

Part 3 - Delegation Scheme

This Part of the Constitution deals with responsibility for Council and Executive functions and decision making. It should be read in conjunction with the rest of this Constitution, in particular Articles 4, 6, 7, 8, 9, 12, 13 and ~~13 14.~~

This Part of the Constitution shall be interpreted in accordance with the relevant provisions of the Local Government Act 2000, in particular Section 13 (Functions which are to be the responsibility of an executive), and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). In the event of any conflict between this Part and a provision in any piece of legislation, the latter shall prevail.

In any case where a function or decision making power is in this Part described in words (without reference to the Act or Statutory Instrument conferring that function or power) which are also used in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), those words shall be deemed to include a reference to the provision of the Acts or Statutory Instruments listed or referred to in those Regulations.

A number of the functions listed below as delegated to the various decision-making bodies listed, are further delegated to officers. The Cabinet will be responsible for all executive functions as required by the Local Government Act 2000 in addition to those specific functions which are listed below.

Principles

1. The Government has for the most part prescribed which functions the Council is to be responsible for.
2. Where functions are not prescribed as the responsibility of the Council they will be determined by the Leader.
3. The Council delegates some of its responsibilities to a committee, a joint committee or an officer.
4. The Council can take back responsibilities it has delegated to a committee, a joint committee or an officer or decide to delegate them on certain conditions.
5. Delegation by committee: Committees can authorise a sub-committee or an officer to carry out their delegated responsibilities on their behalf.

SECTION A. COUNCIL FUNCTIONS

Functions that may only be exercised by the council

Procedural Functions

1. To adopt and uphold the Constitution of the Council;
2. To agree the roles and responsibilities of all non-executive committees and keep them under review and to delegate non-executive functions to officers;
3. To elect the Leader of the Council;
4. To agree the composition and membership of all non-executive committees unless the function has been delegated by the Council;
5. To adopt Standing Orders and Financial Regulations for the Council and to keep them under review;
6. To adopt a Code of Conduct for Members and any Member/Officer Protocols;
7. To appoint any individual to any outside bodies not within the remit of the Cabinet and suspend and/or revoke any such appointment;
8. To consider any report from the non-executive committees;
9. To consider any matters referred to the Council for decision.

Functions relating to the Budget, Policy, the Council and the District

10. To agree the Council's revenue and capital budgets;
11. To set the Council Tax levels;
12. To approve Prudential Indicators for Capital;
13. To take decisions about proposals which do not comply with the Policy Framework or Budget unless they are urgent. The procedure for dealing with urgent decisions that are outside the Policy Framework and Budget is in Part ?;
14. To agree the Council's Policy Framework and Budget;
15. To keep under review ward boundaries and to decide the Council's response to any proposals by the Local Government Boundary Commissioner affecting the authority's electoral boundaries;
16. Any other matter by law required to be considered or determined by the Council;

17. To promote or oppose local, personal or other Bills of Parliament;
18. To determine the Council's Scheme for Members' Allowances after having regard to the Independent Remuneration Panel's report;
19. To approve any application to the Secretary of State in respect of any Housing Land Transfer;
20. To appoint the Head of Paid Service (Chief Executive);
21. To receive any report by the ~~Responsible Chief~~ Finance Officer;
22. To receive any report by the Monitoring Officer;
23. To receive any report by the Chief Executive;
24. To make, amend, revoke or re-enact any byelaws to apply within the district boundaries;
25. To receive any report of the Council's Committees as appropriate.

Functions relating to Elections and the Name and Status of Areas and Individuals

26. To change the name of the District under Section 74 of the Local Government Act 1972;
27. To confer the title of Honorary Alderman or to admit to be an Honorary Freeman of the District;
28. To appoint any electoral registration officer under Section 8(2) of the Representation of the People Act 1983 (c.2)(c);
29. To assign officers in relation to requisitions of the registration officer under Section 52(4) of the Representation of the People Act 1983;
30. To appoint a returning officer for Local Government elections under Section 35 of the Representation of the People Act 1983;
31. To provide assistance at European Parliamentary elections under Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c.10)(d);
32. To divide constituencies into polling districts under Section 18 of the Representation of the People Act 1983;
33. To divide wards and parliamentary constituencies into polling districts at local government elections under Section 31 of the Representation of the People Act 1983;

34. To exercise all powers in respect of holding of elections under Section 39(4) of the Representation of the People Act 1983;
35. To pay expenses properly incurred by electoral registration officers under Section 54 of the Representation of the People Act 1983;
36. To fill vacancies in the event of insufficient nominations under Section 21 of the Representation of the People Act 1985;
37. To declare vacancy in office in certain cases under Section 86 of the Local Government Act 1972;
38. To give public notice of a casual vacancy;
39. To determine fees and conditions for supply of copies of, or extracts from, elections documents under Rules 48(3) of the Local Elections (Principal Areas) Rules 1986 (S I 1986 (S I 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S I 1986/2215);
40. To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 under Section 10 of the Representation of the People Act 2000 (c.2).

SECTION B. LOCAL CHOICE FUNCTIONS

Responsibility for Local Choice Functions

These are the functions which Council could either exercise itself or pass to the Cabinet to carry them out.

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Decision Making Body: **The Cabinet**

Membership: ~~Up to 10 Members of the authority as determined by the Leader of the Council.~~

Functions:

1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
2. Any function relating to contaminated land.
3. The discharge of any function relating to the control of pollution or the management of air quality.
4. The service of an abatement notice in respect of a statutory nuisance.
5. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
6. The inspection of the authority's area to detect any statutory nuisance.
7. The investigation of any complaint as to the existence of a statutory nuisance.
8. In connection with executive functions, the obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.
9. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
10. The determination of an appeal against any decision made by or on behalf of the authority relating to business rates.

SECTION C – COUNCIL FUNCTIONS CARRIED OUT BY COMMITTEES

Responsibility for Council Functions that are carried out by Committees

Decision Making Body: Planning Committee

1. Functions

A. Planning and Conservation

All the Council's functions in relation to Town and Country Planning and Development Control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended.

B. Highways Use and Regulation

All the Council's functions in relation to the regulation of the use of highways (including bridleways and footpaths) as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended.

C. Trees

All the Council's functions in relation to preserve trees and hedgerows under section 197 to 214D of the Town and Country planning act 1990 and the Trees Regulations 1999 and to protect important hedgerows under the Hedgerows Regulations 1997.

2. Delegated Powers

2.1 In relation to policies and strategies the Committee will:

- 2.1.1 Advise the Cabinet on the implementation of the Development plan, Local Development Framework and other planning policies and strategies;
- 2.1.2 Approve guidelines, procedures, protocols and similar documents which relate to town and country planning and listed building legislation.

2.2 Within the policies laid down by the Council, the Committee will:

- 2.2.1 Determine individual applications for planning permission and any other application made under planning legislation where:
 - a) It is an application which the Director of Community Services or Planning Applications Manager In consultation with the Chairman or Vice Chairman of the Planning Committee, considers to be of significant public interest;
 - b) It is an application 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 (set out in the Protocol for the Guidance of Planning Committee Members and Officers);
 - c) The application has been submitted by or on behalf of a Member or an Officer of the Council;

- d) It is an application by or on behalf of Thanet District Council;
 - e) It is an application where the officer is recommending the approval not in accordance with the development plan.
- 2.2.2 Refer an application for planning permission to Council if it has or is likely to have a substantial and district-wide impact; or would prejudice the implementation of the development plan.
- 2.2.3 Advise the Council in respect of any proposed development by the Cabinet or a Cabinet Member holding the portfolio of that service, for which the Planning Committee is not prepared to pass the necessary resolution to carry out or authorise such proposed development.
- 2.2.4 Consider annually the scale of fees and charges, and to submit recommendations to the Cabinet or Council as appropriate.
- 2.2.5 Authorise legal proceedings arising out of the exercise of the Committee's delegated powers
- 3. Matters delegated to officers**
- 3.1 The Director of Community Services is authorised to carry out all other Planning and Conservation, and Highways Use and regulation responsibilities, and responsibilities in relation to trees, in accordance with the officer scheme of delegation of functions.

Decision Making Body: Licensing Board

1. Functions:

1.1 The Council's licensing functions are:

- (a) All the responsibilities set out in Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to licensing, registration and gambling.
- (b) The responsibilities set out in Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to making a closure order with respect to take away food shop (see Section 4 of the Local Government (Miscellaneous Provisions) Act 1982).
- (c) The responsibilities set out in Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to making an order identifying a place as a designated public place in connection with police powers about alcohol consumption (see Section 13(2) of the Criminal Justice and Police Act 2001).
- (d) The responsibilities set out in Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to making or revoking an order designating a locality as an alcohol disorder zone (see Section 16 of the Violent Crime Reduction Act 2006).

(e) To carry out all the taxi and private hire and other vehicle licensing responsibilities in Paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000.

1.2 Council sets policies in respect of Licensing and Gambling etc. on the recommendation of Cabinet.

2. Matters specifically delegated to the Licensing Board

2.1 The general responsibilities of the Licensing Committee Board

The Licensing Committee Board will:

2.1.1 Determine and review licence fees and terms and conditions of licences for taxis, private hire vehicles and other vehicles and operators;

2.1.2 Determine applications for taxi and private hire and other vehicle, driver and operator licences, when it has received any objections to the licence, permit or registration;

2.1.3 Determine applications for taxi and private hire and other vehicle, driver and operator licences when the applicant has a conviction and the Director of Community Services has concerns about the nature of the offence; or the applicant or vehicle may be unsuitable for some other reason;

2.1.4 Determine whether to withdraw or suspend licences for taxis and private hire and other vehicles and their drivers and operators Make orders identifying a place as a designated public place in connection with police powers about alcohol consumption;

2.1.5 Make or revoke orders designating a locality as an alcohol disorder zone;

2.1.6 Set the terms and conditions of licences, permits or registrations payable under the Licensing Act 2003;

2.1.7 Set the terms and conditions of licences, permits or registrations in connection with sex shops and sex cinemas;

2.1.8 Set fees for licences and permits issued under the Gambling Act 2005;

2.1.9 Set fees payable in connection with Street Trading;

2.1.10 To determine applications and appropriate conditions of sex entertainment venue licences under schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. with fees to be set by officers.

~~2.1.10~~ 2.1.11 Deal with any matter that is referred to it by an officer.

3. The Licensing Sub-Committee

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- 3.1 The Licensing Board appoints a sub-committee (the Licensing Sub-committee)

The Licensing Sub-Committee will:

- 3.1.1 Decide applications made under the Licensing Act 2003 and Gambling Act 2005 where relevant representations are received within the timescale set out in the Act. When doing this the sub-committee follows the regulations and procedures under the Licensing Act 2003 or the Gambling Act 2005;
- 3.1.2 Decide whether to grant any other type of registration licence or permit when there are objections;
- 3.1.3 Determine all matters set out in section 10 of the Licensing Act 2003;
- 3.1.4 Determine all matters set out in section 154(4)(a) of the Gambling Act 2005;
- 3.1.5 Determine applications for club gaming or club machine permits and cancellation of such permits when there are objections;
- 3.1.6 Determine applications for prize gaming permits when there are police objections or officers would want to refuse them;
- 3.1.7 Set the terms and conditions of licences, permits or registrations and any fees or charges in connection with any of it responsibilities if they are referred to the subcommittee by an officer.
- 3.1.8 Determine anything else which needs a hearing or which cannot legally be delegated to officers.

4. Matters delegated to officers

- 4.1 The Director of Community Services is authorised to carry out all other Licensing, Registration, Gambling and regulation responsibilities, in accordance with the officer scheme of delegation of functions.

Decision Making Body:

Standards Committee

Membership: ~~7 members of the authority (other than the leader), and 4 independent members and 3 parish council representatives~~

Functions:

The role and functions of the Standards Committees are set out in Article 9.

Decision Making Body: Governance and Audit Committee
Membership: 9 members of the authority

| | |
|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Substitute Members Permitted | Yes — only from the list approved by Council, which matches the proportionality of the Committee itself. |
| Political Balance Rules Apply | Yes. |
| Appointments/removals from Office | By resolution of Full Council |
| Restriction on Memberships | None — Membership decided upon by Full Council |
| Restriction on Chairmanship/Vice-Chairmanship | None — Membership decided upon by Full Council |
| Number of ordinary meetings per year | 4 |

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Substitute Members are permitted from the list approved by Council which matched the proportionality of the Committee itself. Membership is decided upon by Full Council.

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Functions:

Audit Activity

- To consider the annual report and opinion of the East Kent Audit Partnership, and a summary of audit activity (actual and proposed) and the level of assurance it can give over the Council’s governance arrangements;
- To approve (but not direct) internal audit’s strategy, plan and monitor performance;
- To consider summaries of specific internal audit reports;
- To consider reports dealing with the management and performance of the providers of internal audit services;
- To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale;
- To consider the external auditor’s annual letter, relevant reports and the report to those charged with governance;
- To consider specific reports as agreed with the external auditor;
- To consider the annual programme of work and associated fees for the External Auditors and provide challenge as appropriate;
- To commission work from internal and external audit as agreed by the Committee.

Regulatory Framework

- To review any governance/financial issue referred to it by the Chief Executive or a Director, or any Council body;
- To monitor the effective development and operation of risk management and governance in the Council;
- To oversee the application of the Council's governance arrangements for partnership activities where the council is the accountable body and/or employer;
- To approve the Council policies on Anti-Bribery, Whistleblowing, Anti-fraud and Corruption and the External Funding Protocol;
- To recommend to Cabinet the council's policy in Equalities (PSED);
- To approve the Authority's Annual Governance Statement;
- To consider the Council's compliance with its approved Treasury Management Strategy;
- To consider the Council's arrangements for governance and agreeing necessary actions to ensure compliance with best practice;
- To consider the Council's arrangements for ensuring adequate Data Quality;
- To consider the Council's compliance with its own and other published standards and controls.

Accounts

- To approve the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statement or from the audit that need to be brought to the attention of the Council;
- To consider the external auditor's report on issues from the audit of the accounts and recommend approval to those charged with governance.

Decision Making Body: **Joint Transportation Board**

Membership: ~~8 members of the authority, the 8 Kent County Council Councillors representing Thanet Constituencies and 1 representative of the Thanet Association of Parish Councils~~

Function:

Terms of Reference:

The JTB will consider:-

- (i) capital and revenue funded works programmes;
- (ii) traffic regulation orders;
- (iii) street management proposals;

and will provide advice on these matters to the relevant Executive as appropriate.

- Be a forum for consultation between KCC and the Council on policies plans and strategies related to highways road traffic and public transport;

- Review the progress and out-turn of works and business performance indicators;
- Recommend and advise on the prioritisation of bids for future programmes of work;
- Receive reports on highways and transportation needs within the district.

Decision Making Body: **General Purposes Committee**

Membership: ~~_____~~ **10 members of the authority**

Functions:

To exercise any function of the Council, which by statute or regulation is a function not to be the responsibility of an authority's executive, and which is not delegated to another committee or reserved to the Council by statute, regulations or the Council's Constitution.

SECTION D. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Responsibility for functions and procedures

1. This section of the Constitution sets out the responsibilities of the Leader and Cabinet.
2. The Leader is responsible for any functions which are not specifically required to be carried out by the Council under regulations.

RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

1. General

- 1.1 All the functions of the Council are executive functions except for:
 - Those listed in Schedule 1 of the Local Authority's (Functions and Responsibilities) (England) Regulations 2000 (as amended); and
 - Those set out in this Constitution as being the responsibility of the Council or a body established by the Council.
- 1.2 Executive functions will be exercised by the Leader except when the matter is dealt with under joint arrangements or delegated to the Cabinet, a committee of Cabinet, an individual Cabinet member or an Officer.
- 1.3 The Leader will discharge both these functions in accordance with the Cabinet procedures and the access to information rules.
- 1.4 The Leader will make sure all necessary steps are taken to prepare the Authority's budget, and those plans and strategies which constitute the Authority's policy framework as set out in Part ? of this Constitution prior to their final approval and adoption by the Council. They will undertake this work in accordance with the budget and policy framework procedure rules.

THE LEADER'S SCHEME OF DELEGATION FOR EXECUTIVE FUNCTIONS

1. Background

- 1.1 The Council has adopted the Leader and Cabinet style of executive arrangements. Under this arrangement all executive functions are vested in the Leader who can then delegate functions as seen fit. This document sets out the delegation of those functions but excludes any decisions that are contrary to the policy framework or budget which must be taken by council.
- 1.2 The Leader is responsible for:
 - appointing members of the Cabinet;
 - delegating executive responsibilities to the Cabinet;

- delegating executive responsibilities to committees carrying out executive functions;
- delegating executive responsibilities to individual Cabinet members;
- allocating executive responsibilities to officers;
- allocating executive responsibilities when no-one has responsibility for them.

1.3 The Leader can at any time take back responsibilities delegated to committees of the Cabinet, an individual Cabinet member or officer, or decide to delegate them on certain conditions. (i.e. The Leader can choose to exercise any powers in the Scheme of Delegation).

1.4 The Leader can also decide to delegate further responsibilities to committees of the Cabinet, individual Cabinet members or to an officer.

1.5 Executive responsibilities are carried out on behalf of the council and in the council's name.

2 Delegations to Cabinet

2.1 The Leader has decided that some executive decisions must be agreed by the Cabinet (set out in section 2.2). These decisions will be taken collectively by all Cabinet members, unless the Cabinet takes a specific decision to delegate that decision to a Cabinet member, committee or officer.

~~2.2 The Leader's delegations to Cabinet and Cabinet members exclude the responsibilities set out in section 5 (East Kent Joint Arrangements Committee).~~

2.2~~3~~ The decisions that must be agreed by the Cabinet are:

Key Decisions

A key decision is an executive decision (taken by Cabinet or by officers on Cabinet's behalf) that is likely:

- To result in the Council spending or saving significantly against the Council's budget; or
- To be significant in terms of the effect on communities living or working in the district, in an area comprising two or more wards. However, decisions that impact on communities living or working in one ward will be treated as "key" if the impact is likely to be ~~very significant~~ major.

To help clarify what should be included as a key decision in this document, Thanet District Council has set the following thresholds:

| Type of Decision | Threshold | Key Decision? |
|---------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| (a) Decisions involving expenditure within relevant budget approved by Council. | None | No, unless significant effect on communities (i.e. it affects two or more wards or has a major impact within one ward) |
| (b) Decisions involving expenditure in excess of relevant budget approved by Council. | Any excess which exceeds the FPR virement rules. | Yes, if above threshold. If at or below threshold, a key decision if significant effect on communities (as above). |
| (c) Decisions on cash flow, investments and borrowings. | None. | No, unless significant effect on communities (as above). |
| (d) Decisions to make savings. | None. | No, unless significant effect on communities (as above). |

3. Areas of Responsibility of Individual Cabinet Members

3.1 The individual members of Cabinet will have responsibility for the functions that are set out in below.

4. Delegations to Cabinet Members

A. General Delegations to all Portfolio Holders

In addition to acting collectively in the Cabinet, each Cabinet Member will have the general role of providing leadership and guidance in respect of all executive functions within the portfolio area for which he or she is accountable and the promoting and improving of the Council's profile and public perception.

In accordance with the Secretary of State's guidance, Cabinet Members should amongst other things:

- (i) ensure that they have sufficient time to focus on broad strategic issues (para 4.21 of the Guidance); and
- (ii) seek advice from relevant officers before taking a decision within his or her own delegated authority; where appropriate this should include taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is a doubt about legal powers (para 4.44 of the Guidance). Any matter within a Cabinet Member's delegated powers may be referred by him or her to Cabinet for decision.

To regularly review the effectiveness of policies and the performance of services and make recommendations for continuous improvement to the Cabinet.

To oversee the capital and revenue budgets in areas of responsibility to ensure expenditure and income is consistent with the Council's agreed budget.

To liaise and work with other portfolio holders on cross cutting areas of responsibility and make recommendations to Cabinet as appropriate. [Note: Any matter relating to more than one portfolio area must be referred by the portfolio holders to Cabinet for decision.]

To oversee the review of fees and charges and recommend changes in line with the Council's agreed budget strategy.

To make or agree recommendations to Cabinet in relation to new policy areas.

To consider and endorse service plans to ensure compliance with the Corporate Plan.

To be accountable to the Cabinet for the implementation of agreed priorities and final recommendations from the Corporate Plan, Service Plans and reviews and to consider and act on reports received from officers monitoring progress.

To authorise the making of applications for planning permission for proposed development relating to the Member's portfolio area.

To make recommendations to Cabinet on bids for additional funding; expenditure; variations to expenditure and the letting of contracts for works; goods and services, in accordance with the Council's Contract Standing Orders. To support individual projects within the Cabinet Member's portfolio area, provided such expenditure is within the overall project budget and above the prevailing virement threshold.

In any case where a matter is urgent and a decision cannot reasonably await the next meeting of the Cabinet and the relevant portfolio holder does not have a general or specific delegated power, the relevant portfolio holder may nevertheless make a decision on behalf of the Cabinet subject (except in the case of the Leader) to prior consultation with the Leader and subject to the decision being reported to Cabinet as soon as practicable. [Note: in the case of a key decision the Access to Information Procedure Rules must still be complied with.]

B. Portfolio - Leader of the Council

As Cabinet Leader

Scope of Portfolio:

To lead and co-ordinate the Cabinet on all major

- Projects;

- Community Leadership initiatives.

Specific Delegated Powers:

1. To deal with matters relating to official, courtesy, foreign or general hospitality and related activities of Members within an approved budget;
2. To approve and lead arrangements for external partnerships;
3. To approve the appointment of Council Members to sit on external Partnership Boards related to regeneration and to monitor their performance in accordance with approved guidance;
4. To nominate a Cabinet Member to act on his or her behalf on a specific project;
5. To recommend to Council and Cabinet (as the case may be) the appointment or nomination of Members to fill vacancies on the Approved Table of Outside Bodies;
6. To exercise any specific delegated power of any Cabinet Member;
7. To represent TDC on the Thanet Health and Wellbeing Board.

C. Deputy Leader of the Council

To act on behalf of the Leader when he or she is absent or unable to act. To work under the Leader's direction on Cabinet Co-ordination and ensure resolution of any inter portfolio issues.

D. Portfolio - Community Services

Scope of Portfolio

To lead policy development and advise the Cabinet on:

1. Community Safety;
2. Events;
3. Cultural and Community Development;
4. Indoor and Outdoor Leisure and recreation, including theatres;
5. Safeguarding Children;
6. Play Areas, Sport and Youth;
7. Partnership with Your Leisure Kent Ltd;
8. Land Charges;
9. Licensing;
10. Environmental Health.

Specific Delegated Powers

1. To represent Council on the Community Safety Partnership Executive Board;
2. To be the Council lead Member regarding the delivery of the Community Safety Partnership Action Plan and regular review of the Plan;
3. To represent Council on the Margate Task Force Board at appropriate meetings;

4. To foster and develop relationships with the tourist industry;
5. To be the Lead Member on initiatives that enhance Thanet District as a tourist destination;
6. To provide Member lead on the quarterly and bi-annual progress reviews of the Tourism Destination Management Plan;
7. To represent Council on the Local Government Association (Rural Commission);
8. To represent Council on the Kent Police & Crime Panel;
9. To represent Council on the British Destinations (AGM, Annual Conference and Executive Meetings);
10. To represent Council on the Margate Town Partnership;
11. To represent Council on the Thanet Sports Network;
12. To represent the Council on Your Leisure, Kent Ltd;
13. To represent the Council on Thanet Health and Wellbeing Board.

E. Housing and Planning

To lead policy development and advise the Cabinet on:

1. Housing Intervention;
2. Private Sector Housing;
3. Housing Needs/Homelessness;
4. Housing Strategy;
5. Client-side East Kent Housing;
6. Building Control;
7. Strategic Planning;
8. Planning Applications;
9. Planning Enforcement;
10. Conservation.

Specific Delegated Powers

1. To approve financial contributions to the development of new affordable housing from the Section 106 reserves;
2. To oversee proposals for new social housing developments delivered through the planning system;
3. To make decisions in respect to waivers in Right to Buy cases;
4. To approve the purchase or sale of additional shares or equity in shared ownership properties;
5. To oversee the arrangements for the management and supervision of all Council owned housing stocks, including repairs, maintenance, improvements, transfers and arrangements for tenant involvement, following appropriate consultation with residents as required by the Housing Acts;
6. To approve the making of demolition and probation orders;
7. To approve the making of CPOs and other measures to deal with empty properties in private ownership;
8. To approve the arrangements regarding appeals in respect of applications for re-housing, the allocation of housing or matters arising from the

enforcement of the Council's conditions of tenancy including the termination of probationary tenancies;

9. To oversee and monitor the performance of EK Housing;
10. To represent the Council in sub-regional and regional areas in respect of the development of planning policy;
11. To oversee the development of Planning Policy including the Local Plan.

F. Portfolio – Corporate Governance Services

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Service improvement and transformation;
2. Communications (including PR, Marketing, Internal Communications and film locations);
3. Customer Access;
4. Information, records and data management and strategy;
5. Procurement and Contracts;
6. Business Support and Compliance (including Corporate Governance);
7. Policy and Business Planning (including Performance Management);
8. IT, Customer Services and HR;
9. Democratic Services;
10. Legal Services.

Specific Delegated Powers:

1. EK Services and EKHRP – management and monitoring of performance of shared services within the portfolio;
2. Input into and endorse as appropriate Press and PR initiatives;
3. Oversee the Council's approach to electoral registration;
4. To agree and table to Cabinet a quarterly performance overview.

G. Portfolio - Financial Services and Estates

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Finance including revenue and capital for general fund and HRA budgets preparation and monitoring;
2. Treasury Management;
3. Insurance;
4. Monitoring and Final Accounts;
5. Income, Payments and Systems Control and Improvement
7. East Kent Audit Partnership;
9. Housing and Council Tax Benefits and Revenues (including Debt Recovery);

10. Property Management (including asset disposal, acquisition and asset management);
11. Commercial Property;
12. Estate management;
13. Media Centre.

Specific Delegated Powers:

1. To approve the write off of debts over £10,000;
2. To receive and to agree a quarterly financial overview on the use of external and Council funding in respect of Council Services;
3. To authorise detailed terms for the acquisition, sale, letting and granting of licences and leases in connection with Council land and property;
4. To authorise the granting of easements, release of covenants, surrenders of leases, assignments or amendments of any terms of approved leases;
5. To oversee the valuation, maintenance, repair and operation of all Council property in accordance with the Asset Management Strategy;
6. To keep under review the Council's land and property requirements through chairing the Asset Management Strategy Group;
7. To approve detailed terms for the acquisition, disposal or management of property and interests therein within the context of the Council's Asset Management Strategy and the current Asset Management Plan;
8. To oversee the valuation, maintenance, repair operation of all Council Property in accordance with the Asset Management Strategy.

H. Portfolio – Operational Services

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Street cleaning;
2. Recycling and Waste collection;
3. Grounds Maintenance;
4. Cemeteries and crematoria, parks and open spaces, Playgrounds, grounds and public toilets;
5. Foreshore and coastal management;
6. Parking and residual highway matters;
7. Allotments;
8. Emergency Planning;
9. Kent Innovation Centre;
- ~~10.~~ ~~1.~~ ~~Media Centre;~~
- ~~11.~~ ~~10.~~ CCTV;
- ~~12.~~ ~~11.~~ Engineering Services;
- ~~13.~~ ~~12.~~ Street Scene Enforcement.

Specific Delegated Powers:

1. To approve following public consultation, all parking orders, taxi rank locations, street management schemes and resident parking schemes;

2. To oversee the implementation of any action in respect of temporary road closures authorised by the Town Police Clauses Act 1847;
3. To consider recommendations from Scrutiny and the Joint Transportation Board on traffic management and transportation matters and make recommendations thereon;
4. To oversee annually a business strategy for harbours which at any time come within the Council's control, to ensure the efficient and effective operation and marketing of those harbours.

I. Portfolio – Regeneration & Enterprise Services

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Regeneration and economic development;
2. East Kent Opportunities Ltd;
3. Thanet Regeneration Board;
4. Harbours;
5. Tourism.

Specific Delegated Powers:

1. To agree such actions as necessary to take full advantage of Assisted Area Status;
2. To foster and develop relationships with inward investors, representatives of the business community;
3. To support initiatives for the promotion of all forms of business and commercial investment in the district;
4. To represent Council on the Thanet Regeneration Board, EKO and EKSDC.
5. To take any necessary executive decisions in respect of major regeneration projects

5. DELEGATIONS TO EAST KENT SERVICES

Certain functions are delegated to East Kent Services see Section F.

6. GENERAL RULES AS TO CABINET DELEGATIONS

- (a) Cabinet can authorise a Cabinet Member, Committee or an Officer to carry out its delegated responsibilities on its behalf;
- (b) A Cabinet Member can authorise a Committee or an Officer to carry out his or her delegated responsibilities on his or her behalf;
- (c) Committee can authorise a Sub-Committee or an Officer to carry out their delegated responsibilities on their behalf;

6.1 DELEGATION TO OFFICERS

- (1) All executive responsibilities except the ones in Sections 2 and 4 above are delegated to the Officers in the corporate and senior management structure (see SECTION E) noting the capital and revenue delegation tables (Appendix ?).

An Officer can only carry out a responsibility if:

- they (or an Officer who reports to them) have budgetary or management responsibility for it; and
- the Constitution or the law does not require it to be carried out by someone else.

Officers' use of delegated powers:

- (2) Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision, or refer the matter to the relevant Committee.

Officers who have had something delegated to them can authorise Officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).

6.2 INTERPRETING THE RULES ON DELEGATION

- (1) When the Leader has delegated a responsibility in this Scheme of Delegation, so is the authority to do anything necessary to carry it out (unless it was forbidden when the responsibility was delegated).
- (2) ~~Examples of this~~ Without prejudice to the generality of (1) above, ~~t~~This includes are the authority to sign all necessary documents, determine applications, authorise payments, authorise prosecutions, implement national agreements, issue and serve statutory and other notices, authorise entry to land in pursuance of statutory powers, and take default actions under relevant legislation if:
- (a) the Constitution or the law does not require the action to be taken by someone else; and
 - (b) the decision maker has had regard to any advice from the Chief Finance Officer and the Monitoring Officer.

6.3 RESPONSIBILITIES NOT COVERED BY THIS SCHEME

If an executive responsibility does not have to be carried out by the Cabinet, an individual Cabinet member or a Committee and no one has budgetary and management responsibility for it, the Leader will arrange for it to be carried out by the Cabinet, a Committee or an Officer.

Signature

Date

Councillor

Leader of Thanet District Council

SECTION E. MANAGEMENT STRUCTURE AND SCHEME OF OFFICER DELEGATIONS

As at the Council Meeting of 25/2/2016

PART A MANAGEMENT STRUCTURE

PART B SCHEME OF DELEGATIONS TO OFFICER

Part A – Management Structure

The Corporate Management Team (CMT) comprises:-

Chief Executive – Madeline Homer

Director of Community Services - Robert Kenyon

Director of Corporate Resources * - Tim Willis

Director of Corporate Governance **– Tim Howes

Director of Operational Services – Gavin Waite

* Chief Financial Officer/Section 151 Officer

** Monitoring Officer

Part B - Scheme of Delegations to Officers

1. Methodology

- 1.1 The Council also delegates the exercise of a number of emergency public health powers to an external officer appointed by Clinical Director of the Health Protection Agency Public Health England.
- 1.2 Where the Scheme of a Delegation relates to specific Acts of Parliament, Regulations and Orders and other exercise of powers made thereunder, 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.
- 1.3 The acts of the Chief Executive, Directors and other named Service Managers under delegated powers shall be deemed to be the acts of the Council.
2. Any decision taken under delegated powers shall be in accordance with any relevant policy approved by the Council and in compliance with the Financial Procedure Rules and Contract Standing Orders. When the exercise of a delegated power includes the incurring of expenditure such action shall be conditional upon the necessary financial provision being included in an approved budget estimate.

Comment [EK1]: <https://www.gov.uk/government/organisations/public-health-england>

Not sure if there is a 'Clinical Director' now or whether this instruction would come from someone else on the management list.

3. Delegation to Officers

- 3.1 Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision, or refer the matter to the relevant committee.

Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).

4. Appointment of Proper Officers:

- 4.1 All members of the senior management structure may act as, or appoint Officers to act as, proper Officers for the purposes of any Act of Parliament or statutory instrument if:
- (a) The Member of the corporate management team or senior management team or one of their staff has budgetary or management responsibility for that function; and
 - (b) The Officer appointed is qualified to carry out the functions of a proper Officer; and
 - (c) The Constitution or the law does not require it to be carried out by someone else.

SECTION F. Arrangements for the Discharge of Functions and Delegations

Comment [NH2]: These rules which were agreed at Full Council on 5.2.15, replace the East Kent arrangements in the current constitution. They are not for debate.

Functions to be Discharged by EKSC on Behalf of the Authorities

Framework and Definitions

1. The functions delegated in this Schedule are associated with the following services which are to be delivered by Canterbury City Council, Dover District Council and Thanet District Council through the East Kent Services Committee:
2. Detailed as below:
 - (a) ICT
 - (b) face to face and contact centre customer services
 - (c) revenues and benefits
 - (d) human resources
3. It is contemplated that the East **Kent** Services Committee will in turn delegate the discharge of these functions to the Director of Collaborative Services and/or the Director of Shared Services or other of their officers.
4. The “Arrangements” means the operating arrangements, Terms of Reference, Committee Procedure Rules and any other minutes or documents for the time being in force by which the East Kent Joint Arrangements Committee is constituted and its powers defined.
5. “Authority” means Canterbury City Council, Dover District Council, or Thanet District Council as the context requires, being the authority on whose behalf the particular powers or functions are being exercised and “Authorities” shall be construed accordingly.
6. “The Committee” means the East Kent Services Committee.
7. “The Department” means as the context requires the East Kent Shared Services department under the Directorship of the Director of Shared Services and or the East Kent Human Resources department under the Directorship of the Director of Collaborate Services.
8. “Scheme of Delegation” means the arrangements for the discharge of functions and delegations set out in this Schedule.

Exercise of Functions

9. The Council’s and the Executives of the Authorities delegate the discharge of the functions set out in this Scheme of Delegations to the East Kent Services

Committee pursuant to all powers contained in or having effect under the Local Government Acts of 1972 and 2000.

10. The exercise of the powers and functions set out in this Schedule shall without prejudice to any specific delegation or authorisation set out, and subject to any express Conditions/Exclusions/Limitations/Notes specified, be taken to include power to do anything incidental or conducive to the discharge of such functions including (by way of example and not by way of limitation) power to do any of the following:
- (a) To appoint or designate any officer as an "authorised officer", "inspector", "person duly authorised" or similar under any of the legislation or functions specified for the purposes of enabling any such person to carry such legislation or functions into effect.
 - (b) To authorise any officer for the purposes of any of the above mentioned legislation or functions.
 - (c) To exercise any power or function conferred by or in connection with the specified legislation or functions to:
 - (i) Require any person to provide any information.
 - (ii) Enter or inspect any land, premises, vehicle or vessel.
 - (iii) Take samples of, seize, test, dispose of, destroy, or otherwise deal with and thing or substance in accordance with the applicable legislation.
 - (iv) Make application for any warrant or order to a court of summary jurisdiction and to execute any such warrant or order taking with him or her any other person as may be authorised.
 - (v) To make or swear any information.
 - (vi) Institute or defend any legal proceedings, and to take all proper steps in the furtherance or compromise of such proceedings (in each case) in consultation with the Solicitor to the Council which may be undertaken in relation to specific cases or in relation to categories of work,.
 - (vii) Execute work.
 - (viii) Sell or dispose of any goods, articles, samples materials or other property (other than land and buildings).
 - (ix) Recover any sums of money due to the Authorities.
 - (x) Authorise any other person to do any of the things mentioned in (i) to (ix) above to the extent permitted by law.

11. The East Kent Services Committee are hereby authorised to discharge on behalf of the Authorities the function of preparing and approving, amending or repealing, any policy, statement, practice note, code of guidance, procedure or similar in connection with the functions hereby delegated and:-
 - (a) Until such time as they have done so any reference in this Part to any policy, procedure, process or similar administrative statement of practice 'of the Authority' shall be interpreted as a reference to the relevant policy, procedure process of similar administrative statement of the relevant Authority in force on 11 February 2015.
 - (b) Any reference in this Part to any policy, procedure, process or similar administrative statement of practice 'of the Authority' shall be interpreted as a reference to the relevant policy, procedure process of similar administrative statement as approved by the former East Kent Joint Arrangements Committee or the East Kent Services Committee (or the relevant Authority) after 11 February 2015.
12. Any reference to any Act, Rule, Order or Regulation shall be taken as including a reference to that Act, Rule, Order or Regulation as re enacted replaced or modified from time to time.
13. References to any statutory provision shall include a reference to any subordinate or secondary legislation made under or taking effect under it from time to time.

Administrative

14. The Committee may only exercise the delegated powers in this schedule in accordance with:-
 - (a) Statutory or other legal requirements, including the principles of public law, the Human Rights Act 1998 (as amended), statutory guidance and statutory codes of practice.
 - (b) The Constitution of the Authority where relevant including standing orders, contract standing orders and financial regulations.
 - (c) The revenue and capital budgets of the Authority, subject to any variation thereof which is permitted by the Authority's Financial Regulations.
 - (d) Consideration of any relevant policy adopted by the Committee.
15. The Committee may not exercise delegated powers where –
 - (a) The matter is reserved to the Authority by the arrangements.
 - (b) The matter is a function which cannot by law be discharged by the Committee.
16. The Committee may not exercise delegated powers in a way which is contrary to the policies and plans approved by or on behalf of the Authority.

17. Where an officer has delegated powers the Committee or sub-committee (as appropriate) the Committee can still exercise that power if it considers that it is appropriate to do so.
18. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the Committee must consult someone else they reasonably consider to be an appropriate substitute consultee if reasonably practicable to do so.
19. The delegations in this Scheme of Delegation include the discharge of both executive and non-executive functions
20. Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment to or re-enactment of the same.
21. Where The Committee has delegated authority to discharge functions by virtue of any other decision by the parties or the absence of the delegation from this Scheme of Delegation shall not prevent the exercise of the delegation.
22. Where the Committee delegates the exercise of any function to an officer of any of the Authorities that officer may nominate another officer or officers to exercise that duty, function or power, provided that the nominated officer(s) report to or is responsible to officer to whom the delegation has been made.
23. Where an officer has delegated authority to discharge functions;
 - (a) By virtue of any other decision of the parties or;
 - (b) Through a specific decision of the Committee, or a sub-committee, either before or after the adoption of this Scheme of Delegation,

The absence of the delegation from this Scheme of Delegation shall not prevent the exercise of the delegation.

Functions Related to the Administration and Management of the Shared Service

Business cases and delivery of services

24. To develop shared service business cases work programmes and projects in relation to the functions which any of the Authorities are minded to delegate to the Committee. ~~{E/C}~~
25. With the assistance if necessary of the appropriate Chief Executive of any of the Authorities to obtain from his or her Authority any information required in preparing a shared service business case. ~~{E/C}~~
26. Once a business case is approved to implement the same and deliver the service as defined therein. ~~{E/C}~~
27. To make arrangements for the management of the Department. ~~{E/C}~~

Financial

28. Acceptance of the lowest tender or bid for the carrying out of works for the committee, the purchase, leasing or hiring of goods, materials and equipment by the committee, or the supply of services to the committee, provided that budget provision is available. ~~[E]~~
29. Authorise Entry into contract documentation following tender/bid acceptance (subject to the provisions of Financial Regulations and Contract Standing Orders of the Authority relating to the execution of contracts under seal). ~~[E/C]~~
30. Authority to negotiate and agree price increases where a contract provides for price increases to be negotiated and agreed by the parties, subject to Contract Standing Orders of the Authority and ensuring sufficient budgetary provision exists. ~~[E/C]~~
31. The assignment or novation of a contract. ~~[E/C]~~
32. The approval of the appointment of or the acceptance of the tender of a sub- contractor or supplier for specialist work or material provided that this does not result in the budget provision for the works as a whole being exceeded. ~~[E/C]~~
33. Virement between heads of expenditure of up to the limit specified in the Authority's Financial Regulations provided that such virement is in accordance with the conditions for virements in such Financial Regulations. [E/C]
34. Provision of reasonable hospitality to representatives of other authorities, visiting a department or premises under the Committees control subject to agreement by the Chief Executives of each of the parties for expenditure in excess of £500. ~~[E]~~
35. To negotiate and agree variations in contracts arising out of statutory requirements subject to adequate budgetary provision being available. ~~[E/C]~~

Shared Services Employees

36. The Authority's empower the Committee to the intent that the Director has the necessary delegated powers to;
 - (a) to determine the establishment and make changes to the establishment of the Department ~~[C]~~
 - (b) to exercise all powers functions and responsibilities in relation to the employment, management and dismissal of staff engaged [C] in the shared services under the terms, conditions, policies and procedures of the Authority. ~~[C]~~

General

37. To publicise the services they provide. ~~[E/C]~~

38. To deal with issues relating to the Commission for Local Administration relevant to the Committee. ~~E/C~~

Delegation of the functions associated with the provision of ICT services, face to face contact centre customer services and benefits and benefits administration.

| Column 1 Legislation/ Function | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| 1. Council Tax | <p>In connection with the administration of the council tax:</p> <p>(a) to determine occupation, to send invoices, grant reliefs, issue penalties, collect income and take all recovery and other administrative steps necessary to collect the council tax in accordance with any statute or statutory regulations and make determinations and exercise discretions as appropriate, except for matters specifically reserved to the Authorities;</p> <p>(b) to administer the Authorities' Council Tax Reductions Schemes in accordance with any statute or statutory regulations and make determinations and exercise discretion as appropriate, except for matters specifically reserved the Authorities;</p> <p>(c) to represent the Billing Authority in any proceedings tribunal or appeals panel dealing with matters of housing benefit or council tax, and in any proceedings relating to the recovery and enforcement of council tax and penalties before the Magistrates and County Court, and to authorise officers of any Authorities who are represented</p> | |

| Column 1 Legislation/ Function | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| | <p>on the East Kent Services Committee to similarly represent the Billing Authority;</p> <p>(d) to undertake interviews under caution, to issue cautions, administrative penalties and authorise prosecutions in accordance with legislation, and the Authorities' prosecution policy and statement on fraud;</p> <p>(e) to administer discretionary housing payments in accordance with legislation and the Authorities' policy;</p> <p>(f) to complete statutory returns in connection with council tax;</p> <p>(g) to serve or withdraw completion notices under Schedule 4a of the Local Government Finance Act 1988 as amended;</p> <p>(h) to determine liable persons, exemptions, discounts, transitional relief schemes, calculate instalments, appoint bailiffs, debt collection agents and process servers, request a statement of case for the opinion of the High Court, attach earnings and income support, impose a charge upon property, commence bankruptcy proceedings, attach allowances, levy distress, impose charges for levying distress, seek insolvency of the debtor or commitment to prison, to request and</p> | |

| Column 1 Legislation/ Function | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| | <p>execute warrants of arrest and exercise any other administrative step for the collection of council tax;</p> <p>(i) to represent the Authorities in the determination of proposals, alterations and appeals for council tax where appropriate;</p> <p>(j) to represent the Billing Authority in requests for administration orders under the County Courts Acts in respect of unpaid council tax;</p> <p>(k) to be responsible for the prevention, detection and prosecution of council tax fraud.</p> | <p>Statutory returns must be authorised by the Section 151 Officer of the Authorities</p> |
| <p>2. Administration of the Housing Benefit Scheme</p> | <p>In connection with the administration of the Housing Benefit Scheme:</p> <p>(a) to be responsible for promoting take up of Housing and Council Tax Support schemes;</p> <p>(b) to grant Housing Benefit (rent allowances and rent rebates) in accordance with any statute or statutory regulations and make determinations and exercise discretion as appropriate, except for matters specifically reserved for the Council and Committees/Executive;</p> | |

| Column 1 Legislation/ Function | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| | <p>(c) to determine and recover overpayments of Housing Benefit including making decisions on the method of recovery;</p> <p>(d) to make determinations and payments in accordance with the Authorities' Discretionary Housing Payments policy;</p> <p>(e) to undertake interviews under caution, to issue cautions, administrative penalties and authorise prosecutions in accordance with legislation, and the Authorities' prosecution policy in respect of Housing Benefits</p> <p>(f) to complete statutory subsidy calculations and returns , and all other statistical returns;</p> <p>(g) to undertake all other administrative processes in connection with the Housing Benefit scheme.</p> | <p>Statutory subsidy calculations and returns must be authorised by the Section 151 Officer of the Authorities</p> |
| <p>3. National Non-Domestic Rate</p> | <p>In connection with the administration of the national non domestic rate:</p> <p>(a) to determine occupation, to send invoices, grant reliefs, collect income</p> | <p>This includes and</p> |

| Column 1 Legislation/ Function | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| | <p>and take all recovery and other administrative steps necessary to collect the national non domestic rate in accordance with any statute or statutory regulations and make determinations and exercise discretions as appropriate, except for matters specifically reserved to the Authorities;</p> <p>(b) to represent the Billing Authority in any proceedings before the Valuation Tribunal, and in any proceedings relating to the recovery and enforcement of national non domestic rate before the Magistrates and County Court, and to authorise officers within the Head of Business and Community Transformation's Division to similarly represent the Billing Authority;</p> <p>(c) to complete statutory returns in respect of national non domestic rate;</p> <p>(d) to serve or withdraw completion notices under Schedule 4a of the Local Government Finance Act 1988 as amended;</p> <p>(e) to determine liable persons, exemptions, transitional relief schemes, calculate instalments, appoint bailiffs, request a statement of case for the opinion of the High Court, impose a charge upon property, levy distress, impose charges for levying distress, seek insolvency of the debtor or commitment to prison or liquidation of</p> | <p>recovering money from Business Improvement Districts.</p> |

| Column 1 Legislation/ Function | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| | <p>companies, to request and execute warrants of arrest and exercise any other administrative step for the collection of national non domestic rate;</p> <p>(f) to represent the Authority in the determination of proposals, alterations and appeals for national non domestic rate where appropriate;</p> <p>(g) to represent the Billing Authority in requests for administration orders under the County Courts Acts in respect of unpaid national non domestic rate;</p> <p>(h) to calculate and pay interest on overpayments of national non domestic rate in accordance with the NDR (Payment of Interest) Regulations 1990;</p> <p>(i) to determine applications under Section 44A of the Local Government Finance Act 1988;</p> <p>(j) to be responsible for the prevention, detection and prosecution of national non domestic rate fraud.</p> | <p>Statutory returns must be approved by the Section 151 Officer of the Authorities</p> |

| Column 1 Legislation/ Function | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. ICT | <p>To provide ICT technical support services to the Authorities including:-</p> <p>network infrastructure both LAN and WAN solutions, hardware infrastructure, internet access and web infrastructure solutions.</p> <p>To provide technical and business advice on ICT solutions and use of technology.</p> <p>To Provide ICT business support services to the Authorities including:-</p> <p>service application system support services including third party supplier liaison, management of corporate data bases, including GIS, quality assurance of data and integration with other business systems.</p> <p>To provide associated procurement administration including all quotations, ordering, invoicing and contract management.</p> | <p>Note: The nature and extent of the activities to be undertaken in connection with the discharge of these functions will be as detailed from time to time in a Service Level Agreement</p> |

| Column 1 Legislation/ Function | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5. Customer Services | <p>To provide 'front of house' contact with the public wishing to make enquiries of the Authorities or to access services in relation to any of its functions whether that contact is made in person, by telephone, by mail or email or the websites of any of the Authorities, including but not limited to</p> <p>(i) Issuing application forms for access to services.</p> <p>(ii) receiving payments due to the Authorities and issuing receipts</p> <p>(iii) providing facilities for the public inspection of documents and the taking of copies thereof</p> <p>(iv) responding to 'low level' customer complaints</p> <p>(v) selling or distributing or issuing any item or thing arising out of the conduct of any undertaking or function of the Authorities</p> <p>Such other activities in connection with the offering of services to the public as may be detailed from time to time in the Service Level Agreements</p> | <p>Note:</p> <p>The activities identified in this paragraph 5 are intended to be either incidental or conducive to the discharge of the functions set out in paragraphs 1 to 4 above or intended to be either incidental or conducive to the discharge of all of the other functions of the Authorities.</p> <p>Limitation:</p> <p>Except as is expressly provided in paragraphs 1 to 4, paragraph 5 does not operate as to confer any power to exercise any substantive function of the Authorities</p> |
| 6. Human Resources | <p>The function of providing a human resource and payroll service in respect of the staff employed by and elected members of the Authorities in accordance with a service level agreement agreed from time to time by the East Kent Services Board on behalf of the Authorities to</p> | <p>The following matters are reserved to the Authorities at the present time:-</p> <p>1. The Regulatory and Investigative Powers Act</p> |

| Column 1 Legislation/ Function | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>include</p> <p>HR SERVICES</p> <p>Strategic HR Advice</p> <p>Provide advice on policy development, Workforce Strategies and other key issues.</p> <p>Attend management team meetings and committee meetings in each of the partner authorities as agreed.</p> <p>Professional HR Advice and Information</p> <p>Case management and day to day ad hoc queries.</p> <p>Learning and Development</p> <p>Provide Corporate and Bespoke Training Service.</p> <p>Recruitment</p> <p>Provide a complete recruitment</p> | <p>2000</p> <p>2. The Employment Practice Code (produced by the Information Commissioner</p> <p>3. The Telecommunications (Lawful Business Practice) Interception of Communications) Regulations 2000</p> <p>4. Save for the provision of advice as directed by the authority, the procedural aspects and decisions to be made leading to the appointment and/or removal of the Head of Paid Service, Monitoring Officer and the Local Government Act 1972 s151 Officer.</p> <p>5. Decisions to be made under s112 of the Local Government Act 1972 (but not the procedural aspects of this power)</p> |

| Column 1 Legislation/ Function | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| | <p>administration support service from advertising to appointment. Advise Managers and respond to queries. Manage the Advertising Agency contract.</p> <p>Pre-employment checks</p> <p>Requesting of employment references, pre-employment health screening, Criminal Record Bureau checks and other checks as relevant to the type of position.</p> <p>Appointment of new employees</p> <p>Production of offer letters and employment contracts and set up of personnel records – both manual file and computerised (HR/Payroll system).</p> <p>Contractual amendments changes</p> <p>Production of contract variations and amendments to personnel record as required – both manual file and computerised (HR/Payroll system)</p> <p>Maintenance of employee records</p> <p>Update employee records in accordance with authorised instructions.</p> | |

| Column 1 Legislation/ Function | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| | <p>Input to Development and Implementation of corporate/directorate policies</p> <p>Contribute to corporate/directorate policies to ensure that requirements and input from HR Shared Services is taken into account. Provide feedback regarding the implication and issues regarding implementation.</p> <p>Sickness and Absence management</p> <p>Provide access to management reports and support for managers on sickness absence.</p> <p>Input sickness absence where self-service is not available.</p> <p>Input all other absence (not sickness) in accordance with authorised instruction for areas where self-service is not available.</p> <p>Support to Restructuring/ change management</p> <p>Provide administrative support and HR advice to restructuring and change management to ensure that all HR issues</p> | |

| Column 1 Legislation/ Function | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| | <p>are properly addressed.</p> <p>Personnel Administration</p> <p>Issue notices and keep records of general correspondence on terms and conditions and pension notifications to groups of the workforce.</p> <p>Termination/Leavers</p> <p>Administration of necessary processes associated with termination of employment as per the agreed process.</p> <p>Advice and Information</p> <p>Respond to day to day ad hoc queries for advice regarding terms and conditions.</p> <p>Consultation Forums</p> <p>Attend the various staff consultation forums in each authority as agreed to provide advice and guidance.</p> <p>Compensation and Benefits</p> | |

| Column 1 Legislation/ Function | Column 2 Brief Description | Column 3 Conditions/ Exclusions Limitations/Notes |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| | <p>Pensions advice and administration including costs for early retirement, exercise of discretions, request for early release of benefits, Je administration, salary sacrifice and other staff benefit schemes.</p> <p>Health and Safety</p> <p>To provide professional day to day advice as necessary to the authorities and when required act as liaison with the HSE.</p> <p>Payroll</p> <p>Manage the delivery of the payroll services.</p> <p>Service to Members</p> <p>Provide a Payroll service and other services as agreed with East Kent Services Board.</p> | |