

Part 3 - Delegation Scheme

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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 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 4 of this constitution;
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 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 give public notice of a casual vacancy;
38. 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);
39. 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.

Decision Making Body: The Cabinet

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.

These functions are delegated in accordance with Section D.

SECTION C – COUNCIL FUNCTIONS CARRIED OUT BY COMMITTEES

Responsibility for Council Functions that are carried out by Committees

Decision Making Body: Planning Committee

1.0 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.

2.0 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 Head of Housing and Planning 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 or on land owned by Thanet District Council or any company of which Thanet District Council is a party;
 - 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
- 3.0 Matters delegated to officers**
- 3.1 The Head of Housing and Planning 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.

2.0 Matters specifically delegated to the Licensing Board

2.1 The general responsibilities of the Licensing Board

The Licensing 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 Safer Neighbourhoods 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.
- 2.1.11 Deal with any matter that is referred to it by an officer.

3.0 The Licensing Sub-Committee

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 its 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.

4.0 Matters delegated to officers

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

5.0 Decision Making Body: Standards Committee

Functions:

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

6.0 Decision Making Body: Governance and Audit Committee

- 6.1 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.

6.2 Functions:

6.3 Audit Activity

- a. 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;
- b. To approve (but not direct) internal audit's strategy, plan and monitor performance;
- c. To consider summaries of specific internal audit reports;
- d. To consider reports dealing with the management and performance of the providers of internal audit services;

- e. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale;
- f. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance;
- g. To consider specific reports as agreed with the external auditor;
- h. To consider the annual programme of work and associated fees for the External Auditors and provide challenge as appropriate;
- i. To commission work from internal and external audit as agreed by the Committee.

6.4 Regulatory Framework

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

6.5 Accounts

- a. 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;
- b. To consider the external auditor's report on issues from the audit of the accounts and recommend approval to those charged with governance.

6.6 Matters delegated to officers

- 6.6.1 The Chief Executive, Director of Corporate Resources and S.151 Officer and Interim Head of Legal and Democracy are authorised to carry out all the Audit, Regulatory and Accounts responsibilities and the other functions of this Committee (for which they are responsible) in accordance with the officer scheme of delegation of functions.

7.0 Decision Making Body: Joint Transportation Board

7.1 Function:

7.2 Terms of Reference:

The JTB will consider:-

1. capital and revenue funded works programmes;
2. traffic regulation orders;
3. street management proposals;

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

- a. Be a forum for consultation between KCC and the Council on policies plans and strategies related to highways road traffic and public transport;
- b. Review the progress and out-turn of works and business performance indicators;
- c. Recommend and advise on the prioritisation of bids for future programmes of work;
- d. Receive reports on highways and transportation needs within the district.

8.0 Decision Making Body: General Purposes Committee

8.1 Functions:

- 8.1.1 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.
- 8.1.2 The General Purposes Committee also has a role in relation to allegations/issues regarding disciplinary matters relating to the statutory officers which it exercises through two sub-committees. In addition the council must appoint an Independent Persons Panel comprising three Independent Persons (IPs) appointed under section 28(7) of the Localism Act 2011 plus one reserve.

9.0 Decision Making Body: Investigation and Disciplinary Sub-Committee

9.1 Functions:

- 9.1.1 To consider allegations /issues regarding disciplinary matters relating to the Head of Paid Service, the S.151 Officer and the Monitoring Officer.
- 9.1.2 To review existing decisions to suspend and to suspend the Head of Paid Service, Monitoring Officer and Section 151 Officer.

9.2 Membership

- 9.2.1 The Investigation and Disciplinary Sub-Committee will be formed from half of the members of the General Purposes Committee. This is subject to compliance with the requirements regarding political proportionality.
- 9.2.2 Members of the sub-committee must have completed mandatory training in respect of the latter function.
- 9.2.3 For consistency, unless unavoidably indisposed or conflicted, once appointed, the same Members shall comprise the sub-committee (and any adjournment of it) over the course of the full consideration of the matter (and any related matter) that it has been convened to consider, until such time as the matter is disposed of.

9.2.4 The sub-committee must include at least one Cabinet Member

10.0 Decision Making Body: Disciplinary Appeals Sub-Committee

10.1 Functions:

10.1.1 To hear and determine appeals brought by the Head of Paid Service, the S.151 Officer and the Monitoring Officer against any decisions made by the Investigation and Disciplinary Sub-Committee to take disciplinary action short of dismissal.

10.1.2 The Disciplinary Appeals Sub-Committee will be formed from half of the members of the General Purposes Committee. This is subject to compliance with the requirements regarding political proportionality.

10.1.3 No Member who was a member of the Investigation and Disciplinary Sub-Committee making the decision which is the subject of the appeal may serve as a member of the Disciplinary Appeals Committee.

10.1.4 Members of the sub-committee must have completed mandatory training.

10.1.5 For consistency, unless unavoidably indisposed or conflicted, once appointed, the same Members shall comprise the sub-committee (and any adjournment of it) over the course of the full consideration of the matter (and any related matter) that it has been convened to consider, until such time as the matter is disposed of.

10.1.6 The sub-committee must include at least one Cabinet Member

11.0 Advisory Body: Independent Persons Panel

11.1 Functions;

11.1.1 To advise the authority on matters relating to the dismissal of the officers designated as the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

11.1.2 The Panel will consist of three Independent Persons (IPs) appointed under section 28(7) of the Localism Act 2011 plus one reserve.

11.1.3 To be appointed in the following priority order:

- a. An Independent Person who has been appointed by the Council and who is on electoral roll in Thanet;
- b. Any other IP appointed by the Council;
- c. An IP who has been appointed by another authority;

11.1.4 Panel members must have completed mandatory training in respect of this function

12.0 Decision Making Body - Grievance Committee

12.1 Functions

12.1.1 To hear grievances raised by and against statutory officers at the formal stage, to make recommendations and to reach a conclusion.

12.1.2 To operate in accordance with the Grievance Policy for Statutory Officers ("The Policy").

12.1.3 The Policy applies to those Statutory Officers whose terms and conditions of employment incorporate the Joint Negotiating Committee (JNC) terms and conditions of employment.

12.1.4 Councillors must not be members of the Investigations and Disciplinary sub-committee (IDSC) or IDSC Appeals sub-committee.

12.2 Delegated powers

12.2.1 The Monitoring Officer, the Chief Executive, the Deputy Monitoring Officer and the Head of Human Resources have delegated authority to deal with the initial filtering of grievances and to act as the Receiving officer in accordance with The Policy. These officers also have delegated authority to deal with the informal stages under The Policy.

13.0 Decision Making Body - Grievance Appeals Committee

13.1 Functions:

13.1.1 To hear appeals against decisions of the Grievance Committee, to make recommendations and to reach a conclusion.

13.1.2 To operate in accordance with the Grievance Policy for Statutory Officers ("The Policy").

13.1.3 The Policy applies to those Statutory Officers whose terms and conditions of employment incorporate the Joint Negotiating Committee (JNC) terms and conditions of employment.

13.1.4 Councillors must not be members of the Grievance Committee

13.1.5 Councillors must not be members of the Investigations and Disciplinary sub-committee (IDSC) or IDSC Appeals sub-committee.

13.2 Delegated powers

13.2.1 The Monitoring Officer, the Chief Executive, the Deputy Monitoring Officer and the Head of Human Resources have delegated authority to provide procedural and technical advice to the Grievance Appeals Committee in accordance with their role as Receiving Officer and in accordance with The Policy.

14.0 Decision Making Body - Appointment Sub-Committee

14.1 Functions

- 14.2 To interview and appoint Officers to the posts at Director level within the Authority, with the exception of the S.151 Officer and the Monitoring Officer.

- 14.3 To interview and make recommendations to the Full Council for the permanent appointment of the Chief Executive as Head of Paid Service; Chief Finance Officer and the Council's Monitoring Officer role, subject to no objections being submitted by the Executive.

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 or by an individual Cabinet member on cabinet's behalf):

- 1) Which is likely to involve the incurring of expenditure, or the making of one-off savings, by the Council, which are anticipated to be £250,000 or more*. The exceptions to this rule being:
 - a) Where approval has previously been received to incur that expenditure by the Cabinet.**
 - b) For the acquisition, enhancement or disposal of land or property with a value of £1m, a new key decision would be needed even if previous generic permission has been received via another key decision.
 - 2) Which is likely to have an annual expenditure of less than £250,000, but has a total contract value over the lifetime of the contract of over £750,000.
- or
- 3) Where the effect would be 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.

*With regard to property leases the £250k value is defined as the letting or taking of a lease with a cumulative rental value in excess of £250k over the first 5 years of the lease.

**Having the budget approved by Council does not mean that an individual has permission to proceed with their project.

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 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 they are 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 their 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 them 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 be consulted by Corporate Directors upon in year changes to fees and charges (including the introduction of new fees and charges)

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. Specific Delegations to Portfolio Holders

Leader Of The Council with Strategy and Transformation Portfolio

1. To approve the appointment of Council Members to sit on external Partnership
2. Boards related to regeneration and to monitor their performance in accordance with approved guidance;
3. To nominate a Cabinet Member to act on their behalf on a specific project;
4. 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;
5. To exercise any specific delegated power of any Cabinet Member;

To lead policy development and advise the Cabinet on:

1. Strategy and Transformation
2. Strategic Planning
3. Planning (Development Control)
4. Port and Harbours
5. Levelling Up and Town Deals Projects

Delegated powers on the following areas within the portfolios of:

Neighbourhoods

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

Corporate Services

1. To approve the write off of debts over £10,000;
2. To authorise terms for the acquisition and sale of property with an estimated value of over £250,000.

C. Deputy Leader of the Council

To act on behalf of the Leader when they are absent or unable to act and may nominate any Cabinet member to deputise for the Leader in the absence of the Leader and Deputy Leader. To work under the Leader's direction on Cabinet co-ordination and ensure resolution of any inter portfolio issues.

D. Portfolio - Regeneration and Property

Scope of Portfolio

To lead policy development and advise the Cabinet on:

1. Regeneration and Growth
2. Property

E. Portfolio - Cleansing and Coastal Services

Scope of Portfolio

To lead policy development and advise the Cabinet on:

1. Cleansing
2. Coastal and Public Realm

F. Portfolio - Corporate Services

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Finance and Procurement
2. Legal and Democracy
3. Human Resources
4. Facilities Management
5. Health and Safety
6. Revenues and Benefits
7. Climate Change

G. Portfolio - Housing

Scope of Portfolio

To lead policy development and advise the Cabinet on:

1. Tenancy Services
2. Housing Options
3. Housing Strategy and Projects
4. Private Sector Housing
5. Housing Capital Developments
6. Armed Forces Champion

H. Portfolio – Neighbourhoods

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Cemeteries and Crematorium
2. Multi-agency services (Margate Task Force)
3. Enforcement services

4. Community safety
5. Regulatory services (Environmental Health/Licensing/Food safety/Air quality)
6. Technical support
7. Parking

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 their delegated responsibilities on their 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 Service Directors (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 18 May 2023

PART A MANAGEMENT STRUCTURE

PART B SCHEME OF DELEGATIONS TO OFFICERS

Part A – Management Structure

The Corporate Management Team (CMT)

Chief Executive
Director of Corporate Resources and S.151 Officer
Director of Environment
Director of Place

The Service Heads:

Chief Executive

- Head of Strategy and Transformation

Director of Corporate Resources and S.151 Officer

- Head of Finance
- Head of Human Resources
- Interim Head of Legal and Democracy & Monitoring Officer

Director of Environment

- Head of Neighbourhoods
- Head of Coastal and Public Realm
- Head of Cleansing

Director of Place

- Head of Property
- Head of Housing and Planning
- Head of Regeneration

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 the 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, Corporate Directors, Heads of Service 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.
- 3.2 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.

SECTION F. Arrangements for the Discharge of Functions and Delegations

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) face to face and contact centre customer services
 - (b) revenues and benefits
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 anything 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 or 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 of 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 the 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.
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.
26. Once a business case is approved to implement the same and deliver the service as defined therein.
27. To make arrangements for the management of the Department.

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.
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).
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.
31. The assignment or novation of a contract.

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.
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.
35. To negotiate and agree variations in contracts arising out of statutory requirements subject to adequate budgetary provision being available.

Shared Services Employees

36. The Authorities 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
 - (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.

General

37. To publicise the services they provide.
38. To deal with issues relating to the Commission for Local Administration relevant to the Committee.

Delegation of the functions associated with the provision of 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 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</p>	

	<p>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 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>	
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	<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 p 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> <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 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>This includes and recovering money from Business Improvement Districts.</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 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>
<p>4. Customer Services</p>	<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>Note: 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</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>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>
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