

ANNUAL MEETING OF MEDWAY COUNCIL

17 MAY 2017

EXECUTIVE RESPONSIBILITIES AND SCHEME OF DELEGATIONS (EXECUTIVE AND NON-EXECUTIVE)

Report from: Neil Davies, Chief Executive

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Summary

This report advises the Council of the Members of the Cabinet for 2017/2018 as appointed by the Leader of the Council and their portfolios.

It also sets out appointments and nominations made by the Leader to Executive outside bodies as set out in Appendix A (to follow) and the delegation of executive functions to officers agreed by the Leader as set out in Appendix B (which also incorporates the scheme of officer delegations for matters which are not the responsibility of the Cabinet and have to be agreed by the Council).

1 Budget and Policy Framework

- 1.1 The election of a Leader of the Council is a matter for the first Annual Meeting of the Council following on from the ordinary election of all Councillors. In May 2015 the Council appointed Councillor Alan Jarrett as Leader of the Council for a four year term.
- 1.2 In May 2015, the Leader appointed Councillor Howard Doe to be his deputy.
- 1.3 The Leader may make arrangements to delegate some matters to the Cabinet, a Cabinet Committee, individual Cabinet Members or to employees.
- 1.4 The Cabinet will consist of the Leader together with not less than two but not more than nine other Members of the Council appointed by the Leader, including the Deputy Leader.

2 Background

2.1 The current composition of the Council is as follows:

	Number of councillors	Proportionality %
Conservative Group	38	69.1
Labour Group	15	27.3
UKIP Group	2	3.6
Total	55	100%

2.2 The Council has adopted the Leader and Cabinet form of executive, the key features of which are set out below:

- The Leader will be elected by the Council at its Annual Meeting following on from the ordinary election of Councillors. The Leader will hold office for a four- year term unless he or she resigns or ceases to be a Councillor.
- The Leader will be responsible for appointing the Deputy Leader. Unless he or she resigns or ceases to be a Councillor the Deputy Leader will hold this office for the term of the Leader.
- The Leader may, if he or she thinks fit, remove the Deputy Leader from office.
- The Leader will be responsible for appointing the other Cabinet Members, subject to the statutory maximum of nine (including the Deputy Leader), and for determining their Portfolios.
- The Council may, by resolution, remove the Leader during his or her four- year term of office.
- The allocation of local choice functions between the Executive and the Council are as approved by the Council and as set out in the current Constitution.

2.3 Each year at the Annual Meeting of the Council, the Leader is required to present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation as Chapter 3 to the constitution. This must include the details of Councillors appointed to the Cabinet and their portfolios and the names of any Cabinet Members to be appointed to any joint committee exercising executive functions for the forthcoming year.

2.4 The Members appointed by the Leader to the Cabinet for 2017/2018 and their portfolios are set out in Appendix A to this report (to follow). Currently, the Cabinet makes decisions collectively. The Council's scheme of delegation of executive functions to officers is also determined by the Leader. However, the Council has to agree the delegation of any decisions to officers for functions which are not the responsibility of the Cabinet (otherwise known as non-executive functions). The Council's overall scheme of delegation to officers is set out at appendix B to this report and clearly delineates between decisions delegated to officers by the Leader and Cabinet and those

relating to functions which are not the responsibility of the Cabinet and therefore have to be agreed by the Council.

3 Financial implications

3.1 There are no financial implications arising from this report.

4 Legal implications

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

5 Risk management

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

6 Recommendation

6.1 The Council is asked:

- (i) To note the details of those appointed by the Leader to serve as Deputy Leader and Members of the Cabinet and the extent of their individual portfolios together with appointments and nominations to Executive bodies (To follow as Appendix A to this report);
- (ii) To note the delegations to officers agreed by the Leader in relation to executive functions;
- (iii) To agree to the delegation of non-executive functions to officers as set out in Appendix B to the report.

Lead officer contact

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Appendices

Appendix A – Cabinet Portfolios (to follow)

Appendix B - Employee Delegation Scheme

Background papers

None

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 Constitution (see Appendix A to the Employee Delegation Scheme)	Council/ Leader/Cabinet
1.4 It is the responsibility of the Directors, Deputy Directors and Assistant Directors referred to in this scheme to delegate matters to ensure matters are dealt with at the appropriate level to maintain the balance between efficiency and control. Employees shall be under a duty to consult and, where appropriate, agree with other appropriate employees before exercising their delegated powers and to consult the Chief Executive in cases of doubt	Council/ Leader/Cabinet
2. Financial delegations	
2.1 Directors may vire resources between their directorate budget heads, subject to the budget and policy framework rules and the financial rules	Council/ Leader/Cabinet

Description of delegation	Responsibility delegated from
2.2 The financial delegations permit directors to: • 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 Constitution; • 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
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.	Council
3. Personnel delegations	
3.1 Directors may agree to reorganisations within their departments subject to there being: • 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 Chief People Officer.	Council
3.2 Appoint permanent staff (other than directors, deputy directors and assistant directors) in accordance with the approved structure and to appoint temporary staff as required	Council
3.3 Agree the application of Job Share Schemes to posts	Council
3.4 Agree extensions to sick pay, grant special leave and make maternity and paternity arrangements.	Council
3.5 To discipline, suspend and dismiss employees in accordance with the Council's disciplinary procedure and capability procedures.	Council
3.6 Pay gratuities in accordance with Council policy and the Local Government Pension regulations subject to the agreement of the Chief Executive.	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, 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	
4.1 Matters reserved to Council: In relation to Council responsibilities, subject to consultation with the Leaders of all the groups which comprise at least 1/10th 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. 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.	Council

Description of delegation	Responsibility delegated from
4.2 Matters reserved to Cabinet: In the event of there being no Leader, Deputy Leader or Cabinet Members, executive functions shall in the interim be carried out by the Chief Executive subject to the Access to Information Rules.	Leader/Cabinet
5. Departmental schemes of delegation	
5.1 Directors, Deputy Directors and assistant directors referred to in this scheme may delegate matters for which they are responsible to an appropriate employee. Where the employee is not within the delegating director/assistant director's department such delegation may only occur with the agreement of the proposed employee's director or assistant director.	Council/ Leader/Cabinet
Specific scheme of delegation	
Description of delegation	Responsibility delegated from
6. Chief Executive	
6.1 Corporate delegations: • 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 represent the interests of the Council to the community, local interest groups and external agencies; • To resolve disputes between directorates. • To retain contract staff or appoint consultants on matters related to the management of the Council;	Council/ Leader/Cabinet Council Council/ Leader/Cabinet Council/ Leader/Cabinet Council/ Leader/Cabinet
6.2 Democratic Services: • To arrange appointments to outside bodies (other than officer appointments) in consultation with group whips to fill casual vacancies and make new appointments during the year; • To make any in-year changes to the membership of Cabinet advisory groups in consultation with group whips; • To arrange the appointment of officers to outside bodies.	Council Leader/Cabinet Council
• To add to the list of joint Committees, outside bodies, other bodies and charities in respect of indemnities for	Council

Description of delegation	Responsibility delegated from
members and officers (3684/09/2001); • To approve minor changes to Committee and Sub-Committee memberships in line with the wishes expressed by party groups and insofar as there is no change to the overall size of membership and political balance in each case; • To appoint independent people to serve on the Complaints Review Panels dealing with stage 3 adult and children's social care complaints subject to satisfactory completion of an application form by each prospective panel member and no objections from Group Whips to each appointment; • To require a report to Full Council when requested by the Chairman of the Overview and Scrutiny Committee on behalf of the committee in circumstances where the committee are of the opinion that an executive decision has been made and should have, but has not, been treated as a key decision. • To grant and supervise exemptions from political restrictions, in consultation with the Monitoring Officer. • To consider and determine written requests for dispensations when Cabinet Members are making decisions and when individual Cabinet Members are being consulted by officers over a decision being taken by either an officer or another Cabinet, in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012.	Council Council Council Council Council
6.3 Civil protection and civil defence: • To approve and implement the Council's Emergency Plan and any amendments to it; • To approve and implement the Council's Civil Defence Plan and any amendments to it.	Leader/Cabinet Leader/Cabinet
6.4 Civic: • 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.	
6.5 Electoral registration: • To designate an adjoining polling district for a polling place where no suitable polling station is available within	Council

Description of delegation	Responsibility delegated from
the original polling place.	
6.6 Members' allowances: - 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 in consultation with Party Group Whips and also to approve the attendance by Councillors at conferences where these do not appear on the approved list, in liaison with Party Whips. This will only be considered in exceptional circumstances where it is clear the Council would be disadvantaged if there was no attendance. - In consultation with party group leaders, to approve future annual increases in travel and subsistence rates, as long as these do not exceed the maximum thresholds stipulated by the Secretary of State and subject to available budget provision;	Council Council Council
6.7 Appointment and dismissal of senior officers 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
Chief Legal Officer	
6.8 Information Governance To amend the council's Information Governance policies and guidance in compliance with current legislation and good practice.	Council
6.9 Democratic Services - To act as the proper officer for the purposes of the access to information rules, including determination, in consultation with the Leader of the Council, of a response to any representations received about why a Cabinet meeting, or part of a Cabinet meeting, should be held in public following publication of a notice of intention to meet in private in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. - in consultation with the Chairman, Vice-Chairman and spokespersons of the Health and Adult Social Care Committee and the Deputy Director, Children and Adults, to comment, if appropriate, on quality accounts submitted by provider trusts in future years	Council

Description of delegation	Responsibility delegated from
6.10 Electoral registration: Manage the electoral registration and elections service in compliance with current legislation and the policies of the Council.	Council
6.11 Legal Services: - 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: (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. - To convey and lease houses and flats under the Right to Buy Scheme; - Sign discharges on behalf of the Council signifying repayment of a mortgage or discount; - The Chief Legal Officer to authorise employees to appear on behalf of the Council in the County Court and/or Magistrates' Court pursuant to Section 60 of the County Courts Act 1984 and Section 223 of the Local Government Act 1972. - Manage the Coroner's Service in compliance with current legislation and the policies of the Council.	Leader/Cabinet Leader/Cabinet Leader/Cabinet Leader/Cabinet Leader/Cabinet Leader/Cabinet Leader/Cabinet
6.12 Shared Legal Services Management and delivery of legal services for Gravesham Borough Council jointly with the services provided for Medway Council.	Leader/Cabinet
6.13 Local Land Charges:	

Description of delegation	Responsibility delegated from
transactions under this delegation.	
6.15 Licensing: • 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: (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. Note: A relevant representation is one which relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives specified in the Licensing Act 2003 (Council 9 December 2004 & 22 November 2007).	Council Leader/Cabinet Council
• With regard to the Licensing Act 2003 (Hearings) Regulations 2005 on matters to be referred to a Licensing Hearing Panel for determination: (i) Subject to (ii), to agree to dispense with a hearing, and give notice to that effect to the parties, if all persons required by the Act have given notice that they agree that such a hearing is unnecessary. (ii) If the agenda for a meeting of a Licensing Hearing	Council / Licensing and Safety Committee

Description of delegation	Responsibility delegated from
Panel to consider the matter has been despatched, to consult Panel members before agreeing to dispense with the hearing and cancelling the meeting. (iii) Subject to (i) and (ii), to determine the matter under the Act. (iv) Subject to (v), to extend the time limits provided within these Regulations, and give notice to the parties stating the period of the extension and the reasons for it, where this is considered to be necessary in the public interest. (v) If the agenda for a meeting of a Licensing Hearing Panel to consider the matter has been despatched and extending a time limit would require the Panel to meet on an additional specified date or dates, to consult Panel members before agreeing to such an extension. (vi) Subject to Notes 1 and 2, to agree to adjourn (or postpone) a hearing to a specified date or arrange for a hearing to be held on specified additional dates where this is considered necessary for the consideration of any representations or notice made by a party. (vii) To notify forthwith the parties of the date(s), time(s) and place(s) of any reconvened or additional meetings for the hearing. Note 1: Once the agenda for a meeting of a Licensing Hearing Panel has been despatched, unless the hearing is cancelled because it is no longer required, the meeting must commence at the specified time, date and venue, so that the Panel may determine to adjourn the meeting to a later specified date or dates. Note 2: Extending a time limit or adjourning/re-arranging a hearing to a later date or dates may not have the effect that: (a) an application will be treated as granted or rejected under paragraph 4(4), 7(3), 16(4), 19(3) or 26(4) of Schedule 8 of the Act; or (b) there would be a failure to determine a review of a premises licence following a closure order under section 167 of the Act within the specified period. (viii) To disregard any information given by a party to the hearing or any person given permission to attend, which is not relevant to their application, representations or notice, and the promotion of the licensing objectives, having first given the	

Description of delegation	Responsibility delegated from
submitting party an opportunity to indicate why they believe the information to be relevant to the hearing. (ix) Subject to (x), to take such steps he or she thinks fit to cure any irregularity resulting from a failure to comply with any provision of the Regulations before a determination is made, if he or she considers that any person may have been prejudiced as a result of the irregularity. (x) If the agenda for a meeting of a Licensing Hearing Panel to consider the matter has been despatched, to consult the Chairman or Vice-Chairman of the Licensing and Safety Committee before taking steps to cure the irregularity. (xi) To correct any clerical mistakes in any document recording a determination or errors arising in such document from an accidental slip or omission.	
• With regard to the Gambling Act 2005, to determine: (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; (i) To grant any applications for sex establishments and sexual entertainment venues whereby no	

Description of delegation	Responsibility delegated from
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: (i) Fee setting (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; (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;. (x) to determine applications, in consultation with the Licensing Sub-Committee, from applicants for licences under the Scrap Metal Dealers Act 2013 where the authority is minded to refuse, vary or revoke a licence and the applicant has given notice to the authority within the prescribed time that they require the opportunity to make representations about the proposal. [Note: The functions outlined at (i) and (x) may not be sub-delegated, whilst those listed at (ii) to (ix) will be sub-delegated, in writing, to the appropriate licensing officer.	Leader/Cabinet
6.16 Contracts: • Contract Procedure Rules – To carry out executive functions delegated to the Monitoring Officer, as set out in the Contract Procedure Rules. • 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 Chief Legal Officer is authorised where appropriate	Leader/Cabinet Council Leader/Cabinet

Description of delegation	Responsibility delegated from
to vary the terms and conditions of contract as specified in the contract rules.	
Chief Finance Officer	
6.17 Financial: - To be responsible for all borrowing, investment, and financial decisions, such decisions to be consistent with the Council's Treasury Management Strategy and Treasury Management Practices; - 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;	Council Leader/Cabinet Leader/Cabinet Leader/Cabinet
- 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 surrounding the claim for relief shall be to the Leader/Cabinet;	Leader/Cabinet Leader/Cabinet
- 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: (xii) funding coming from external sources; (xiii) no financial contribution being required from the Council; (xiv) 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
6.18 Audit and Counter Fraud Service:	

Description of delegation	Responsibility delegated from
Management and delivery of audit and counter fraud services for Gravesham Borough Council and Medway Council.	Council Leader/Cabinet
6.19 Contracts: 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. NOTE: The Monitoring Officer has the same delegation, as set out in paragraph 1.9.7 of the contract procedure notes.	Leader/Cabinet
6.20 Benefit Fraud Sanction Policy To determine the award of administrative penalties in accordance with the criteria outlined in the Benefit Fraud Sanction Policy.	Leader/Cabinet
Chief People Officer	
6.21 Personnel: - 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.	Council Council Council
- 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. - To agree minor changes to HR policies provided such changes: a) do not impact on a current condition of term of employment, process or entitlement; b) relate to an existing HR policy designated by the Employment Matters Committee as being within the scope of this delegation; c) have not been referred to the Committee for determination by a trade union, the Chairman or the Opposition Spokesperson of the Employment Matters Committee.	Leader/Cabinet Council / Employment Matters Committee

Description of delegation	Responsibility delegated from
Director of Public Health:	
6.22 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: • 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 • 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.	Leader/Cabinet
6.23 For the avoidance of doubt, the Chief Executive shall have all the delegations of a Director in respect of the Business Support Department. The Chief Legal Officer and Chief Finance Officer shall have all the delegations of an Assistant Director in respect of the Business Support Department.	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
7.3 Services for elderly and disabled: • Manage the services for the elderly and disabled people in compliance with the current legislation and policies of the Council;	Leader/Cabinet
• Exercise the functions of the Council under the Community Care (Direct Payments) Act 1996 in accordance with the provisions of the proposed Medway	Leader/Cabinet

Description of delegation		Responsibility delegated from
	direct payments scheme.	
7.4	Mental health: Manage the services for adults with mental health problems in compliance with current legislation and policies of the Council;	Leader/Cabinet
7.5	General: 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: 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: 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 To manage the Independent Reviewing Officer (IRO) service in compliance with current legislation and policies of the Council.	Leader/Cabinet
8.	Director of Regeneration, Culture, Environment and Transformation	
8.1	Planning: 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;	Council
	- To determine applications for planning permission except in the following circumstances: (i) Where the applicant is the Council and the proposed development is a major proposal or for non-operational purposes. (ii) Where the applicant is a member of the Council or	Council Council

Description of delegation	Responsibility delegated from
an officer directly or indirectly involved in the planning process. (iii) Where the Director of Regeneration, Culture, Environment and Transformation refers the application to the Planning Committee (eg where the proposals are a significant departure from the development plan or otherwise are of a strategic nature in the context of the Council's planning and development policies). (iv) Where the proposal has other major implications for the authority. (v) Where a member of the Council has within 21 days of the publication of the weekly list of planning applications requested that an application be determined by Committee. In these cases members should identify the material planning considerations to warrant consideration by Committee.	Council Council 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, otherwise the Director of Regeneration, Culture, Environment and Transformation will deal with the application. (vii) Where three or more relevant letters of representation are received (which may include letters from an Amenity Society but must also include at least two from separate households in the vicinity of the site) contrary to the proposed officer decision or where one letter of representation is received from a Parish Council or a Residents' Association/Society contrary to the proposed officer decision (except, in the case of a representation by a Parish Council or a Residents' Association/Society, where the Director of Regeneration, Culture, Environment and Transformation, in consultation with the Chairman and Spokesmen of the Planning Committee, is of	Council Council

Description of delegation	Responsibility delegated from
the opinion that the representation contains no reasonable planning grounds supporting the representation). - 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 Council Leader/Cabinet
8.2 Building control: 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.	Leader/Cabinet
8.3 Highways and traffic regulations: - 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: (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	Council/ Leader/Cabinet Leader/Cabinet Leader/Cabinet Leader/Cabinet

Description of delegation	Responsibility delegated from
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.	Leader/Cabinet Leader/Cabinet Leader/Cabinet
8.4 Public transport: 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.	Council/ Leader/Cabinet
8.5 Land: 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;	Leader/Cabinet
To demolish properties (as part of any scheme approved by the Council).	Leader/Cabinet
8.6 Street naming and numbering: To agree street naming and the naming or numbering of buildings.	Council
8.7 Gifts for the benefit of the public: To accept gifts of seats, trees, etc. on behalf of the Council.	Leader/Cabinet
8.8 Tree donation: To fix the fee for any tree donation scheme.	Leader/Cabinet
8.9 Buildings at risk: 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
8.10 Civil protection and defence: To manage the emergency planning, civil protection and defence functions in compliance with current legislation and the policies of the Council.	Leader/Cabinet
8.11 Environmental health and trading standards matters:	

Description of delegation	Responsibility delegated from
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
8.12 Planning and transport fees and charges: To make minor adjustments to fees and charges, in consultation with the Leader of the Council and the Portfolio Holder for Front Line Services, during the financial year in line with government guidance as it emerges, within 5% of amount levels.	Leader/Cabinet
8.13 Museums: Manage the museums and archiving services of the Council in compliance with current legislation and the policies of the Council.	Leader/Cabinet
8.14 Parks and open spaces and professional fun fairs: - 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
8.15 Allotments: To manage the allotment service of the Council in compliance with current legislation and the policies of the Council.	Leader/Cabinet
8.16 Medway Partners for Growth Scheme: Applications to the scheme to be considered and determined by the Assistant Director, Physical and Cultural Regeneration, in consultation with the Portfolio Holder.	Leader/Cabinet
8.17 Sports and leisure facilities, children's play activities and halls of the Council:	

Description of delegation	Responsibility delegated from
repayment of the full grant.	
8.23 HRA site programme That the Director of Regeneration, Culture, Environment and Transformation in consultation with the Portfolio Holder for Housing and Community Services adds further sites to the HRA site programme as they become available, if they are suitable and fulfil a value for money criteria.	Leader/Cabinet
8.24 Rent officer service: Manage the rent officer service in compliance with current legislation and the policies of the Council.	Leader/Cabinet
8.25 Flood Risk Management: 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
8.26 Grant and project funding - To submit applications for funding from Central Government, EU and other funding streams and enter into agreements with the provider of the funding (including for the avoidance of doubt Accountable Body agreements); - To approve applications for funding from third parties in the public, private and/or voluntary sectors, make grants to successful applicants and enter into agreements with applicants setting out the terms and conditions on which the funding is provided.	Council/ Leader/Cabinet Council/ Leader/Cabinet
8.27 Communications: 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.	Council Leader/Cabinet
8.28 Bereavement and Registration: - 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. - 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 Leader/Cabinet Leader/Cabinet
8.29 Information technology:	

Description of delegation	Responsibility delegated from
• To manage the information and communications technology (ICT) services of the Council including the sale of spare computer time in compliance with current legislation and Council policy; • Establish an overall ICT strategy for the Council and to enforce the policies of the Council in respect of ICT procurement and implementation; • Dispose of surplus ICT equipment for the best price or lowest cost available.	Leader/Cabinet Leader/Cabinet Leader/Cabinet
8.30 Complaints: • To handle complaints made against the Council (including Ombudsman complaints) and to settle complaints locally where the costs of settlement do not exceed £5,000.	Council/ Leader/Cabinet
8.31 Placing Objects on the Highway • To manage the Council's functions in relation to placing objects on the highway in compliance with current legislation and policies of the Council.	Council

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.

Proper Officer List

STATUTE AND FUNCTION/POWER	Proper Officer(s)
NATIONAL ASSISTANCE ACT 1948 AND NATIONAL ASSISTANCE (AMENDMENT) ACT 1951	
Section 47 of the 1948 Act and Section 1 of the 1951 Act - Proper officer to seek an order for removal of persons into care	Director of Children and Adults
REGISTRATION SERVICES ACT 1953 AND REGULATIONS 1968 TO 1994	
Proper officer for Births Deaths and Marriages	Director of Regeneration, Culture, Environment and Transformation
LOCAL GOVERNMENT ACT 1972	
Section 83 (1) – The officer to whom a person elected to the office of Councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act	Chief Legal Officer
Section 83 (3)(b) – The officer before whom a declaration of acceptance of office of Chair of Council or Deputy Chair of Council may be made	Chief Executive
Section 84 – The officer to whom written notice of resignation of elected office shall be delivered	Chief Executive
Section 86 - To declare any vacancy in any office under the Section	Chief Executive
Section 88 (2) – The officer by whom a meeting of the Council for the election of the vacant office of Chairperson of the Council may be convened	Chief Executive
Section 89 (1)(b) – The officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the Borough	Chief Executive
Section 99 + Schedule 12 - To give notice and send summonses in respect of any Council meeting	Chief Executive
Section 100 - To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press	Chief Executive
Section 100B (2) – The officer to exclude from committees, sub committees, Council or Executive meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Chief Legal Officer
Section 100B (7)(c) – The officer to supply to any newspaper copies of documents supplied to Members of committees, sub-committees, Council or Executive meetings in connection with an item for consideration	Chief Legal Officer

Section 100C (2) – The officer to prepare a written summary of proceedings of committees, sub- committees, Council or the Executive from which the public were excluded	Chief Legal Officer
Section 100D (1)(a) – The officer to prepare a list of background papers for reports considered by committees, sub- committees, Council or the Executive	Chief Legal Officer
Section 100D (5) – The Officer to determine which documents constitute background papers and Section 100H - ability to charge for the provision of such documents	Chief Legal Officer
Section 100F (2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Chief Legal Officer
Section 100G - To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like	Chief Legal Officer
Section 115 – The officer to whom money properly due from officers shall be paid	Chief Finance Officer
Section 123 - The officer responsible for certifying or obtaining a certificate of 'Best Consideration' on the disposal of land and property.	Chief Legal Officer
Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Chief Legal Officer
Section 151 (and section 114 of the Local Government Finance Act 1988) – The officer to be responsible for the proper administration of the Authority's financial affairs (and to issue a report to Members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Chief Finance Officer
Section 223 Authorising officers to attend court and appear on behalf of the Council under Local Government Act 1972 and the County Courts Act 1984	Chief Legal Officer
Section 224 – the officer who shall have responsibility for the custody of Council documents	Chief Legal Officer
Section 225 (1) – The officer to receive and retain statutory documents on behalf of the Authority	Chief Legal Officer
Section 228(3) – Making accounts available for Councillors to look at	Chief Finance Officer
Section 229 (5) – The officer to certify photographic copies of documents	Chief Legal Officer
Section 233 – The officer to receive documents required to be served on the Authority	Chief Legal Officer
Section 234 (1) & (2) – The officer to authenticate documents on behalf of the Authority	Chief Legal Officer
Section 238 – The officer to certify printed copies of bylaws	Chief Legal Officer
Section 248 – The officer responsible for the keeping of the roll of freemen.	Chief Legal Officer

Schedule 12 [paragraphs 4(2)(b) & 4(3)] – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	Chief Legal Officer
Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions	Chief Legal Officer
<u>LAND CHARGES ACT 1975</u>	
Section 19 – The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975	Chief Legal Officer
<u>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</u>	
Section 41 – The officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority as evidence in any legal proceedings	resolutions of the council - Chief Legal Officer resolutions of the executive - Chief Legal Officer
Section 16 - Notices requiring details of interest in land.	Chief Legal Officer
<u>EUROPEAN PARLIAMENTARY ELECTIONS ACT 2002</u>	
Section 6 (5A) - Local Returning Officer for European Parliamentary Elections and all other powers in relation to such elections.	Returning Officer appointed by the council
<u>REPRESENTATION OF THE PEOPLE ACT 1983</u>	
Section 8 - To appoint a Registration Officer for the purpose of the registration of electors and approve the Deputy Electoral Registration Officer	officer appointed by the council to be registration officer
Section 28 – Acting Returning Officer at a Parliamentary election of a Member of Parliament	registration officer appointed by the council
Sections 82, 88 and 89 – Receipt of election expense declarations returns and the holding of those documents for public inspection	in relation to a parliamentary election, the returning officer; in relation to an Authority election, the returning officer for that election in relation to any other local government election, the proper officer of the authority for which the election is held.
<u>EUROPEAN UNION REFERENDUM ACT 2015</u>	
Schedule 3 Section 3 – the counting officer for the conduct of the referendum	officer appointed by the council to be registration officer
<u>PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984</u>	

Requirement to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	Deputy Director Health Protection and the Consultants in Communicable Disease Control from Public Health England
<u>LOCAL GOVERNMENT FINANCE ACT 1988</u>	
Section 116 - Notification to the Council's auditor of any meeting to be held under Section 15 of the 1988 Act (meeting to consider any report of the Chief Finance Officer under Section 114)	Chief Finance Officer
Section 139A - Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required.	Chief Finance Officer
<u>LOCAL GOVERNMENT AND HOUSING ACT 1989</u>	
Section 2 – The officer to hold on deposit the list of politically restricted posts and Section 2 - provision of certificates as to whether a post is politically restricted	Director of Regeneration, Culture, Environment and Transformation
Section 3A – The officer responsible for the grant and supervision of exemptions from political restrictions	CE (in capacity as Head of Paid Service)
<u>CIVIL EVIDENCE ACT 1995</u>	
To certify Council records for the purposes of admitting the document in evidence in civil proceedings.	Chief Legal Officer
<u>LOCAL GOVERNMENT (CONTRACTS) ACT 1997</u>	
Certification of relevant powers to enter into contracts	Local Authorities (Contracts) Regulations 1997 Monitoring officer & auditor
<u>DATA PROTECTION ACT 1998</u>	
Duty to notify the Information Commission of any changes in accordance with Section 20 of the DPA 1998	Chief Legal Officer
<u>CRIME AND DISORDER ACT 1998</u>	
Section 12 - to apply for the discharge or variation of a Child Safety Order	“responsible officer”, in relation to a child safety order, means one of the following who is specified in the order, namely— (a) a social worker of a local authority . . . ; and (b) a member of a youth offending team.

Sections 17 and 37 to have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	Director of Children and Adults
<u>LOCAL GOVERNMENT ACT 2000</u>	
To establish and maintain the Members Register of Interests (Section 29 Localism Act 2011) and ensure it is available for public inspection	The Monitoring Officer
To ensure that copies of the constitution are available for inspection	Chief Legal Officer
To make payments of relevant allowances in accordance with the Council's Members allowances scheme	Chief Legal Officer
To defray expenses of any Members making official and courtesy visits, receptions and entertainment of distinguished persons visiting the Borough	Chief Legal Officer
Officer for the purposes of verifying the validity of any electoral petition and for the purposes of announcing and holding any referendum	Chief Executive
<u>LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012</u>	
The officer responsible for ensuring a proper record and access is made of Executive reports, background papers and decisions and that the document comprising the Authority's Forward Plan is published in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Chief Legal Officer
<u>CRIMINAL JUSTICE AND POLICE ACT 2001</u>	
Delegated power to authorise officers to enter premises and seize items where the Council has a power of seizure under this Act and to perform other related duties (return and security of seized items)	Director of Regeneration, Culture, Environment and Transformation
<u>LOCAL GOVERNMENT ACT 2003</u>	
Section 25 - Requirement to report to Council annually on the robustness of estimates and financial reserves	Chief Finance Officer
<u>NATIONAL HEALTH SERVICE ACT 2006</u>	
Section 2B – the exercise by the authority of its duty to take steps as it considers appropriate for improving the health of the people in its area	Section 72A(1)(a): Director of Public Health
Section 111 – the exercise by the authority of any functions prescribed by Secretary of State in relation to dental public health	Section 72A(1)(a): Director of Public Health
Section 249 – the exercise by the authority of its duty to cooperate with the prison service with a view to improving the exercise of their respective functions in relation to securing and maintaining the health of prisoners	Section 72A(1)(a): Director of Public Health

Schedule 1 – the exercise by the authority of any of its functions as set out in Schedule 1	Section 72A(1)(a): Director of Public Health
Section 6C(1) – the exercise by the authority of any of the Secretary of State’s public health functions, which it is required to carry out by regulations issued by the Secretary of State	Section 72A(1)(a): Director of Public Health
Section 7A – the exercise by the authority of any of the Secretary of State’s public health functions, which are delegated to it by the Secretary of State	Section 72A(1)(a): Director of Public Health
Section 73A(1)(d) – the exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Section 72A(1)(a): Director of Public Health
Section 73A(1)(e) – the exercise by the authority of its functions under section 325 Criminal Justice Act 2003 (cooperating with “responsible bodies” in relation to the assessment of risks posed by certain offenders)	Section 72A(1)(a): Director of Public Health
Section 73A(1)(f) – the exercise by the authority of such other functions relating to public health as may be prescribed	Section 72A(1)(a): Director of Public Health

A Proper Officer may at any time delegate or authorise other officers (in writing) to perform the designated duties on his or her behalf.