

## **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 4 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 decisions that must be agreed by the Cabinet are:

### Key Decisions

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

- (i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the district.

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 very significant 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 represent Council on the Kent Police & Crime Panel;
5. To represent Council on the Thanet Sports Network;
6. To represent the Council on Your Leisure, Kent Ltd;
7. 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. CCTV;
11. Engineering Services;
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;
6. To foster and develop relationships with the tourist industry;
7. To be the Lead Member on initiatives that enhance Thanet District as a tourist destination;
8. To provide Member lead on the quarterly and bi-annual progress reviews of the Tourism Destination Management Plan;
9. To represent Council on the Margate Town Partnership.



## **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 management team and the heads of service (see SECTION E) noting any capital and revenue delegation limits.

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) Without prejudice to the generality of (1) above, this includes 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 OFFICERS

## **Part A – Management Structure**

### The Corporate Management Team (CMT)

Chief Executive  
Director of Community Services  
Director of Corporate Resources \*  
Director of Corporate Governance \*\*  
Director of Operational Services

Director of Shared Services

\* Chief Financial Officer/Section 151 Officer

\*\* Monitoring Officer

### The Heads of Service:

#### Community Services

- Head of Safer Neighbourhoods
- Head of Built Environment
- Head of Housing Services
- Head of Economic Development

#### Corporate Resources

- Head of Finance
- Head of Asset Management
- Head of Communications

#### Corporate Governance

- Head of Legal Services
- Committee Services Manager
- Electoral Services Manager

#### Operational Services

- Head of Operational Services
- Technical Services Manager

#### EK Services

- Assistant Director – Customer Delivery
- Business Support Manager
- Head of ICT
- Finance Manager
- Head of Customer Delivery
- Head of Human Resources

## **Part B - Scheme of Delegations to Officers**

### **1.0 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 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.

- 2.0 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.

### **3.0 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).

### **4.0 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.