

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: <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
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: <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 Head of HR. 	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 Head of HR.	Council
3.13 Authorise car allowances and to authorise payments in accordance with the conditions of employment and Council policy.	Council
3.14 Approve payments of reasonable out-of-pocket expenses for newly appointed employees.	Council
3.15 Authorise payments to recompense employees who are required to work on public holidays, when time off in lieu is not practicable.	Council
4. Urgent action	
<p data-bbox="220 1285 719 1319">4.1 Matters reserved to Council:</p> <p data-bbox="316 1339 1177 1809">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 data-bbox="316 1832 1177 1973">Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.</p>	Council

Description of delegation	Responsibility delegated from
<p>4.2 Matters reserved to Cabinet:</p> <p>In the event of there being no Leader, Deputy Leader or Cabinet Members, executive functions shall in the interim be carried out by the Chief Executive subject to the Access to Information Rules.</p>	Leader/Cabinet
<p>5. Departmental schemes of delegation</p>	
<p>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.</p>	Council/ Leader/Cabinet

Specific scheme of delegation

Description of delegation	Responsibility delegated from
<p>6. Chief Executive</p>	
<p>6.1 Corporate delegations:</p> <ul style="list-style-type: none"> • To be responsible for policy development, the overall strategic direction of the Council and the governance of the Council save for matters which should be referred to the Council or the Leader/Cabinet; • To act as the Council's Head of Paid Service under section 4(1) of the Local Government and Housing Act 1989; • To 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; 	<p>Council/ Leader/Cabinet</p> <p>Council</p> <p>Council/ Leader/Cabinet</p> <p>Council/ Leader/Cabinet</p> <p>Council/ Leader/Cabinet</p>
<p>6.2 Democratic Services:</p> <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. 	<p>Council</p> <p>Leader/Cabinet</p> <p>Council</p>

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;	Council Council
<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).• In cases of urgency, to suspend the S.151 Officer or the Monitoring Officer, following consultation with the Chairman of the Employment Matters Committee and the Opposition Spokesperson, where practicable whilst an investigation take place into alleged misconduct. The Head of the Paid Service shall, before deciding to suspend, invite the officer to make representations unless it is impractical to do so. The Employment Matters Committee shall review the suspension as soon as is practicable and in any event no later than two months following the original decision to suspend. <p>Note: The Council has agreed that if there was an urgent need to suspend the Head of the Paid Service, a meeting of the Employment Matters Committee should be convened as soon as practically possible for that purpose (minute no. 435(i)/2018 refers).</p>	Council Council
<p>6.8 Honorary Aldermen and Alderwomen:</p> <ul style="list-style-type: none">• To process nominations for Honorary Aldermen and Alderwomen as follows: Nominations are made by the Leader of each Political Group to the Chief Executive. In the case of Councillors who are not members of a Group, nominations can be made by any such Councillor directly to the Chief Executive. The Chief Executive will then informally share the nominations with all the Group Leaders and make the necessary arrangements for a special meeting of Full Council to be convened at which the formal decision will be sought. At the conclusion of the special Council meeting each	Council

Description of delegation	Responsibility delegated from
Honorary Alderwoman/man to be provided with a scroll commemorating the occasion.	
<p>6.9 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. • 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. • To exercise the delegations set out in the Pay Policy Statement, as agreed by Full Council each year. 	<p>Council</p> <p>Council</p> <p>Council</p> <p>Leader/Cabinet</p> <p>Council/ Employment Matters Committee</p> <p>Council</p>
<p>6.10 Shared Human Resources 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. 	Council
<p>6.11 Channel Panel</p> <ul style="list-style-type: none"> • To ensure that, in compliance with the statutory requirements set out under sections 36 – 41 of the Counter Terrorism and Security Act 2015, Medway Council has a Channel Panel in place for its area, has regard to the Channel duty guidance 2020 and is committed to complying with the requirements within it. 	Leader/Cabinet

Description of delegation	Responsibility delegated from
Assistant Director, Legal and Governance	
<p>6.12 Information Governance:</p> <ul style="list-style-type: none"> • To amend the council's Information Governance policies and guidance in compliance with current legislation and good practice. 	Council
<p>6.13 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 Assistant Director Adult Services, to comment, if appropriate, on quality accounts submitted by provider trusts in future years. 	Council
<p>6.14 Electoral registration:</p> <ul style="list-style-type: none"> • Manage the electoral registration and elections service in compliance with current legislation and the policies of the Council. 	Council
<p>6.15 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 Operating 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; 	<p style="text-align: center;">Leader/Cabinet</p> <p style="text-align: center;">Leader/Cabinet</p> <p style="text-align: center;">Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> • 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 Assistant Director, Legal and Governance to authorise employees to appear on behalf of the Council in the County Court and/or Magistrates' Court pursuant to Section 60 of the County Courts Act 1984 and Section 223 of the Local Government Act 1972. 	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<ul style="list-style-type: none"> • Manage the Coroner's Service in compliance with current legislation and the policies of the Council. 	Leader/Cabinet
<p>6.16 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. 	Leader/Cabinet
<p>6.17 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. 	Leader/Cabinet
<p>6.18 Licensing* and Registration:</p> <p>*Please note that all licensing delegations currently with the Assistant Director, Legal and Governance 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. 	<p>Council</p> <p>Leader/Cabinet</p>
<ul style="list-style-type: none"> • With regard to Licensing Act 2003 matters, to determine: <ol 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; 	

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> (iv) An application to vary a premises licence/club premises certificate, if no relevant representation made; (v) An application to vary a designated premises supervisor in all cases other than where there is a police objection; (vi) A request to be removed as a designated premises supervisor; (vii) An application for transfer of premises licence in all cases other than where there is a police objection; (viii) Applications for interim authorities in all cases other than where there is a police objection; (ix) A decision on whether a complaint is irrelevant, frivolous, vexatious, etc. <p>Note: A relevant representation is one which relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives specified in the 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 	Council / Licensing and Safety Committee

Description of delegation	Responsibility delegated from
<p>consult Panel members before agreeing to such an extension.</p> <p>(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.</p> <p>(vii) To notify forthwith the parties of the date(s), time(s) and place(s) of any reconvened or additional meetings for the hearing.</p> <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>	

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> (xi) To correct any clerical mistakes in any document recording a determination or errors arising in such document from an accidental slip or omission. (xii) To settle appeals prior to their consideration by the Magistrates Court, where this is in the interests of the Council, with the agreement of the members of the Licensing Hearing Panel that determined the application, and to inform all parties to the original hearing of the revised decision and the reasons for it. 	
<ul style="list-style-type: none"> • 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). 	Council
<ul style="list-style-type: none"> • 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. 	Council
<ul style="list-style-type: none"> • With regard to the Scrap Metal Dealers Act 2013, to determine: <ul style="list-style-type: none"> (i) Fee setting (when appropriate); 	Leader/Cabinet

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> (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. <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>6.19 Contracts:</p> <ul style="list-style-type: none"> • Contract Procedure Rules – To carry out executive functions delegated to the Monitoring Officer, as set out in the Contract Procedure Rules. 	Leader/Cabinet

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> • Exemptions and Exceptions to Contract Procedure Rules – To carry out functions delegated to the Monitoring Officer, as set out in paragraph 1.8 of the Contract Procedure Rules. • The Assistant Director, Legal and Governance is authorised where appropriate to vary the terms and conditions of contract as specified in the contract rules. 	<p>Council</p> <p>Leader/Cabinet</p>
<p>6.20 Honorary Aldermen and Alderwomen:</p> <ul style="list-style-type: none"> • To delete the name of the person concerned from the Honorary Freeman/Alderman Board and advise that person accordingly in the event of an Honorary Alderwoman/man being elected as a Medway Councillor. As such, they will cease to hold the office of Alderwoman/man and shall no longer be invited to attend meetings of Full Council or other civic and ceremonial events. • To remove the name of the person concerned from the Honorary Freeman/Alderman Board upon receipt of the written notice of resignation. As such, they will cease to hold the office of Alderwoman/man and shall no longer be invited to attend meetings of Full Council or other civic and ceremonial events. 	<p>Council</p>
<p>Monitoring Officer</p>	
<p>6.21 Members' Code of Conduct – Complaints</p> <ul style="list-style-type: none"> • To seek the views of the Independent Person and to undertake the initial screening process for complaints and determine, if appropriate, that there is to be no further action (subject to the Independent Person sharing this view) on the following types of cases: <ul style="list-style-type: none"> ▪ No Councillor has been identified; ▪ No potential breach of the code has been identified; ▪ Insufficient detail to make a determination; ▪ The complaint is more than 6 months old and no cogent explanation for the delay in reporting; ▪ The complaint relates to matters that are not within the Councillor Conduct Committee's remit. 	<p>Council</p>

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> ▪ The complaint is considered trivial, malicious or vexatious. <p>Note: If either the Monitoring Officer or Independent Person considers that a matter should be referred to the Councillor Conduct Committee for formal assessment, then this will be the action taken.</p>	
<p>6.22 Members' Code of Conduct – Dispensations</p> <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 and to only refer requests for dispensations to the Councillor Conduct Committee for determination where the Monitoring Officer is minded not to grant a dispensation. 	Council/Councillor Conduct Committee
Head of Democratic Services	
<p>6.23 Independent Persons:</p> <ul style="list-style-type: none"> • To invite Independent Persons to serve on the Independent Persons Panel. • To appoint to the Independent Persons Panel Independent Persons who have accepted an invitation to be considered for appointment in accordance with the following priority order: <ul style="list-style-type: none"> • an Independent Person who has been appointed by the authority and who is a local government elector in the Council's area. • any other Independent Person who has been appointed by the authority. • an Independent Person who has been appointed by another authority or authorities. 	Council
Chief Operating Officer	
<p>6.24 Financial:</p> <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. • Authorise the opening and closing of any such bank accounts as may be considered necessary in accordance with the bank mandate. 	<p>Council Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> 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
<ul style="list-style-type: none"> 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
<ul style="list-style-type: none"> Manage the housing benefits scheme in compliance with current legislation and policies of the Council. 	Leader/Cabinet
<ul style="list-style-type: none"> Fund insurance management initiatives up to a maximum level of £50,000 in total per annum. 	Leader/Cabinet
<ul style="list-style-type: none"> 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. 	Council
<ul style="list-style-type: none"> To set the Council Tax base, in consultation with the Portfolio Holder for Finance. 	Council
<ul style="list-style-type: none"> To introduce new fees and charges and vary existing fees and charges, in consultation with the Leader and relevant Portfolio Holder during the financial year, subject to the following: <ul style="list-style-type: none"> (i) That any variation to existing fees and charges would not be expected to lead to increased costs to the Council or an underachievement of income; (ii) That the introduction of any new fees and charges will be compliant with government legislation and/or existing Council policy; (iii) That any decisions made under delegated authority would need to be reported to Members in the next Revenue Budget Monitoring report submitted to Cabinet. 	Council
<p>Note: it was reported to Council on 21 February 2019 that the delegation to vary existing fees and charges will only be used in exceptional circumstances, specifically to respond to market conditions, for example, where the Council is competing with private providers.</p>	

Description of delegation	Responsibility delegated from
<p>6.25 Audit and Counter Fraud Service:</p> <ul style="list-style-type: none"> • Management and delivery of audit and counter fraud services for Gravesham Borough Council and Medway Council. 	Council Leader/Cabinet
<p>6.26 Contracts:</p> <ul style="list-style-type: none"> • To enter into contractual arrangements on behalf of the Council for all contracts involving the purchase of utilities (ie gas, water and/or electricity supply) on behalf of both the Council and schools. This delegation shall apply to both individual contracts let between the Council and the utility supplier, and where the Council enters into any Framework Agreement or Consortia Agreement for such supplies. <p>NOTE: The Monitoring Officer has the same delegation, as set out in paragraph 1.9.7 of the contract procedure notes.</p>	Leader/Cabinet
<p>6.27 Benefit Fraud Sanction Policy:</p> <ul style="list-style-type: none"> • To determine the award of administrative penalties in accordance with the criteria outlined in the Benefit Fraud Sanction Policy. 	Leader/Cabinet
<p>6.28 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 the Council and the Company setting out pre-conditions for draw down as well as performance measurements. • 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. • To authorise, in consultation with the Leader, the Portfolio Holder for Resources and the Monitoring Officer, requests to grant Guarantor and Parent Company Guarantees on behalf of the Council. 	Leader/Cabinet
<p>6.29 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. 	Leader/Cabinet Leader/Cabinet

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> Dispose of surplus ICT equipment for the best price or lowest cost available. 	Leader/Cabinet
<p>6.30 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. 	Council/ Leader/Cabinet
<p>6.31 For the avoidance of doubt, the Chief Executive shall have all the delegations of a Director in respect of the Business Support Department. The Assistant Director, Legal and Governance and Chief Operating Officer shall have all the delegations of an Assistant Director in respect of the Business Support Department.</p>	Council/ Leader/Cabinet
7. Director of People – Children and Adults Services	
<p>7.1 Manage the education service in compliance with current legislation and the policies of the Council.</p>	Leader/Cabinet
<p>7.2 Manage the children and families services in compliance with current legislation and the policies of the Council.</p>	Leader/Cabinet
<p>7.3 Services for elderly and disabled:</p> <ul style="list-style-type: none"> Manage the services for the elderly and disabled people in compliance with the current legislation and policies of the Council; 	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
<p>7.4 Mental health:</p> <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
<p>7.5 General:</p> <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
<p>7.6 Act as the ‘authorised officer’ for all contracts falling within the children and adults service.</p>	Leader/Cabinet
<p>7.7 Contracts:</p> <ul style="list-style-type: none"> To award without competition a contract where a placement is sought for an individual with a registered 	Council

Description of delegation	Responsibility delegated from
care provider of their choice under the National Health Service and Community Care Act 1990.	
<p>7.8 Local Authority School Governors:</p> <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 Assistant Director, Children’s Services	
<ul style="list-style-type: none"> • To manage the Independent Reviewing Officer (IRO) service in compliance with current legislation and policies of the Council. 	Leader/Cabinet
7.10 Director of Public Health	
<ul style="list-style-type: none"> • 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. • To, in consultation with the Chairman of the Health and Wellbeing Board and local ward Councilors, as appropriate, respond to requests from NHS England 	<p>Leader/Cabinet</p> <p>Health and Wellbeing Board</p>

Description of delegation	Responsibility delegated from
<p>regarding matters relating to rurality reviews and consolidation of pharmaceutical services.</p> <ul style="list-style-type: none"> • To, in consultation with the Chairman of the Health and Wellbeing Board, respond to surveys received asking for a response from the Health and Wellbeing Board and for details of surveys responded to under the delegation be reported to future Board meetings. 	
8. Director of Place 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. • 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 Place and Deputy Chief Executive 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 Place - and 	<p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p>

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

Description of delegation	Responsibility delegated from
<p>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.</p>	
<ul style="list-style-type: none"> • 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>Leader/Cabinet</p>
<p>8.2 Neighbourhood Planning:</p> <ul style="list-style-type: none"> • To determine applications for the designation of a Neighbourhood Area and/or Neighbourhood Forum for the purpose of the preparation of a Neighbourhood Plan, including the consideration of any representations made during the statutory consultation period, in consultation with the Portfolio Holder for Planning, Economic Growth and Regulation, in accordance with the Neighbourhood Planning (General) Regulations 2012, as amended in 2015, and in the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017. 	<p>Leader/Cabinet</p>
<p>8.3 Building control:</p> <ul style="list-style-type: none"> • To submit comments to the Secretary of the Joint Committee on the first draft of the Building Control Business Plan and on any proposed amendments (during the course of each year), in consultation with the Chief Operating Officer and the Council's representative on the South Thames Gateway Building Control Joint Committee. 	<p>Leader/Cabinet</p>
<p>8.4 Highways and traffic regulations:</p> <ul style="list-style-type: none"> • To manage the highways, parking provision, public rights of way, traffic regulation, traffic calming, road safety and watercourse management services in compliance with current legislation and the policies of the Council. • With respect to the determination of requests for the approval of details submitted pursuant to the provisions of Schedule 6 of the Channel Tunnel Rail Link Act 1996: <ul style="list-style-type: none"> (i) to determine plans and specifications submissions made pursuant to paragraph 15. 	<p>Council/ Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
<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). (iv) 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>8.5 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>8.6 Land:</p> <ul style="list-style-type: none"> • To accept blight notices and to approve the purchase of land which is statutorily blighted by highway proposals, and to approve counter-notices where it is considered there is no such statutory obligation. • To demolish properties (as part of any scheme approved by the Council). 	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>8.7 Street naming and numbering:</p> <ul style="list-style-type: none"> • To agree street naming and the naming or numbering of buildings. 	<p>Council</p>
<p>8.8 Gifts for the benefit of the public:</p> <ul style="list-style-type: none"> • To accept gifts of seats, trees, etc. on behalf of the Council. 	<p>Leader/Cabinet</p>
<p>8.9 Tree donation:</p> <ul style="list-style-type: none"> • To fix the fee for any tree donation scheme. 	<p>Leader/Cabinet</p>
<p>8.10 Buildings at risk:</p> <ul style="list-style-type: none"> • To offer grant monies towards urgent repairs of buildings at risk in cases where they may have recently come into new ownership and would, therefore, not meet the normal criteria and where the director is satisfied that a 	<p>Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
grant is necessary to secure the repair of the building at risk.	
<p>8.11 Civil protection and defence:</p> <ul style="list-style-type: none"> • To manage the emergency planning, civil protection and defence functions in compliance with current legislation and the policies of the Council. 	Leader/Cabinet
<p>8.12 Environmental health and trading standards matters:</p> <ul style="list-style-type: none"> • To manage the services of public health, port-health, environmental health, food poisoning and infectious diseases, waste collection and management, street cleansing, health and safety, food safety, shops, markets and street trading, Sunday trading, trading standards, consumer protection, weights and measures (including the appointment of a named member of staff as the chief inspector of weights and measures, and a deputy if required, as required by section 72 of the Weights and Measures Act 1985), the appointment of the Proper Officer under the Public Health (Control of Diseases) Act 1984 and supporting regulations, litter, animal health and welfare, pest and dog control services, contaminated land, public conveniences, shopping trolleys, abandoned vehicles and materials on the highway, private drainage, and water supplies in compliance with current legislation and the policies of the Council. 	Council/ Leader/Cabinet
<p>8.13 Planning and transport fees and charges:</p> <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
<p>8.14 Museums:</p> <ul style="list-style-type: none"> • Manage the museums and archiving services of the Council in compliance with current legislation and the policies of the Council. 	Leader/Cabinet
<p>8.15 Parks and open spaces and professional fun fairs:</p> <ul style="list-style-type: none"> • To manage the parks, open spaces and country parks of the Council in compliance with current legislation and the policies of the Council. • To determine applications for professional sideshows and amusements in open spaces or recreation grounds in the borough. 	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
8.16 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
8.17 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
8.18 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
8.19 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
8.20 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
8.21 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
8.22 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. • 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. • To enter into tenancies of Housing Revenue Account properties on behalf of the Council. • To give notices to quit and other notices or formal demands which are deemed requisite to serve in the interests of the Council in connection with the Council's housing management functions. 	Leader/Cabinet Leader/Cabinet Leader/Cabinet Leader/Cabinet

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> Manage the functions of the Council in relation to leasehold properties sold under the Right to Buy scheme to include any ancillary buildings associated with this function 	Leader/Cabinet
<p>8.23 Housing grants and loans:</p> <ul style="list-style-type: none"> Exercise the function of the Council under the Housing (Grants, Construction and Regeneration) Act 1996 and the Regulatory Reform (Housing Assistance) Order 2002 and in accordance with any other relevant legislation and Council Policy. Authorise the determination of hardship cases where improvement grant applicants have proved to be in receipt of housing benefit and or income support. Approve the payment of renovation grants, disabled facilities grants and home repair assistance, in accordance with the renovation grant policy and within the allocated resources in the approved capital programme. Consider applications to waive repayment of renovation grants where an elderly or infirm person is disposing of the grant property to live permanently in a care home or to be cared for at a relative's home and to demand repayment of the full grant. 	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>8.24 Housing Revenue Account (HRA):</p> <ul style="list-style-type: none"> That the Director of Place and Deputy Chief Executive 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. That the Director of Place and Deputy Chief Executive, in consultation with the Deputy Leader and Portfolio Holder for Housing and Community Services agree expenditure on increasing the HRA affordable housing stock, as and when a financially viable development opportunity becomes available. <p>Note 1: A sum of £10m was added to the HRA Capital Programme to increase the stock of HRA affordable housing on 16 July 2020. This funding to be met from borrowing against HRA rents, HRA reserves and Right to Buy 1-4-1 receipts or grant funding, where available.</p>	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>8.25 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

Description of delegation	Responsibility delegated from
<p>8.26 Homelessness:</p> <ul style="list-style-type: none"> • To exercise the Council’s functions in respect of part 7 of the Housing Act 1996 including reviews of any decisions. • To exercise the Council’s functions in respect of part 6 of the Housing Act 1996 including reviews of any decisions. • To enter into non secure tenancies/licenses pursuant to the exercise of the Council’s homeless functions. • To give notices to quit and other notices or formal demands which are deemed requisite to serve in the interests of the Council in connection with the Council’s homelessness functions. 	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>8.27 Private Sector Housing:</p>	
<ul style="list-style-type: none"> • To exercise the Council’s functions under the Housing Act 2004. • To exercise the Council’s functions under the Environmental Protection Act 1990 so far as it relates to Private Sector Housing. 	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>8.28 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). 	<p>Leader/Cabinet</p>
<p>8.29 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 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. 	<p>Council/ Leader/Cabinet</p> <p>Council/ Leader/Cabinet</p>
<p>8.30 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>

Description of delegation	Responsibility delegated from
<p>8.31 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</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<p>8.32 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>
<p>8.33 Medway Guide to Developer Contributions and Obligations:</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. 	<p>Leader/Cabinet</p>
<p>8.34 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; 	<p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
<ul style="list-style-type: none"> • 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>Leader/Cabinet</p> <p>Leader/Cabinet</p> <p>Leader/Cabinet</p>
<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 Operating Officer to acquire, manage, let and dispose of suitable investment properties where funded from provision made for this purpose in the Council’s Capital Programme, and that the requirement to seek a Cabinet decision on any transactions exceeding £100,000 is waived only in respect of non-operational investment property transactions covered by this delegation. <p>Note 1: A sum of £2m was added to the Capital Programme by the Council for this purpose on 15 October 2015. In addition, a sum of £20m was also added to the Capital Programme for this purpose on 12 October 2017. The threshold of £100,000 which triggers a requirement for a Cabinet decision does not apply for land and property transactions under this delegation.</p> <p>Note 2: A sum of £120m was added to the Capital Programme by the Council on 26 April 2018 for this purpose to fund a five year programme of development of twelve Council owned sites by Medway Development Company Ltd.</p>	<p>Leader/Cabinet</p>
<p><u>Commercial Property – Pentagon Centre and 205 – 209a and 181a – 189 High Street, Chatham</u></p> <ul style="list-style-type: none"> • To arrange management of the Pentagon Centre and 205 – 209a and 181a – 189 High Street, Chatham after acquisition and to let, cease letting and sell premises subject to an agreed criteria within the Pentagon Centre and 205 – 209a and 181a – 189 High Street, Chatham as follows: <ul style="list-style-type: none"> (i) To permit new lettings that will enhance, promote and not detract from the current offer within the Centre. These will provide a mixture of retail, leisure, food and service led offers to provide the Medway community with a quality mixed use scheme in which to visit on a regular basis, 	<p>Leader/Cabinet</p>

Description of delegation	Responsibility delegated from
<p>promoting economic vibrancy for Chatham town centre and not contrary to Council policy.</p> <p>(ii) Consideration will be given to the quality of the incoming tenant and the financial benefit that they will add to the asset.</p> <p>(iii) All lettings should be in accordance with the principles of good estate management.</p>	
<p>8.35 Housing Infrastructure Fund (HIF)</p> <ul style="list-style-type: none"> • To authorise, in consultation with the Chief Operating Officer and the Leader of the Council, the acquisition of land and Interests in connection with the Housing Infrastructure Fund: New Routes to Good Growth Project. • To make, in consultation with the Leader of the Council, Chief Operating Officer and Assistant Director, Legal and Governance, the relevant changes, should any further Deeds of Variation be required, for the life of the project, on the basis set out in paragraph 4.2 of the report to Cabinet dated 28 September 2021. 	Leader/Cabinet
<p>8.36 Anti-Social Behaviour and Policing Act 2014</p> <ul style="list-style-type: none"> • To issue Community Protection Warnings and Notices on behalf of the Council. • To issue Closure Notices on behalf of the Council for up to 24 hours. • To issue Fixed Penalty Notices for breach of any Community Protection Notice or Public Spaces Protection Order. • To issue, as the designated officer of the Chief Executive, a Closure Notice under the Anti-Social Behaviour and Policing Act 2014 on behalf of the Council for up to 48 hours. • To approve the Council's Community Trigger Protocol. • To ensure that the amount of Fixed Penalty Notices relating to Fixed Penalty Notices issued under Sections 52 and 68 of the Anti-Social Behaviour and Policing Act 2014 is set by the Fees and Charges report. • To exercise such other similar mechanisms that are enacted and developed in the future to enable the Authority to effectively deliver its functions under the Anti-Social Behaviour and Policing Act 2014. 	Leader/Cabinet
<p>8.37 Asset of Community Value Status</p> <ul style="list-style-type: none"> • To determine applications for Asset of Community Value Status and to maintain the registers as required by the Localism Act 2011, in consultation with the Portfolio Holder for Resources. 	Leader/Cabinet

- 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 People – Children and Adults
REGISTRATION SERVICES ACT 1953 AND REGULATIONS 1968 TO 1994	
Proper officer for Births Deaths and Marriages	Director of Place and Deputy Chief Executive
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	Assistant Director, Legal and Governance
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	Assistant Director, Legal and Governance
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	Assistant Director, Legal and Governance
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	Assistant Director, Legal and Governance

Section 100D (1)(a) – The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive	Assistant Director, Legal and Governance
Section 100D (5) – The Officer to determine which documents constitute background papers and Section 100H - ability to charge for the provision of such documents	Assistant Director, Legal and Governance
Section 100F (2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Assistant Director, Legal and Governance
Section 100G - To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like	Assistant Director, Legal and Governance
Section 115 – The officer to whom money properly due from officers shall be paid	Chief Operating Officer
Section 123 - The officer responsible for certifying or obtaining a certificate of 'Best Consideration' on the disposal of land and property.	Director of Place and Deputy Chief Executive
Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Assistant Director, Legal and Governance
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 Operating 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	Assistant Director, Legal and Governance
Section 224 – the officer who shall have responsibility for the custody of Council documents	Assistant Director, Legal and Governance
Section 225 (1) – The officer to receive and retain statutory documents on behalf of the Authority	Assistant Director, Legal and Governance
Section 228(3) – Making accounts available for Councillors to look at	Chief Operating Officer
Section 229 (5) – The officer to certify photographic copies of documents	Assistant Director, Legal and Governance
Section 233 – The officer to receive documents required to be served on the Authority	Assistant Director, Legal and Governance
Section 234 (1) & (2) – The officer to authenticate documents on behalf of the Authority	Assistant Director, Legal and Governance
Section 238 – The officer to certify printed copies of bylaws	Assistant Director, Legal and Governance
Section 248 – The officer responsible for the keeping of the roll of freemen.	Assistant Director, Legal and Governance
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	Assistant Director, Legal and Governance

Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions	Assistant Director, Legal and Governance
LAND CHARGES ACT 1975	
Section 19 – The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975	Assistant Director, Legal and Governance
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976	
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 - Assistant Director, Legal and Governance resolutions of the executive - Assistant Director, Legal and Governance
Section 16 - Notices requiring details of interest in land.	Director of Place and Deputy Chief Executive
EUROPEAN PARLIAMENTARY ELECTIONS ACT 2002	
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
REPRESENTATION OF THE PEOPLE ACT 1983	
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.
EUROPEAN UNION REFERENDUM ACT 2015	
Schedule 3 Section 3 – the counting officer for the conduct of the referendum	officer appointed by the council to be registration officer
PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984	
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

LOCAL GOVERNMENT FINANCE ACT 1988	
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 S.151 Officer under Section 114)	Chief Operating 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 Operating Officer
LOCAL GOVERNMENT AND HOUSING ACT 1989	
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 Place and Deputy Chief Executive
Section 3A – The officer responsible for the grant and supervision of exemptions from political restrictions	CE (in capacity as Head of Paid Service)
CIVIL EVIDENCE ACT 1995	
To certify Council records for the purposes of admitting the document in evidence in civil proceedings.	Assistant Director, Legal and Governance
LOCAL GOVERNMENT (CONTRACTS) ACT 1997	
Certification of relevant powers to enter into contracts	Local Authorities (Contracts) Regulations 1997 Monitoring officer & auditor
CRIME AND DISORDER ACT 1998	
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 People – Children and Adults
LOCAL GOVERNMENT ACT 2000	
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	Assistant Director, Legal and Governance
To make payments of relevant allowances in accordance with the Council's Members allowances scheme	Assistant Director, Legal and Governance
To defray expenses of any Members making official and	Assistant Director, Legal and

courtesy visits, receptions and entertainment of distinguished persons visiting the Borough	Governance
Officer for the purposes of verifying the validity of any electoral petition and for the purposes of announcing and holding any referendum	Chief Executive
LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012	
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	Assistant Director, Legal and Governance
CRIMINAL JUSTICE AND POLICE ACT 2001	
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 Place and Deputy Chief Executive
LOCAL GOVERNMENT ACT 2003	
Section 25 - Requirement to report to Council annually on the robustness of estimates and financial reserves	Chief Operating Officer
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
NATIONAL HEALTH SERVICE ACT 2006	
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	Section 72A(1)(a):

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