

PART 4 - EMPLOYEE DELEGATION SCHEME**Appendix 3**

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
<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 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
<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
3. Personnel delegations	
<p>3.1 Directors may agree to reorganisations within their departments subject to there being:</p> <ul style="list-style-type: none"> • no significant service policy implications or clear departure from existing Council policies; • no expenditure in excess of budget; • no growth in net expenditure beyond the current year; • no changes affecting directors or assistant directors; • consultation with the Chief People Officer. 	Council
<p>3.2 Appoint permanent staff (other than directors, deputy directors and assistant directors) in accordance with the approved structure and to appoint temporary staff as required.</p>	Council
<p>3.3 Agree the application of Job Share Schemes to posts.</p>	Council
<p>3.4 Agree extensions to sick pay, grant special leave and make maternity and paternity arrangements.</p>	Council
<p>3.5 To discipline, suspend and dismiss employees in accordance with the Council's disciplinary procedure and capability procedures and Employment Rules.</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, 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
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: <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 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: <ul style="list-style-type: none"> • To arrange appointments to outside bodies (other than officer appointments) in consultation with group whips to fill casual vacancies and make new appointments during the year; • 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

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> • To add to the list of joint Committees, outside bodies, other bodies and charities in respect of indemnities for members and officers (3684/09/2001); • 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. 	<p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p>
<p>6.3 Civil protection and civil defence:</p> <ul style="list-style-type: none"> • 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. 	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>6.4 Civic:</p> <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. 	
<p>6.5 Electoral registration:</p> <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. 	<p>Council</p>
<p>6.6 Members' allowances:</p> <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; 	<p>Council</p>

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> 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; 	<p>Council</p> <p>Council</p>
<p>6.7 Appointment and dismissal of senior officers</p> <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). 	<p>Council</p>
<p>Chief Legal Officer</p>	
<p>6.8 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. 	<p>Council</p>
<p>6.9 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 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 	<p>Council</p>
<p>6.10 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. 	<p>Council</p>

Description of delegation	Responsibility delegated from
<p>6.11 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. • 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. 	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>6.12 Shared Legal Services</p> <ul style="list-style-type: none"> • Management and delivery of legal services for Gravesham Borough Council jointly with the services provided for Medway Council. 	<p>Leader/Cabinet</p>
<p>6.13 Local Land Charges:</p> <ul style="list-style-type: none"> • Manage the local land charges functions in compliance with current legislation and the policies of the Council. 	<p>Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
<p>6.14 Property:</p> <ul style="list-style-type: none"> • Manage the Council’s land and property resources in compliance with current legislation and Council policy; • Agree terms for the disposal or purchase of property. Where there is a disposal of a property to accept the highest tender/offer, provided that the assistant director is satisfied it is the best price reasonably obtainable; • Within the financial limits delegated to the director, to agree terms and dispose of or purchase property; • Grant, enter into, or vary the terms of leases or sub leases, where the consideration does not exceed £10,000 per annum on any single transaction or £20,000 after consultation with the relevant portfolio holders. Similarly to enter into and vary the terms of easements, licences, agreements, restrictive covenants or other rights or documents subject to the same financial limit; • Approve the terms of short-term leases and licences of Council-owned properties on the Rochester, Strood and Chatham Riverside; • Approve terms for the appropriation of land previously authorised by the Leader and Cabinet or Council as appropriate; • Authorise the making of ‘well maintained’ payments, home loss payments and the payment of statutory compensation removal expenses and trade disturbance allowance to displaced owners and occupiers; • To grant licences, tenancy agreements, or leases at the Innovation Centre Medway, on the best terms reasonably obtainable subject to these being for no more than seven years. <p><u>Direct Investment in Property</u></p> <ul style="list-style-type: none"> • In consultation with the Leader, Portfolio Holder for Resources and Chief Finance Officer to acquire, manage, let and dispose of suitable investment properties where funded from provision made for this purpose in the Council’s Capital Programme, and that the requirement to seek a Cabinet decision on any transactions exceeding £100,000 is waived only in respect of non-operational investment property transactions covered by this delegation. <p>Note 1: A sum of £2m was added to the Capital Programme by the Council for this purpose on 15 October 2015. In addition, a sum of £20m was also added to the Capital Programme for this purpose on 12 October 2017. The threshold of £100,000 which triggers a requirement for a</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>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
<p>Cabinet decision does not apply for land and property transactions under this delegation.</p> <p>Note 2: A sum of £120m was added to the Capital Programme by the Council on 26 April 2018 for this purpose to fund a five year programme of development of twelve Council owned sites by Medway Development Company Ltd.</p>	
<p><u>Medway Growth (Joint Venture with Norse Property Services)</u></p> <ul style="list-style-type: none"> • To identify, declare surplus and dispose of assets at commercial rates, in consultation with the Leader, to the company in line with its Business Plan. 	Leader/Cabinet
<p>6.15 Licensing* and Registration:</p> <p>*Please note that all licensing delegations currently with the Chief Legal Officer can also be exercised by Gravesham Borough Council's Assistant Director (Communities)</p> <ul style="list-style-type: none"> • Except where a decision is reserved to Full Council, to manage all licensing and registration functions of the Council including the licensing and registration of pleasure boats, hackney carriage and private hire, sex establishments, street and house to house collections, motor salvage, scrap metal dealers, street trading consents, common land and town or village greens and such other services as may be authorised. • 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; 	<p>Council</p> <p>Leader/Cabinet</p> <p>Council</p>

Description of delegation	Responsibility delegated from
<p>(ix) A decision on whether a complaint is irrelevant, frivolous, vexatious, etc.</p> <p>Note: A relevant representation is one which relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives specified in the Licensing Act 2003 (Council 9 December 2004 & 22 November 2007).</p>	
<ul style="list-style-type: none"> • With regard to the Licensing Act 2003 (Hearings) Regulations 2005 on matters to be referred to a Licensing Hearing Panel for determination: <ul style="list-style-type: none"> (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 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. 	Council / Licensing and Safety Committee

Description of delegation	Responsibility delegated from
<p>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.</p> <p>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.</p> <p>(viii) To disregard any information given by a party to the hearing or any person given permission to attend, which is not relevant to their application, representations or notice, and the promotion of the licensing objectives, having first given the submitting party an opportunity to indicate why they believe the information to be relevant to the hearing.</p> <p>(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.</p> <p>(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.</p> <p>(xi) To correct any clerical mistakes in any document recording a determination or errors arising in such document from an accidental slip or omission.</p> <p>(xii) To settle appeals prior to their consideration by the Magistrates Court, where this is in the interests of the Council, with the agreement of the members of the Licensing Hearing Panel that determined the application, and to inform all parties to the original hearing of the revised decision and the reasons for it.</p>	

Description of delegation	Responsibility delegated from
<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 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; 	<p>Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> (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. <p>[Note: The functions outlined at (i) and (x) may not be sub-delegated, whilst those listed at (ii) to (ix) will be sub-delegated, in writing, to the appropriate licensing officer.</p>	
<ul style="list-style-type: none"> • With regard to the registration of land as a town or village green: <ul style="list-style-type: none"> (i) to determine any application for the registration of land as a town or village green where there are no objections received to the application; (ii) to hold public inquiries prior to the determination of applications where necessary and to instruct Counsel in relation to the same. 	Council
<p>6.16 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. • 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 to vary the terms and conditions of contract as specified in the contract rules. 	<p>Leader/Cabinet</p> <p>Council</p> <p>Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
6.17 Dispensations	
<ul style="list-style-type: none"> To consider and determine any requests for dispensations from Medway Members and voting and non-voting co-opted Members in cases where the timing of a request would make it impractical to convene a meeting of the Committee. 	Council/Councillor Conduct Committee
<u>Head of Democratic Services</u>	
6.18 <u>Independent Persons</u>	
<ul style="list-style-type: none"> <u>To invite Independent Persons to serve on the Independent Persons Panel.</u> <u>To appoint to the Independent Persons Panel Independent Persons who have accepted an invitation to be considered for appointment in accordance with the following priority order:</u> <ul style="list-style-type: none"> <u>an Independent Person who has been appointed by the authority and who is a local government elector in the Council's area.</u> <u>any other Independent Person who has been appointed by the authority</u> <u>an Independent Person who has been appointed by another authority or authorities.</u> 	<u>Council</u>
Chief Finance Officer	
6.18 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 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. 	Council Leader/Cabinet Leader/Cabinet
<ul style="list-style-type: none"> 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. 	Leader/Cabinet Leader/Cabinet
<ul style="list-style-type: none"> Determine relief from non-domestic rates in accordance with the approved guidelines. Any appeal arising from a 	Leader/Cabinet

Description of delegation	Responsibility delegated from
<p>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.</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. 	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Council</p>
<ul style="list-style-type: none"> • To set the Council Tax base, in consultation with the Portfolio Holder for Finance. 	<p>Council</p>
<p>6.19 Audit and Counter Fraud Service:</p> <p>Management and delivery of audit and counter fraud services for Gravesham Borough Council and Medway Council.</p>	<p>Council</p> <p>Leader/Cabinet</p>
<p>6.20 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>	<p>Leader/Cabinet</p>
<p>6.21 Benefit Fraud Sanction Policy</p> <p>To determine the award of administrative penalties in accordance with the criteria outlined in the Benefit Fraud Sanction Policy.</p>	<p>Leader/Cabinet</p>
<p>6.22 Medway Development Company Limited</p>	
<ul style="list-style-type: none"> • To provide, in consultation with the Leader, funding to the Company through state aid compliant loans, subject to appropriate due diligence to verify the Company's ongoing viability and the viability of projects for which the loans are being provided and loan agreements between 	<p>Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
<p>the Council and the Company setting out pre-conditions for draw down as well as performance measurements.</p> <ul style="list-style-type: none"> To agree, in consultation with the Leader, the business case for each site and to release funding for the development of each site subject to financial due diligence and the availability of capital funding. 	
6.23 Medway Growth (Joint Venture with Norse Property Services)	
<ul style="list-style-type: none"> To release funding, in consultation with the Leader, to the Company for each agreed scheme in the Company's Business Plan subject to financial due diligence. 	Leader/Cabinet
Director of Public Health:	
<p>6.24 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. 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
6.25 For the avoidance of doubt, the Chief Executive shall have all the delegations of a Director in respect of the Business	Council/

Description of delegation	Responsibility delegated from
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.	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: <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; 	Leader/Cabinet
<ul style="list-style-type: none"> • Exercise the functions of the Council under the Community Care (Direct Payments) Act 1996 in accordance with the provisions of the proposed Medway direct payments scheme. 	Leader/Cabinet
7.4 Mental health: <ul style="list-style-type: none"> • Manage the services for adults with mental health problems in compliance with current legislation and policies of the Council. 	Leader/Cabinet
7.5 General: <ul style="list-style-type: none"> • 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"> • 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"> • 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"> • To manage the Independent Reviewing Officer (IRO) service in compliance with current legislation and 	Leader/Cabinet

Description of delegation	Responsibility delegated from
policies of the Council.	
8. Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive	
<p>8.1 Planning:</p> <ul style="list-style-type: none"> • To manage the Council’s functions in relation to the planning function, listed building consent, building preservation, conservation areas, tree preservation, enforcement and planning contravention, purchase notices, high hedges and hedgerows in compliance with current legislation and Council policy. 	Council
<ul style="list-style-type: none"> • To determine applications for planning permission except in the following circumstances: <ul style="list-style-type: none"> (i) Where the applicant is the Council and the proposed development is a major proposal or for non-operational purposes. (ii) Where the applicant is a member of the Council or an officer directly or indirectly involved in the planning process. (iii) Where the Director of Regeneration, 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. (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 	<p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p>

Description of delegation	Responsibility delegated from
<p>Regeneration, Culture, Environment and Transformation will deal with the application.</p> <p>(vii) Where three or more relevant letters of representation are received (which may include letters from an Amenity Society but must also include at least two from separate households in the vicinity of the site) contrary to the proposed officer decision 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 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. 	<p>Council</p> <p>Council</p> <p>Leader/Cabinet</p>
<p>8.2 Building control:</p> <p>To submit comments to the Secretary of the Joint Committee on the first draft of the Building Control Business Plan and on any proposed amendments (during the course of each year), in consultation with the Chief Finance Officer and the Council's representative on the South Thames Gateway Building Control Joint Committee.</p>	Leader/Cabinet
<p>8.3 Highways and traffic regulations:</p>	

Description of delegation	Responsibility delegated from
<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. 	<p>Council/ Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<ul style="list-style-type: none"> (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>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. 	<p>Leader/Cabinet</p>
<ul style="list-style-type: none"> • To demolish properties (as part of any scheme approved by the Council). 	<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 	<p>Council</p>

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

Description of delegation	Responsibility delegated from
Council in compliance with current legislation and the policies of the Council.	
8.14 Parks and open spaces and professional fun fairs: <ul style="list-style-type: none"> • To manage the parks, open spaces and country parks of the Council in compliance with current legislation and the policies of the Council. 	Leader/Cabinet
<ul style="list-style-type: none"> • To determine applications for professional sideshows and amusements in open spaces or recreation grounds in the borough. 	Leader/Cabinet
8.15 Allotments: <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
8.16 Medway Partners for Growth Scheme: <ul style="list-style-type: none"> • 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: <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
8.18 Arts and entertainment: <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
8.19 Medway Park Car Park: <ul style="list-style-type: none"> • The operation of the parking ticket reimbursement system to the Medway Park users. 	Leader/Cabinet
8.20 Libraries <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
8.21 Housing: <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. 	Leader/Cabinet

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> 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
<p>8.22 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. 	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<ul style="list-style-type: none"> Approve the payment of renovation grants, disabled facilities grants and home repair assistance, in accordance with the renovation grant policy and within the allocated resources in the approved capital programme. Consider applications to waive repayment of renovation grants where an elderly or infirm person is disposing of the grant property to live permanently in a care home or to be cared for at a relative's home and to demand repayment of the full grant. 	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>8.23 HRA site programme</p> <ul style="list-style-type: none"> 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
<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>8.26 Grant and project funding</p> <ul style="list-style-type: none"> To submit applications for funding from Central Government, EU and other funding streams and enter 	<p>Council/ Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
<p>into agreements with the provider of the funding (including for the avoidance of doubt Accountable Body agreements).</p> <ul style="list-style-type: none"> 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. 	<p>Council/ Leader/Cabinet</p>
<p>8.27 Communications:</p> <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. 	<p>Council Leader/Cabinet</p>
<p>8.28 Bereavement and Registration:</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. Manage the registration of births, marriages and deaths in compliance with current legislation, guidance from the Registrar General and the policies of the Council. 	<p>Leader/Cabinet Leader/Cabinet Leader/Cabinet</p>
<p>8.29 Information technology:</p> <ul style="list-style-type: none"> To manage the information and communications technology (ICT) services of the Council including the sale of spare computer time in compliance with current legislation and Council policy. Establish an overall ICT strategy for the Council and to enforce the policies of the Council in respect of ICT procurement and implementation. Dispose of surplus ICT equipment for the best price or lowest cost available. 	<p>Leader/Cabinet Leader/Cabinet Leader/Cabinet</p>
<p>8.30 Complaints:</p> <ul style="list-style-type: none"> To handle complaints made against the Council (including Ombudsman complaints) and to settle complaints locally where the costs of settlement do not exceed £5,000. 	<p>Council/ Leader/Cabinet</p>
<p>8.31 Placing Objects on the Highway</p> <ul style="list-style-type: none"> To manage the Council's functions in relation to placing objects on the highway in compliance with current legislation and policies of the Council. 	<p>Council</p>

Description of delegation	Responsibility delegated from
<p>8.32 Personnel</p> <ul style="list-style-type: none"> • Agree every three years, suitably rounded, increases in the monetary value of the 25 year long service awards to non-teaching staff, in line with inflation. • Implement the Council's post-entry training scheme. • Negotiate and reach agreement on behalf of the Council on policies and procedures concerning the workforce. • Obtain the necessary statistical information to enable the Council to monitor the composition of its workforce in connection with the implementation of its equal opportunity and other policies. 	<p>Council</p> <p>Council</p> <p>Council</p> <p>Leader/Cabinet</p>
<ul style="list-style-type: none"> • To agree minor changes to HR policies provided such changes: <ul style="list-style-type: none"> 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. 	<p>Council/ Employment Matters Committee</p>
<p>8.33 Shared Human Resources (HR) Service</p> <ul style="list-style-type: none"> • Management and delivery of HR services for Gravesham Borough Council jointly with the services provided for Medway Council. 	<p>Council</p>
<p>8.34 Medway Guide to Developer Contributions and Obligations</p>	<p>Leader/Cabinet</p>
<ul style="list-style-type: none"> • To undertake, in consultation with the Portfolio Holder for Planning, Economic Growth and Regulation, the annual review of indexation of S106 contributions using the all items retail prices index (RPI) and update the Medway Guide to Developer Contributions and Obligations Supplementary Planning Document accordingly to come into effect on 1 April each year. 	

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.

