application for a personal licence, if no objection made; (ii) An application for a premises licence/club premises certificate, if no relevant representation made; (iii) An application for a provisional statement, if no relevant representation made; (iv) An application to vary a premises licence/club premises certificate, if no relevant representation made; (v) An application to vary a designated premises supervisor in all cases other than where there is a police objection; (vi) A request to be removed as a designated premises supervisor; (vii) An application for transfer of premises licence in all cases other than where there is a police objection; (viii) Applications for interim authorities in all cases other than where there is a police objection; (ix) A decision on whether a complaint is irrelevant, frivolous, vexatious, etc. <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</p>	Council

Description of delegation	Responsibility delegated from
<p>Licensing Act 2003 (Council 9 December 2004 & 22 November 2007).</p>	
<ul style="list-style-type: none"> • With regard to the Gambling Act 2005, to determine: <ul style="list-style-type: none"> (i) Fee setting (when appropriate); (ii) An application for a premises licence, where no representations received/representations have been withdrawn; (iii) An application for a variation to a licence, where no representations received/representations have been withdrawn; (iv) An application for a transfer of a licence, where no representations received from the Commission; (v) An application for a provisional statement, where no representations received/representations have been withdrawn; (vi) An application for club gaming/club machine permits, where no objections made/objections have been withdrawn; (vii) Applications for other permits; (viii) A cancellation of licensed premises gaming machine permits; (ix) The consideration of a temporary use notice (Council 7 December 2006). • 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"> (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. • With regard to the Scrap Metal Dealers Act 2013, to determine: <ul style="list-style-type: none"> (i) Fee settling (when appropriate); (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; (iii) Application for a variation to a licence, where no representations have been received from the applicant or where their representations have been withdrawn; 	

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> (iv) To issue a closure notice on non-residential premises being used as a scrap metal dealer's site; (v) Application to the Magistrate's Court for a closure order; (vi) Termination of a closure order; (vii) Application to the Magistrate's Court to discharge a closure order; (viii) Revocation of a licence, where no representations have been received from the applicant or where their representations have been withdrawn; (ix) Consideration of an imposition of conditions. 	
<p><u>6.1716</u> Contracts:</p> <ul style="list-style-type: none"> • Contract Procedure Rules – To carry out executive functions delegated to the Monitoring Officer, as set out in the Contract Procedure Rules. 	Leader/Cabinet
<ul style="list-style-type: none"> • 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. • The <u>Assistant Director, Legal and Corporate Services</u><u>Chief Legal Officer</u> is authorised where appropriate to vary the terms and conditions of contract as specified in the contract rules; 	Council Leader/Cabinet
Deputy Director Customer Contact, Leisure, Culture, Democracy and Governance	
<p><u>6.18</u> Cemeteries and cremation:</p> <ul style="list-style-type: none"> • Manage the burials, cremation and cemetery service in compliance with current legislation and the policies of the Council; • Pursuant to Section 2 of the Parish Council's and Burial Authorities (Miscellaneous Provisions) Act 1970, to sign grants of exclusive rights of burial. 	Leader/Cabinet Leader/Cabinet
<p><u>6.19</u> Electoral registration:</p> <ul style="list-style-type: none"> • Manage the electoral registration and elections service in compliance with current legislation and the policies of the Council. 	Council
<p><u>6.20</u> Registration of births, marriages and deaths:</p> <ul style="list-style-type: none"> • Manage the registration of births, marriages and deaths in compliance with current legislation, guidance from the Registrar General and the policies of the Council. 	Leader/Cabinet
Assistant Director, Organisational Services	

Description of delegation	Responsibility delegated from
6.21 Personnel: <ul style="list-style-type: none"> Agree every three years, suitably rounded, increases in the monetary value of the 25 year long service awards to non teaching staff, in line with inflation; Implement the Council's post entry training scheme; Negotiate and reach agreement on behalf of the Council on policies and procedures concerning the workforce; Obtain the necessary statistical information to enable the Council to monitor the composition of its workforce in connection with the implementation of its equal opportunity and other policies. 	Council Council Council Leader/Cabinet
6.22 Information technology: <ul style="list-style-type: none"> To manage the information and communications technology (ICT) services of the Council including the sale of spare computer time in compliance with current legislation and Council policy; 	Leader/Cabinet
Chief Finance Officer	
6.2317 Financial: <ul style="list-style-type: none"> To be responsible for all borrowing, investment, and financial decisions, such decisions to be consistent with the Council's treasury policy statement; Approve the re-phasing of expenditure between years on approved schemes, provided that the impact does not exceed the overall level of the approved programme and the level of resources estimated to be available; Authorise the opening and closing of any such bank accounts as may be considered necessary in accordance with the bank mandate; In respect of national non domestic rates, Council tax, and other income and debtors to exercise the powers of the Council including the institution of legal proceedings and all steps necessary to prosecute, enforce judgements and approve the writing off of irrecoverable sums; 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 	Council Leader/Cabinet Leader/Cabinet Leader/Cabinet Leader/Cabinet

Description of delegation	Responsibility delegated from
<p>surrounding the claim for relief shall be to the Leader/Cabinet;</p> <ul style="list-style-type: none"> • Manage the housing benefits scheme in compliance with current legislation and policies of the Council; • Fund insurance management initiatives up to a maximum level of £50,000 in total per annum. • Approve in-year additions to the capital programme and revenue budget in consultation with the Finance Portfolio Holder, subject to: <ul style="list-style-type: none"> (i) funding coming from external sources; (ii) no financial contribution being required from the Council; (iii) funding being ring fenced for specific purposes. • To set the Council Tax base, in consultation with the Portfolio Holder for Finance 	Leader/Cabinet Leader/Cabinet Council Council
<p>6.1818 Audit and Counter Fraud Service:</p> <p>Management and delivery of audit and counter fraud services for Gravesham Borough Council and Medway Council.</p>	Council Leader/ Cabinet
<p>6.2419 Contracts:</p> <ul style="list-style-type: none"> • 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. <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
<p>6.25 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> <p>Director of Public Health</p>	Council

Description of delegation	Responsibility delegated from
<p>6.20 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"> • the preparation of the Annual Report on the health of the local population • the council's duties to take steps to improve public health • Any of the Secretary of State's public health protection or health improvement functions • functions in planning for, and responding to, emergencies that present a risk to public health • co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders • Responsibility for providing Healthy Start vitamins when the council provides or commissions a maternity or child healthcare clinic • 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 	Leader/Cabinet
<ul style="list-style-type: none"> • 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. 	
<p>6.2721 For the avoidance of doubt, the Chief Executive shall have all the delegations of a Director in respect of the Business Support Department.</p>	Council/ Leader/Cabinet
7. Director of Children and Adults Services	
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
<p>7.3 Services for elderly and disabled:</p> <ul style="list-style-type: none"> • Manage the services for the elderly and disabled people in compliance with the current legislation and policies of the Council; • 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. 	Leader/Cabinet Leader/Cabinet
7.4 Mental health:	Leader/Cabinet
<ul style="list-style-type: none"> • Manage the services for adults with mental health 	

Description of delegation	Responsibility delegated from
problems in compliance with current legislation and policies of the Council;	
7.5 General: <ul style="list-style-type: none"> <li data-bbox="298 530 1144 601">• To consider and determine urgent matters in relation to individual cases in consultation with the Leader/Cabinet. 	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 data-bbox="298 763 1124 905">• 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. 	Council
7.8 Local Authority School Governors: <ul style="list-style-type: none"> <li data-bbox="298 988 1133 1192">• 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. 	Council
7.9 Deputy Director, Children and Adults: <ul style="list-style-type: none"> <li data-bbox="298 1277 1113 1376">• To manage the Independent Reviewing Officer (IRO) service in compliance with current legislation and policies of the Council. 	Leader/Cabinet
8. Director of Regeneration, Community and Culture <u>Environment and Transformation</u>	
8.1 Planning: <ul style="list-style-type: none"> <li data-bbox="298 1549 1144 1776">• 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 data-bbox="298 1792 1060 1864">• To determine applications for planning permission except in the following circumstances: <li data-bbox="362 1879 1124 1985">(i) Where the applicant is the Council and the proposed development is a major proposal or for non-operational purposes. <li data-bbox="362 2001 1144 2106">(ii) Where the applicant is a member of the Council or an officer directly or indirectly involved in the planning process. 	Council Council Council

Description of delegation	Responsibility delegated from
(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).	Council
(iv) Where the proposal has other major implications for the authority.	Council
(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.	Council
(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.	Council

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>	Council
<ul style="list-style-type: none"> • To determine details reserved by conditions, minor amendments to proposals for which consent has been granted, applications for lopping or topping trees, to confirm or reject tree preservation orders where no more than three representations are received from separate households contrary to the proposed decision, applications on the direction of the Secretary of State in respect of a trunk road, applications for Certificates of Lawfulness of existing or proposed use and to determine applications submitted pursuant to s.10 of the Planning (Hazardous Substances) Act 1990; • To contest planning appeals in accordance with Council or Committee policy including the appointment of appropriate legal and professional representatives; • 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. 	Council Leader/Cabinet
<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>	Leader/Cabinet

Description of delegation	Responsibility delegated from
<p>8.3 Highways and traffic regulations:</p> <ul style="list-style-type: none"> • To manage the highways, parking provision, public rights of way, traffic regulation, traffic calming, road safety and watercourse management services in compliance with current legislation and the policies of the Council; • With respect to the determination of requests for the approval of details submitted pursuant to the provisions of Schedule 6 of the Channel Tunnel Rail Link Act 1996: <ul style="list-style-type: none"> (i) to determine plans and specifications submissions made pursuant to paragraph 15; (ii) to determine requests for the approval of details submitted pursuant to conditions attached to Construction Arrangements Approvals granted under paragraphs 16, 17, 23, 24 and 25 and requests for approval to amendments to matters subject to approval issued under the aforementioned paragraphs; (iii) the determination of restoration plans submitted pursuant to the provisions of paragraph 19; (iv) the determination of additional details submitted pursuant to conditions imposed under paragraph 22(2); (v) the determination of all applications for the construction and working site vehicular access points. 	<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>Leader/Cabinet</p>
<p>8.4 Public transport:</p> <ul style="list-style-type: none"> • To manage the public transport regulation, public transport development and transport policies of the Council in compliance with current legislations and the policies of the Council. 	<p>Council/ Leader/Cabinet</p>
<p>8.5 Land:</p> <ul style="list-style-type: none"> • To accept blight notices and to approve the purchase of land which is statutorily blighted by highway proposals, and to approve counter-notices where it is considered there is no such statutory obligation; • To demolish properties (as part of any scheme approved by the Council). 	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>8.6 Street naming and numbering:</p> <ul style="list-style-type: none"> • To agree street naming and the naming or numbering of buildings. 	<p>Council</p>

Description of delegation	Responsibility delegated from
<p>8.7 Gifts for the benefit of the public:</p> <ul style="list-style-type: none"> • To accept gifts of seats, trees, etc. on behalf of the Council. 	Leader/Cabinet
<p>8.8 Tree donation:</p> <ul style="list-style-type: none"> • To fix the fee for any tree donation scheme. 	Leader/Cabinet
<p>8.9 Buildings at risk:</p> <ul style="list-style-type: none"> • To offer grant monies towards urgent repairs of buildings at risk in cases where they may have recently come into new ownership and would, therefore, not meet the normal criteria and where the director is satisfied that a grant is necessary to secure the repair of the building at risk. 	Leader/Cabinet
<p>8.10 Civil protection and defence:</p> <ul style="list-style-type: none"> • To manage the emergency planning, civil protection and defence functions in compliance with current legislation and the policies of the Council. 	Leader/Cabinet
<p>8.11 Environmental health and trading standards matters:</p> <ul style="list-style-type: none"> • To manage the services of public health, port-health, environmental health, food poisoning and infectious diseases, waste collection and management, street cleansing, health and safety, food safety, shops, markets and street trading, Sunday trading, trading standards, consumer protection, weights and measures (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. 	Council/ Leader/Cabinet
<p>8.12 Planning and transport fees and charges:</p> <ul style="list-style-type: none"> • To make minor adjustments to fees and charges during the financial year in line with government guidance as it emerges, within 5% of amount levels. 	Leader/Cabinet
<p>8.13 Museums:</p> <ul style="list-style-type: none"> • Manage the museums and archiving services of the Council in compliance with current legislation and the policies of the Council. 	Leader/Cabinet

Description of delegation	Responsibility delegated from
<p>8.14 Parks and open spaces and professional fun fairs:</p> <ul style="list-style-type: none"> • To manage the parks, open spaces and country parks of the Council in compliance with current legislation and the policies of the Council; • To determine applications for professional sideshows and amusements in open spaces or recreation grounds in the borough. 	Leader/Cabinet Leader/Cabinet
<p>8.15 Allotments:</p> <ul style="list-style-type: none"> • To manage the allotment service of the Council in compliance with current legislation and the policies of the Council. 	Leader/Cabinet
<p>8.16 Medway Partners for Growth Scheme:</p> <ul style="list-style-type: none"> • Applications to the scheme to be considered and determined by the Assistant Director, Housing, Development and Transport, in consultation with the Portfolio Holder. 	Leader/Cabinet
<p>8.17 Sports and leisure facilities, children's play activities and halls of the Council:</p> <ul style="list-style-type: none"> • Manage the sports and leisure facilities, children's play activities and halls of the Council in compliance with current legislation and the policies of the Council. 	Leader/Cabinet
<p>8.18 Arts and entertainment:</p> <ul style="list-style-type: none"> • Manage the arts and entertainment services of the Council including the management of theatres in compliance with current legislation and the policies of the Council. 	Leader/Cabinet
<p>8.19 Medway Park Car Park:</p> <ul style="list-style-type: none"> • The operation of the parking ticket reimbursement system to the Medway Park users. 	Leader/Cabinet
<p>8.20 International Relations Project Funding:</p> <ul style="list-style-type: none"> • 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). 	Leader/Cabinet
<p>8.21 Libraries</p> <ul style="list-style-type: none"> • Manage the library and public information services of the Council in compliance with current legislation and the policies of the Council. 	Leader/Cabinet

Description of delegation	Responsibility delegated from
<p>8.22 Housing:</p> <ul style="list-style-type: none"> • Manage the housing service in compliance with current legislation and the policies of the Council; to include the management of shops, garages, and other ancillary buildings associated with the housing management function; • Review the allocation of two smaller properties in return for the release of a larger property and to allocate accommodation according to the merits of each case. 	Leader/Cabinet Leader/Cabinet
<p>8.23 Housing grants and loans:</p> <ul style="list-style-type: none"> • Exercise the function of the Council under the Housing (Grants, Construction and Regeneration) Act 1996 and the Regulatory Reform (Housing Assistance) Order 2002 and in accordance with any other relevant legislation and Council Policy; • Authorise the determination of hardship cases where improvement grant applicants have proved to be in receipt of housing benefit and or income support; • Approve the payment of renovation grants, disabled facilities grants and home repair assistance, in accordance with the renovation grant policy and within the allocated resources in the approved capital programme; • Consider applications to waive repayment of renovation grants where an elderly or infirm person is disposing of the grant property to live permanently in a care home or to be cared for at a relative's home and to demand repayment of the full grant. 	Leader/Cabinet Leader/Cabinet Leader/Cabinet Leader/Cabinet
<p>8.24 Rent officer service:</p> <ul style="list-style-type: none"> • Manage the rent officer service in compliance with current legislation and the policies of the Council. 	Leader/Cabinet
<p>8.25 Flood Risk Management:</p> <ul style="list-style-type: none"> • 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). 	Leader/Cabinet
<p><u>8.26 Communications:</u></p> <ul style="list-style-type: none"> • <u>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.</u> 	
<p><u>8.27 Bereavement and Registration:</u></p> <ul style="list-style-type: none"> • <u>Manage the burials, cremation and cemetery service in</u> 	

	<u>compliance with current legislation and the policies of the Council;</u>	
	<ul style="list-style-type: none"> <u>Pursuant to Section 2 of the Parish Council's and Burial Authorities (Miscellaneous Provisions) Act 1970, to sign grants of exclusive rights of burial.</u> <u>Manage the registration of births, marriages and deaths in compliance with current legislation, guidance from the Registrar General and the policies of the Council.</u> 	<u>Leader/Cabinet</u>
<u>8.28</u>	<u>Personnel:</u>	
	<ul style="list-style-type: none"> <u>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;</u> <u>Implement the Council's post-entry training scheme;</u> <u>Negotiate and reach agreement on behalf of the Council on policies and procedures concerning the workforce;</u> <u>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.</u> 	<u>Council</u>
<u>8.29</u>	<u>Information technology:</u>	
	<ul style="list-style-type: none"> <u>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;</u> <u>Establish an overall ICT strategy for the Council and to enforce the policies of the Council in respect of ICT procurement and implementation;</u> <u>Dispose of surplus ICT equipment for the best price or lowest cost available.</u> 	<u>Leader/Cabinet</u>
<u>6.30</u>	<u>Complaints:</u>	
	<ul style="list-style-type: none"> <u>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;</u> 	<u>Council/</u> <u>Leader/Cabinet</u>

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.