

This report will be made public on 14 May 2019.

Report number **A/19/03**

To: Council
Date: 22 May 2019
Status: Non – executive decision
Head of service: Amandeep Khroud, Assistant Director -
Governance, Law & Regulatory Services

SUBJECT: SCHEME OF DELEGATION OF NON-EXECUTIVE FUNCTIONS

SUMMARY: The Council's constitution requires that the scheme of delegations be agreed by the Council at its annual meeting. This report sets out the scheme.

REASON FOR RECOMMENDATIONS:

The council is asked to agree the recommendations set out below because it is required to agree the scheme of delegation at its annual meeting.

RECOMMENDATIONS:

1. To receive and note report A/19/03.
2. To agree the scheme of delegation set out in the appendix to this report in so far as it relates to the non-executive functions of the Council.

1. INTRODUCTION

- 1.1 The council's constitution requires the annual council meeting to agree a scheme of delegations for non-executive functions – see part 4.2 of the Constitution "Council Rules of Procedure", rule 1.1 h.
- 1.2 The functions of the council are divided into executive and non-executive functions. The rules on which functions are executive or non-executive are set out in the Local Authorities (Functions and Responsibilities) Regulations 2000. The council decides non-executive function delegations, the Leader of the Council decides executive function delegations.

2. THE SCHEME OF DELEGATION

- 2.1 The scheme of delegation to officer is attached at appendix 1. This is the current scheme which appears at part 8.1 of the Constitution.
- 2.2 The scheme includes executive and non-executive functions. The council can only approve those parts which relate to non-executive functions and this is reflected in the recommendations.

3. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

3.1 Legal officer's comments (AK)

There are no legal implications arising directly from this report.

3.2 Finance officer's comments

There are no financial implications arising from this report.

3.3 Diversities and equalities implications

No implications arising directly from this report.

4. CONTACT OFFICER AND BACKGROUND DOCUMENTS

Councillors with any questions arising from this report should contact the following officer prior to the meeting:

Amandeep Khroud, Head of Democratic Services and Law

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The following background documents have been relied upon in the preparation of this report:

None

Appendices:

Appendix 1 : Scheme of delegation to officers

Appendix 1

PART 8.1 – DELEGATION TO OFFICERS

SCHEME OF DELEGATION TO OFFICERS

1. SCHEME OF DELEGATION TO OFFICERS

NOTE: This scheme of delegation does not include functions or powers delegated by the Council, Cabinet or regulatory committees to officers for a specified period not exceeding six months. The delegations to officers are made with the intent that they lead to a streamlining and simplification of the processes of the Council and accordingly should be interpreted widely rather than narrowly. In addition under paragraph 1.4 below officers may authorise other officers to exercise their delegated powers and it is the intention for this scheme that powers are exercised at the most appropriate level.

- 1.1** Exercise of delegated powers: chief officers (as defined in Article 11 in Part 2 of the Constitution, namely the Corporate Director – Strategy (the Head of Paid Service), the Corporate Director - Place and Commercial and the Corporate Director - Customer, Support, and Specialist Services) the Assistant Directors (namely the Assistant Director - Strategy, Performance and Communications, the Assistant Director - Finance, Customer and Support Services, the Assistant Director – Environment and Corporate Assets and the Assistant Director – Governance, Law and Regulatory Services) and the Chief Service Officers (namely the Chief Human Resources Officer, the Chief Economic Development Officer, the Chief Planning Officer and the Chief Strategic Developments Officer (all collectively referred to in this scheme of delegation as “the Senior Officers of the Council”) can discharge all functions where they have managerial or professional authority except for matters specifically reserved to the Cabinet, a cabinet member, cabinet committees (if any), committees or the Council.
- 1.2** They will not take decisions that are expressly reserved to another decision-making body under this Constitution however chief officers, (or in the absence of all chief officers either the Monitoring Officer or Deputy Chief Finance Officer):
- May make key decisions, as defined in Article 12 of the Constitution, if it is impractical for the Cabinet to do so because of the urgent nature of the decision to be made; and
 - May take decisions that are reserved to Council or Cabinet under this Constitution in an emergency and if it is lawful for them to do so.
- 1.3** They may use whatever means they consider appropriate within budget and in accordance with financial regulations to discharge those functions, including:
- Incurring expenditure and collecting income;
 - Engaging and deploying staff;

- Deploying other resources within their control; and
- Placing contracts and procuring other resources within or outside the Council.

In doing so, they must act within the law and the Council's Constitution and follow Council policy and the lawful instructions of Council committees and the Cabinet. If, exceptionally, they need to depart from Council policy or those instructions, they must report to the relevant body as soon as possible.

- 1.4** They may authorise other officers to exercise delegated powers on their behalf. They may also authorise appropriately experienced officers whose services are placed at the disposal of the Council pursuant to section 113 of the Local Government Act 1972 to exercise any powers or functions delegated to them or to specified officers.
- 1.5** Emergency action taken under delegated powers must be reported to the relevant body as soon as possible.
- 1.6** Significant decisions taken by Officers will be published and recorded in accordance with the Access to Information Procedure Rules. There will be no requirement to keep a written record of operational decisions within the budget and policy framework.
- 1.7** The Senior Officers of the Council shall be entitled to exercise the powers and functions set out below.
- 1.8** Decisions Delegated to the Senior Officers of the Council after appropriate consultation

The Senior Officers of the Council, in respect of matters falling within their remit, may take any action on behalf of the Council, including action relating to executive and non-executive functions, where the proposed action conforms with the policy and budget framework but where in his or her opinion, the matter is politically sensitive or raises issues of public or local concern, after consultation with the Leader and/or relevant portfolio holder, or the chair of the appropriate non-executive committee in the case of non-executive functions, and may respond to consultation documents after consultation as set out above.

- 1.9** Decisions Delegated to the Senior Officers of the Council without prior consultation

The Senior Officers of the Council in respect of matters falling within their remit, may take any action on behalf of the Council, including action relating to Executive and non-executive functions, where the proposed action conforms with the policy and budget framework and where in their opinion it is not of such political sensitivity or public concern that consideration by members is necessary.

- 1.10** The Head of Paid Service may discharge any of the functions of any other officer unless prohibited from doing so by any legislation or regulatory rule.

2. GENERAL DELEGATION TO THE SENIOR OFFICERS OF THE COUNCIL

In addition to those matters expressly delegated to individual officers, all the Senior Officers of the Council (save where expressly reserved to chief officers only) shall have the following delegated powers:

2.1 Power to Take Urgent Decisions

Chief officers (and in the absence of all chief officers, either the Monitoring Officer or Deputy Chief Finance Officer) may take urgent decisions if they are of the opinion that circumstances exist which make it necessary for action to be taken by the Council prior to the time when such action could be approved through normal council procedures. They shall, where practicable, first consult with the Leader and relevant portfolio holder or the chair of the appropriate non-executive committee in the case of non-executive functions.

2.2 Staffing Issues

The Senior Officers of the Council may deal with any matter relating to staffing other than those expressly reserved to Council, or the Head of Paid Service under paragraph 3.2 below, provided that they are in accordance with approved human resources policies, procedures and within the approved budget framework.

2.3 Orders/Agreements for Work, Goods and Services

In accordance with standing orders, financial regulations and codes of procedure relating to contracts:

- To issue orders for work, goods and services;
- To accept tenders;
- To sign agreements;
- Tenders or quotations may be submitted and contractual arrangements entered into for carrying out work and / or providing services for other parties with the approval of the head of paid service (in consultation with the other chief officers) provided that the value of such contracts does not exceed £40,000; and
- To appoint specialist advisors or consultants.

2.4 Operational Decisions

To take decisions relating to all operational and professional matters within their remit.

2.5 Ombudsman Matters

To agree local settlements where they consider it in the interests of the Council to do so.

2.6 Land and buildings

In respect of any development of land and buildings which is proposed to be carried out for the purposes of statutory functions within the sphere of his/her responsibility, power to authorise an application for planning permission to the Planning and Licensing Committee, or for any other permission for works or the use of land, and once such permission has been received, to authorise the carrying out of such development in accordance with the terms and conditions of such permission.

2.7 Legal Proceedings

In consultation with the Assistant Director - Law, Governance and Regulatory Services, to:-

- i. institute and defend legal proceedings on the Council's behalf; and
- ii. authorise any suitable officer of the Council to appear on the Council's behalf in proceedings before any Magistrates Court and/or County Court.

2.8 Fees and charges

To exercise, in accordance with any current policy, all of the Council's functions relating to those fees and charges falling within their remit. This does not, for the avoidance of doubt, include the determination of fees.

2.9 Compensation

To pay compensation for service failure where they consider it appropriate up to a maximum amount of £1,000 in respect of any single issue.

2.10 In addition to the General Scheme of Delegation to the Senior Officers of the Council set out above, individual Senior Officers of the Council shall be entitled to exercise the powers and functions expressly delegated to them in the following paragraphs, subject to the conditions and restrictions set out above.

3. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE HEAD OF PAID SERVICE

3.1 To exercise the powers and responsibilities of the Head of Paid Service for the purpose of Section 4 of the Local Government and Housing Act 1989.

3.2 To determine and to amend staffing structures.

3.3 To give such directions as he/she may consider necessary:

- To secure the efficient management and execution of the Council's functions;
- To secure co-ordination of advice and forward planning of objectives and services;

- To secure a corporate approach to the affairs of the Council generally;
 - To achieve the efficient and effective implementation of the Council's strategies and policies and the effective deployment of the Council's resources towards those ends;
 - To maintain good internal and external relations;
 - To determine the allocation of office accommodation.
- 3.4** To take all such action as he/she considers appropriate in any emergency (as defined by the Head of Paid Service) including power to make or approve any necessary and urgent arrangements within the powers of the council for the protection of persons or property in any civil or other emergency.
- 3.5** To sign on behalf of the Council any document necessary to give effect to any resolution of the Council, the Cabinet, committees or sub-committees and/or officers acting under delegated powers.
- 3.6** To act as proper officer of the Council, except where legislation or this constitution names another officer or the Council has specifically determined otherwise.
- 3.7** In consultation with the other chief officers, settle employee and industrial relations matters, including issues involving the application or rates of pay, conditions of service or other staffing benefits etc.
- 3.8** To consider and approve applications and proposals for early retirement of staff who are subject to the Local Government Superannuation Regulations.
- 3.9** To determine and issue to officers general guidelines for the management of human resources in the areas of recruitment and planning; training and development; employee relations; health, safety and welfare (including occupational health); pay and performance and equality of opportunity.
- 3.10** To add posts to the list of politically restricted posts and to grant and supervise exemptions from political restriction under the Local Government and Housing Act 1989 (as amended).
- 3.11** To make any order requested by the chief constable and authorised by the Home Office prohibiting the holding of public processions or trespassory assemblies.
- 3.12** To provide assistance at elections to the county council, of the police and crime commissioner and to discharge functions relating to parliamentary, and local elections, referendums and polls (whether national or local) including appointment of staff and determination of fees payable to those staff.
- 3.13** To be the Council's Electoral Registration Officer pursuant to S 8(2) Representation of the People Act 1983 and to exercise all the functions of that post.

- 3.14** To be the Returning Officer pursuant to S 35(1) Representation of the People Act 1983.
- 3.15** To be the Returning Officer for the purpose of conducting parish polls pursuant to Rule 4 (1) of the Parish and Community Meetings (Polls) Rules 1987.
- 3.16** To exercise the powers and functions of the Council under S113 of the Local Government Act 1972 to enter into an agreement with another local authority;
- For the placing at the disposal of that authority for the purposes of their functions, the services of officers employed by the Council; and
 - For the placing at the disposal of the Council for the purposes of its functions, the services of officers employed by that authority.
- 3.17** To exercise the powers and functions of the Council under the Local Authorities (Goods and Services) Act 1970.
- 3.18** To exercise the Council's powers to make appointments to committees or sub-committees at the request of the relevant political group leader subject to the conditions that (a) the appointed member shall be a replacement for a committee or sub-committee member from the same political group or the appointee is to fill a vacant seat on the committee/sub-committee allocated to the political group of which he/she is a member and (b) the changes shall be reported to the next available meeting of the council. This delegation shall only be exercisable in respect of councillors who are members of a political group.
- 3.20** To grant dispensations under the Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012 to in respect of any declared conflict of interest by a cabinet member.
- 3.21** To take the lead on organisational transformation initiatives.
- 3.22** To be the lead on matters relating to improvement, efficiency and organisational development.
- 3.23** To be responsible for the planning policy functions of the council as the local planning authority.
- 3.24** To nominate if he/she sees fit a deputy to exercise all the powers and functions of the Head of the Paid Service in his / her absence.
- 3.25** Where the post of Monitoring Officer or S151 Officer falls vacant to designate the Monitoring Officer or S151 Officer on a temporary basis pending the council's consideration of which officer to designate as one of the statutory officers.
- 3.25** To delegate any of the functions of Head of Paid Service subject to such conditions or limitations as he / she considers appropriate.

4. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE CORPORATE DIRECTOR - CUSTOMER SUPPORT AND SPECIALIST SERVICES

4.1 To be and carry out the duties of the Chief Finance Officer (Section 151 Officer), including ensuring the proper administration of the council's financial affairs.

4.2 To undertake the following specific roles:

- To be the Council's money laundering reporting officer
- To appoint the deputy money laundering reporting officer
- To set the council tax base
- To appoint the deputy Chief Finance Officer
- To agree external audit arrangements
- To be the council's lead on digital delivery

5. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE CORPORATE DIRECTOR - PLACE AND COMMERCIAL

5.1 To take the lead to ensure that the council's major projects are delivered.

5.2 To develop the council's commercial activities.

5.3 To exercise all the powers and functions of the council relating to the Economic Development.

5.4 To oversee the council's function as local planning authority except:-

- relating to planning policy; and
- applications in which the council has a substantial interest.

5.5 Emergency Planning and resilience

To exercise the Council's functions relating to emergency planning and resilience.

6. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE ASSISTANT DIRECTOR - GOVERNANCE, LAW AND REGULATORY SERVICES

6.1 Legal Services

To manage the council's legal services function.

6.2 Access to Information

To discharge the Council's functions relating to freedom of information, data protection access to information and data security (including acting as a qualified person).

6.3 Contract Management

To monitor and manage shared service delivery arrangement and contracts including those relating to:

- Waste and recycling collections
- Street Cleansing
- ICT

6.4 Committee Services

To exercise the Council's powers and functions relating to the committee administration function including maintaining the Constitution.

6.5 Elections and Electoral Registration

To exercise the Council's functions relating to elections and electoral registration including the annual audit of the register.

6.6 Street naming and numbering

To exercise all the Council's functions, including determining all consents, permissions, licenses and taking enforcement action, in relation to street naming and numbering.

6.7 Procurement

To exercise the Council's procurement and purchasing functions.

6.8 Hythe Pool

To exercise all the Council's functions relating to Hythe Pool including monitoring and managing any contract to operate the pool.

6.9 Monitoring officer

To be the Council's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

To be the Proper Officer for the purposes of receiving applications for dispensation pursuant to section 33(1) of the Localism Act 2011.

To grant dispensations to members pursuant to section 32(2) of the

Localism Act 2011 and paragraph 8 of the adopted code of conduct to

Speak only or to speak and vote where:

- (i) so many members of the decision-making body have Disclosable Pecuniary or Other Significant Interests in a matter that it would impede the transaction of the business; or

- (ii) without a dispensation, no member of the executive would be able to participate on a particular item of business.

In consultation with the Chairman (or in his/her absence the vice-chair) of the Audit and Governance Committee to grant dispensations to speak and/or vote where it is not possible to convene a meeting of that committee where the application for dispensation is made on any of the following grounds:

- (i) 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 the matter;
- (ii) That the authority considers that the dispensation is in the interests of persons living in its area; or
- (iii) Where the authority considers that it is otherwise appropriate to grant a dispensation.

In making the decision the Monitoring Officer shall have regard to the following criteria:

- a) The nature of the member's interest and allowing them to participate would not damage public confidence in the conduct of the authority's business.

If public confidence would be damaged then such an application would be likely to be refused. It is unlikely that it would be appropriate therefore, for example, to grant a dispensation to a member who has an interest arising as a result of an effect on their personal financial position or on that of a relative.

- b) The interest is common to the member and a significant proportion of the general public.
- c) The participation of the member in the business that the interest relates to is justified by the member's particular role or expertise.
- d) The business that the interest relates to is about a voluntary organisation or a public body which is to be considered by an overview and scrutiny committee and the member's interest is not a financial one.

In circumstances such as these, the committee might believe that it is in the interests of the authority's inhabitants to remove the incapacity from speaking or voting.

And that any dispensations granted shall be reported back to the next meeting of the Audit and Standards Committee.

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.

6.10 Land of community value

To hear appeals under the provisions relating to land of community value.

6.11 Solicitor to the council

To act as solicitor to the council in particular:

- To institute, defend, conduct and settle civil and criminal legal proceedings; and
- To sign or authenticate documents of any kind.

6.12 Environmental Protection

To exercise all the Council's enforcement functions relating to environmental Protection, the control of pollution, noise, waste on land, litter and dog fouling, dangerous dogs and similar matters.

6.13 Licensing

To exercise all the Council's functions including determining all consents, permissions, licenses and taking enforcement action in relation to licensing and registration.

6.14 Environmental Health

To exercise all the Council's functions, including determining all consents, permissions, licenses and taking enforcement action, in relation to environmental health, public health, public protection, food safety, Sunday trading, and similar matters.

6.15 Enforcement functions

To oversee the Council's enforcement functions.

SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE ASSISTANT DIRECTOR - FINANCE, CUSTOMER AND SUPPORT SERVICES

7.1 Finance

To deputise for the Chief Finance Officer (Section S151 Officer) in his / her absence and fulfill those responsibilities as required by the Chief Finance Officer and/or Head of Paid Service in particular:

- To borrow, obtain external funding and invest;
- To agree external audit arrangements; and
- To determine and declare local average interest rates in accordance with legislation.

To write off bad debts, stores deficiencies and surplus goods or equipment up to £10,000 (higher value write-offs require the approval of the Chief Finance Officer in liaison with the Portfolio holder.

7.2 Business support

To manage the business support functions.

To be the Council's local land charges registrar.

7.3 Customer Contact

To take all necessary action to administer the following functions and powers on behalf of the council:

- Customer service and contact;
- To deal, in accordance with the council's policies, with all matters and exercise all discretions concerning the determination, administration and collection of non-domestic rates and council tax and benefits except in relation to the council tax base; and
- To institute legal proceedings for non-domestic rates council tax and benefits arrears, overpayments and penalties and to recover debts.

8. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE ASSISTANT DIRECTOR – ENVIRONMENT AND CORPORATE ASSETS

8.1 Environmental Services

To exercise the Council's functions relating to:

- Beach cleansing;
- Litter bins;
- Parks and open spaces;
- Grounds maintenance; and
- Cleansing of public conveniences.

8.2 Engineering

To exercise all the Council's functions, including determining all consents, permissions, licenses and taking enforcement action, in relation to watercourses, land drainage and coastal defences.

8.3 Property

In respect of the property function of the Council:

- To manage (including maintenance and repair) the Council's land and property, and to take all related action;
- To acquire and dispose of land and property;

- To agree the grant and renewal of leases, mortgages and loans, easements and licenses, the variation and relaxation of covenants and other property transactions; to vary the terms of, and grant consent under, any lease, license or covenant; and
- To terminate leases, tenancies, licenses and mortgages.

8.4 Transportation

To exercise all the councils functions relating to the parking and removal of vehicles.

To authorise road closures under section 21 Town and Police Clauses Act 1847 subject to no objection being received from the highway authority or the Police.

8.5 Building control

To exercise all the Council's functions, including determining all consents, permissions, licenses and taking enforcement action, in relation to building control.

8.6 Lifeline

To exercise all the council's functions relating to the lifeline service.

8.7 Area Officers

To be responsible for the operation and activities of the Council's Area Officers.

8.8 Health and safety at work

To exercise all the Council's functions, including determining all consents, permissions, licenses and taking enforcement action, in relation to health and safety at work.

8.9 Cemeteries and crematorium

To exercise all the Council's powers in relation to cemeteries and the Hawkinge Crematorium including the duties of registrar of burials and cremations.

8.12 Oportunitas Ltd

To have general responsibility for the activities of Oportunitas Ltd.

9 **SPECIFIC POWERS DELEGATED TO THE ASSISTANT DIRECTOR – STRATEGY, PERFORMANCE AND COMMUNICATIONS**

9.1 Transformation

To take the necessary action to ensure that the Council's transformation plans are realised.

9.2 Community Engagement

To exercise the Council's powers and functions relating to community engagement functions including:

- Culture;
- Leisure; and
- Youth.

9.3 Policy

- To advise on corporate policies and procedures;
- To maintain the Council's corporate risk register;
- To be responsible for the Council's equalities and diversity strategy; and
- To advise on the Council's performance management system.

9.5 Planning policy

To exercise all the Council's functions relating to planning policy including:

- Preparation and review of the local development framework; and
- Examination of structure plans, strategic policies (including transportation and other plans affecting the district) and advising the Council, Cabinet and other appropriate committees of their implications.

9.6 Communications

To be responsible for the Council's internal and external communications, including relationships with the media and the council's website.

9.7 Housing

To exercise the client function in relation to East Kent Housing Ltd.

To be responsible for strategic housing policy.

9.8 Homelessness

To exercise the Council's powers and functions relating to homelessness.

9.9 Housing Allocations

To exercise the Council's power and functions relating to the allocation of social housing including the assessment of and decisions on applications and the offer and allocations of tenancies.

9.10 Community Safety

To exercise the Council's powers and functions relating to community safety, including crime and disorder.

9.11 Safeguarding

To be responsible for the Council's Safeguarding Policies and to ensure that all staff are aware of safeguarding issues and have the appropriate levels of clearance under the Disclosure and Barring Service, as necessary.

To be responsible for all safeguarding matters which may arise.

9.12 Health and wellbeing

To ensure that the Council fulfils its role in promoting the health and wellbeing of the residents of Folkestone & Hythe.

9.13 Private Sector Housing

To exercise the Council's powers and functions relating to private sector housing, and the improvement of private sector housing, including houses in multiple occupation and neighbourhood renewal.

10. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE CHIEF PLANNING OFFICER

10.1 Planning

To exercise all the Council's functions, including determining all consents, permissions, licenses under the planning (including control of advertisements) and listed building legislation, and taking enforcement action, in relation to town and country planning, in accordance with the specific scheme of delegation for planning in paragraph 10.2.

10.2 Specific scheme of delegation for town and country planning.

10.2.1 The Chief Planning Officer is authorised to determine the categories of applications set out in paragraph 10.2.2 except those that:

- a) Have been called in to the committee at the request of any district councillor;
- b) Represent a significant departure from the development plan and which the Chief Planning Officer considers should be approved;

- c) The Council has a substantial interest in, other than small-scale proposals, (e.g. extensions and alterations to council owned properties and means of enclosure, accesses, installation of windows);
- d) Relate to proposals submitted by or on behalf of any member (including any co-opted member) or employee of the Council other than small scale works to which there have been no objections and related renewals and amendments;
- e) The Chief Planning Officer believes raise issues which should be considered by the Planning and Licensing Control Committee;
- f) Are planning applications where the view of the parish or town council differs strongly from that of the Chief Planning Officer except where an objection:
 - i. relates to the principle of a proposal which already has outline planning permission; an issue determined at outline stage or an application of similar scale or character to one already approved;
 - ii. is for the renewal of a planning permission without stating what, in the view of the town or parish council, planning circumstances have changed since the grant of the original permission which would justify a refusal, is made without giving any reasons, or is only made on the basis that the work has already been implemented;
 - iii. is made without giving any reasons;
 - iv. is based upon a technical issue where the body responsible for providing advice on the issue is satisfied with the proposal subject to any evidence which contradicts that advice first being investigated;
 - v. is to minor operational development (e.g. domestic extensions, alterations to buildings, means of enclosures, accesses).
- g) Are planning applications where the view of a parish or town council differs strongly from that of the Chief Planning Officer except where it expresses support for an application but that application is clearly contrary to development plan policy and / or government guidance.

10.2.2 The categories of application which the Chief Planning Officer may determine are:

- i. applications for planning permission under Section 70 Town and Country Planning Act 1990;
- ii. applications under Sections 73 and 73A of the Town and Country Planning Act 1990 to retain a building or to continue to

use without complying with a condition subject to which planning permission has been granted;

- iii. applications to determine reserved matters and details arising from: grants of planning permission, e.g. landscaping schemes, details of external appearance, samples of materials, means of access, including listed building consents, conservation area consents, advertisement consents and permissions under the above;
- iv. applications submitted under General Permitted Development Order requirements; and
- v. applications for listed building and conservation area consents, subject to the agreement of the Secretary of State in cases where this is necessary.

10.2.3 The Chief Planning Officer is authorised to determine:

- i. notifications under Sections 198 and 211 to 213 of the Town and Country Planning Act 1990 Act for the felling, topping or lopping of trees; and
- ii. applications for minor amendments/revisions in substitution for approved plans, including those for listed building consent, conservation area consent, advertisement consent or for permission to lop, top or fell trees.

10.2.4 Subject to the limitations in paragraph 10.2.1, the Chief Planning Officer is authorised to:

- i. approve submissions respect of developments under Regulations 3 and 4 of the Town and Country Planning General Regulations 1992 made by the council and to raise objection or raise no objection to such submissions made by Kent County Council; and
- ii. respond to formal consultations by statutory bodies and development proposals by government departments.

10.2.5 In cases of urgency or where the breach of planning control relates to householder development or development that has already been refused planning permission, after consultation (if practicable) with the chairman or vice chairman of the Planning and Licensing Committee, the Chief Planning Officer is authorised to:

- i. issue enforcement notices under Section 172 Town and Country Planning Act 1990;
- ii. serve a listed building preservation notice under 3 and 4 Planning (Listed Buildings and Conservation Area) Act 1990;
- iii. issue temporary stop notices under Section 171E Town and Country Planning Act 1990;

- iv. serve a stop notice under S183 Town and Country Planning Act 1990;
- v. make application for and serve injunctions under Section 187B Town and Country Planning Act 1990; and
- vi. serve urgent repairs notices under Section 54 Planning (Listed Buildings and Conservation Areas) Act 1990.

10.2.6 The Chief Planning Officer is authorised to make directions under Article 4 Town and Country Planning (General Permitted Development) Order 1995 to take away rights conferred by Class A, part 2, Schedule 2 of the Order in relation to the erection, construction, maintenance, improvement or other alteration of a gate, fence, wall or other means of enclosure, subject to prior consultation with the relevant member of the Executive.

10.2.7 The Chief Planning Officer is authorised to exercise all other functions relating to town and country planning.

10.2.8 The Chief Planning Officer is authorised, after consultation (if practicable) with the Chairman or vice-chairman of the Development Control Committee to arrange site visits for the committee where he/she considers it appropriate for the committee to visit the site. The Chief Planning Officer can arrange such visits at any time during the processing of an application.

10.2.9 The Chief Planning Officer may authorise other officers to exercise delegated powers on his/her behalf. In this case, the officers act in the name of the Chief Planning Officer and he/she remains accountable for the action or decision.

10.3 Planning agreements

To negotiate Section 106 Agreements.

10.4 Listed buildings and conservation areas

To promote conservation of historic buildings and areas and make recommendations as to the designation of conservation areas.

10.5 Land of community value

To administer the list of land of community value.

11. SPECIFIC POWERS DELEGATED TO THE CHIEF HUMAN RESOURCES OFFICER

11.1 Human resources and payroll

To exercise the council's powers and functions relating to human resources including learning and development.

To exercise the Council's functions relating to payroll.

12 SPECIFIC POWERS DELEGATED TO THE CHIEF ECONOMIC DEVELOPMENT OFFICER

12.1 Economic Development

Under the general direction of the corporate director - place and commercial and in order to further the economic development of the district:

- To take all necessary steps to promote the role of the District Council within the local economy and, in particular, to develop links between the Council and the local business community;
- To take the necessary steps to develop and implement regeneration initiatives within the area;
- To take all necessary steps to promote and publicise local business opportunities, both on a national and international basis, with the objective of encouraging inward investment in the district; and
- To provide support to other bodies or organisations involved in the economic development of the district, including, but not limited to the East Kent Regeneration Board, the East Kent Spatial Development Company and Oportunitas Ltd.

13. SPECIFIC POWERS DELEGATED TO THE CHIEF STRATEGIC DEVELOPMENT OFFICER

13.1 Regeneration and development

Under the general direction of the corporate director - place and commercial to take such steps as are necessary to enable the council to fulfil its objectives to regenerate and develop the district and in particular to

- Identify opportunities that contribute to these objectives;
- Ensure such opportunities are realized; and
- To maximise the opportunities of land and property investments and developments.

13.2 Land and buildings

In respect of any development of land and buildings either within or outside the district which further the objectives whether directly or indirectly to regenerate and develop the district, power to authorise an application for planning permission to the Planning and Licensing Committee, or for any other permission for works or the use of land, and once such permission has been received, to authorise the carrying out of

such development in accordance with the terms and conditions of such permission.

13.3 Property

In furtherance of the objectives to regenerate and develop the district, directly or indirectly and within the approved budget and in respect of land either within or outside of the district to acquire and dispose of land and property; to agree the grant and renewal of leases, easements and licenses, the variation and relaxation of covenants to vary the terms of, and grant consent under, any lease, license or covenant.