

## CONSTITUTION

### SCHEME OF DELEGATIONS – PART 3 OF THE CONSTITUTION (RESPONSIBILITIES)

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**RESPONSIBILITY FOR FUNCTIONS – INTRODUCTION**

<p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 give effect to Section 13 of the Local Government Act 2000 by specifying which functions:</p>	
(a)	<p>must not be the responsibility of the Executive ('Council functions');</p>
(b)	<p>may (but need not) be the responsibility of the Executive ('local choice functions');</p>
(c)	<p>are to some extent the responsibility of the Executive ('shared functions')</p>
<p>The following sections set out how each of these three kinds of function will be discharged:</p> <ul style="list-style-type: none"> <li>- Responsibility for Executive Functions</li> <li>- Responsibility for Local Choice Functions</li> <li>- Responsibility for Shared Functions</li> </ul> <p>Unless reserved to the Council by law, or allocated to the Council under (b) or (c) above, all other functions are to be the responsibility of the Executive. This is a statutory requirement under section 13 of the Local Government Act 2000.</p>	



## RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

<p>All functions other than those listed as 'Council Functions' (set out later in Part 3) will be the responsibility of the executive. Under Section 15(2) of the Local Government Act 2000, the Council may make provision that specific executive functions shall be allocated to, and discharged by:</p>	
(a)	the executive as a whole
(b)	any individual member of the executive
(c)	a committee of the executive
(d)	any officer of the Council
<p>At the current time no executive functions have been delegated to committees of the executive, any other authority, or any joint committee. All executive functions will be discharged by the executive as a whole, by members of the Executive in accordance with the Rules set out in Part 4 of the Constitution, or have been delegated to officers of the Council, as set out in the 'Functions Delegated to Officers' (set out later in Part 3).</p>	
<p>The main functions of the executive are to:</p>	
(i)	formulate, monitor and review the budget and policy framework, following appropriate consultation, for adoption or approval by Council;
(ii)	take in-year decisions on resources and priorities; deliver and implement the approved budget and policy framework (except in relation to 'Council functions');
(iii)	take 'key decisions' on matters identified in the Notice of Forthcoming Key Decisions;
(iv)	lead the community planning process, taking measures to promote the economic, social and environmental well-being of the borough;
(v)	respond to recommendations and reports from the Council, Overview and Scrutiny Committee, the Monitoring Officer and Chief Finance Officer;
(vi)	form partnerships with public, private, voluntary and community sector organisations.
<p>The Executive Procedure Rules, and Rules for the making of decisions by Executive Members, are set out in Part 4 of the Constitution.</p>	



## PORTFOLIOS OF CABINET MEMBERS

### **Cabinet Member for Community Services**

- Events
- Community Workers
- Community Safety Partnership
- Diversity, Equality and Inclusion
- Safeguarding
- Indoor Leisure
- Outdoor Leisure
- Public Open Spaces
- Tonbridge Castle
- Customer Services
- Voluntary Sector Liaison
- Community Grant Schemes
- Complaints Policy

### **Cabinet Member for Planning**

- Development Management
- Planning Enforcement
- Planning Policy
- Local Plan
- Conservation and Heritage

### **Cabinet Member for Finance, Waste and Technical Services**

- Financial Strategy
- Revenues and Benefits
- Council tax and Business Rates collection
- Procurement
- IT and Transformation
- Information governance
- Waste Contract
- Recycling
- Litter
- Street cleansing
- Graffiti Removal
- Abandoned Cars
- Bin collections
- Parking Action Plan
- Parking Policy
- Parking Enforcement
- Parking Reviews
- On-Street Parking
- Traffic Regulation Orders
- Technical Services

**Cabinet Member for Housing, Environment and Economy**

- Environmental Health
- Food and Safety
- Air Quality
- Control of dogs (inc. dog warden)
- Pest Control
- Health including 'One You' team
- Housing Strategy
- Housing Allocations
- Housing Register
- Housing Improvement
- Housing Standards
- Housing Assistance schemes
- Empty Homes
- Caravan site licensing
- Houses in Multiple Occupation
- Trees on Council owned land
- Climate Change
- Business Engagement
- Economic Regeneration
- Inward Investment
- Property leases, acquisitions and disposals

**Cabinet Member for Infrastructure and Tonbridge Regeneration**

- Redevelopment within Tonbridge Town Centre
- Tonbridge Farm
- Section 106 agreements
- Active Travel Strategy
- Public transport
- Highway improvement and traffic management schemes
- Drainage control and flood prevention
- Emergency Planning
- Building Control

## PANELS TO ADVISE THE EXECUTIVE

The Council has adopted the following scheme for Panels:	
1.	The rules set out in Part 4 (Council and Committee Procedure Rules) of the Constitution shall, so far as applicable, apply to the advisory panels, save that meetings of the bodies marked ‘[‘Private’] in the tables shall not be subject to the Access to Information Procedure Rules.
2.	Advisory panels may be chaired by a member of the Executive and their purpose is to advise the Executive in connection with specific projects or to act as liaison bodies with other organisations and partners.
3.	(a) The following tables set out the titles, terms of reference and membership of the advisory panels.
	(b) Except where otherwise indicated, the membership of the advisory panels shall be politically balanced.
4.	(a) The advisory panels marked [P] in the table will be programmed to meet at least twice per year.
	(b) The advisory panels marked [NP] in the table will not be programmed to meet, but meetings will be convened as and when necessary for the efficient discharge of business. It will be for the Leader to determine if a meeting is necessary in consultation with the Chair of the relevant advisory panel.
	(c) Where a matter falls to be reported to an advisory panel for which meetings are not programmed the matter may, with the concurrence of the chair of the advisory panel concerned, be reported to a meeting of an appropriate programmed advisory panel or board.

**Table 1: Advisory Panels**

<b>Title:</b>	Parish Partnership Panel [P]
<b>Membership:</b>	13 Members; not politically balanced.
<b>Quorum:</b>	N/A
<b>Terms of Reference:</b>	A vehicle for the exchange of information, consultation and a structured dialogue between the Borough Council and the parish councils in the Borough.

<b>Title:</b>	Tonbridge Community Forum (previously Tonbridge Forum) [P]
<b>Membership:</b>	14 Members representing Tonbridge wards*; not politically balanced.  * Cage Green & Angel, Higham, Hildenborough, Judd, Trench and Vauxhall
<b>Quorum:</b>	N/A
<b>Terms of Reference:</b>	A vehicle for the exchange of information, consultation and a structured dialogue between the Borough Council and those Tonbridge-based organisations with a shared interest in enhancing the well-being of the town through the identification of problems and joint working towards solutions.

**Table 2: Other Member Groups**

Title	Terms of reference	Membership
Housing Associations Liaison Panel [NP] 'Private'	Liaison with housing providers as necessary	5 Members, including the Executive Member for Housing as Chair
Joint Employee Consultative Committee [NP] 'Private'	<p>To promote the closest understanding and co-operation between the Council and its employees, through their representatives.</p> <p>To provide a systematic means of communication between the Council and its employees, through their representatives.</p> <p>To give employees, through their representatives, the opportunity to discuss and express views about Council decisions which affect them.</p>	Membership and Chair determined in accordance with the JECC Constitution
<p>Joint Transportation Board [P]</p> <p><u>Quorum</u>: 4 Members of the Board (comprising 2 Borough and 2 County Members)</p>	<p>To advise the KCC Executive on:</p> <ul style="list-style-type: none"> <li>- capital and revenue funded works programmes within limits set by the KCC Executive</li> <li>- the Highway Unit's Annual Business Plan</li> </ul> <p>To advise the TMBC Executive on:</p> <ul style="list-style-type: none"> <li>- Any decisions to be taken by the Executive in relation to functions delegated to TMBC under the agreement</li> <li>- Parking orders, taxi rank locations and street management schemes (management schemes do not include street trading consents)</li> </ul> <p>And to:</p>	Membership and Chair alternating between KCC and TMBC

	<ul style="list-style-type: none"><li>- review the progress and out-turn of works programmes</li><li>- review the performance of Kent Highway Services in the Borough</li><li>- be a forum for consultation between KCC and TMBC on policies, plans and strategies related to highways, road traffic and public transport</li></ul>	
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## RESPONSIBILITY FOR COUNCIL FUNCTIONS

### Committees – Membership and Terms of Reference

The Council may make arrangements under Section 101 of the Local Government Act 1972 for the discharge of any of its functions by:	
(a)	A committee;
(b)	A sub-committee;
(c)	A joint committee;
(d)	Another local authority;
(e)	An officer
The following functions will be the responsibility of the Council itself, but will be delegated to committees or sub-committees, as specified. A number of the functions set out here are further delegated to officers of the Council.	

<b>1.</b>	<b>Area Planning Committees</b>	
<b>Size and Membership:</b>		
Area 1 Planning Committee	To consist of the members elected for the following wards:  Cage Green & Angel; Higham; Hildenborough; Judd; Trench; and Vauxhall  (Total – 14 members)	
Area 2 Planning Committee	To consist of the members elected for the following wards:  Birling, Leybourne & Ryarsh; Borough Green & Platt; Bourne; East Peckham, West Peckham, Mereworth and Wateringbury; Kings Hill; East Malling, West Malling & Offham; Pilgrims with Ightham  (Total – 16 members)	

Area 3 Planning Committee	<p>To consist of the members elected for the following wards:</p> <p>Aylesford North &amp; North Downs; Aylesford South &amp; Ditton; Larkfield; Snodland East &amp; Ham Hill; Snodland West &amp; Holborough Lakes; and Walderslade</p> <p>(Total – 14 members)</p>	
<p>For the avoidance of doubt, a member of the Executive may serve on an area planning committee if eligible to do so as a councillor</p> <p>(Quorum: 4 Members of the individual Planning Committee)</p>		
<p><b>Terms of Reference:</b></p>		
<p>Each Area Planning Committee has been appointed to make decisions on planning applications and related matters and exercise all functions of the Council as the Local Planning Authority relating to their respective wards as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except where recommended for approval in fundamental conflict with the plans and strategies which together comprise the Development Plan.</p> <p>Where a Committee rejects a recommendation to approve, or is minded to refuse, an application which is recommended for approval by the Director of Planning, Housing and Regulatory Services on grounds which the Director does not consider can be substantiated at appeal, the matter shall be deferred to the next meeting of the Committee to enable the Director of Central Services &amp; Deputy Chief Executive to submit an independent report to the Committee on the possibility of costs being awarded against the Council. If the Director of Central Services &amp; Deputy Chief Executives report indicates that there is likely to be a risk of significant costs being awarded against the Borough Council and the Committee resolves to refuse the application that decision will be a recommendation only and the matter shall be submitted to Council for resolution.</p> <p>These functions shall include (but are not restricted to):</p>		
1.	Applications for planning permission under the Town and Country Planning Act 1990 ("the 1990 Act")	
2.	Applications for consent to the cutting down, topping, lopping or destruction of trees.	
3.	Applications for determination under Sections 191 and 192 of the 1990 Act.	
4.	Applications for listed building and conservation area consent under the Planning (Listed Buildings and Conservation Areas) Act 1990.	

5.	Applications for consent under regulations Sections 220 and 221 of the 1990 Act to display advertisements.	
6.	Applications for consent under regulations under Sections 220 and 221 of the 1990 Act to display advertisements.	
7.	Applications for approvals required by a development order or by conditions imposed on the grant of planning permission and applications for determination as to whether prior approvals are required.	
8.	To authorise the issue of Building Preservation Notices pursuant to Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Except in cases where the Director of Planning, Housing and Regulatory Services and Director of Central Services & Deputy Chief Executive consider there may be a liability for payment of compensation
9.	To exercise powers in relation to the service of enforcement notices under Parts VII and VIII of the Town and Country Planning Act 1990 and to take all further steps up to and including prosecution.	
10.	To exercise powers in relation to the service of Planning Contravention Notices under section 171C of the Town and Country Planning Act 1990 and to take all further steps up to and including prosecution.	
11.	To exercise powers in relation to the service of Breach of Condition Notices under section 187A of the Town and Country Planning Act 1990 and to take all further steps up to and including prosecution.	

12.	To exercise powers in relation to the service of Stop Notices under Parts VII and VIII of the Town and Country Planning Act 1990	Except in cases where the Director of Planning, Housing and Regulatory Services and Director of Central Services & Deputy Chief Executive consider there may be a liability for payment of compensation
13.	To exercise powers in relation to the service of Listed Building Enforcement Notices under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to take all further steps up to and including prosecution.	
14.	Orders for modification or revocation of planning permissions.	Where served with the agreement of the owner
15.	To authorise the issue of Completion Notices under Section 94 Town and Country Planning Act 1990.	
16.	To resolve to serve Article 4 Directions under the Town and Country Planning (General Permitted Development) Order 1995.	
17.	To confirm Directions made under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995	Where objections are received
18.	To deal with objections to tree preservation orders and to determine whether orders shall be confirmed.	
19.	The approval or disapproval of plans for the laying-out of new streets and erection of buildings under the Building Act 1984 and the Building Regulations 1991.	
20.	To exercise the Council's powers under Section 36 of the Building Act 1984 (power to require the removal or alteration of work not in conformity with the building regulations or executed notwithstanding the rejection of plans)	
21.	To make recommendations on Local Plans and Development Briefs and to approve Development Briefs where they are produced pursuant to the requirements of a planning permission.	

22.	To submit views on behalf of the District Planning Authority in relation to the consultations under the Pastoral Measure 1968.	
23.	To consider and approve for consultation purposes Draft Conservation Areas	Formal designation of Conservation Areas reserved to Council
24.	Under the Hedgerows Regulations 1997:	
(a)	to deal with notifications under Section 75 of the Environment Act 1995 and the Regulations and to authorise the service of Hedgerow Retention Notices; and	
(b)	to exercise powers in relation to the service of notices requiring the replanting of important hedgerows under Section 75 of the Environment Act 1995 and the Regulations.	
<b>Highways Use and Regulation</b>		
25.	Each Area Planning Committee shall also exercise the functions of the Council relating to the regulation of the use of highways, as set out in Schedule 1 to the Functions Regulations	

<b>2.</b>	<b>Audit Committee</b>
<b>Size and Membership:</b>	
To consist of seven members and it shall be politically balanced, none of whom may be a member of the Executive.  (Quorum: 3 Members of the Committee)	
<b>Terms of Reference:</b>	
The Committee shall provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes. By overseeing internal and external audit it makes an important contribution to ensuring that effective assurance arrangements are in place. It shall also provide independent assurance on the effectiveness of the control environment, including arrangements for value for money and countering fraud.  The functions of the committee shall include:	
1.	To consider the Chief Audit Executive annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
2.	To consider summaries of specific internal audit reports as requested.
3.	To consider reports dealing with the management and performance of the providers of internal audit services.
4.	To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
5.	To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
6.	To consider initially general and specific audit reports from the successors to the Audit Commission, the External Auditor and the Head of Finance and s151 Officer, to make recommendations to Council for future action and to monitor the Council's implementation of those recommendations.
7.	To consider specific reports as agreed with the external auditor
8.	To comment on the scope and depth of external audit work and to ensure it gives value for money
9.	To oversee the appointment of the Council's external auditor.

10.	To commission work from internal and external audit.
11.	To monitor the effective development and operation of risk management and corporate governance in the Council.
12.	To monitor council policies on 'Raising Concerns at Work' and the Anti-Fraud and Anti-Corruption Strategy and the Council's complaints procedure.
13.	To oversee the production of the authority's statement on internal control and to recommend its adoption.
14.	To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
15.	Effectiveness of the control environment including arrangements for value for money and countering fraud.
<b>Corporate Governance Framework</b>	
16.	To maintain an overview of the Council's Constitution in respect of Contract Procedure Rules, Financial Procedure Rules and Codes of Conduct and behaviour.
17.	To review any issue referred to it by the Chief Executive or a Chief Officer or any Council body.
18.	To consider the Council's compliance with its own and other published standards and controls.
<b>Accounts</b>	
19.	To review and 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 statements or from the audit that need to be brought to the attention of the Council.
20.	To consider the external auditor's report to those charged with governance on issue arising from the audit of the accounts.
<b>Treasury Management</b>	
21.	To consider reports on Treasury Management Activity and the formulation of the Treasury Management and Annual Investment Strategy

<b>3.</b>	<b>General Purposes Committee</b>
<b>Size and Membership:</b>	
To consist of 11 members and it shall be politically balanced  (Quorum: 4 Members of the Committee)	
<b>Terms of Reference:</b>	
<ul style="list-style-type: none"> <li>- Byelaws</li> <li>- Elections</li> <li>- Employment</li> <li>- Health and Safety</li> <li>- Local or Personal Bills</li> <li>- Miscellaneous Functions</li> <li>- Name and Status of areas and individuals</li> <li>- Pensions</li> <li>- Standards</li> </ul>	
The functions of the committee shall include:	
1.	To deal with all matters relating to Parliamentary, Local Elections and Parish Council Elections (in consultation with the Parish Council), electoral registration and representation including all matters in respect of Constituency, Borough, ward and parish boundaries.
2.	To deal with all matters relating to byelaws, including the power to make, amend and revoke such byelaws (where those matters are not dealt with by any other committee).
3.	To advise the Council upon the exercise of its powers to promote or oppose local or personal Bills.
4.	To consider any request to change the name of a town or parish within the Borough and to make recommendations to Council.
5.	To discharge all matters relating to the Council's responsibilities as an employer (save for determination of the annual staff pay award which shall be reserved to full Council), including functions relating to local government pensions, etc., which are not the responsibility of the Executive.
6.	To discharge all other functions which are the responsibility of the Council (other than those required by statute to be taken by the Council itself) as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 where those functions do not fall within the purview of another committee. (Miscellaneous Function).
7.	To exercise the Council's functions relating to health and safety under any relevant statutory provision within the meaning of Part I of the Health and Safety at Work etc Act 1974 to the extent that those functions are discharged otherwise than in the Council's capacity as employer.

8.	To exercise the Council's function relating to smoke-free workplaces, etc., under the Health Act 2006, Smoke-free (Premises and Enforcement) Regulations 2006 and any other related regulations to the extent that those functions are discharged otherwise than in the Council's capacity as employer.
9.	To advise the Borough Council on the adoption of or revisions to its Code of Conduct.
10.	To monitor and assess the operation and effectiveness of the Code of Conduct.
11.	To advise on ethical governance protocols and procedures.
12.	To grant dispensations pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:
(a)	Without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on that matter;
(b)	That the Committee considers that the dispensation is in the interests of persons living in its area; or
(c)	Where the Committee considers that it is otherwise appropriate to grant a dispensation.

<b>4.</b>	<b>Joint Standards Committee</b>
The Council has established a Joint Standards Committee with all of the Parish Councils within the Borough.	
<b>Size and Membership:</b> (Quorum 4 Members of the Committee)	
To consist of eleven members of the Council, six parish representatives (to be drawn on a pool basis from amongst the members appointed to represent the town and parish councils).	
<b>Terms of Reference:</b>	
The Joint Standards Committee will have the following roles and functions:	
1.	To promote and maintain high standards of conduct by Members and Co-opted Members of the Borough Council and to make recommendations to Council on improving standards.
2.	To advise and assist Parish/Town Councils and Parish/Town Councillors to maintain high standards of conduct and to make recommendations to Parish/Town Councils on improving standards.
3.	To advise, train or arrange to train Borough Members, Co-opted Members and Parish/Town Councillors on matters relating to the Code of Conduct.
4.	To assist the Borough Councillors, Co-opted Members and Parish/Town Councillors to observe their respective Codes of Conduct
5.	To review and manage the arrangements for dealing with Code of Conduct complaints.
6.	To maintain oversight of the Borough Council's arrangements for dealing with Code of Conduct complaints
7.	To act as an advisory body in respect of any ethical governance matter.
8.	To monitor and review the procedures for the Register of Members' Interests and declaring gifts and hospitality.
9.	To receive quarterly reports (or less frequently if there are no complaints to report) from the Monitoring Officer on the number and nature of complaints received and action taken as a result in consultation with the Independent Person.
10.	To receive an annual report on the Borough Council's ethical governance arrangements.
11.	To appointment a sub-committee to deal with Code of Conduct complaints, following investigation.

<b>5.</b>	<b>Licensing and Appeals Committee</b>
<b>Size and Membership:</b>	
To consist of 13 members and it shall be politically balanced.  (Quorum: 4 Members of the Committee)	
Where any application or complaint falls to be determined by the Committee sitting as a sub-committee (Panel), there shall be constituted a panel of not less than three nor more than five Members drawn from amongst the Members of the Committee by the Chief Executive in consultation with the Chairman of the Committee, and the Panel may exercise the functions of the Committee in relation to the application or complaint in question.  Where a sub-committee is exercising the functions of the Committee under the Licensing Act 2003, it shall comprise 3 Members drawn from the Members of the Committee.	
<b>Terms of Reference:</b>	
<b>Licensing and registration</b>	
(a)	Except as provided in the Licensing Act 2003 and Gambling Act 2005 and any regulations made thereunder; the discharge of all functions of the Borough Council as licensing authority set out in those Acts.
(b)	The discharge of all functions of the Borough Council relating to hackney carriage and private hire licensing, including the licensing of vehicles, drivers and operators; and
(c)	The discharge of all other functions relating to licensing and registration in so far as they are the responsibility of the Borough Council
<b>Determination of Appeals</b>	
To determine appeals made:	
(d)	against any decision made by or on behalf of the authority except where there is a statutory appeals procedure
(e)	under either grievance or disciplinary procedures (including grading) for all categories of employees
The functions of the Committee shall include (but not be limited to):	
1.	To deal with all matters relating to licences, registrations and permits within the purview of the Council

2.	<ul style="list-style-type: none"> <li>- To designate streets in accordance with paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 in respect of street trading provisions.</li> <li>- Licences for houses in multiple occupation under the Housing Act 2004 (where objections made).</li> <li>- Scrap metal dealing under the Scrap Metal Dealers Act 2013</li> </ul> <p>To exercise all of the Council's powers relating to charitable collections.</p>
3.	To exercise all of the Council's powers under Part V of the Disability Discrimination Act 1995.
4.	To determine staff grading appeals and disciplinary appeals not within officer responsibilities under the Council's disciplinary procedures
5.	Determination and implementation of the Council's policy in respect of the licensing of caravan sites and moveable dwellings, including the adoption and enforcement of standards.
6.	To deal with such other appeals as need Member determination.

<b>5.1</b>	<b>Panels of the Licensing and Appeals Committee dealing with Alcohol and Entertainments and Gambling Licensing</b> <i>(Constituted in accordance with the provisions of the Licensing Act 2003)</i>	
To determine the following applications under the Licensing Act 2003		
1.	Application for personal licence	If a police objection
2.	Application for personal licence with unspent convictions	All cases
3.	Application for premises licence/club premises certificate	If a relevant representation made
4.	Application for provisional statement	If a relevant representation made
5.	Application to vary premises licence/club premises certificate	If a relevant representation made
6.	Application to vary designated premises supervisor	If a police objection
7.	Application for transfer of premises licence	If a police objection
8.	Applications for interim authorities	If a police objection
9.	Application to review premises licence/club premises certificate	All cases
10.	Decision to object when Council is a consultee and not the relevant authority considering the application	All cases
11.	Determination of a police objection to a temporary event notice	All cases
12.	To make orders under section 6 of the Gaming Act 1968 and grant of permits under section 16 of the Lotteries and Amusements Act 1976 be exercised by the Committee's panels	All cases
To determine the following applications under the Gambling Act 2005		
13.	Application for premises licence	If a relevant representation made

<b>6.</b>	<b>Overview and Scrutiny Committee</b>
<b>Size and Membership:</b> (Quorum: 4 Members of the Committee)	
To consist of 17 members and shall be politically balanced, none of whom may be a member of the Executive.	
The Overview and Scrutiny Committee will have the power to co-opt any person(s) it thinks appropriate (except for members of the Executive and officers of the Council) onto the committee, on whatever basis it thinks appropriate. Co-opted members may speak in debates but not vote. The Borough Council has approved a Scheme of Co-option as set out in Part 4, Overview and Scrutiny Procedure Rule 3.1	
The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.	
<b>Terms of Reference:</b>	
The Overview and Scrutiny Committee shall discharge the following general functions	
1.	review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive;
2.	make reports or recommendations to the authority or the Cabinet with respect to the discharge of any functions which are the responsibility of the Executive;
3.	review or scrutinise decisions (other than individual regulatory decisions) made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive;
4.	make reports or recommendations to the authority or the Cabinet with respect to the discharge of any functions which are not the responsibility of the Executive;
5.	make reports or recommendations to the authority or the Executive on matters which affect the authority's area or the inhabitants of that area; and
6.	exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive
The power of the Overview and Scrutiny Committee under 1 above to review or scrutinise a decision made but not implemented includes power:	
7.	to recommend that the decision be reconsidered by the person who made it; or
8.	to arrange for its function under subsection 1, so far as it relates to the decision, to be exercised by the authority.

<b>Specific Functions:</b>	
<b>Policy Development and Review</b>	
The Overview & Scrutiny Committee may	
9.	assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
10.	conduct research, community and other consultation in the analysis of policy issues and possible options;
11.	consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
12.	question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area;
13.	liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
<b>Scrutiny</b>	
The Overview & Scrutiny Committee may	
14.	review and scrutinise the decisions made by and performance of the executive and/or committees and council officers both in relation to individual decisions and over time;
15.	review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
16.	question members of the executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
17.	make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
18.	review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the committee and local people about their activities and performance;
19.	question and gather evidence from any person (with their consent).

<b>Finance</b>	
20.	The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it
<b>Annual Report</b>	
21.	The Overview and Scrutiny Committee must report annually to the full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.
<b>Officers</b>	
22.	The Overview & Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support its work.
The Overview and Scrutiny Committee or a sub-committee of such a committee:	
(a)	may require members of the Executive, and officers of the authority, to attend before it to answer questions;
(b)	may require any other member of the Borough Council to attend before it to answer questions relating to any function which is exercisable by the member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England); and
(c)	may invite other persons to attend meetings of the committee.
It is the duty of any member or officer mentioned in paragraphs (a) or (b) above to comply with any requirement mentioned in that paragraph. However, a person is not obliged to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.	
The Borough Council has designated the Corporate Policy and Communities Manager as the Scrutiny Officer for the purposes of the Local Government Act 2000.	

## Scrutiny Select Committees – Membership and Terms of Reference

<b>Title:</b>	<b>Communities and Environment Scrutiny Select Committee</b>
<b>Membership:</b>	13 Members
<b>Quorum:</b>	4 Members
<b>Terms of Reference:</b>	
<b>Communities</b>	
Community Safety initiatives	
Environmental Strategy	
Matters related to: <ul style="list-style-type: none"> <li>- The West Kent Partnership (LSP)</li> <li>- LA21</li> <li>- Climate Change</li> </ul>	
Implementation, monitoring and future review of the: <ul style="list-style-type: none"> <li>- Borough's Sustainable Community Strategy</li> <li>- Community Safety Strategy</li> </ul>	
Liaison with local voluntary groups	
Grant support to local voluntary groups	
Take a strategic view of issues affecting: <ul style="list-style-type: none"> <li>- rural parts of the Borough; including the work of the Medway Valley Countryside Partnership, and make appropriate recommendations to the Executive and other agencies</li> <li>- older persons within the Borough, including assessing the impact of the projected increase in the number of older persons, and make appropriate recommendations to the Executive and other agencies</li> </ul>	
Public Health strategies and actions	
Health improvement and health inequalities strategies	
Strategies and actions for tackling youth related drug problems	

<b>Leisure</b>	
Provision, development, management and maintenance of informal and formal public open spaces	
Larkfield Leisure Centre	<i>NB: The Tonbridge &amp; Malling Leisure Trust operates these facilities on behalf of the Borough Council</i>
Angel Centre, Tonbridge	
Tonbridge Swimming Pool	
Poult Wood Golf Centre, Tonbridge	
Leybourne Lakes Country Park	
Grounds Maintenance – Tonbridge Cemetery	
Children’s play provision	
Country Parks and access to the countryside	
Advisory and/or consultancy services on outdoor leisure and grant aid issues	
Water recreation	
Annual programme of sports coaching	
Parks patrolling and security	
Allotments liaison – Tonbridge	
Cemetery management and burial function	
Provision and promotion of Borough wide arts events	
Provision of public art	
Partnerships	
Support for arts marketing	
Tonbridge Gatehouse Exhibition	
Tonbridge Council Chamber functions (e.g. weddings)	
Tonbridge Castle Grounds – events programme	
Heritage interpretation throughout the Borough	

Youth Development Plan	
Youth activity programmes	
Youth consultation and engagement	
Young Achievers Award	
To advise the Council in respect of its twinning links with Le Puy-en-Velay and Heusenstamm and generally to promote twinning within the Borough.	
<b>Environment</b>	
Abandoned vehicles	Litter control
Animal welfare	Noise control
Air quality	Pest control
Climate Change	Private drains and sewers
Contaminated land	Public health and control of nuisances
Dog control	Public conveniences
Environment	Recycling
Environmental monitoring	Refuse collection
Fly-tipping	Street name signage maintenance
Fly-posting	Street cleansing
Food safety	Sunday trading
Graffiti removal	Verge/grass cutting
Health and safety at work	
CCTV operations	
Civil contingencies/ Emergency readiness and response	
Design, consultation and implementation of car parking action plan	

Engage with businesses to ensure compliance with food hygiene regulations
Kent Resource Partnership
Land drainage and flood attenuation
Management and maintenance policy for the off-street car parks
Matters relating to the development and delivery of co-ordinated street scene services, including partnership working with KCC Highways and other external bodies
Overall monitoring of the transport and highway activities including improvement programmes, street signage
Promotion of traffic management highway improvement and crash remedial schemes and works
Review and management of the on-street parking regime including enforcement procedures
The annual review of the charging structure for public car parking in the Borough

<b>Title:</b>	<b>Finance, Regeneration &amp; Property Scrutiny Select Committee</b>
<b>Membership:</b>	13 Members
<b>Quorum:</b>	4 Members
<b>Regeneration</b>	
Attracting new business investment into the Borough	
Encouraging and supporting growth of existing businesses	
Engaging and listening to the local business community	
Promoting the Borough as a popular tourism destination/Tourism marketing	
Representing the Borough Council on the West Kent Partnership	
Supporting local entrepreneurship	
Working to improve the vitality of the Borough's town and local centres	
<b>Economic Development Tasks</b>	
Commission and fund: <ul style="list-style-type: none"> <li>- Business support seminars</li> <li>- Free 1-2-1 business advice sessions</li> </ul>	
Ensure payments by the Council for services from local business are paid promptly	
Help to foster business networking via an online business directory	
Maximise use of the Council's own property portfolio to support local business	
Provide on-line advice for businesses in search of funding	
Signposting businesses to support provided by partner agencies	
Supporting Local Business	
Use the Council's own procurement processes to support local business	

<b>Business Engagement</b>
Contribute to existing business networks and fora active in the Borough
Holding regular engagement events for local business
Receive and act upon feedback from local businesses
Support locally held business award initiatives
<b>Promoting Inward Investment</b>
Promote, support and bring forward new sites for employment use
Engage with developers to ensure new employment-related development is well planned
Signpost to on-line advice for businesses in search of new premises/sites
Work with Locate in Kent to promote the take up of vacant business property
<b>Partnership Working</b>
Achieve a higher economic priority for the area in relation to the wider LEP
Assist with the delivery of the West Kent Investment Strategy
Contribute to the economic work of the West Kent Partnership
<b>Rural Business Sector</b>
Commission and fund support for: <ul style="list-style-type: none"> <li>- home-based businesses</li> <li>- the land-based sector</li> </ul>
Matters related to Farmers' Markets
Promote the enhancement of local broadband services in areas of need

<b>Skills and Employability</b>
Commission services to promote entrepreneurship in deprived communities
Develop and support Job Clubs in areas of particular need
Help promote: <ul style="list-style-type: none"> <li>- the take up of local apprenticeships available in the Borough</li> <li>- work experience opportunities for young people with local businesses</li> </ul>
Offer regular Borough Council apprenticeships to local young people
Work with Job Centre Plus and other partners to tackle local worklessness issues
Work with local schools and colleges to develop work-readiness skills
<b>Supporting Town Centres</b>
Allocation of Innovation Fund
Contribute to the promotional work of the Town Team in Tonbridge and in other local centres
Encourage the improvement of the environment and appearance of town and local centres
Support a major redevelopment of Tonbridge Town Centre
Support opportunities for additional retail activities e.g. Farmers Markets
Tackle the need to find new uses for empty shop premises
<b>Supporting the Tourism Sector</b>
Deliver an annual programme of cultural events
Manage Tonbridge Castle as a key visitor attraction
Operate the Tourist Information Centre at Tonbridge
Prepare online visitor information
Work with operators to help promote cultural and entertainment events
Work with Visit Kent to promote the Borough's visitor attractions and accommodation

<b>Finance</b>
Administration of Housing & Council Tax Benefits and Council Tax Reduction Scheme
Annual Estimates & the provision of medium term forecasts
All strategic and corporate matters relating to Information Technology and E-government (not within the direct purview of other portfolio holders)
Capital Planning including the management of new 'bids' and the preparation of a medium term plan
Collection of Council Tax and Business Rates
Day to Day financial operations, including debt recovery / management and payment of staff & creditors
Developing shared service arrangements
Development of the Council's procurement strategy
Financial management for the Council as a whole in accordance with proper practices, including the preparation of annual estimates and the provision of medium term forecasts
<b>Property</b>
Operational management of acquisition and disposal of land and property including leases, easements and other interests
Maintenance and improvement of Council property
Operational management of Council land and property not falling within the purview of other portfolio holders, specifically offices, depots, commercial and industrial holdings and vacant land and premises
Strategic management of land and property requirements, resources and allocation in line with the Asset Management Plan
Usage of Council offices and allocation of accommodation

<b>Customer Services</b>
Meeting the Council's targets for customer satisfaction
Development of a corporate customer charter
Development and implementation of a customer contact strategy encompassing a range of access channels including face-to face, telephone, website, letters and text messaging
<p>To consider:</p> <ul style="list-style-type: none"> <li>- VFM (Value for Money) and Performance Reviews</li> <li>- Service delivery improvement for customers in support of the Council's Diversity Policy and Equality Act requirements in consultation with service users</li> <li>- Options for local service delivery across the Borough in response to identified need</li> </ul>
All matters relating to Data Protection and Freedom of Information
Personnel issues that do not fall within the purview of the General Purposes Committee
Matters relating to skills education and training

<b>Title:</b>	<b>Housing and Planning Scrutiny Select Committee</b>
<b>Membership:</b>	13 Members
<b>Quorum:</b>	4 Members
<b>Terms of Reference:</b>	
<b>Planning</b>	
Conservation Area and Character Area appraisals and improvement schemes	
Countryside planning and transport initiatives	
Design and procedural guidance	
Evaluation, programming, consultation and implementation of projects on the Council's capital plan	
Improvement of operating systems	
Input into Regional Transport Strategy	
Liaison with the Cabinet Member for Housing, Environment & Economy over delivery of the Council's Strategic Housing Objectives	
Local transport projects (such as Tonbridge Transport Strategy, A228/A20 corridor, West Malling station)	
Major regional projects (e.g., A21, Rail Investment)	
Neighbourhood Plans/Village design statements	
Performance monitoring and review	
Planning enforcement - overview of performance, resources and priorities	
Preparation of development briefs	
Preparation of the statutory Development Plan (as defined in s.38 Planning and Compulsory Purchase Act 2004)	
Public transport initiatives (bus priority measures, Medway valley line)	

<b>Housing</b>
<p>To oversee the Council's:</p> <ul style="list-style-type: none"> <li>- approach to Housing strategy, housing need and housing market assessment and housing investment programmes</li> <li>- Enabling role and promote new affordable housing, low-cost home ownership housing, key and essential worker housing and schemes for special housing needs</li> <li>- Comprehensive approach to housing options advice, homeless prevention, the management of the housing register</li> <li>- Approach to temporary accommodation arrangements</li> <li>- Disabled Facilities Grant and Housing Assistance Schemes</li> </ul>
Liaison with the Cabinet Member for Planning over delivery of the council's strategic housing objectives
Empty Homes
Liaison with Kent County Council and other partners in delivering housing related support programme
Enforcement of caravan site licensing
The Council's functions in home safety, energy efficiency, fuel poverty
Maintaining private sector housing standards and enforcement, including the housing, health and safety rating system, disrepair and defective housing
Houses in multiple occupation (HMO)



## RESPONSIBILITY FOR 'LOCAL CHOICE' FUNCTIONS

FUNCTION		DECISION-MAKING BODY	FUNCTION DELEGATED TO
Any function under a local Act		Council	Officers of the Council
The determination of an appeal against any decision made by or on behalf of the Council		Council	Licensing and Appeals Committee
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area		Council	Director of Planning, Housing and Regulatory Services
The appointment of any individual:		Council	
(a)	to any office other than an office in which they are employed by the authority;		
(b)	to anybody other than (i) the authority (ii) a joint committee of two or more authorities; or		
(c)	to any committee or sub-committee of such a body; and the revocation of any such appointment		
Any function relating to contaminated land		Executive	Director of Planning, Housing and Regulatory Services
The discharge of any function relating to the control of pollution or the management of air quality		Executive	Director of Planning, Housing and Regulatory Services

The service of an abatement notice in respect of a statutory nuisance	Executive	Director of Planning, Housing and Regulatory Services
The inspection of the authority's area to detect any statutory nuisance	Executive	Director of Planning, Housing and Regulatory Services
The investigation of any complaint as to the existence of a statutory nuisance	Executive	Director of Planning, Housing and Regulatory Services
The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Executive	Director of Central Services & Deputy Chief Executive
The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive	All Chief Officers of the Council
The making of agreements with other authorities for the placing of staff at the disposal of those other authorities	[Executive]	[All Chief Officers of the Council]

**Note:** Details of functions delegated to officers of the Council are set out in the section 'Functions Delegated to Officers'.

## RESPONSIBILITY FOR SHARED FUNCTIONS

### (Policy Framework)

FUNCTIONS	RESPONSIBLE BODY
Preparation of the Council's Plans and Strategies which together comprise the Policy Framework:	
Community Safety Partnership Plan	The executive will be responsible for preparing the draft Plans/Strategies and submitting them to Council
Corporate Strategy	
Development Plan	
Equality Policy Statement	Council will be responsible for approving and adopting the final Plans/Strategies
Health and Safety Policy	
Pay Policy Statement	



## FUNCTIONS AND POWERS DELEGATED TO OFFICERS

<b>1.</b>	<b>TERMINOLOGY:</b>	
<p>The use of the word “officers” means all employees and staff engaged by the Council to carry out its functions. This word is also used instead of “employees” to cover those engaged under short term, agency or other non-employed situations.</p>		
<b>General:</b>		
<p>The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. The appointment of staff is a non-executive responsibility. Statutory requirements relating to the employment of officers are set out in the Officer Employment Procedure Rules in Part 4 of this Constitution. Appointment of staff below chief officer level must be the responsibility of the Head of Paid Service or their nominee.</p>		
<b>Management Structure:</b>		
<p>The Council’s management structure is headed by the Chief Executive, who has overall management responsibility to the Council for the management of its affairs. The Chief Executive is the Returning Officer for District Council elections.</p>		
<p>Below the Chief Executive are several groups of services:</p>		
<b>Service:</b>	<b>Headed by:</b>	
Executive	Chief Executive	
Planning, Housing, Environmental Health & Regulatory Services	Director of Planning, Housing and Regulatory Services	
Central Services	Director of Central Services & Deputy Chief Executive	
Financial	Head of Finance and s151 Officer	
Street Scene, Leisure and Technical	Director of Street Scene, Leisure and Technical Services	
<p>The above officers make up the Council’s Management Team. The Management Team, led by the Chief Executive, is responsible for co-ordinating the corporate management of the authority.</p>		



## 2. CHIEF OFFICERS:

The full Council will, in accordance with the Officer Employment Procedure Rules, engage persons for the following posts, who will be designated chief officers. The Chief Executive and officers set out below will together comprise the Management Team:

Post	Functions and areas of responsibility
Chief Executive	Chief policy adviser to the Council
	Overall corporate management and operational responsibility (including overall management responsibility for all officers)
	Provision of professional advice to all parties in the decision-making process
	Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions
	Representing the Council on partnership and external bodies (as required by statute or the Council)
	Community Safety; Electoral Services
	The service responsibilities identified in this Part of the Constitution.
Director of Central Services and Deputy Chief Executive	Overall management and operational responsibility and provision of professional advice to all parties in the decision-making process in relation to:
	<ul style="list-style-type: none"> <li>- Customer Services</li> <li>- Land Charges</li> <li>- Legal and Democratic Services</li> <li>- Media and Communications</li> <li>- Personnel, Training and Development</li> <li>- Administrative &amp; Property Services</li> <li>- Public Rights of Way</li> <li>- Information Technology</li> </ul>

Head of Finance and s151 Officer	Overall management and operational responsibility and provision of professional advice to all parties in the decision-making process in relation to financial services including:
	<ul style="list-style-type: none"> <li>- Accountancy</li> <li>- Benefits</li> <li>- Council Tax/Business Rates</li> <li>- Exchequer Services</li> <li>- Internal Audit</li> </ul>
Director of Planning, Housing and Regulatory Services	Overall management and operational responsibility and provision of professional advice to all parties in the decision-making process in relation to:
	<ul style="list-style-type: none"> <li>- Building Control</li> <li>- Development Management</li> <li>- Environmental Health</li> <li>- Environmental Strategy/Local Agenda 21</li> <li>- Housing</li> <li>- Licensing Services</li> <li>- Planning Policy &amp; Transportation</li> </ul>
Director of Street Scene, Leisure and Technical Services	Overall management and operational responsibility and provision of professional advice to all parties in the decision making process in relation to:
	<ul style="list-style-type: none"> <li>- CCTV</li> <li>- Indoor Leisure Facilities (Leisure Trust)</li> <li>- Leisure Development (sports, arts, tourism, events)</li> <li>- Outdoor Leisure Facilities</li> <li>- Refuse Collection/Recycling</li> <li>- Street cleansing</li> <li>- Traffic Management &amp; Car parking</li> </ul>

### 3. SERVICE RESPONSIBILITIES

Service responsibilities are shown in the following table(s):

<b>Executive Services</b>	
Complaints	Corporate Co-ordination
Community Safety	Economic Development and Regeneration
Electoral Registration and Elections	Policy Development
Modernisation of Local Government (including Community Strategy)	
<b>Central Services</b>	
Building Maintenance	Caretaking and Office Cleaning
Central purchasing of IT	Consumer and Community Research
Contracts Advice	Corporate Support for Performance Management
Customer Services at: <ul style="list-style-type: none"> <li>- Kings Hill</li> <li>- Tonbridge Area Office; and</li> <li>- Village surgeries</li> </ul>	Data Protection
Democratic Services	Facilities Management
Freedom of Information	Implement Customer Contact Strategy
Installation, support and maintenance (IT)	IT Infrastructure
Land and Premises Management	Legal Services
Local Land Charges	Mayor's Office
Media and Publicity	Members' Allowances
Organisational Improvement and Development	Personnel
Printing and Reprographics	Property Acquisition and Disposal

Public Rights of Way	Service delivery for customers with special needs
Systems development and implementation	Training and Development
<b>Financial Services</b>	
Accountancy and Financial Advice	Administration of Insurances
Business Rates	Cash flow and investment management
Corporate finance, advice and guidance	Corporate overview of Finance
Council Tax	Fraud Prevention
Housing and Council Tax Support	Income Services
Internal Audit	Payroll
Purchases & Credit Sales Management	
<b>Planning, Housing and Regulatory Services</b>	
Building Control	Conservation Areas and Listed Buildings
Dangerous Structures	Development Management
Energy Efficiency Advice	Food Hygiene and Safety
Forward Planning and the Local Development Framework	Health and Safety (including employer responsibility)
Homelessness and Housing Advice	Home Improvements Agency
Housing Strategy/Projects/Affordable Housing	Licensing
Pest Control	Pollution Control and environmental monitoring
Private Sector Housing initiatives and enforcement	Public Health and health promotion

<b>Street Scene, Leisure and Technical Services</b>	
Allotments	Arts programme
Car parking management and enforcement management	CCTV development and management
Client Management of grounds maintenance	Client Management of indoor leisure facilities
Civil contingencies	Co-ordination of street scene services
Country Parks (Leybourne and Haysden)	Countryside and woodland management
Environmental enhancement and engineering projects	Land drainage
Leisure Strategy	Public conveniences
Public Open Spaces and Sports Grounds	Refuse collection
Responsible dog ownership and dog warden services	Sports development
Street cleansing/litter abatement	Summer play scheme
Tonbridge cemetery and churchyards	Tourism and Promotion
Twinning	Waste reduction and recycling
Youth Development	
<p>The duties of Directors also include effective corporate and strategic management of the Council through collaborative working with councillors, other chief officers, and partners. The number of chief officers and their functions/responsibilities may change from time to time to reflect the needs of the Council and the skills and experience of the individuals concerned.</p>	



#### 4. FUNCTIONS OF STATUTORY OFFICERS:

The Council has designated the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Director of Central Services and Deputy Chief Executive	Monitoring Officer
Head of Finance and s151 Officer	Chief Finance Officer
Such posts will have the functions described below. These are the 'statutory officers' referred to throughout this Constitution.	

##### **Functions of the Head of Paid Service**

The Head of Paid Service shall undertake all duties designated under section 4 of the Local Government and Housing Act 1989.	
(a)	<b>Discharge of functions by the Council:</b>
The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.	
(b)	<b>Restrictions on functions:</b>
The Head of the Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.	

##### **Functions of the Monitoring Officer:**

The Monitoring Officer shall undertake all duties designated under section 5 of the Local Government and Housing Act 1989.	
(a)	<b>Maintaining the Constitution:</b>
The Monitoring Officer will maintain an up- to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.	
(b)	<b>Ensuring Lawfulness and Fairness of Decision Making:</b>
After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an executive function if it is considered that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will	

have the effect of stopping the proposal or decision being implemented until the report has been considered.	
(c)	<b>Supporting the Joint Standards Committee:</b>
The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Joint Standards Committee.	
(d)	<b>Conducting Investigations:</b>
The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.	
(e)	<b>Proper Officer for Access to Information:</b>
The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.	
(f)	<b>Advising whether Executive Decisions are within the Budget and Policy Framework:</b>
The Monitoring officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.	
(g)	<b>Providing Advice:</b>
The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.	
(h)	<b>Keeping Registers:</b>
<p>The Monitoring Officer will keep the following registers for members of the Council:</p> <ul style="list-style-type: none"> <li>- declarations of acceptance of office;</li> <li>- declarations of disclosable pecuniary and other interests;</li> <li>- declarations of gifts and hospitality received;</li> <li>- notifications made to the Chief Executive of the constitution, change of membership or cessation of a political group; and</li> </ul> <p>the following registers for members of town and parish councils:</p> <ul style="list-style-type: none"> <li>- declarations of disclosable pecuniary and other interests</li> </ul>	
(i)	<b>Restrictions on Posts:</b>
The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.	

## **Functions of the Chief Finance Officer**

(a)	<b>Ensuring Lawfulness and Financial Prudence of Decision Making:</b>
After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to an executive function and the Council's external auditor if it is considered that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.	
(b)	<b>Administration of Financial Affairs:</b>
The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.	
(c)	<b>Contributing to Corporate Management:</b>
The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.	
(d)	<b>Providing Advice:</b>
The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.	
(e)	<b>Give Financial Information:</b>
The Chief Finance Officer will provide financial information to the media, members of the public and the community.	
(f)	<b>Restrictions on Posts:</b>
The Chief Finance Officer cannot be the Monitoring Officer.	

### **Duty to provide sufficient resources to the Head of the Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will provide the Head of the Paid Service, Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in its opinion sufficient to allow their duties in such designated roles to be performed.

### **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

<b>Employment</b>	
(a)	The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.
(b)	All officers shall be appointed on merit in accordance with Section 7 of the Local Government and Housing Act 1989.

## 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>- Head of Finance and s151 Officer</li> <li>- Director of Central Services &amp; Deputy Chief Executive</li> <li>- Director of Planning, Housing and Regulatory Services</li> <li>- Director of Street Scene, Leisure &amp; Technical Services</li> </ul>
1.1	<p>Additionally, authority to act on behalf of the Council is detailed in the following paragraphs and in the specific delegations to Chief Officers.</p>
2.	<p>Chief Officers will exercise their delegated powers subject to the following conditions and reservations:</p>
2.1	<p>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.</p>
2.2	<p>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.</p>
2.3	<p>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:</p>
2.4	<p>(Subject to the agreement of the Head of Finance and s151 Officer) 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.</p>
2.5	<p>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 Head of Finance and s151 Officer and the Director of Central Services &amp; Deputy Chief Executive before taking any decision.</p>

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, Head of Finance and s151 Officer 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 Head of Finance and s151 Officer, 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 Head of Finance and s151 Officer, 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 Head of Finance and s151 Officer 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	To have control of the Council's Building Repairs Reserve and to manage its Expenditure Plan in accordance with Council policy.  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.	E
CEX 104	To co-ordinate the discharge of the Council's duties in respect of the following policies and strategies:  <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	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:  <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	To determine any request for  <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, Waste & Technical Services).	E
<b>2</b>	<b>Chief Executive or their nominated Deputy</b>	
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 their 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.	
<b>3</b>	<b>Anti-Social Behaviour</b>	
CEX 300	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
CEX 301	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.	
CEX 302	To make Public Spaces Protection Orders.	

## Head of Finance and s151 Officer

HF 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
HF 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
HF 102	<b>Local Government Finance Act 1988 (National Non-Domestic Rating) sections 43, 44, 44A, 45 &amp; 46:</b>  To determine the liability of a ratepayer to non-domestic rate in any given financial year  <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
HF 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
HF 104	To determine applications for housing benefit, council tax support and discretionary housing payments.	E
HF 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 Head of Finance and s151 Officer.	E
HF 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

HF 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
HF 108	To make premature repayments of local loans, subject to an appropriate premium to make good any loss the Council may sustain.	E
HF 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
HF 110	To pay annual contributions and subscriptions to all organisations as agreed by the Council and included in the approved estimates.	E
HF 111	To undertake matters relating to treasury management subject to compliance with the Council's Treasury Management Strategy Statement and Annual Investment Strategy.	E
HF 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
HF 113	To administer the Council's insurances and amend the level of cover provided by the Council's policies as considered appropriate.	E
HF 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

<b>1</b>	<b>Property</b>	
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 Head of Finance and s151 Officer, to vary charges for dealing with above arrangements as a result of inflation or operational changes.	E

<b>3</b>	<b>Court Proceedings</b>	
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
<b>4</b>	<b>Land Charges</b>	
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
<b>5</b>	<b>Equalities</b>	
DCS 500	To be responsible for the Council's duties under the Equality Act 2010.	E
<b>6</b>	<b>Standards</b>	
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	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:  (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; (b) the granting of the dispensation is in the interests of persons living in the authority's area; or (c) it is otherwise appropriate to grant a dispensation	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>Planning and Engineering</b>	
DCS 700	To make temporary traffic restriction orders in respect of roads under the Town Police Clauses Act 1847.	E
DCS 701	To make orders under section 14 of the Road Traffic Regulation Act 1984 (temporary closures of public paths).	E
DCS 702	To make draft Traffic Regulation Orders and confirm them where no adverse representations have been received.	E
DCS 703	To issue/ serve notices under the Highways Act 1980.	E
DCS 704	To make and confirm directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.	E
DCS 705	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 706	To deal with, and complete, agreements under section 106 of the Town and Country Planning Act 1990 on behalf of the Council.	C
DCS 707	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 708	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 709	To enter into agreements under section 38 of the Highways Act 1980 in respect of new street works.	E
DCS 710	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 Regulatory Services.	E
DCS 711	To declare the adoption of roads and sewerage systems and vest the asset in the Authority.	E
DCS 712	To issue approvals for the erection of buildings over public sewers under section 18 of the Buildings Act 1984.	E
DCS 713	To serve notices under the provisions of the Land Drainage Act 1991.	E
<b>8</b>	<b>Public Rights of Way</b>	
DCS 800	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 801	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 802	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>9</b>	<b>Data Protection</b>	
DCS 900	To deal with notification matters under the Data Protection Act 2018	E

## Director of Planning, Housing and Regulatory Services

1	<b>Planning Applications and Development Control</b>	
DPHRS 100	<p>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:</p> <p>(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)*</p> <p>(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</p> <p>(iii) in the event of a recommendation by the Director of Planning, Housing and Regulatory Services of any application which, in the opinion of the Director of Central Services &amp; 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</p> <p>(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:</p> <p>(a) The request is made within 21 days of notification of the application to the Member; and</p> <p>(b) The request must include reasoned justification on proper planning grounds as agreed by the Director of Planning, Housing and Regulatory Services, subject to the prior approval of the relevant Area Planning Committee Chair.</p>	C
*Paragraph DPHRS100(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 DPHRS 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 Regulatory Services' 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
DPHRS 101	To issue Certificates of Alternative Development under the provision of the Land Compensation Act 1961.	C
DPHRS 102	To determine applications for Hazardous Substances Consents under the Hazardous Substances Act 1990 subject to provisos (i), (ii) and (iii) in DPHRS 100 above.	C
DPHRS 103	To deal with all notifications relating to hedgerows, including under Section 75 Environment Act 1995 and Hedgerow Regulations 1997.	C
DPHRS 104	To authorise the service of Hedgerow Retention Notices in all cases except where the Director of Planning, Housing and Regulatory Services 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
DPHRS 105	To determine applications under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges.	C

DPHRS 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>	
DPHRS 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
DPHRS 201	To act in an emergency in respect of dangerous buildings pursuant to section 78 of the Building Act 1984.	E
DPHRS 202	To issue building regulation completion certificates.	E
DPHRS 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
DPHRS 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
DPHRS 205	To approve or reject plans for industrial buildings under the Thermal Insulation (Industrial Buildings) Act 1975.	C
DPHRS 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>	
DPHRS 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

DPHRS 301	section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (provision of sanitary appliances at places of entertainment).	E
DPHRS 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
DPHRS 303	To exercise the Council's functions under the Private Water Supplies Regulations 2009 and Water Consolidation (Consequential Provisions) Act 1991.	E
DPHRS 304	To notify the water undertakers of any insufficiency or unwholesomeness found in water supplies within the Borough.	E
DPHRS 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
DPHRS 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
DPHRS 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
DPHRS 308	To act on behalf of the Council as enforcing authority under the Control of Asbestos Regulations 2012.	E

DPHRS 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
DPHRS 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
DPHRS 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
DPHRS 312	To review Approved Premises status in respect of businesses producing foods of animal origin EC Regulation No 853/2004.	E
DPHRS 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>	
DPHRS 400	To determine applications and make payments in respect of statutory housing compensation payments.	E
DPHRS 401	To deal with requests for accommodation under Part VII of the Housing Act 1996.	E
DPHRS 402	To prioritise applicants for the statutory housing register and make nominations on behalf of the Council.	E
DPHRS 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
DPHRS 404	To nominate applications for alternative accommodation in cases supported by the Agricultural Dwelling House Advisory Committee and make appropriate arrangements.	E
DPHRS 405	Determine applications for Rent in Advance and Deposit Bonds in accordance with the policies adopted by the Council.	E
DPHRS 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

DPHRS 407	To determine applications for waiver of repayment of grant and to seek repayment in appropriate circumstances.	E
DPHRS 408	To respond to consultations in appropriate circumstances on matters relating to the Council's environmental health and housing functions.	E
DPHRS 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:		
DPHRS 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
DPHRS 411	Under Part XI of the Housing Act 1985 requiring works to houses in multiple occupation	E
DPHRS 412	Under Part X of the Housing Act 1985 to abate overcrowding in dwelling houses	E
DPHRS 413	In respect of housing disrepair under section 80 of the Environmental Protection Act 1990	E
DPHRS 414	In relation to closets or sanitary conveniences pursuant to sections 45, 51 or 52 of the Public Health Act 1936	E
DPHRS 415	To remedy conditions in filthy and verminous premises pursuant to section 83 Public Health Act 1936	E
DPHRS 416	To enter into management agreements for the use of private sector properties for social housing purposes.	E
DPHRS 417	To authorise payment of reinstatement grants for defective housing under Part XVI of the Housing Act 1985.	E
DPHRS 418	To issue certificates of fitness under Section 310 of the Housing Act 1985.	E
DPHRS 419	To determine closing Orders where properties are made fit under section 278 of the Housing Act 1985.	E
DPHRS 420	To waive Home Improvement Agency fees.	E

DPHRS 421	To determine applications for hardship fund grants.	E
DPHRS 422	To exercise all of the Council's functions with regard to the licensing of Houses in Multiple Occupation.	C
DPHRS 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>	
DPHRS 500	To deal with consultations under the Pastoral Measure 1968.	C
DPHRS 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
DPHRS 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
DPHRS 503	To appoint professional consultants to advise Council on the specialist implications of planning applications, development briefs and master plans.	E
DPHRS 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
DPHRS 505	To make representations to the Licensing Authority in connection with applications/ notices under the Licensing Act 2003.	E
DPHRS 506	To apply to the Licensing Authority for a review of a premises licence/ club premises certificate under the Licensing Act 2003.	E
DPHRS 507	To exercise all functions of the Council in respect of contaminated land.	E
DPHRS 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

DPHRS 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
<b>6</b>	<b>General Licensing</b>	
DPHRS 600	<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
DPHRS 601	<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> <p>This authority shall include power to grant or refuse applications for licences, registrations, consents and permits under the applicable legislation.</p>	C
<b>7</b>	<b>Hackney Carriage and Private Hire Licensing</b>	
DPHRS 700	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

DPHRS 701	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
DPHRS 702	To take all enforcement action including the power to suspend/ revoke:  (a) vehicle licences (b) drivers' licences (c) operators' licences  Under the Local Government (Miscellaneous Provisions) Act 1976, including where the suspension is to have immediate effect.	C
DPHRS 703	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>8</b>	<b>Alcohol, Entertainments and Gambling Licensing</b>	
DPHRS 800	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
800.01	Application for personal licence	If no objection made
800.02	Application for premises licence/club premises certificate	If no relevant representation made
800.03	Application for provisional statement	If no relevant representation made
800.04	Application to vary premises licence/club premises certificate	If no relevant representation made
800.05	Application to vary designated premises supervisor	If no police representation made
800.06	Request to be removed as designated premises supervisor	All cases
800.07	Application for transfer of premises licence	If no police representation made
800.08	Applications for interim authorities	If no police representation made
800.09	Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.	All cases (after consultation with the Chairman, where appropriate)

800.10	To give written notice that the Council will accept a plan of other than standard scale	All cases
DPHRS 801	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
801.01	Application for premises licence	If no relevant representation made
801.02	Application for provisional statement	If no relevant representation made
801.03	Application to vary premises licence/club premises certificate	If no relevant representation made
801.04	Application for transfer of premises licence	If no police representation made
801.05	Applications for interim authorities	If no police representation made
801.06	Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.	All cases (after consultation with the Chairman, where appropriate)
801.07	To give written notice that the Council will accept a plan of other than standard scale	All cases

## Director of Street Scene, Leisure and Technical Services

1	<b>Waste and Street Scene</b>	
DSSLT 100	To exercise the Council's functions with respect to street scene services, including: <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
<b>2</b>	<b>Leisure Services</b>	
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.	

<b>3</b>	<b>Technical Services</b>	
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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## PROPER AND DESIGNATED OFFICERS

The Constitution provides that, 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. This document attempts to codify the list of such appointments.

<b>Local Government Act 1972</b>	
Section 13(3): The officer who, with the Chairman of the Parish Meeting, shall be a body corporate by the name of "The Parish Trustees" in a parish not having a separate parish council	Chief Executive
Section 83(1): The officer to whom a person elected to the office of Mayor, Deputy Mayor or Councillor shall deliver a declaration of acceptance of office	Chief Executive
Section 84: The officer to whom a person elected to any office may give written notice or resignation	Chief Executive
Section 88(2): The officer who may convene a meeting for the election of Mayor following a casual vacancy in that office	Chief Executive
Section 89(1): The officer to whom notice shall be given of any casual vacancy occurring in the office of Councillor	Chief Executive
Section 110A: The officer to keep minutes of meetings of the Council and its Committees and to make them open to public inspection	Chief Executive and Monitoring Officer (acting jointly) *
Section 100B(2): The officer who may exclude reports from being open to public inspection which, in part or wholly, relates to items during which the meeting is not likely to be open to the public	Director of Central Services & Deputy Chief Executive *
Section 100C: The officer who, where in consequence of the exclusion of parts of the minutes which disclose exempt information the document open to public inspection does not provide members of the public with a reasonably fair and coherent record of the whole or part of the proceedings, shall make a written summary of the proceedings or part thereof which provides such a record without disclosing the exempt information	Director of Central Services & Deputy Chief Executive *
Section 100D: The officer who shall compile a list of background papers for a report for a meeting of the council	Director of Central Services & Deputy Chief Executive *
* Appointments made to comply with the Secretary of State's Statutory Guidance.	

<b>Local Government Act 1972 (continued)</b>	
Section 100F: The officer who specifies that a document under the control of the Council which discloses exempt information shall not be open to any member of the Council	Director of Central Services & Deputy Chief Executive *
Section 115(2): The officer who shall receive an accounting of, and all money due from, any officer	Head of Finance and s151 Officer
Section 191(2): The officer who shall receive an application under section 1 of the Ordnance Survey Act 1841	Director of Planning, Housing and Environmental Health
Section 225(1): The officer who shall receive and retain documents deposited with the Council under the Standing Orders of Parliament	Director of Central Services & Deputy Chief Executive
Section 229(5): The officer who shall certify a photographic copy of a document in the custody of the Council, or of a document which has been destroyed whole in the custody of the Council, or of any part of any such document	Chief Executive; Director of Central Services & Deputy Chief Executive
Section 234(1): The officer who may sign any notice, order or other document which the Council are authorised or required to give, make or issue	Chief Executive; Director of Central Services & Deputy Chief Executive Chief Officers ‡
Sections 236 (9) and 4(10): The officer who shall send a copy of every byelaw made by the Council and confirmed to the proper officer of every council of a parish or county to which they apply.	Director of Central Services & Deputy Chief Executive
Section 238: The officer who shall certify a printed copy of a byelaw of the Council	Director of Central Services & Deputy Chief Executive
Schedule 12, para 4(2)(b): The officer who shall sign a summons to attend a Council meeting	Chief Executive
Schedule 12 para 4(3): The officer to whom a member of the Council shall give a notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice other than their place of residence	Chief Executive
Schedule 14 para 25(7): The officer who shall certify a copy of a resolution has been passed applying or disapplying the provisions of the Public Health Acts 1875 to 1925	Director of Central Services & Deputy Chief Executive
* Appointments made to comply with the Secretary of State's Statutory Guidance. ‡ Within their respective responsibilities as specified in Part 3 of the Constitution.	

<b>Local Government Act 1974</b>	
Section 30(5): The officer who shall give public notice relating to reports issued by a Local Commissioner (the Local Government Ombudsman)	Chief Executive

<b>Local Government (Miscellaneous Provisions) Act 1976</b>	
Section 41: The officer to certify documents for use in court proceedings	Director of Central Services & Deputy Chief Executive
Section 79: The officer to authenticate hackney carriage and private hire licences	Director of Central Services & Deputy Chief Executive

<b>Representation of the People Act 1983</b>	
Section 8: The Registration Officer of any constituency or any part of a constituency co-terminus with or situated in the Borough	Chief Executive
Section 35: The Returning Officer at an election of Councillors of the Borough Council or of Parish Councils within the Borough	Chief Executive

<b>Local Government and Housing Act 1989</b>	
Section 2(4): The officer with whom the list of politically restricted posts is deposited	Director of Central Services & Deputy Chief Executive
Sections 15 to 17: The officer to receive notification of formation of, and changes to, political groups, political balance, etc.	Director of Central Services & Deputy Chief Executive

<b>Local Government Act 2000:</b>	
<b>The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000:</b>	
The officer who shall ensure that records are produced and published of Executive decisions, together with statement of reasons	Director of Central Services & Deputy Chief Executive *
The officer to set out in every report to be made available to the public a list of those documents relating to the subject matter of the report	Director of Central Services & Deputy Chief Executive *
The officer who shall make available to the public a report received by an individual member of the Cabinet which they intend to take into account in making any key decision	Director of Central Services & Deputy Chief Executive *
The officer who may, if they think fit, exclude from the copy of a report the whole or any part of the report on an item of business during which, in his opinion, the meeting is not likely to be open to the public and who may, on receiving a request from a newspaper, supply a copy of any document	Director of Central Services & Deputy Chief Executive *
The officer who, on instructions by the Cabinet Leader, shall publish the Council's Notice of Forthcoming Key Decisions	Chief Executive *
The officer who shall inform the Overview and Scrutiny Committee by notice in writing about a key decision which is to be made but which is not included in the Cabinet Leader's Notice of Forthcoming Key Decisions and who shall make a copy of such notice available for inspection by the public	Chief Executive *
The officer who specifies that a document under the control of the Cabinet which discloses exempt information shall not be open to any member of the Council	Director of Central Services & Deputy Chief Executive *
The officer who specifies that a document under the control of the Cabinet which discloses advice given by a political adviser or assistant shall not be open to any member of the Council	Director of Central Services & Deputy Chief Executive *
The officer who, when so requested by the Chair or any five members of the Overview and Scrutiny Committee, may require the Cabinet to submit a report to the Council where they consider that a key decision has been taken which was not included in the forward plan or was not the subject of the general exception procedure or the subject of an agreement with the relevant committee Chair or Vice-Chair	Chief Executive
* Appointments made in compliance with Secretary of State's Statutory Guidance.	

<b>Manoeuvres Act 1958</b>	
Section 6(2): The officer to whom notice of manoeuvres shall be given	Director of Central Services & Deputy Chief Executive

<b>Local Government (Contracts) Act 1997</b>	
The officer to certify that the Council has power to enter into a contract	Head of Finance and s151 Officer
The officer to receive copies of certificates issued under the Act	Director of Central Services & Deputy Chief Executive *
* Statutory provision	

<b>Civil Procedure Rules</b>	
The officer authorised to sign the Statement of Truth in all civil pleadings filed by, or on behalf, of the Council	Director of Central Services & Deputy Chief Executive

<b>Legislation passed before 1 April 1974</b>	
Any reference to "the Clerk to the Council" or "Town Clerk" in any enactment passed before 1 April 1974	Chief Executive

<b>Localism Act 2011</b>	
The officer appointed as Proper Officer for the purposes of receiving applications for dispensations pursuant to Section 33 of the Localism Act 2011	Director of Central Services & Deputy Chief Executive

<b>Public Health Functions</b>		
Any person for the time being employed as a consultant in Communicable Disease Control/ consultant in Health Protection (or such other title as may be notified to the Borough Council by Public Health England from time to time) at UK Health Security Agency and the Office for Health Improvement and Disparities, is designated as the Proper Officer for the following purposes:		
<b>Legislation</b>	<b>Section or Regulations</b>	<b>Effect</b>
The Health Protection (Notification) Regulations 2010	Regulations 2, 3, 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.
Public Health (Control of Disease) Act 1984	Section 48 as amended by Health and Social Care Act 2008	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately.

## REGULATION OF INVESTIGATORY POWERS ACT 2000 ('RIPA')

The Senior Responsible Person for RIPA compliance is the Director of Central Services & Monitoring Officer.

The following person(s) are designated as person(s) who may make authorisations to carry out directed surveillance in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010:

Chief Executive	Damian Roberts	In respect of all matters.
In the absence of the Chief Executive authorisation to carry out directed surveillance may be given by the Director with responsibility for the service concerned with the RIPA application		

## DATA PROTECTION

The Data Protection Officer is the Director of Central Services & Deputy Chief Executive.

The following person(s) have been designated as Deputy Data Protection Officer(s) and may fulfil the duties of the Data Protection Officer in the absence of the Director of Central Services & Deputy Chief Executive or as directed by the same.

Head of Legal and Democratic Services	

## APPOINTMENT OF AUTHORISED OFFICERS

All Chief Officers are authorised to appoint officers within their respective services as 'Authorised Officers' for the purposes of any legislation falling within the purview of the Borough Council subject to the relevant Chief Officer ensuring that the officers authorised for the specific purposes in question are qualified and have had appropriate training to effectively discharge the function.

