

## 5. FUNCTIONS DELEGATED TO OFFICERS:

1.	<p>In order to be able to carry out its functions effectively, authority is granted to the following list of officers (subsequently referred to as Chief Officers) to act on behalf of the Council in relation to routine matters of management and administration of their own service areas:</p> <ul style="list-style-type: none"> <li>- Chief Executive</li> <li>- <del>Director-Head</del> of Finance and <del>Transformations</del><u>s151 Officer</u></li> <li>- Director of Central Services &amp; Deputy Chief Executive</li> <li>- Director of Planning, Housing and Environmental Health</li> <li>- Director of Street Scene, Leisure &amp; Technical Services</li> </ul>
1.1	Additionally, authority to act on behalf of the Council is detailed in the following paragraphs and in the specific delegations to Chief Officers.
2.	Chief Officers will exercise their delegated powers subject to the following conditions and reservations:
2.1	If a matter which the Chief Officer would normally deal with under delegated authority is in their opinion likely to give rise to unusual difficulty or controversy, they should refer it for consultation with, or determination by, the Executive, an individual Executive Member or to the appropriate Committee or Sub-Committee.
2.2	In using their delegated authority, Chief Officers must conform with specific instructions of the Council and with the requirements of the Council's Constitution, including the Financial Procedure Rules and the Contracts Procedure Rules.
2.3	Chief Officers shall not incur expenditure for which provision has not been made in the Council's annual estimates or reduce income for which provision has also been made in the estimates. Similarly, expenditure should not be incurred even though provision has been made in the estimates if in doing so, income which was expected is no longer to be received, except in the circumstances set out in 2.4 below:
2.4	(Subject to the agreement of the <del>Director of Finance &amp; Transformation</del> <u>Head of Finance and s151 Officer</u> ) Chief Officers may incur additional expenditure where provision has not been made in the annual estimates subject to the expenditure being anticipated to be wholly offset by additional income and not adversely affecting other areas of the Council's budget.
2.5	Before exercising their delegated powers, Chief Officers shall consult with any other Chief Officers who may be affected by the decision or where they consider that it would be beneficial to do so. In particular where any decision is likely to have financial or legal consequences for the Council, Chief Officers will consult the <del>Director of Finance &amp; Transformation</del> <u>Head of Finance and s151 Officer</u> and the Director of Central Services & Deputy Chief Executive before taking any decision.

2.6	<p>All delegated powers will be exercised in the name of the Chief Officer concerned.</p> <p>A Chief Officer shall designate an appropriate officer to deputise for them during their absence or indisposition and shall notify the Chief Executive, <del>Director of Finance &amp; Transformation</del><u>Head of Finance and s151 Officer</u> and Monitoring Officer of all such authorisations. The Chief Executive shall advise members of any authorisation received.</p> <p>In addition, a Chief Officer may authorise other officers to exercise powers on their behalf, either generally or in respect of specific matters.</p> <p>Each Chief Officer shall maintain a written record of any officers who have been authorised to exercise powers on their behalf, indicating in each case whether such authorisation is made generally or in respect of specific matters.</p>
2.7	<p>Except where specific provision is made by legislation or by resolution of the Council, the Chief Officers are appointed to be the Proper Officers in respect of any legislation falling within the purview of their respective Services.</p> <p>Each Chief Officer shall maintain a written record of their Proper Officer functions and of any officers who have been appointed to deputise for them, indicating in each case whether such appointment is made generally or in respect of specific matters.</p>
3	<p>Where a Chief Officer has a conflict of interest in respect of a particular matter, or in respect of another matter which relates to it, whether arising in a professional or a personal capacity, they shall immediately delegate their responsibilities in respect of that matter to another officer and shall have no further involvement in the matter.</p>
3.1	<p>The officer to whom a matter is delegated under paragraph 3 shall (subject to the provisions of the Council's Constitution) be entitled, in respect of that matter, to exercise all of the functions of the Chief Officer.</p>
3.2	<p>Where a Chief Officer makes such a delegation, written notice will be given to the Chief Executive, to the <del>Director of Finance &amp; Transformation</del><u>Head of Finance and s151 Officer</u>, to the Monitoring Officer and to the officer to whom the delegation has been made. The Monitoring Officer shall keep a permanent record of such delegations.</p>
<b>Note:</b>	
C	Delegations marked 'C' are delegated by Council
E	Delegations marked 'E' are delegated by the Executive
C/E	Delegations marked 'C/E' are delegated by both Council and the Executive

## All Chief Officers

CO 100	<p>To recruit staff within the establishment of their Services and to appoint temporary staff, subject to concurrence of Management Team.</p> <p>Permanent appointments are to be within the established salary of the post and otherwise in accordance with good personnel practice. All advertisements to be placed through the Director of Central Services &amp; Deputy Chief Executive.</p>	E
CO 101	In consultation with the Director of Central Services & Deputy Chief Executive, to authorise in appropriate cases the payment of relocation and removal expenses to applicants appointed to posts with the Council, in accordance with the Council's Relocation Assistance Scheme and Mortgage Subsidy Scheme.	E
CO 102	In consultation with the Director of Central Services & Deputy Chief Executive, to approve absences and expenditure for staff training including attendance at conferences in accordance with the Council's scheme.	E
CO 103	In consultation with the Director of Central Services & Deputy Chief Executive, to authorise payment of professional fees in accordance with the Council's scheme.	E
CO 104	To approve payment of merit increments to staff passing the whole or a defined part of an examination or attaining a full professional qualification relative to their training and employment or for exceptional performance of duties.	E
CO 105	Subject to Management Team approval, to allocate car allowances and/or leased car facilities to members of staff required to use their own car on official business.	E
CO 106	Provision and renewal of plant and equipment, provided that it is included in annual estimates or Capital Plan.	E
CO 107	Subject to concurrence of the <del>Director of Finance &amp; Transformation</del> <u>Head of Finance and s151 Officer</u> , to approve departures from the approved schedule of renewals to a limit of £20,000 where urgent operational circumstances dictate that it is appropriate to do so.	E

CO 108	To purchase items of information systems and technology not exceeding £5,000, subject to:  (a) consultation with IT Manager; (b) purchase being in accordance with the agreed strategy policy and standards; and (c) within the Chief Officer's budget allocation	E
CO 109	To deal with all matters related to pension entitlements on transfer to other duties; early retirement on grounds of ill health or as a result of redundancy; or as otherwise prescribed by the Pensions Legislation and Regulations or other termination by reason of redundancy; and to provide certificates and authorisations on behalf of the Borough Council. Ill health retirements for employees with salaries in excess of £30,000 may only be granted in consultation with the <del>Director of Finance &amp; Transformation</del> <u>Head of Finance and s151 Officer</u> and Director of Central Services & Deputy Chief Executive.	E
CO 110	Subject to approval of Management Team, to vary the internal progression requirements of career grade.	E
CO 111	Subject to approval of Management Team, to award honoraria in respect of exceptional performance.	E
CO 112	To authorise overtime, shift and other payments as appropriate.	E
CO 113	To serve requisitions for information under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of matters falling within their Service areas.	E
CO 114	To appoint officers within their respective services as 'Authorised Officers' for the purposes of any legislation falling within the Borough Council (subject to ensuring that the officer(s) for the specific purpose(s) in question are qualified and have had appropriate training to effectively discharge the function).	E

## Chief Executive

CEX 100	To review and administer the Council's scheme for the allocation and control of car allowances to Council employees.	E
CEX 101	To determine whether posts falling vacant should be eligible for a car allowance.	E
CEX 102	To determine re-gradings for non-M grade staff of not more than one grade providing such re-grading does not take the post into the M grades.	E
CEX 103	<p>To have control of the Council's Building Repairs Reserve and to manage its Expenditure Plan in accordance with Council policy.</p> <p>Management for this purpose includes the redirection of resources within the current Expenditure Plan total and provision for specific premises shall not be treated as individual budget items.</p>	E
CEX 104	<p>To co-ordinate the discharge of the Council's duties in respect of the following policies and strategies:</p> <ul style="list-style-type: none"> <li>- community planning under the Local Government Act 1999;</li> <li>- economic development under the Local Government Act 1972;</li> <li>- community safety under the Crime and Disorder Act 1998</li> </ul>	C
CEX 105	<p>In consultation with the Chairman of General Purposes Committee to award partnership supplements of between 3% and 10% of the salary of any officer employed by the Council in partnership working with another authority taking into account the following factors:</p> <ul style="list-style-type: none"> <li>- the savings being achieved from the partnership opportunity;</li> <li>- any additional responsibilities the officer has;</li> <li>- any additional pressures put upon the officer as a result of the partnership opportunity; and</li> <li>- the number of staff the officer supervises.</li> </ul>	E
CEX 106	<p>To determine any request for</p> <p>(a) A listing review of a community nomination decision;</p> <p>(b) A review of a compensation decision</p> <p>Under the Assets of Community Value provisions contained in Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.</p>	E

CEX 107	To authorise a compensation payment (in consultation with the Cabinet Member for Finance, <a href="#">Innovation Waste &amp; Property Technical Services</a> ).	E
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#### **Chief Executive or their nominated Deputy**

CEX 200	To exercise any of the powers as delegated to any other Chief Officer.	E
CEX 201	To commit the Council to expenditure under section 138 of the Local Government Act 1972 (power of principal councils) with regard to emergencies or disasters.	E
CEX 202	To determine claims for ex-gratia payments not exceeding £350 in respect of damage to or loss of clothing or personal possessions used in the course of Council duty.	E
CEX 203	In accordance with <a href="#">Part 3 (5) Functions Delegated to Officers, paragraph 2.6</a> the Chief Executive is required to appoint an appropriate officer to deputise in <del>her</del> <u>their</u> absence. As of 14 February 2019, the Director of Central Services has been designated as the formal deputy to the Chief Executive for all matters relating to the role of Chief Executive, Head of Paid Service, Director of Executive Services and Returning Officer and is authorised to exercise all powers on behalf of the Chief Executive in their absence.	

**Director-Head of Finance and Transformationss151 Officer**

DFT 100	In respect of rating, council tax, council tax support, housing benefits and discretionary housing payments, to decide those matters that, because of policy or other considerations, are required to be dealt with by the Cabinet.	E
DFT 101	<b>Local Government Finance Act 1988</b>	
	Schedule 11: To represent the Council (the Charging Authority) at the hearings of appeals before valuation Tribunals and to authorise other officers to appear on their behalf.	E
DFT 102	<b>Local Government Finance Act 1988 (National Non-Domestic Rating) sections 43, 44, 44A, 45 &amp; 46:</b>	
	<p>To determine the liability of a ratepayer to non-domestic rate in any given financial year</p> <ul style="list-style-type: none"> <li>- section 4: To determine entitlement to mandatory relief</li> <li>- section 55: To alter, amend or otherwise maintain a rating list as directed by the Valuation Officer</li> <li>- section 57: To determine entitlement to transitional relief</li> <li>- section 62: To administer, collect and recover national non-domestic rate</li> </ul>	E
DFT 103	To determine any application rate relief, where the circumstances of the application fall within any guidelines laid down by the Executive and a grant of relief is in accordance with the views of local Members and any relevant parish council.	E
DFT 104	To determine applications for housing benefit, council tax support and discretionary housing payments.	E
DFT 105	To carry out any other function ancillary to, or consequential from matters relating to rating, council tax, council tax benefits, housing benefits and discretionary housing payments that have been delegated to the <u>Director of Finance &amp; Transformation</u> Head of Finance and s151 Officer.	E
DFT 106	To be authorised to appear on behalf of the Council before a Magistrates' Court in order to make applications, prosecute or defend (as the case may be) any proceedings under the Non-Domestic Rating (Collection & Enforcement) (Local List) Regulations 1989 and the Council Tax (Administration & Enforcement) Regulations 1992.	E

DFT 107	To authorise suitably qualified officers of the Council to appear on behalf of the Council before a Magistrates' Court to make applications, prosecute or defend in respect of the above matters.	E
DFT 108	To make premature repayments of local loans, subject to an appropriate premium to make good any loss the Council may sustain.	E
DFT 109	To write off amounts due to the Council up to and including £5000, subject to compliance with the Council's Financial Procedure Rules (set out in Part 4 – Rules) and any other conditions determined by the Council.	E
DFT 110	To pay annual contributions and subscriptions to all organisations as agreed by the Council and included in the approved estimates.	E
DFT 111	To undertake matters relating to treasury management subject to compliance with the Council's Treasury Management Strategy Statement and Annual Investment Strategy.	E
DFT 112	In consultation with the Chief Executive, to determine and administer gratuities in accordance with the Council's Scheme under the Superannuation Act 1972 and any Regulations made thereunder.	E
DFT 113	To administer the Council's insurances and amend the level of cover provided by the Council's policies as considered appropriate.	E
DFT 114	<b>Local Government Finance Act 1992 (Council Tax)</b>  To undertake any function (not being a matter of policy) that may from time to time require action in respect of the levying, collection and recovery of council tax including those items mentioned below:	E
	<b>section 2:</b> To determine liability to pay council tax	E
	<b>section 10:</b> To determine the basic amount of council tax payable by a liable person	E
	<b>section 11:</b> To determine discounts	E
	<b>section 13:</b> To determine reduced amounts, ie, council tax support and reductions because of disability and to deal with any appeals arising from such determinations	E
	<b>section 14:</b> To administer, collect and recover council tax, including the levying of civil penalties and registration of charges at HM Land registry to secure repayment	E



	<b>section 16:</b> To represent the Council at the hearing of appeals before valuation tribunals and to authorise other officers to appear on their behalf	E
	<b>section 17:</b> To serve completion notices and to take such further action as is necessary with regard to completion notices	E
	<b>section 31B:</b> to determine the Council Tax base	E
	<b>sections 64 and 68:</b> To supply information to the Secretary of State on behalf of the Council	E

## Director of Central Services and Deputy Chief Executive

1	Property	
DCS 100	To manage the Council's property portfolio in accordance with the Council's adopted Asset Management Plan.	E
DCS 101	To obtain specialist advice and to instruct contractors to carry out minor works of maintenance and improvement within existing budgetary provision.	E
DCS 102	The day to day management, maintenance and improvement of all land and property not falling within the purview of any other Chief Officer, including specifically offices, depots, commercial and industrial holdings and vacant land and premises.	E
DCS 103	To grant wayleaves across Council-owned land at market value and determine applications to position service wires, cables or conduits under land owned by the Council.	E
DCS 104	To approve terms for acquisition of land and property included in a confirmed compulsory purchase order where notice to treat has been served.	E
DCS 105	To approve terms for granting leases and licences five years or less for land or premises owned by the Council.	E
DCS 106	To institute proceedings for possession of Council properties on account of arrears of payment and/or breaches of covenants/conditions/agreements.	E
DCS 107	To submit applications for planning permission (and any subsequent approvals required) in respect of schemes for development:  (a) by the Borough Council; or (b) relating to land or buildings to be disposed of which have received approval by or on behalf of the Council	E
DCS 108	To give consent to the assignment of existing leases and under-leases of Council-owned property, subject to the usual enquiries concerning the assignee being satisfactory and to the usual conditions and/or undertakings.	E
DCS 109	To negotiate terms for all land and property transactions.	E
DCS 110	To complete all property transactions which have been authorised by Members.	E

DCS 111	To object to rating proposals by the Valuation Officer in respect of Council-owned property.	E
DCS 112	To agree rent reviews at market value following professional valuation.	E
DCS 113	To determine applications for occasional use of Council-owned property not falling within the purview of any other Chief Officer.	E
DCS 114	To agree terms for disposal of repossessed properties and to arrange for the disposal thereof at the best price reasonably obtainable.	E
DCS 115	To determine any applications for compensation under the Assets of Community Value provisions contained in Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.	E
DCS 116	To approve indemnities to Building Societies in the appropriate model form in respect of applications to Building Societies either under the referral scheme or under local arrangements meeting the requirements of the Council's own direct lending scheme.	E
DCS 117	To approve application by mortgagors for their property to be occupied temporarily, for not more than three years, by persons other than members of their immediate family.	E
DCS 118	In respect of any property in a confirmed Compulsory Purchase Area where it is the Council's intention to proceed with the Order to do all or any of the following things:  (a) to serve notice to treat; (b) to complete the purchase in accordance with the appropriate valuer's valuation; and (c) to serve notices of entry	E
<b>2</b>	<b>Personnel</b>	
DCS 200	To prepare and update list of politically sensitive posts under section 2(2) Local Government & Housing Act 1989 and take steps arising from provisions of sections 1 to 3 of the Act.	E
DCS 201	To make minor alterations to the agreement with other Councils in relation to protection of children arrangements.	E
DCS 202	In consultation with the <u>Director of Finance &amp; Transformation Head of Finance and s151 Officer</u> , to vary charges for dealing with above arrangements as a result of inflation or operational changes.	E

3	Court Proceedings		
DCS 300	To bring any civil or criminal proceedings on any matter and in any court or tribunal (including bringing any appeal) on behalf of the Council, subject to consultation with the relevant Chief Officer(s).	C/E	
DCS 301	To seek Counsel's Opinion and to give instructions to Counsel.	C/E	
DCS 302	To defend, settle withdraw or compromise any legal proceedings brought by or against the Council in any Court.	C/E	
DCS 303	To appear as a third party in any legal proceedings.	C/E	
DCS 304	To appear on behalf of the Council in any Court, inquiry or hearing.	C/E	
DCS 305	To serve requisitions for information under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or any other statutory power of the Council in respect of matters falling within the area of any Service.	E	
4	Land Charges		
DCS 400	As Registrar of Local Land Charges, to exercise all of the Council's functions relating to Land Charges including all functions under the Local Land Charges Acts 1972 and 1975 and any related legislation.	E	
5	Equalities		
DCS 500	To be responsible for the Council's duties under the Equality Act 2010.	E	
6	Standards		
DCS 600	In consultation with the Independent Person(s) and Chair and Vice-Chair(s) of the Joint Standards Committee to grant dispensations to Members pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct to speak only or to speak and vote where:  (a) so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business; or  (b) without a dispensation, no member of the Cabinet would be able to participate on a particular item of business.	C	

DCS 601	<p>In cases of urgency, in consultation with the Independent Person(s) and Chair and Vice-Chair(s) of the Joint Standards Committee to grant dispensations to Members pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct to speak only or to speak and vote where:</p> <p>(a) without a dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;</p> <p>(b) the granting of the dispensation is in the interests of persons living in the authority's area; or</p> <p>(c) it is otherwise appropriate to grant a dispensation</p>	C
DCS 602	Appointed to receive complaints relating to alleged breaches of the adopted Code of Conduct and to process complaints in accordance with the adopted Arrangements for dealing with Code of Conduct complaints.	C
<b>7</b>	<b>General Licensing</b>	
DCS 700	<p>To exercise all of the Council's functions with regard to</p> <ul style="list-style-type: none"> <li>- Charitable collections (including house to house and street collections)</li> <li>- Classification of films</li> <li>- Hypnotism</li> <li>- Lotteries</li> <li>- Minibuses</li> <li>- Pleasure boats/ vessels and boatmen</li> <li>- Pavement licences</li> <li>- Scrap metal licensing</li> <li>- Sex establishments</li> <li>- Street trading</li> </ul> <p>This authority shall include power to grant or refuse applications for licences, registrations, consents and permits under the applicable legislation.</p>	C
DCS 701	<p>To exercise all of the Council's functions with regard to the welfare of animals including:</p> <ul style="list-style-type: none"> <li>- Animal boarding</li> <li>- Animal trainers and exhibitors</li> <li>- Dangerous wild animals</li> <li>- Dog breeding and welfare</li> <li>- Game</li> <li>- Pet shops</li> <li>- Riding establishments</li> <li>- Zoos</li> </ul>	C

	This authority shall include power to grant or refuse applications for licences, registrations, consents and permits under the applicable legislation.	
<b>8</b>	<b>Hackney Carriage and Private Hire Licensing</b>	
DCS 800	To exercise all of the Council's functions with regard to the licensing of Hackney Carriage vehicles and drivers and Private Hire vehicles drivers and operators. This authority shall include power to grant or refuse applications for licences under the applicable legislation.	C
DCS 801	To permit departures from the standard licence conditions in respect of specific hackney carriages or private hire vehicles in circumstances where it is considered appropriate to do so.	C
DCS 802	<p>To take all enforcement action including the power to suspend/ revoke:</p> <p>(a) vehicle licences (b) drivers' licences (c) operators' licences</p> <p>Under the Local Government (Miscellaneous Provisions) Act 1976, including where the suspension is to have immediate effect.</p>	C
DCS 803	To lodge objections with the Licensing Authority for applications for Goods Vehicle Operators licences under the Goods Vehicles (Licensing of Operators) Act 1995 and to appear at public inquiries to present the Council's case.	C
<b>9</b>	<b>Planning and Engineering</b>	
DCS 900	To make temporary traffic restriction orders in respect of roads under the Town Police Clauses Act 1847.	E
DCS 901	To make orders under section 14 of the Road Traffic Regulation Act 1984 (temporary closures of public paths).	E
DCS 902	To make draft Traffic Regulation Orders and confirm them where no adverse representations have been received.	E
DCS 903	To issue/ serve notices under the Highways Act 1980.	E
DCS 904	To make and confirm directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.	E

DCS 905	To issue/ serve notices and requisitions for information under the Planning Acts*  <i>* For the purposes of this power, "Planning Acts" means the Town &amp; Country Planning Act 1990, Planning (Listed Building and Conservation Areas) Act 1990 and any other statute or statutory instrument conferring powers upon a council in its capacity as local planning authority</i>	C
DCS 906	To deal with, and complete, agreements under section 106 of the Town and Country Planning Act 1990 on behalf of the Council.	C
DCS 907	To appoint professional consultants to give evidence at public local plan and all appeal inquiries under the Town and Country Planning Acts 1990.	C
DCS 908	To exercise the Council's functions in relation to the naming and numbering of streets and properties (including the service of notices under the County of Kent Act 1981).	C
DCS 909	To enter into agreements under section 38 of the Highways Act 1980 in respect of new street works.	E
DCS 910	To agree to the vesting in the Council of sewers and roads subject to section 38 Agreements that have been completed to the satisfaction of the Director of Planning, Housing and Environmental Health.	E
DCS 911	To declare the adoption of roads and sewerage systems and vest the asset in the Authority.	E
DCS 912	To issue approvals for the erection of buildings over public sewers under section 18 of the Buildings Act 1984.	E
DCS 913	To serve notices under the provisions of the Land Drainage Act 1991.	E
<b>10</b>	<b>Public Rights of Way</b>	
DCS 1000	To manage the Council's functions in respect of public rights of way, including the Countryside and Rights of Way Act 2000, including:  <ul style="list-style-type: none"> <li>- the provision of advice</li> <li>- dealing with consultations</li> <li>- making Orders</li> </ul>	E
DCS 1001	To maintain and display a copy of the Definitive Map, to facilitate public access to this information and to respond to enquiries from the public regarding public rights of way issues.	E

DCS 1002	To exercise all of the Council's functions in respect of town and village greens, including the submission of responses to the Commons Registration Authority to any applications to register land within the Council's ownership as a town or village green.		
<b>11</b>	<b>Alcohol, Entertainments and -Gambling Licensing</b>		
DCS 1100	To exercise the Council's functions with regard to the Licensing Act 2003 (as amended) and any regulations made under that Act as set out below:		C
1100.01	Application for personal licence	If no objection made	
1100.02	Application for premises licence/club premises certificate	If no relevant representation made	
1100.03	Application for provisional statement	If no relevant representation made	
1100.04	Application to vary premises licence/club premises certificate	If no relevant representation made	
1100.05	Application to vary designated premises supervisor	If no police representation made	
1100.06	Request to be removed as designated premises supervisor	All cases	
1100.07	Application for transfer of premises licence	If no police representation made	
1100.08	Applications for interim authorities	If no police representation made	
1100.09	Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.	All cases (after consultation with the Chairman, where appropriate)	
1100.10	To give written notice that the Council will accept a plan of other than standard scale	All cases	
DCS 1101	To exercise the Council's functions with regard to the Gambling Act 2005 (as amended) and any regulations made under that Act as set out below:		C
1101.01	Application for premises licence	If no relevant representation made	
1101.02	Application for provisional statement	If no relevant representation made	



1101.03	Application to vary premises licence/club premises certificate	If no relevant representation made
1101.04	Application for transfer of premises licence	If no police representation made
1101.05	Applications for interim authorities	If no police representation made
1101.06	Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.	All cases (after consultation with the Chairman, where appropriate)
1101.07	To give written notice that the Council will accept a plan of other than standard scale	All cases
<b>12</b>	<b>Data Protection</b>	
DCS 1200	To deal with notification matters under the Data Protection Act 1998.	E
<b>13</b>	<b>Anti-Social Behaviour</b>	
DCS 1300	To exercise all functions of the Council under and in connection with the Anti-Social Behaviour, Crime and Policing Act 2014, including any orders or regulations made thereunder.	E
DCS 1301	To authorise injunction proceedings in respect of anti-social behaviour under section 2(1)(b) or (c) of the Anti-Social Behaviour, Crime and Policing Act 2014.	
DCS 1302	To make Public Spaces Protection Orders.	

## Director of Planning, Housing and Environmental Health

1	Planning Applications and Development Control		
DPHEH 100	To exercise all functions of the Council as a local planning authority (save in respect of plan making) and in particular to determine any application under the Planning Acts (including any prior or subsequent approvals) provided that:		C
	(i) the exercise of such powers does not involve departing from the adopted plans and policies forming part of the statutory Development Plan ( save as specified below)*		
	(ii) cases where there is a balance to be made between diverging and significant policy considerations shall be referred to the relevant Area Planning Committee		
	(iii) in the event of a recommendation by the Director of Planning, Housing and Environmental Health of any application which, in the opinion of the Director of Central Services & Deputy Chief Executive, might lead to an adverse judicial finding, award of costs against or to the payment of compensation by the Council, such application shall be referred to the relevant Area Planning Committee		
	(iv) Member for the relevant Ward in which the application site falls may require that the application be determined by the relevant Area Planning Committee provided that:  (a) The request is made within 21 days of notification of the application to the Member; and  (b) The request must include reasoned justification on proper planning grounds as agreed by the Director of Planning, Housing and Environmental Health, subject to the prior approval of the relevant Area Planning Committee Chair.		
*Paragraph DPHEH100(i) shall not apply to the following categories of development:			
(a)	Householder development as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 or such later Order amending, repealing or re-enacting those provisions.		
(b)	Minor alterations to petrol filling stations and garages (eg forecourt layouts, pump islands, underground fuel storage tanks and forecourt canopies).		
(c)	Development in connection with agricultural operations as defined by Section 336 of the Town and Country Planning Act 1990.		

(d)	Equestrian related development.	
(e)	Minor operations as described in the Town and Country Planning (General Permitted Development) Order 2015 (or such later Order amending, repealing or re-enacting those provisions) but requiring express grant of planning permission by the Council.	
(f)	Applications and notifications under the Planning Acts for the felling, topping or lopping of trees. The call-in provision under DPHEH 100(iv) does not apply to such applications and notifications.	
For the purposes of this power, "Planning Acts" means the Town & Country Planning Act 1990, Planning (Listed Building and Conservation Areas) Act 1990 and any other statute or statutory instrument conferring powers upon a council in its capacity as local planning authority to determine applications for any form of consent, approval or determination relating to the built environment.		
100.01	to respond to formal consultations by statutory bodies on any matter relating to the Director of Planning, Housing and Environmental Health's service areas and development proposals by Government Departments.	C
100.02	to respond to consultations before the grant of planning permission) by the Kent County Council, by neighbouring planning authorities, by the Secretary of State or government departments.	C
DPHEH 101	To issue Certificates of Alternative Development under the provision of the Land Compensation Act 1961.	C
DPHEH 102	To determine applications for Hazardous Substances Consents under the Hazardous Substances Act 1990 subject to provisos (i), (ii) and (iii) in DPHEH 100 above.	C
DPHEH 103	To deal with all notifications relating to hedgerows, including under Section 75 Environment Act 1995 and Hedgerow Regulations 1997.	C
DPHEH 104	To authorise the service of Hedgerow Retention Notices in all cases except where the Director of Planning, Housing and Environmental Health proposes to permit the hedgerow to be removed contrary to adverse representations raising material considerations which shall be referred to the relevant Area Planning Committee.	C
DPHEH 105	To determine applications under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges.	C

DPHEH 106	To exercise all of the Council's powers in relation to the Self Build and Custom Housebuilding Register, including any set out in the Self Build and Custom Housebuilding Act 2015 and any regulations made thereunder.	
<b>2</b>	<b>Building Control</b>	
DPHEH 200	To approve or reject applications and to determine appropriate fees payable under the Building (Prescribed Fees) Regulations 1994 and associated sections of the Building Act 1984.	C
DPHEH 201	To act in an emergency in respect of dangerous buildings pursuant to section 78 of the Building Act 1984.	E
DPHEH 202	To issue building regulation completion certificates.	E
DPHEH 203	To approve or reject applications for relaxation or dispensation of building regulations within their specified terms of reference including those under Parts B and L and Schedule 2 to the Building Regulations 1991; and also internal raised storage platforms, covered ways and porches adjacent to boundaries, and as required by sections 51 and 53 of the County of Kent Act 1981.	C
DPHEH 204	To fix or extend a period in respect of a building erected of short-life materials under section 19 of the Building Act 1984.	C
DPHEH 205	To approve or reject plans for industrial buildings under the Thermal Insulation (Industrial Buildings) Act 1975.	C
DPHEH 206	To deal with applications for building over sewers under section 18 of the Building Act 1984.	C
<b>3</b>	<b>Environmental Protection and Food Safety</b>	
DPHEH 300	<p>To exercise the Council's functions with respect to:</p> <ul style="list-style-type: none"> <li>- food safety</li> <li>- health and safety</li> <li>- environmental protection and public health (including the control of pollution and management of air quality)</li> <li>- animal welfare</li> <li>- dangerous dogs</li> <li>- housing</li> </ul> <p>and to inspect the Borough and research as necessary the need for services and to plan and implement programmes and appropriate action as allowed by the following scheme of delegations.</p>	C/E

DPHEH 301	section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (provision of sanitary appliances at places of entertainment).	E
DPHEH 302	sections 59, 60, 61, 64, 65, 66, and 70 (drainage and related provisions), sections 76 and 79 (defective premises) and section 84 (yards and passages) of the Building Act 1984 and Schedule 27 to the Water Act 1989.	E
DPHEH 303	To exercise the Council's functions under the Private Water Supplies Regulations 2009 and Water Consolidation (Consequential Provisions) Act 1991.	E
DPHEH 304	To notify the water undertakers of any insufficiency or unwholesomeness found in water supplies within the Borough.	E
DPHEH 305	Pursuant to the following provisions of the Local Government (Miscellaneous Provisions) Act 1982 (as amended): <ul style="list-style-type: none"> <li>- sections 13 to 17 (registration of persons and premises in connection with acupuncture, tattooing, ear-piercing and electrolysis)</li> <li>- sections 29 and 30 (protection of buildings) including service of notices</li> </ul>	C
DPHEH 306	To determine applications for prior consent for work on construction sites pursuant to section 61 of the Control of Pollution Act 1974 and to: <ul style="list-style-type: none"> <li>- attach any conditions to a consent;</li> <li>- limit or qualify a consent to allow for any change in circumstances;</li> <li>- limit the duration of a consent;</li> <li>- to publish notice of a consent pursuant to section 61 if considered appropriate</li> </ul>	E
DPHEH 307	Pursuant to the following provisions of the County of Kent Act 1981: <ul style="list-style-type: none"> <li>- section 14 (Dust, etc, from Building Operations)</li> <li>- section 15 (Power to order alteration of chimneys)</li> <li>- section 19 (Registration of hairdressers and barbers)</li> <li>- section 21 (Registration of eating houses)</li> <li>- section 23 (Registration of houseboats)</li> <li>- section 80 (Control of brown tail moth)</li> </ul>	E
DPHEH 308	To act on behalf of the Council as enforcing authority under the Control of Asbestos Regulations 2012.	E

DPHEH 309	In accordance with the provisions of Health & Safety (Enforcing Authority) Regulations 1989 agree any transfer of enforcement responsibility made between the Health and Safety Executive and this authority and vice versa.	E
DPHEH 310	To act on behalf of the Council in respect of all duties and powers under the provisions of the Sunday Trading Act 1994.	E
DPHEH 311	To register:	
	- food premises pursuant to EC Regulation No 852/2004	E
	- premises under paragraph 5 of schedule 1 to the Sunday Trading Act 1994	C
DPHEH 312	To review Approved Premises status in respect of businesses producing foods of animal origin EC Regulation No 853/2004.	E
DPHEH 313	To approve arrangements under Section 33 Local Government (Miscellaneous Provisions) Act 1976 relating to the restoration or continuation of supply of water, gas and electricity to domestic premises.	E
<b>4</b>	<b>Housing</b>	
DPHEH 400	To determine applications and make payments in respect of statutory housing compensation payments.	E
DPHEH 401	To deal with requests for accommodation under Part VII of the Housing Act 1996.	E
DPHEH 402	To prioritise applicants for the statutory housing register and make nominations on behalf of the Council.	E
DPHEH 403	To make all necessary arrangements to rehouse the occupants of properties represented as being unfit and where formal proceedings have been taken for the closure or demolition of the building.	E
DPHEH 404	To nominate applications for alternative accommodation in cases supported by the Agricultural Dwelling House Advisory Committee and make appropriate arrangements.	E
DPHEH 405	Determine applications for Rent in Advance and Deposit Bonds in accordance with the policies adopted by the Council.	E
DPHEH 406	Authority to determine applications for house renovation grants under Part I of the Housing Grants Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.	E

DPHEH 407	To determine applications for waiver of repayment of grant and to seek repayment in appropriate circumstances.	E
DPHEH 408	To respond to consultations in appropriate circumstances on matters relating to the Council's environmental health and housing functions.	E
DPHEH 409	To express the Council's priorities for investment through the Housing Corporation Approved Development Programme.	E
To serve relevant statutory notices in respect of the following matters and to take all consequent actions rising therefrom:		
DPHEH 410	Under Part VI of the Housing Act 1996: <ul style="list-style-type: none"> <li>- requiring repair of unfit houses;</li> <li>- repair of houses in need of substantial repair;</li> <li>- houses the condition of which materially interferes with the comfort and wellbeing of the occupants</li> </ul>	E
DPHEH 411	Under Part XI of the Housing Act 1985 requiring works to houses in multiple occupation	E
DPHEH 412	Under Part X of the Housing Act 1985 to abate overcrowding in dwelling houses	E
DPHEH 413	In respect of housing disrepair under section 80 of the Environmental Protection Act 1990	E
DPHEH 414	In relation to closets or sanitary conveniences pursuant to sections 45, 51 or 52 of the Public Health Act 1936	E
DPHEH 415	To remedy conditions in filthy and verminous premises pursuant to section 83 Public Health Act 1936	E
DPHEH 416	To enter into management agreements for the use of private sector properties for social housing purposes.	E
DPHEH 417	To authorise payment of reinstatement grants for defective housing under Part XVI of the Housing Act 1985.	E
DPHEH 418	To issue certificates of fitness under Section 310 of the Housing Act 1985.	E
DPHEH 419	To determine closing Orders where properties are made fit under section 278 of the Housing Act 1985.	E
DPHEH 420	To waive Home Improvement Agency fees.	E

DPHEH 421	To determine applications for hardship fund grants.	E
DPHEH 422	To exercise all of the Council's functions with regard to the licensing of Houses in Multiple Occupation.	C
DPHEH 423	To exercise all of the Council's functions with regard to the licensing and registration of mobile home sites including but not limited to the exercise of powers under the Caravan Sites and Control of Development Act 1960 and the Public Health Act 1936.	C
<b>5</b>	<b>Miscellaneous Functions</b>	
DPHEH 500	To deal with consultations under the Pastoral Measure 1968.	C
DPHEH 501	To approve applications for grants or loans under the Planning (Listed Buildings and Conservation Areas) Act 1990 and to administer Shop Fronts and Target Building Grants.	E
DPHEH 502	To provide a consultancy service to public and other bodies as defined by the Local Authorities (Goods and Services) Act 1970 and its Regulations.	E
DPHEH 503	To appoint professional consultants to advise Council on the specialist implications of planning applications, development briefs and master plans.	E
DPHEH 504	To determine whether details of siting, etc, for proposals to erect farm or forestry buildings in AONB and conservation areas be required as part of planning applications therefor.	E
DPHEH 505	To make representations to the Licensing Authority in connection with applications/ notices under the Licensing Act 2003.	E
DPHEH 506	To apply to the Licensing Authority for a review of a premises licence/ club premises certificate under the Licensing Act 2003.	E
DPHEH 507	To exercise all functions of the Council in respect of contaminated land.	E
DPHEH 508	To deal with all aspects of the cessation of noise from intruder alarms whether under section 77 of the Clean Neighbourhoods and Environment Act 2005, Noise Act 1996 or any other enactment, including the issue of Fixed Penalty Notices.	E



DPHEH 509	To exercise all functions of the Council relating to the welfare of animals, whether under the Animal Welfare Act 2006 or any other enactment, including the power to appoint Inspectors for the purposes mentioned in the Act and to recover any costs expended in accordance with the Act.	E
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## Director of Street Scene, Leisure and Technical Services

1	Waste and Street Scene		
DSSLT 100	<p>To exercise the Council's functions with respect to street scene services, including:</p> <ul style="list-style-type: none"><li>- cleaning of streets, open spaces and public conveniences</li><li>- collection of household and commercial waste</li><li>- recycling</li><li>- the control of littering, fly-tipping and dog fouling</li><li>- abandoned vehicles</li><li>- stray dogs and dog control</li><li>- pest control</li></ul>	C/E	
DSSLT 101	To authorise the provision and location of litter & dog waste bins.	E	
DSSLT 102	To deal with all aspects of the removal of waste from land and the recovery of costs whenever practicable.	E	
DSSLT 103	To issue Fixed Penalty Notices under the Environmental Protection Act 1990.	E	
DSSLT 104	To respond to consultations in appropriate circumstances on matters relating to the Council's waste and street scene functions.	E	
DSSLT 105	To deal with all aspects of the removal of graffiti under the Anti-Social Behaviour Act 2003 including the issue of Fixed Penalty Notices and the recovery of costs for works carried out in default.	E	
DSSLT 106	To take all necessary action to initiate proceedings and issue Fixed Penalty Notices in respect of offences under the following legislation, including the power to seize vehicles under the Control of Pollution Act 1989 and the Environmental Protection Act 1990.	E	
DSSLT 107	Powers under Environmental Protection Act 1990.	E	
DSSLT 108	Powers under Refuse Disposal (Amenity) Act 1978	E	
DSSLT 109	Powers under Anti-Social Behaviour, Crime & Policing Act 2014.	E	
DSSLT 110	Powers under Clean Neighbourhoods & Environment Act 2005.	E	
DSSLT 111	To deal with all aspects of the removal of waste from land and the recovery of costs whenever practicable.	E	

2	Leisure Services		
DSSLT 200	To exercise the Council's functions with respect to Leisure Services, including: <ul style="list-style-type: none"><li>- managing the relationship with the Leisure Trust</li><li>- managing public open spaces that fall within Council ownership</li><li>- managing events on our Public Open Spaces</li><li>- managing the cemetery functions</li></ul>	C	
DSSLT 201	To determine the closure of leisure facilities as a result of public holidays, emergencies, etc	E	
DSSLT 202	To make discounts, refunds and concessions to approved fees and charges in response to market demand and opportunity.	E	
DSSLT 203	To agree changes in operational management and programming by relevant contractors in respect of all leisure facilities and services.		
DSSLT 204	To deal with commercial and contractual initiatives and arrangements to positively enhance the financial performance of facilities in accordance with market demand and in liaison with relevant contractors.	E	
DSSLT 205	To deal with all detailed matters relating to licensing arrangements for facilities as appropriate.	E	
DSSLT 206	To deal with applications of Tonbridge Angels Football Club for use of Longmead Stadium under terms of lease.	E	
DSSLT 207	To issue grants of exclusive rights of burial in Tonbridge Cemetery or certificates of ownership or transfers of ownership.	E	
DSSLT 208	To submit applications for grant aid to external funding bodies.	E	
DSSLT 209	To take all such action as may be necessary for the protection of wildlife under Part I of the Wildlife and Countryside Act 1981.	E	
DSSLT 210	To approve events on Borough Council owned public open space.		
3	Technical Services		
DSSLT 300	To exercise the Council's functions with respect to Technical Services and Parking.	C	

DSSLT 301	To authorise the use of the Council's car parks for uses other than car parking by non-commercial/charitable organisations.	
DSSLT 302	To confirm the siting of seats and bus shelters.	
DSSLT 303	To take all necessary action in accordance with regulations to secure the removal of cars parked in contravention of regulations.	
DSSLT 304	To waiver in appropriate circumstances payment of excess charges in all of the Borough Council's car parks and the issue of passes for such car parks.	
DSSLT 305	To take appropriate actions including issuing of notices, approve applications and undertake (and recharge) appropriate works under relevant sections of the Highways Acts 1980 and Road Traffic Regulation Act 1984.	
DSSLT 306	To issue residents' and business permits in Preferential or Residents Parking Schemes and monitor their use.	E
DSSLT 307	To exercise all the Council's functions under the provisions of the Land Drainage Act 1991 (excluding service of notices).	C
DSSLT 308	To deal with commercial and contractual initiatives and arrangements to positively enhance the financial performance of facilities in accordance with market demand in liaison with relevant contractors.	
DSSLT 309	To initiate suitable traffic orders for the maintenance of long-term price stability.	
DSSLT 310	To examine, refine, accept and seek tenders in respect of schemes currently approved by the Council for inclusion in the Council's Capital Programme and to adjust priorities for schemes in the light of constraints or releases governing the activity programme.	
DSSLT 311	To issue Fixed Penalty Notices and to take all necessary action to institute proceedings in respect of offences under the Clean Neighbourhoods and Environment Act 2005.	
DSSLT 312	To authorise temporary road closures for charitable/civic events.	
DSSLT 313	To suspend on-road and off-road parking bays and other parking restrictions.	
DSSLT 314	To exercise all powers in connection with installation of Street Signage.	

DSSLT 315	To take all necessary action in relation to Emergency Planning, including but not limited to the exercise of powers contained in the Civil Contingencies Act 2004.	
DSSLT 316	To maintain traffic regulation orders in good order.	
DSSLT 317	To represent the Council at Parking Adjudication appeals.	
<b>4</b>	<b>Engineering and Works Functions</b>	
DSSLT 400	To exercise the Council's functions under the New Roads & Street Works Act 1991.	C
DSSLT 401	Reduction of bonds in respect of Agreements under section 38 of the Highways Act 1980 together with the issue of certificates of satisfactory completions for the purpose of adoptions under the relevant agreements.	
DSSLT 402	In respect of overhanging trees and hedges, to serve informal notices only.	
DSSLT 403	To give or refuse consent for buildings in front of the building line under section 74 of the Highways Act 1980.	
DSSLT 404	To consent to the erection of flagpoles, etc, in highways for display of decorations pursuant to section 144 of the Highways Act 1980.	
DSSLT 405	To issue licences in agency area for gantries, scaffolding or other structures over a highway during building works under section 169 of the Highways Act 1980.	
DSSLT 406	To issue notices and to take appropriate action in relation to dangerous trees and dangerous excavations under sections 23 to 26 of the Local Government (Miscellaneous Provisions) Act 1976.	
DSSLT 407	To issue notices and to take appropriate action in relation to the removal of structures from highways pursuant to section 143 of the Highways Act 1980.	
DSSLT 408	To serve notices and take action under section 184 of the Highways Act 1980 (vehicle crossings over foot ways and verges).	
DSSLT 409	To determine appropriate client operational issues in respect of contracted-out services as approved by the Cabinet.	
DSSLT 410	To issue Fixed Penalty Notices and to take all necessary action to institute proceedings in respect of offences under the Clean Neighbourhoods and Environment Act 2005.	

DSSLT 411	To take all action to initiate proceedings in respect of offences under the Anti-social Behaviour Act 2003 including the issue of Fixed Penalty Notices under section 43.	
DSSLT 412	To deal with all aspects of the removal of graffiti and fly-posting under the Anti-social Behaviour Act 2003 including the issue of graffiti and/or fly-posting removal notices under section 48 and the recovery of costs for works carried out in default.	

**Policy, Scrutiny and Communities Manager**

PSCM 100	To determine any community nomination under the Assets of Community Value provisions contained in Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.	E
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