

ANNEX 1

Section 4. Scheme of Officer Delegations

General

- 1.1 Where the Scheme of Delegation relates to specific Acts of Parliament, Regulations and Orders and other exercise of powers made there under, it is intended that such delegations shall extend to the powers and duties and functions under the Acts, Regulations and Orders as they exist at present and any subsequent re-enactment or amendment of the relevant statutory provisions or departmental exercise of powers.
- 1.2 Any decision taken under delegated duties shall be in accordance with policies approved by the Council and Standing Orders. When expenditure is involved such action shall be conditional upon the necessary financial provision being included in the approved estimates.
- 1.3 Wherever the Chief Executive, a Second Tier Service Manager, or other specified Officer considers it appropriate he/she shall seek the approval of the Cabinet, or relevant Cabinet Member, or Committee notwithstanding the availability of a delegated power.
- 1.4 The acts of the Chief Executive, Second Tier Service Managers or other specified Officers under delegated powers shall be deemed to be the acts of the Council.
- 1.5 To the Chief Executive and Second Tier Service Managers is delegated authority to:
 - (a) take all necessary action to gather and collate management information in order to develop policy options for decision making by Members.
 - (b) take all necessary action for the effective day to day management, administration and supervision of his or her department and of the service and premises for which he/she is responsible and for the efficient discharge of the Responsibilities of his/her office within the approved policies, procedures, rules and standing orders of the Council.
 - (c) take all necessary action for the effective day to day management, administration and supervision of any delegated budget for which he/she is responsible in accordance with the requirement of the Financial Procedure Rules from time to time adopted by the Council and to collate such information in such as the manner as the Chief Financial Officer shall require to enable the Council to develop short, medium and long term financial estimates
 - (d) so far as reasonably practicable, make such arrangements and take all such measures as are necessary to ensure the workplace health,

safety and welfare of staff for which he/she is responsible and the health and safety of lawful visitors.

- (e) authorise appropriate expenditure and take such action as may be necessary and appropriate thereon in respect of sums provided by the Revenue Estimates approved by the Council.
- (f) let or authorise the use of premises under their control upon terms and conditions approved by the Council from time to time.
- (g) issue any licence, permit, certificate of registration or similar document where the application conforms to statutory provisions and regulations and/or the requirements of the Council.
- (h) apply for licences or permits or certificates to ensure the legal operation of land, buildings and facilities associated with the delivery of services.
- (i) attend the Annual Conferences of their professional associations and to authorise the attendance of officers at conferences appropriate to the work of their Department and on training courses relevant to their employment.
- (j) serve statutory notices to ascertain ownership and other interests in property where required to facilitate the work of the Council.
- (k) authorise in writing and appoint individual officers to act as the Council's authorised officers in the performance of their statutory or other duties provided that any written authority to enter upon land or premises is in pursuance of a statutory power of entry or inspection.
- (l) amend fees and charges during the course of the year, subject to the approval of the relevant Cabinet Portfolio holder and to the publication of any changes on the Council's web site.
- (m) make alternative arrangements following risk management and business continuity planning for the continued effective delivery of services.
- (n) delegate their delegated powers to specified officers, in the interests of efficient, effective and timely management of services.
- (o) Take any decision or any action to protect the Council's interests or which is calculated to facilitate, or is conducive or incidental to, carrying out or performance of Members' instructions as expressed in the Minutes of Council and Cabinet decisions.
- (p) provide concise written reports to the appropriate Cabinet Portfolio holder covering the key aspects of the work of the department, including any delegation of powers.
- (q) procure works, goods and services in compliance with Contract Standing Orders and the Financial Procedure Rules including the power to accept quotes and tenders and award contracts that do not exceed the approved budget estimate.

- (r) determine service levels and conditions of contract for Council services subject to voluntary contracting-out and the preparation and the issue of tender documents.
 - (s) manage contracts and authorise payments to contractors in relation to the provision of services, including the power to impose liquidated and ascertained damages, agree variations, settle claims and disputes (in consultation with the Corporate & Regulatory Services Manager) and terminate the contract.
 - (t) have freedoms and flexibility to make changes in the overall area of service provision, procedural arrangements and partnerships to improve overall service outcomes for customers and residents, within established budgetary, human and material resources.
 - (u) subject to obtaining all regulatory consents, to carry out alterations and improvements to Council owned operational land and buildings and/or purchase and lease equipment, plant and vehicles within the revenue, capital and prudential borrowing limits set for the service
 - (v) redirect human, material, property, building and technological resources for the support of emergency, urgent and beneficial operations, including the support of external agencies.
 - (w) set up, monitor and use performance management systems and structures to make changes to service delivery, procedures and processes, and resource inputs provided these are within the overall aims of the Council, the budgetary limits for the service and ensuring compliance with staff policies and agreements.
 - (x) deal with fixed term employment contracts relating to professional, technical and administrative services associated with development, design and supervision of project specific schemes.
 - (y) vire within budgets and write off debts in accordance with the procedures and limitations set out in the Council's Financial Procedure Rules.
 - (z) authorise directed surveillance or the recruitment and use of a Covert Human Intelligence Source or the appointment of a SPOC (single point of contact) in accordance with the provisions of the Regulation of Investigatory Powers Act 2000 (RIPA), relevant secondary legislation and the Council's RIPA Policy, Toolkit and Guidance Notes.
- 1.6 The Chief Executive, or appropriate Second Tier Service Manager, excluding the Community Services Manager, be authorised to seek planning consent on behalf of the Council
- 1.7 In the absence of the Chief Executive, a Second Tier Service Manager or other specified Officer his or her functions shall be deemed to be delegated to the appropriate senior Officers or Second Tier Service Manager and the appropriate Cabinet Portfolio holder advised of the said delegation.

- 1.8 The Chief Executive and Second Tier Service Managers are authorised to publish in a local newspaper statutory notices relevant to the services and functions for which they are responsible.

Human Resources Matters

- 2.1 The Chief Executive and Second Tier Service Managers be authorised to deal with all establishment matters within approved Council guidance and procedures and within approved budgets, including terminating the employment of Council Employees on the grounds of ill-health, where so certified by the Specialist in Community Medicine, save those specific cases which personally involve either the Chief Executive or Second Tier Service Managers
- 2.2 Subject to appropriate consultation with the Human Resources Shared Service Manager and in compliance with all relevant policies, procedures and guidance, the Chief Executive and Second Tier Service Managers be authorised (within approved budgets) to -
- (a) fix starting salaries, grant accelerated increments and approve progression of staff beyond routine work or proficiency bars.
 - (b) approve performance related annual increments subject to a right of appeal within the terms of the Council's appraisal scheme.
 - (c) engage temporary and seasonal staff in the case of workload demands, sickness, holidays or other emergencies (within approved budgets and with staffing change approval where required).
 - (d) approve training courses for employees.
 - (e) approve essential and casual user allowances to Officers using private cars on official business in accordance with the approved scheme.
 - (f) approve applications for car purchase loans under the Assisted Purchase scheme.
 - (g) approve payment of removal etc expenses to newly appointed Officers in accordance with the approved scheme.
 - (h) approve leave arrangements, including bereavement leave, the granting of compassionate leave with or without pay and the carrying over of leave from one year to another.
 - (i) to exercise functions in accordance with the Council's Employment Policy, the Conduct, Discipline and Grievance Procedures and other local agreements.
 - (j) approve unpaid leave appropriate to the employee's circumstances and the efficiency of the service.
 - (k) approve payment for employees' lost or damaged personal items (excluding loss of cash).

- (l) keep the appropriate Cabinet Portfolio holder informed of staffing issues affecting budgets and any problems affecting the department's ability to deliver its service targets.
- (m) agree arrangements for flexible working.

Chief Executive - General

- 3.1 Authorised to lead in all actions necessary to develop policy options for decision making by Members.
- 3.2 Authorised to implement in detail policies adopted for the regeneration, economic development and marketing of Thanet as a business location and visitor destination.
- 3.3 In the absence of the Corporate & Regulatory Service Manager, to consider, authorise and institute proceedings in respect of any offence for which the Council by virtue of the Local Government Act 1972, Section 222, or any other Act of Parliament, Regulation, Order or Byelaw, is now or may hereafter be empowered to prosecute or to authorise the institution of such proceedings.
- 3.4 Authorised to give consent to such Officers undertaking the work connected with the Census and for other government or local government related purposes.
- 3.5 Authorised to designate Polling Places in accordance with the provisions of the Representation of the People Acts.
- 3.6 To take any action in connection with any emergency being dealt with under the Council's Emergency Plan arrangements.
- 3.7 To take any urgent action as may be deemed necessary on behalf of the Cabinet or the Council during the period in any election year from the day upon which the term of office of existing Councillors ends to the day of the Annual Meeting of the Council, subject to:-
 - (a) prior consultation, so far as practicable, with Group Leaders; and
 - (b) a written report being made to the relevant body with responsibility for the function concerned, such report to be submitted to the first meeting of the body concerned taking place after the annual meeting of Council.
- 3.8 In consultation with the Leader of the Council, full delegated authority to take forward all staff matters relating to the implementation of the Corporate Plan and the establishment of delivery arrangements to implement it (within available budgets).
- 3.9 Authority to exercise all of the functions allocated to the Second Tier Service Managers by this Scheme of Delegations (other than the statutory functions of the Monitoring Officer) including the power to instruct a Second Tier Service Manager not to exercise a delegation until a further consultation has taken place or to report the matter to the Council or the Cabinet instead.

Chief Executive as Chief Financial Officer

- 4.1 Authority to conduct and carry out the functions and responsibilities of the Chief Financial Officer pursuant to the Local Government Finance Act 1988 and to be the person with responsibility for the administration of the Council's financial affairs pursuant to Section 151 of the Local Government Act 1972 including the provision of proper and effective systems of accountancy, treasury management and internal audit.
- 4.2 Authority to deal with the management of all transactions relating to the cash and financing resources of the Council in accordance with recognised practices.
- 4.3 Authority to arrange for the proper auditing of all accounts and associated activities of the Council.
- 4.4 Authority to prepare the Council's annual Corporate Governance Code of Practice and submit it to the Audit Commission.
- 4.5 Authority to arrange for the investment of the Council's funds in accordance with annually approved Treasury Management Code of Practice and to be responsible for the Council's banking arrangements including authority to act in all dealings with the Council's bankers.
- 4.6 Authority to make payments due and collect all sums due to the Council including taking the necessary legal proceedings in conjunction with the Corporate & Regulatory Services Manager.
- 4.7 Authority to pay salaries, wages, and all remuneration and deal with all statutory and non-statutory deductions without reference to Members.
- 4.8 Authority to implement all salary or wage awards and other increases where no exercise of a discretion is involved.
- 4.9 Authority to arrange and maintain adequate insurance cover in accordance with Council policy.
- 4.10 Authority to amend Fees & Charges in response to increases or reductions in the rate of VAT or in the event that VAT is applied to a zero rated or exempt supply.
- 4.11 Authority to deal with the declaration of the specified rate of interest. (Section 110 Housing Act 1980).
- 4.12 Where interest becomes payable on debts (other than mortgages) due to the Council under any statute, authority to determine the rates of interest payable.
- 4.13 Local Government and Housing Act 1989
 - (a) Determination of any overspend for each financial year.
 - (b) Determination of amount of usable 1980 Act capital receipts to be set aside as provision for credit liabilities.

- (c) Determination if expenditure for capital purpose which is to be reimbursed, or met out of money provided, by any other person, is to be capitalised.
 - (d) Determination if credit approval is to be used as authorisation to capitalise expenditure or to enter into a credit arrangement.
 - (e) Determination if credit approval is in whole or in part to be transferred to another authority.
 - (f) Determination if usable capital receipts are to be applied to meet expenditure for capital purposes or as voluntary provision for credit liabilities.
 - (g) Determination if voluntary provision for credit liabilities is made to provide credit cover for the entering into of a credit arrangement.
 - (h) Determination of what amount (being not less than the required minimum revenue provision for the year) is to be set aside from revenue account as provision for credit liabilities or as cover for a credit arrangement.
- 4.14 Authority to write-off debts in accordance with the Finance Procedure Rules.
- 4.15 Authority to exercise the option to tax (elect to waive exemption) for Value Added Tax purposes, in consultation with the Cabinet Leader.
- 4.16 In conjunction with the Commercial Services Manager, authority to determine commercial cargo wharfage and slipway rates.
- 4.17 Together with the Corporate & Regulatory Services Manager, authority to proceed in rent arrears cases within the Council's existing policy – Housing Act 1980 Section 33.
- 4.18 Authority to apply for suspension Orders for Possession – Housing Act 1985.
- 4.19 Authority to employ a bailiff as and when necessary in order to recover rents.
- 4.20 In consultation with the Corporate & Regulatory Services Manager, authority to approve and make ex gratia payments to employees or members of the public.

Commercial Services Manager – Maritime Services

- 5.1 In conjunction with the Chief Financial Officer authority to determine commercial cargo wharfage and slipway rates.
- 5.2 To be designated as Harbour Master for the purposes of the Harbour Docks and Piers Clauses Act 1847 and the Ramsgate Corporation Act 1934.
- 5.3 To be designated administrator of the Ramsgate Pilotage Function as the Competent Harbour Authority under the Pilotage Act 1987.
- 5.4 To be responsible for control of Dangerous Substances in the Harbour Area as set out under the Dangerous Substances Regulations 1987.
- 5.5 To issue and renew boat and boatmen's licences.
- 5.6 To issue and renew consents for landing and sale of fish.

Commercial Service Manager - Environmental Services

- 6.1 To design and implement recycling services to meet statutory or agreed targets subject to finances and resources being available.
- 6.2 To make all arrangements (contractual or otherwise) for the effective delivery of services and Corporate Plan Projects within the remit of the post (and within approved policies and budgets), and in accordance with the duties imposed on the Council through acts of parliament, statutory instruments, codes of practice, guidance and case law, including the following areas:
 - (i) Collections and disposal of municipal waste and recycling
 - (ii) Street, beach and open space cleansing
 - (iii) Public conveniences
 - (iv) Tourism development and marketing, visitors support services and events
 - (v) Indoor and outdoor leisure services and facilities, including sports
 - (vi) Coastal and foreshores, including the Thanet Coastal Project
 - (vii) Concessions on land within the control of the service
 - (viii) Museums
 - (ix) Parks, and open spaces (Council owned)
 - (x) Allotment management and letting
 - (xi) Grounds maintenance
 - (xii) Play facilities
 - (xiii) Public art
 - (xiv) Cemeteries and crematorium facilities and services
 - (xv) Environmental Action Programme
 - (xvi) Caretaking and Cleaning Services.
- 6.3 To develop and agree partnership arrangements with organisations (including voluntary and other residents' groups) for the effective delivery of services, including the use of Council land and facilities by these external organisations.
- 6.4 To develop and agree arrangements to provide additional one off or continuing sources of income to support and expand the delivery of services in agreement with the Chief Financial Officer.
- 6.5 To temporarily waive fees for services in special circumstances subject to the prior agreement of the Leader of the Council and relevant Cabinet Portfolio holder.
- 6.6 To undertake all procurement to support the operations of the services set out in paragraph 6.2 by tender, quotation or negotiation to balance the best use of staffing and financial resources, ensuring compliance with national and European procurement rules. Where procurement conflicts with contract standing orders, this approach is to be agreed with the Chief Financial Officer and the decision reported to the relevant Cabinet Member.
- 6.7 To undertake initiatives with service providers within the Council and with external partners, bodies and agencies for the effective delivery of the aims of the Environmental Action Programme and other internally and externally funded improvement programmes.

- 6.8 To agree the use of Council land, property and facilities within the remit of the post (including parks, open spaces, beaches and foreshores) for the staging of national, regional and local events and promotions, and for the provision of services directly or through other agencies.
- 6.9 To introduce self-help arrangements at appropriate sport and leisure venues with suitable clubs and organisations, subject to consultation with the relevant Portfolio holder.
- 6.10 To manage and to make payments to all contractors used by the Service in accordance with the contract conditions, including in-door and out-door recreation, entertainments and catering.
- 6.11 Authority to sub delegate any of the Environmental Services delegations to Third Tier Managers acting under the supervision of the Commercial Services Manager.

Commercial Services Manager - General Fund Estates Management

- 7.1 Management of Properties:-
 - (a) to serve Notices of Seeking Possession and Notices to Quit as considered necessary.
 - (b) to deal with all assignments of tenancies.
 - (c) to deal with amendments of tenancies/leases/licences.
 - (d) supervision of caretaking and cleaning.
 - (e) to programme the repairs and maintenance scheme.
 - (f) to deal with trespassers in or on Council property.
- 7.2 To manage the Council's Asset Management Strategy, including periodic review, planned investment acquisition and managed disposal of property identified and agreed as surplus.
- 7.3 To maintain the Asset Register and Land Terrier, including cost/benefit data on each sector, and on major individual properties.
- 7.4 Estate management including rent reviews, leases and valuations.
- 7.5 To secure possession of Council owned land where occupied by unauthorised traveller encampment.
- 7.6 To administer the General Fund Properties repairs fund of the Council.

Community Services Manager - General

- 8.1 To make all arrangements (contractual or otherwise) for the effective delivery of services and Corporate Plan Projects within the remit of the post (and within approved policies and budgets), and in accordance with the duties imposed on the Council through acts of parliament, statutory instruments, codes of practice, guidance and case law, including the following areas:
 - (i) Community Development
 - (ii) Economic Development & Regeneration
 - (iii) Private Sector Housing, Homelessness and Housing Regeneration

- (iv) Margate Task Force
- (v) Planning

Community Services Manager - Planning and Development Control

- 8.2 To determine (including the power to refuse), all applications for planning permission (including reserved matter applications and applications to develop Crown Land), Listed Building consent, Conservation Area consent, and consent to display adverts, and applications under Regulation 3 and 4 of the Town and Country Planning (General Regulations) 1992 in respect of development by, or on behalf of, Thanet District Council or Kent County Council, in accordance with policies contained in a draft or adopted Development Plan for the area, or other approved documents in the form of planning guidance for development, other than:
- (i) applications which the Director of Regeneration Services or Planning Applications and Enforcement Manager in consultation with the Chairman or Vice Chairman of the Planning Committee, considers to be of significant public interest;
 - (ii) applications which Council Members have specifically requested to be referred to the Planning Committee in accordance with the requirements of any Member's Call in Procedure from time to time approved by the Council;
 - (iii) applications submitted by or on behalf of a Member of the Council or an officer
 - (iv) applications under Regulation 3 and 4 of the Town and Country Planning (General Regulations) 1992 in respect of development by or on behalf of Thanet District Council;
- 8.3 To determine (including the power to refuse) applications for householder development in the curtilage of a dwellinghouse located outside the urban and village confines as identified in the adopted Development Plan
- 8.4 To determine applications to make non-material changes to a planning permission including the power to amend the planning permission and impose additional conditions;
- 8.5 To add or amend conditions and reasons for refusal on all applications which are considered at Planning Committee, as are necessary to ensure that when a planning permission or refusal is issued, it expresses as clearly and completely as possible the intentions of the Members of the Committee in making that decision and protects the interests of the Council as Local Planning Authority, the reason for the decision being accurately recorded in the Planning Committee minutes and on the Decision Notice.
- (In all cases, where differences arise between the published minutes and the conditions or reasons for refusal issued by the Community Services Manager or the Planning Manager, the latter shall prevail and be the binding and effective decision of the Local Planning Authority.)
- 8.6 To make observations on proposals submitted for comment and/or determine applications for prior approval in accordance with Schedule 2 of the Town and

Country Planning (General Permitted Development) Order 1995, or any other relevant Development Order, including:

Part 6 (Agricultural Buildings)

Part 24 (Telecommunications Code Systems Operators)

Part 31 (Demolition of Buildings)

Subject to the proviso that applications for prior approval in relation to Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) may be called in by Members for determination by the Planning Committee in accordance with the requirements of any Member's Call in Procedure from time to time approved by the Council;

- 8.7 To make observations in accordance with policies contained in a draft or adopted Development Plan for the area, or other approved documents in the form of planning guidance for development, on planning applications submitted to the County Planning Authority within the district for determination, and referred to the Council as Local Planning Authority for comment in accordance with Article 22 of the Town and Country Planning (Development Management Procedure)(England) Order 2010, in the case of major applications in consultation with the Chairman of the Planning Committee or in his or her absence, the Vice-Chairman.
- 8.8 To negotiate in consultation with the Corporate & Regulatory Services Manager, and within the context of Government Guidance and the Council's own policies, planning agreements under Section 106 of the Town and Country Planning Act 1990, and other legal agreements, where these are required in connection with the grant of planning permissions dealt with under delegated powers, and in other cases where such agreements are appropriate.
- 8.9 To provide scoping and screening opinions with regard to applications potentially requiring the submission of an Environmental Impact Assessment in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- 8.10 To require further information in respect of applications for outline planning permission in accordance with Article 4(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- 8.11 To approve or refuse details submitted, in order to comply with Conditions attached to planning permissions and other relevant consents
- 8.12 To determine applications for Hazardous Substance consent under the Planning (Hazardous Substances) Act 1990.

Community Services Manager - Strategic and Private Sector Housing

- 9.1 To implement the provisions of the Housing Act 2004 including the authorisation of enforcement actions and prosecutions where appropriate.

- 9.2 To determine closing orders made under the terms of earlier Housing standards legislation where the dwellings have been brought up to a suitable standard for human habitation.
- 9.3 To authorise the use of the Council's compulsory purchase powers in respect of empty residential properties.
- 9.4 Authority to serve notices under Section 215 of the Town & Country Planning Act 1990 in relation to any land in the district, the condition of which is prejudicial to the amenity of the district or any part of it, including the power to vary, amend, withdraw and re-issue any such notice and in consultation with the Corporate & Regulatory Services Manager to take enforcement action in relation to any failure to comply with the requirements of a Section 215 Notice including, where permissible and appropriate, the institution of prosecution proceedings, the taking of direct action, the sale of materials removed from land, the registration of a local land charge, the recovery of expenses in any court of competent jurisdiction and the seeking of an injunction (in the latter case, in consultation with the Portfolio Holder for Community Services).
- 9.5 To administer the provisions of the Housing Act 2004 and Housing Act 1985 (as amended) including the licensing of House in Multiple Occupation.
- 9.6 To administer the provisions of Housing (Grants, Construction and Regeneration) Act 1996 in respect of disabled facilities grants including the determination of grant applications and payments of grants.
- 9.7 To serve all relevant notices under the provisions of the Public Health Acts, Local Government (Miscellaneous Provisions) Acts, Building Act - 1984 and Environmental Protection Act 1990 to eliminate statutory nuisances.
- 9.8 To authorise the making of home – loss, disturbance and other statutory compensation payments in connection with the making of closing and demolition orders and the acceptance of undertakings relating to unfit/unsuitable premises pursuant to Housing Acts 1985 and 2004.
- 9.9 To serve all relevant notices and orders under the terms of Housing Act 2004 in respect of Empty Property Management Orders.
- 9.10 To serve all relevant notices under the provisions of the Local Government (Miscellaneous Provisions) Acts in respect of Requisitions for Information on properties.
- 9.11 To authorise the compulsory improvement of dwellings under the Housing Act 2004.
- 9.12 To authorise payments of grants to improve properties in line with the agreed council policy, including Housing Renewal Grants
- 9.13 To agree in conjunction with the Planning Manager to affordable housing contributions from new housing developments including the payment of commuted sums for off site provision.
- 9.14 To agree the payment of grants from section 106 developer contributions to affordable housing to Registered Social Landlords for the provision of new social housing in the district.

Corporate & Regulatory Services Manager - General

- 10.1 To make all arrangements (contractual or otherwise) for the effective delivery of services and Corporate Plan Projects within the remit of the post (and within approved policies and budgets), and in accordance with the duties imposed on the Council through acts of parliament, statutory instruments, codes of practice, guidance and case law, including the following areas:
- (i) Community Safety
 - (ii) Democratic Services and Scrutiny Support
 - (iii) Electoral Registration and Elections
 - (iv) Environmental Health
 - (v) Legal Services
 - (vi) Licensing and Land Charges
 - (vii) Parking Management and Enforcement
 - (viii) Street Scene Enforcement
- 10.2 Authority to temporarily waive fees for services (including Christmas parking charges) in special circumstances subject to the prior agreement of the Leader of the Council and relevant Portfolio Holder.

Corporate & Regulatory Services Manager - Legal Services

- 11.1 To take all requisite action, including, where necessary, the institution of Proceedings to recover debts owed to the Council and to recover possession of Council land or property, including the taking of bankruptcy and company winding up Proceedings.
- 11.2 To take action under any enactment or at common law to protect public rights in respect of highways.
- 11.3 To sign on behalf of the Council contracts which do not require to be sealed.
- 11.4 To take any necessary action, including the institution of Proceedings for an injunction, with a view to preventing the holding of any unlicensed pay parties within the district and to authorise such action or Proceedings.
- 11.5 To authorise the service of Notices to Treat and Notices of Entry.
- 11.6 To authorise the making of advances for house purchase and improvement in accordance with any scheme approved by the Council.
- 11.7 To obtain Counsel's opinion and employ London or other Agents to ensure adequate advice is available to the Council and Committees and to authorise the appointment of Counsel to appear in any matter for which he/she considers it essential for the Council to be so represented.
- 11.8 To consider, authorise and institute Proceedings in respect of any offence for which the Council by virtue of the Local Government Act 1972, Section 222, or any other Act of Parliament, Regulation, Order or Byelaw, is now or may hereafter be empowered to prosecute or to authorise the institution of such Proceedings.

- 11.9 To negotiate in association with the Community Services Manager, planning agreements under Section 106 of the Town and Country Planning Act 1990, and other legal agreements, where these are required in connection with the grant of planning permissions dealt with under delegated powers, and in other cases where such agreements are considered necessary in order to facilitate or safeguard the Council's interest and/or instructions.
- 11.10 Jointly with the Community Services Manager and the Planning Manager to determine applications for Certificates of Lawfulness of existing or proposed use or development under Sections 191 and 192 of the Town and Country Planning Act 1990.
- 11.11 To seal:-
- (i) vacating receipts and discharges of mortgages; and
 - (ii) mortgages to secure the external borrowing of money.
- 11.12 Subject to the Chief Executive of East Kent Housing confirming that the Council's security would not be prejudiced in respect of properties mortgaged to the Council:-
- (i) to approve the transfer of mortgaged property to joint tenants by one of them or from joint tenants to one of themselves;
 - (ii) to approve applications for the consent of the Council to the grant of rights of way and other easements;
 - (iii) to approve applications by mortgagors for permission to carry out alterations to their property;
 - (iv) to agree to extensions of mortgage terms within the limits of the Council's scheme.
 - (v) to approve requests for consent to letting (mortgaged properties), subject to suitable enquiries.
- 11.13 To institute proceedings for recovery of possession where mortgagors or Council tenants have made default in payments, or otherwise breached mortgage or tenancy conditions.
- 11.14 To make orders for the temporary closure of highways where recommended by the Commercial Services Manager.
- 11.15 To sign Certificates of Title to prospective purchasers under Section 154 of the Housing Act 1985.
- 11.16 To rely upon a tenant's Statutory Declaration where after enquiry other evidence cannot be obtained (Housing Act 1980 - Section 7).
- 11.17 To proceed in rent arrears cases within the Council's existing policy - Housing Act 1980 Section 33.
- 11.18 In conjunction with the Community Services Manager authority to rely upon a tenant's Statutory Declaration where after enquiry other evidence cannot be obtained - Housing Act 1985 Section 129.
- 11.19 To serve notices of intention - Housing Act 1985 Section 83.
- 11.20 To apply for suspension Orders for Possession -Housing Act 1985.

- 11.21 In the event of his/her not reaching agreement with mortgagors to pay off arrears or for the making of regular interest payments during periods of illness or unemployment, authorised to obtain compliance with the Possession Orders granted and dispose of the properties.
- 11.22 To deal with assignment of leases as authorised by or on behalf of the Council.
- 11.23 To serve Notices to Complete under the provisions of the Housing Act 1985 (Section 140 and 141) and agree any extensions of time as appropriate to the circumstances.
- 11.24 To employ a bailiff as and when necessary in order to recover rents.
- 11.25 To make complaints to a magistrates' court to seek orders relating to any matter in respect of which the Council is empowered to act.
- 11.26 To take any decision or any action to protect the Council's interests or which is calculated to facilitate, or is conducive or incidental to, the carrying out or performance of Members' instructions as expressed in the Minutes of Council and Committee decisions.

Corporate & Regulatory Services Manager - Democratic Services

- 12.1 To carry out the necessary administrative functions as required by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended).
- 12.2 To carry out the functions required by the Local Government and Housing Act 1989 with respect to the Constitution of Committees and Group arrangements.
- 12.3 Under Sections 16 and 17 of the Local Government and Housing Act 1989, the power to appoint Members to sit on specific sub-committees established by the Licensing Panel, if necessary without such appointments being in accordance with the principles of political balance by reason of the non-availability of any Member through illness or any other cause whatsoever, including that of having a "prejudicial interest" in a matter to be dealt with (as defined in the Code of Conduct for Members).
- 12.4 To take any decision or any action to protect the Council's interests or which is calculated to facilitate, or is conducive or incidental to, the carrying out or performance of Members' instructions as expressed in the Minutes of Council and Cabinet decisions.

Corporate & Regulatory Services Manager - Environmental Health

- 13.1 To implement the provisions of the Public Health Acts, Local Government (Miscellaneous Provisions) Acts, Building Act 1984 and Environmental Protection Act 1990 to eliminate statutory nuisances.
- 13.2 Employ veterinary surgeons and other advisory officers as necessary in pursuance of the exercise of the Council's registration and licensing functions.

- 13.3 To implement the provisions, including the service of all relevant notices and orders of the Food Safety Act 1990 (as amended) and: any subsequent legislation relating to the Council's statutory responsibility in respect of food safety:
 - (a) any Orders or Regulations made there under or relating to the foregoing or having effect by virtue of the European Communities Act 1972, and
 - (b) any modification or re-enactment of the foregoing.
- 13.4 To authorise officers to act on matters arising whilst performing their duties in accordance with the Food Hygiene (England) Regulations 2006 and the Official Feed and Food Controls (England) Regulations 2007.
- 13.5 To act in such matters as specified by the Local Government (Miscellaneous Provisions) Act 1976 - Section 33 - Restoration or Continuation of Supply of Water, Gas or Electricity and in particular:-
 - (i) negotiate terms with owners, occupiers and statutory undertakers;
 - (ii) pay accounts both for supplies and for the restoration of services where necessary;
 - (iii) serve demands for payments; and
 - (iv) serve notice on tenants and other occupiers under Section 33(4) requiring rent to be paid to the Council in settlement of the said accounts.
- 13.6 To implement the provisions of the Anti-Social Behaviour Act 2003, Part 8, in respect of the control and enforcement high hedges.
- 13.7 To implement the provisions of the Environmental Protection Act 1990 (stray dogs) and of the Dangerous Dogs Act 1991.
- 13.8 To implement the provisions of the Public Health (Control of Diseases) Act 1984, in respect of Welfare Burials.
- 13.9 Management and enforcement regarding unauthorised Traveller encampments on private land; and return of Gypsy Census statistics.
- 13.10 To carry out the functions as required by the Health and Safety (Enforcing Authority) Regulations 1989 and to approve, on behalf of the Council, the transfer of enforcement responsibility for any particular premises from the Health and Safety Executive to the Council or vice versa by mutual consent.
- 13.11 To act under Part III of the Food and Environmental Protection Act 1985 and under the Control of Pesticides Regulations 1986.
- 13.12 To implement the statutory responsibilities of the council in respect of noise nuisance and pollution including the provisions of the Noise Act 1996, the Noise and Statutory Nuisance Act 1993, the Clean Air Acts 1956, 1961 and 1993, the Control of Pollution Act 1974, the Control of Pollution (Amendment) Act 1989, the Pollution Prevention and Control Act 1999, the Environmental Protection Act 1990 and the Environment Act 1995 and attendant Regulations and Orders so as to eliminate or minimise instances of environmental pollution.

- 13.13 To implement and enforce the provisions of the Clean Neighbourhoods and Environment Act 2005 and any subsequent amending legislation.
- 13.14 To implement and enforce the provisions of the Anti Social Behaviour Act 2003.
- 13.15 To implement and enforce the provisions of the Caravan Sites and Control of Development Act 1960.
- 13.16 To issue all Authorisations under the provisions of the Environmental Protection Act 1990 for Schedule B industrial processes and the subsequent amendment and variation of these Authorisations.
- 13.17 To implement the provisions of the Environmental Protection Act 1990 and any subsequent amendments to the legislation or duties if the local authority.
- 13.18 To implement as required the provisions of Section 80 of the Water Industry Act 1991.
- 13.19 To enforce the statutory provisions relating to the health, safety and welfare of persons employed in offices and shops and the granting of exemptions.
- 13.20 To enforce the provisions of the Health and Safety at Work Act 1974 and any Orders or Regulations made thereunder or relating thereto and any modification or re-enactment thereof.
- 13.21 To implement and enforce the provisions of the Health Act 2006 with regard to smoke-free premises and vehicles including the issuing of fixed penalty, authorising prosecutions or other court actions.
- 13.22 To appoint a Clinical Officer to carry out the functions conferred or imposed under Section, 47, National Assistance Act and Section 1, National Assistance (Amendment) Act 1951
- 13.23 To implement and enforce the provisions of the Sunbeds (Regulations) Act 2010

Corporate & Regulatory Services Manager - Enforcement

- 14.1 Authority to receive and progress urgent requests made by the Emergency Services for basic corner protection and Access Orders on safety grounds as soon as is reasonably possible. The Parking Manager or his successor will report any objections and sensitive correspondence received following statutory public consultation in respect of the above to the Joint Transportation Board.
- 14.2 Authority to receive and progress requests for parking and waiting restrictions which are integral to the construction of approved developments. The Parking Manager or his successor will report any objections and sensitive correspondence received following statutory public consultation in respect of the above to the Joint Transportation Board.

- 14.3 Authority to receive and progress requests for charitable organisations to park in 'off street' car parks free of charge as may be appropriate or, to withdraw a permit on any occasion when the parking action does not accord with the safety and advice contained within the current Highway Code.
- 14.4 To authorise the removal of abandoned and/or untaxed vehicles in accordance with the appropriate statutory provisions.

Business Services Manager

- 15.1 To make all arrangements (contractual or otherwise) for the effective delivery of services and Corporate Plan Projects within the remit of the post (and within approved policies and budgets), and in accordance with the duties imposed on the Council through acts of parliament, statutory instruments, codes of practice, guidance and case law, including the following areas:
- (i) Business Information & Improvement
 - (ii) Policy & Business Planning
 - (iii) Procurement & Contracts
 - (iv) Business Transformation
- 15.2 Authority to manage the co-ordination of information requests pursuant to the Freedom of Information Act 2000 and the Environment Information Regulations 2004.

Financial Services Manager and Deputy Section 151 Officer

- 16.1 To make all arrangements (contractual or otherwise) for the effective delivery of services and Corporate Plan Projects within the remit of the post (and within approved policies and budgets), and in accordance with the duties imposed on the Council through acts of parliament, statutory instruments, codes of practice, guidance and case law, including the following areas:
- (i) Accountancy - General Fund and HRA
 - (ii) Treasury Management
 - (iii) External Funding
 - (iv) Income and Payments
 - (v) Insurances
 - (vi) VAT

Clinical Director (Health Protection Agency)

- 17.1 National Assistance Act 1948 - Section 47 and National Assistance (Amendment) Act 1951 - Section 1

To secure the necessary care and attention for persons who -

- (a) are suffering from grave chronic diseases or
- (b) being aged, infirm or physically incapacitated and living in insanitary conditions; and
- (c) are unable to devote to themselves and are not receiving from other persons proper care and attention

(Such authority to vest in the following authorised deputies in the absence of the Consultant in Communicable Disease Control:-

- (i) Consultant in Communicable Disease/Health Protection
- (ii) Such other doctors authorised to act as deputies in the absence of the above)"

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