



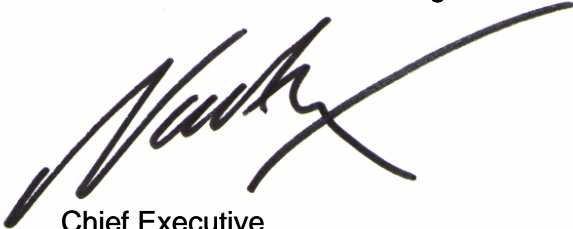
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9 May 2011

To the Members of the Council

You are hereby summoned to attend an **EXTRAORDINARY** meeting of the **COUNCIL** to be held in the Council Chamber at these Offices on Wednesday 18 May 2011 at 6.15 pm or upon the rising of the Annual Meeting of Council, whichever is the later, for the transaction of the business set out in the Agenda.



Chief Executive

Members of the Council:

J S Back	W C Gardner	S R Nicholas
B W Bano	J H Goodwin	M J Ovenden
T J Bartlett	D Hannent	A S Pollitt
P M Beresford	P J Hawkins	J A Rook
T A Bond	P G Heath	M A Russell
P M Brivio	G J Hood	F J W Scales
B W Butcher	S J Jones	D G Smallwood
P I Carter	L A Keen	A R Smith
S S Chandler	N S Kenton	C J Smith
N J Collor	P S Le Chevalier	J M Smith
M D Conolly	S M Le Chevalier	R J Thompson
G Cowan	G Lymer	J F Tranter
J A Cronk	S C Manion	R S Walkden
M R Eddy	K Mills	P Walker
R J Frost	K E Morris	P A Watkins

AGENDA

1. **APOLOGIES**

To receive any apologies for absence.

2. **DECLARATIONS OF INTEREST**

Members are required to disclose the existence and nature of a personal interest under this item of business or when the interest becomes apparent. An explanation in general terms of the interest should also be given to the meeting. If the interest is also a prejudicial interest, the Member should then withdraw from the room or chamber.

3. **REVIEW OF THE CONSTITUTION – AMENDMENT TO THE SCHEME OF OFFICER DELEGATIONS**

To consider the report of the Director of Governance (circulated separately).

4. **MEMBERS' ICT PROVISION AND SUPPORT 2011-2015**

To consider the attached joint report of the Director of Governance and Director of Finance.

5. **DECISIONS TAKEN BY PORTFOLIO HOLDERS BETWEEN CABINET AND COUNCIL MEETINGS** (Pages 4-27)

To receive the following reports of decisions taken outside the Budget and Policy Framework or decisions taken by Portfolio Holders where the call-in procedure has been suspended or decisions taken in consultation with the Chairman of the relevant Scrutiny Committee to give notice of a key decision or where call-in has been suspended by the Chairman of the Council (or Vice-Chairman or Head of Paid Service) or where the Leader has amended the scheme of delegation for executive functions.

U12 Amendment to the Scheme of Officer Delegations – Transfer of Licensing Responsibilities

U13 Amendments to the Scheme of Officer Delegations

U14 Amendment to the Scheme of Officer Delegations

U15 Approval of the Scheme of Officer Delegations in its entirety where it relates to executive functions

SCI10 Whitfield Urban Extension Masterplan Supplementary Planning Document

6. **URGENT BUSINESS TIME**

To consider any other items deemed by the Chairman of the Council to be urgent in accordance with the Local Government Act 1972.

7. **EXCLUSION OF THE PRESS AND PUBLIC** (Page 28)

The recommendation is attached.

MATTER WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

8. **DECISIONS TAKEN BY PORTFOLIO HOLDERS BETWEEN CABINET AND COUNCIL MEETINGS** (Paragraph 3 – Information relating to the financial or business affairs of any particular person) (Pages 29-34)

To receive the following reports of decisions taken outside the Budget and Policy Framework or decisions taken by Portfolio Holders where the call-in procedure has been suspended or decisions taken in consultation with the Chairman of the relevant Scrutiny Committee to give notice of a key decision or where call-in has been suspended by the Chairman of the Council (or Vice-Chairman or Head of Paid Service) or where the Leader has amended the scheme of delegation for executive functions.

U11 The Sale of St Nicholas House, Ash

SCI09 The awarding of grant aid to the Sandwich Sports and Leisure Centre Trust

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information. Seating is available within the Council Chamber for the press and up to 35 members of the public
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.
- Refreshments will be available for Members in the HMS Brave Room prior to the meeting.
- If you require any further information about the contents of this agenda or your rights to gain access to information held by the Council please contact Louise Cooke, Democratic Services Manager (telephone: (01304) 872352 or e-mail louisecooke@dover.gov.uk).

Large print copies of this agenda can be supplied on request.



Amendment to the Scheme of Officer Delegations

Recommendation to:

The Leader

To approve this Scheme of Officer Delegations in so far as it relates to any functions which are properly the responsibility of the Executive.

Regulatory Committee

To approve this Scheme of Officer Delegations in so far as it relates to any functions which are properly the responsibility of the Regulatory Committee.

Planning Committee

To approve this Scheme of Officer Delegations in so far as it relates to any functions which are properly the responsibility of the Planning Committee.

Extraordinary Council

To approve this Scheme of Officer Delegations in so far as it relates to any functions which are properly the responsibility of the Council.

Please bring this document to the following meetings:

Regulatory Committee – 28 April 2011

Planning Committee – 28 April 2011

Extraordinary Council – 18 May 2011

Part 3

Responsibility for Functions

SECTION 6: SCHEME OF OFFICER DELEGATIONS

A. General

1. The Chief Officers referred to in this scheme of delegations are those set out in Article 12.01(b) of the Constitution.
2. Chief Officers or specified operational managers are hereby empowered to carry out those specific functions of the Council or the Executive delegated to them as set out in this scheme of delegations.
3. References herein to a specific statutory provision or Ministerial Circular shall include any statutory re-enactment or modification thereof for the time being in force.
4. Any decision taken under delegated powers shall be in accordance with any policies approved by the Council (the Policy Framework) and all of its Rules of Procedure. Further, where expenditure is involved, such action shall be conditional upon the necessary financial provision being included in the approved Budget.
5. Whenever an officer considers it appropriate, he or she shall seek the approval of the appropriate Committee, the executive or the executive member (as the case may be) notwithstanding the availability of a delegated power.
6. Any decision taken by an officer in exercise of a delegated power shall be reported to the appropriate Committee, executive or executive member (as the case may be) for information at the request of any Member or may otherwise be published by the officer in the Members Bulletin for Information as he or she deems appropriate.
7. The action of an officer under a delegated power shall be deemed to be the act of the Council or the executive (as the case may be).
8. Chief Officers or specified Operational Managers may authorise appropriately experienced officers to exercise any powers or functions delegated to the Chief Officer or specified Heads of Service/Operational Manager concerned.
9. Nothing in these delegated powers shall restrict the powers or duties placed upon any officer by statute.
10. In relation to Council functions when matters of urgency and items not involving matters of policy require decisions between the meetings of a Council or Committee or Sub-Committee of the Council, the Chief Executive or appropriate Head of Service or Operational Manager shall be empowered, in consultation with the Chairman and Vice-Chairman of the Council or of the relevant Committee or Sub-Committee, or one other member in the absence of either (or two other members in the absence of both), to deal with such items. A report of the urgent matters dealt with shall be included in the Official Members Bulletin with Members being afforded the opportunity to raise questions in relation to decisions taken under this paragraph at

the next following ordinary meeting of the Council or Committee or Sub-Committee of the Council.

11. In all cases of urgency any Chief Officer may:
 - (a) exercise any of the powers delegated herein to a Chief Officer or specified Head of Service or Operational Manager; and
 - (b) authorise any other officer of the Council whom he or she considers it appropriate to exercise such power.
12. The Scheme of Officer Delegations may be amended from time to time in any manner as is considered appropriate:
 - (1) In relation to Council functions:
 - (a) by the Council; or
 - (b) by the relevant committee or sub-committee insofar as it relates to functions discharged by that committee or sub-committee.
 - (2) In relation to executive functions:
 - (a) by the Cabinet; or
 - (b) by the Leader.

In the case of amendments made by a committee, sub-committee, the Cabinet or the Leader, a report of the amendment will be made to the next ordinary meeting of the Council.

13. The exercise of the powers and functions delegated by the Scheme of Officer Delegations shall without prejudice to any specific delegation or authorisation set out, and subject to any express Conditions/Exclusions/Limitations/Notes specified, be taken to include power to do anything incidental or conducive to the discharge of such functions including (by way of example and not by way of limitation) power to do any of the following:
 - (a) To appoint or designate any officer as an "authorised officer", "inspector", "person duly authorised" or similar under any of the legislation or functions specified for the purposes of enabling any such person to carry such legislation or functions into effect.
 - (b) To authorise any officer for the purposes of any of the above mentioned legislation or functions.
 - (c) To exercise any power or function conferred by or in connection with the specified legislation or functions to:
 - (i) Require any person to provide any information.
 - (ii) Enter or inspect any land, premises, vehicle or vessel.

- (iii) Take samples of, seize, test, dispose of, destroy, or otherwise deal with and thing or substance in accordance with the applicable legislation.
 - (iv) Make application for any warrant or order to a court of summary jurisdiction and to execute any such warrant or order taking with him or her any other person as may be authorised.
 - (v) to make or swear any information.
 - (vi) Institute, in consultation with the Solicitor to the Council, proceedings in respect of any offence.
 - (vii) Execute work.
 - (viii) Sell or dispose of any goods, articles, samples materials or other property (other than land and buildings) unless specifically authorised within this Scheme of Officer Delegations.
 - (ix) Recover any sums of money due to the Council.
 - (x) Authorise any other person to do any of the things mentioned in (i) to (vii) above to the extent permitted by law.
14. Any reference to any Act, Rule, Order or Regulation shall be taken as including a reference to that Act, Rule, Order or Regulation as re enacted replaced or modified from time to time.
15. References to any statutory provision shall include a reference to any subordinate or secondary legislation made under or taking effect under it from time to time
16. This Scheme of Officer Delegations has been approved in its totality by both the Council and by the Executive and no delegation contained within it shall be treated as invalid by reason of it being incorrectly classified as a Council Function instead of an Executive function or vice versa.
17. The Council and/or the executive (as appropriate) have delegated the powers and functions set out in the following tables to the officers described. The powers and functions delegated are specified in Column 1 below and/or described in Column 2 below but their exercise is subject to the conditions/exclusions or limitations specified in Column 3.

B. Delegation to: All Chief Officers

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
1.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To act as an "authorised officer" in relation to any legislation under which the Chief Officer is authorised or empowered to act by the Council or a Committee, or under delegated powers.	
2.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To authorise any officer to act as an "authorised officer" to the extent that the Chief Officer is so authorised in accordance with the foregoing paragraph.	
3.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To authorise or appoint any officer to exercise any statutory power of entry in relation to any legislation under which the Council is authorised or empowered to act and to authorise any such officer to apply for a Justices Warrant for entry in any of the circumstances contemplated by the legislation concerned.	
4.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To sign documents authenticating "Authorised Officers".	
5.	To authorise expenditure	(a) To authorise expenditure and to take such action as may be necessary and appropriate thereon in respect of sums provided in the estimates approved by the Council. (b) To authorise contracts with a value not exceeding £100,000.	
6.	ICT procurement	To ensure that, prior to the procurement of any ICT (eg computer or communications hardware or software), adequate checks are carried out: (a) To verify that the ICT is fit for the purpose intended.	

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		(b) To obtain confirmation from the Director of EK Shared Services as to the compatibility of ICT selected for purchase. (c) To ensure that appropriate funding is available to cover the costs of ICT purchase.	
7.	Implementation of new and existing legislation	To arrange for the implementation of new and existing legislation, statutory instruments, orders and byelaws, except where a discretion is granted to the Council.	
8.	Use of premises	In consultation with the Property Services Division to let or authorise the use of premises under their control upon the terms and conditions approved by the Council.	
9.	Applications under the Town and Country Planning legislation	To make application for consent or permission under Town and Country Planning legislation in accordance with any proposals approved by the Council or the Cabinet or a relevant Portfolio Holder, or an officer under any delegated powers.	
10.	Appointment of staff	Within agreed procedures to appoint persons nominated by any contractor to the Council to any appropriate office of the Council other than as a direct employee of the Council.	
11.	Disposal of equipment	Subject to the concurrence of the Director of Finance, to dispose of surplus, unserviceable or obsolescent plant, equipment, stock, stores or material.	
12.	Issue appropriate licences, permits, certificates of registration and similar documents	The issue as appropriate of any licences, permits, certificates of registration and similar documents where the application conforms to statutory provisions and regulations and the requirements of the Council.	
13.	Disciplinary code of conduct	The implementation of the Council's disciplinary code of conduct.	
14.	Town and Country Planning Act 1990 (Section 225)	To take appropriate action under Section 225 of the Town and Country Planning Act 1990, including entry on to unoccupied land, to combat flyposting	
15.	Enforcement action	(a) Without prejudice to the specific provisions of these Delegations to Officers and subject to any policies approved by the Council, where any statutory provision empowers or requires the Council to issue	

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p>make or serve (howsoever expressed) any notice, demand, requisition, direction, order or regulation, to discharge the functions of the Council in relation thereto and to issue, make or serve (as the case may be) any such notice, demand, requisition, direction, order or regulation, to authorise the carrying out of works in default, and, in consultation with the appropriate Chairman and Vice-Chairman or Portfolio Holder (as the case may be), to institute legal proceedings in connection therewith.</p> <p>(b) Subject to the relevant statutory provisions, in matters of urgency, to carry out works and to institute such proceedings without the prior service of any notice, demand or requisition.</p>	
16.	Local Government Act 1972 (Section 222) and Local Government (Miscellaneous Provisions) Act 1982 (Schedule 2, Paragraphs 1, 3, 4 and 12)	<p>(a) To authorise, in consultation with the Solicitor to the Council, proceedings under Section 222 of the Local Government Act 1972 including injunction proceedings to prevent within the District of Dover any person or persons from committing or attempting to commit an offence or offences contrary to paragraphs 1, 3, 4 and 12 of Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982 and such other action as Counsel may advise.</p> <p>(b) To authorise, in consultation with the Solicitor to the Council, proceedings under Section 222 of the Local Government Act 1972 including injunction proceedings to prevent any person or persons from causing or permitting a public nuisance to arise or continue in respect of any organised gathering or gatherings in connection with or for the purposes of public or private entertainment within the District of Dover or such further action as Counsel may advise.</p>	
17.	Instruct the Solicitor to the Council to act	To instruct the Solicitor to the Council to act on behalf of the Council to the extent that they are authorised to act themselves.	
18.	Administer formal cautions	To administer formal cautions in appropriate cases, and, in consultation with the Solicitor to the Council, in respect of offences under legislation, or regulations made thereunder, for which the relevant Chief Officer is	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		authorised to prosecute and similarly to authorise any inspector appointed by the Council or a relevant chief officer.	
19.	Safety of staff	To make arrangements for the safety of staff.	
20.	Council's representative in relation to contracts	To act as the Council's representative in relation to any Contracts authorised by the Council for the provision of goods or services or the execution of any works within the sphere of their responsibility and to appoint any suitably qualified or experienced officer to discharge the functions of the Supervising Officer/ Contract Administrator/ Architect/Quantity Surveyor/Engineer or Clerk of Works (as the case may be) in relation to any such Contract.	
21.	Press statements	In consultation with the PR Manager to issue or authorise the issue of statements, including press statements, on behalf of the Council in consultation with the Chairman or Vice-Chairman of the Council, the Leader of the Council or the relevant Portfolio Holder or the Chairman and Vice-Chairman of the appropriate Committee as appropriate.	
22.	Lettings or licences of sites and premises	In consultation with the Property and Procurement Division to effect lettings or licences of sites and premises on short term arrangements until required for the purpose for which they were acquired.	
23.	Implementation of decisions	To authorise the implementation of decisions of all recognised negotiating bodies except where a discretion is granted to the Council.	
24.	Ex gratia payments	To grant ex gratia payments not exceeding £100 for damage to personal property of employees occurring whilst on duty.	
25.	Defence of any civil or criminal proceedings	To authorise, in consultation with the Solicitor to the Council, the institution or defence of any civil or criminal proceedings or of proceedings under any enactment, statutory instrument, order or byelaw on behalf of the Council.	
26.	Regulation and Investigatory Powers Act 2000	To authorise (in consultation with the Corporate Support Manager and the Monitoring Officer) a request for covert surveillance made pursuant to the Regulation of Investigatory Powers Act 2000 and in accordance with the Council's Covert Surveillance Policy and Procedures.	
27.	Freedom of Information Act 2000 (Sections 2 and 8)	Where a request for information has been made to the Council in accordance with Section 8 of the Freedom of Information Act 2000:	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		(a) decide whether an exemption under Part II of the Act applies to the request (save that in cases where the public interest test in Section 2 of the Act applies to the exemption under consideration the decision as to whether or not the public interest test has been satisfied shall be taken in consultation with the Solicitor to the Council); and (b) respond to the request accordingly.	
28.	Licensing Act 2003 and Gambling Act 2005	To make application to the licensing authority under the Licensing Act 2003 and the Gambling Act 2003 for premises licences in respect of any premises to be used by or under authority of the Council and to make application to vary the terms of any such licence or to surrender the same.	
29.	Licensing Act 2003	To authorise any officer of the Council holding a personal licence as the designated premises supervisor in relation to any licence held or to be held by the Council under the Licensing Act 2003.	
30.	Licensing Act 2003 and Gambling Act 2005	To discharge the functions of a "responsible authority" within the meaning of the Licensing Act 2003 and the Gambling Act 2005 in so far as those functions relate to any functions of the Council which fall within the broad range of responsibilities of the Chief Officer concerned.	
31.	Licensing Act 2003 and Gambling Act 2005	To exercise on behalf of the Council the rights of the Council as an "interested party" within the meaning of the Licensing Act 2003 and the Gambling Act 2005 in so far as the Council falls to be considered as such.	
32.	Civic and Corporate Gifts	The Local Authority accepts, holds and administers gifts of property.	Where such gift results in ongoing revenue implications the decision to accept the gift must be taken in consultation with the Section 151 Officer.
33.	Responses to any consultation by Kent County Council	To make responses to any consultation by Kent County Council irrespective of the nature or number of third party representations	
34.	Placing of services of officers at the disposal of other	To authorise any Chief Officers or specified Operational Managers, to whom powers are delegated under the Scheme of Officer Delegations, to	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	authorities	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 the Chief Officer or specified Heads of Service/Operational Manager concerned.	
35.	Lost and uncollected Property	To exercise the powers of the Council under section 41 of the Local Government (Miscellaneous provisions) Act 1982 in relation to lost and uncollected property.	

C. Council and Executive Functions

Delegation to: Chief Executive

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
1.	Appointment of staff below Chief Officer level	As Head of Paid Service to determine the establishment and make changes to the establishment below the level of Chief Officer.	(a) The Chief Executive shall develop a standard briefing report outlining the reasons for the changes, the cost implications, the consultation undertaken and the timing of the new post or dismissal. (b) This report will be used to indicate the

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p>likely decision of the Chief Executive, which will then be sent to all members of the General Purposes Committee and to the Chairman of the Scrutiny (Policy and Performance) Committee for information and to the Unions for the purpose of consultation.</p> <p>(c) Upon conclusion of the consultation the views of the Chief Executive shall consider the views of the consultees ahead of taking the decision.</p> <p>(d) Once the decision has been taken the Chief Executive will ensure that the course of action is notified to all members of the General Purposes</p>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p>Committee.</p> <p>(e) Where there is a pension implication or an issue of discretionary compensation a report will then be placed before the General Purposes Committee for determination of the issues.</p> <p>(f) An annual summary of all new posts and terminations will be developed for consideration by the General Purposes Committee and will be supplied to the Chairman of the Scrutiny (Policy and Performance) Committee.</p> <p>(g) When the budget is developed the salary and staffing budget will be clearly identified for</p>

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			<p>approval, changes which increase this budget will be placed before Council for consideration as the implication will be an increase in base budget or the virement of monies from elsewhere.</p> <p>(h) Details of the establishment and changes within it will continue to form part of the quarterly Management Information Report to all Members.</p>
2.	Appointment and dismissal of staff below Chief Officer level	Within the approved establishment to appoint and dismiss all staff below the level of Chief Officer and to determine the terms and conditions upon which they are appointed and continue to be employed.	<p>All appointments and dismissals shall be subject to Compliance with Prescribed Standing Orders.</p> <p>All appointments shall be made substantially in accordance with the Council's Standard Terms and Conditions of Employment and agreed policies and procedures.</p>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		Any minor variations shall only be made in the interests of the effective and efficient discharge of the Council's functions, shall be agreed with the Head of East Kent Human Resources Partnership and recorded on a schedule which shall be reported to the General Purposes Committee not less than every six months.
3.	To discharge the Council's powers and duties as employer of all employees	The Chief Executive shall act substantially in accordance with the Council's Standard Terms and Conditions of Employment and agreed policies and procedures. Any minor variations shall only be made in the interests of the effective and efficient discharge of the Council's functions, shall be agreed with the Head of East Kent Human Resources Partnership and recorded on a schedule which shall be reported to the

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			General Purposes Committee not less than every six months.
4.	Complaints procedure and policy	To determine complaints made against the Council in accordance with the Council's Complaints Procedure and Policy on Remedies from time to time, and (i) To grant compensatory payments not exceeding £1,000 in respect of loss or damage suffered as a result of maladministration. (ii) To take such action as he deems appropriate from time to time to publicise the Council's Complaints Procedure, including the production of an advisory Complaints Booklet. (iii) To arrange the provision of such training, and to produce such guidance materials, for Members and staff as he deems appropriate.	
5.	Section 113 of the Local Government Act 1972	As Head of Paid Service, to exercise, or nominate another officer to exercise, the powers and functions of the Council to effect any changes necessary to the contract of employment of any officer so as to enable his services to be placed at the disposal of another local authority under the provisions of section 113 of the Local Government Act 1972.	
6.	Dover and Shepway Partnership Project	(a) Exercise the Council's powers and functions under section 2 of the Local Government Act 2000 where to do so is calculated to facilitate, or is conducive or incidental to the achievement of the objectives of the Partnership Project. (b) Exercise the Council's powers and functions under section 111 of the Local Government Act 1972 where to do so is calculated to facilitate, or is conducive or incidental to the achievement of the objectives of the Partnership Project.	
7.	Section 270 Local Government Act 1972 and any legislation	To appoint any person as "Proper Officer" for any specified statutory purposes or for any specified purposes.	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
relating to public health, public safety, food safety or health and safety		

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
8.	To discharge the powers and functions of the Council in its capacity as a member of the Gateway Marine Parade (Dover) Limited and to act as the Council's representative at any meeting of the company pursuant to Section 323 of the Companies Act 2006.	
9.	To discharge the powers and functions of the Council in its capacity as a member of the East Kent Spatial Development Company and to act as the Council's representative at any meeting of the company pursuant to Section 323 of the Companies Act 2006.	
10.	Anti-Social Behaviour Act 2003 (Sections 30(2) and 31(2))	To grant consent pursuant to Section 31(2) of the Anti-Social Behaviour Act 2003 to the "relevant officer" of Police making an authorisation under Section 30(2) of the Act (power to disperse groups etc) in consultation with the Portfolio Holder for Citizenship or the Leader of the Council and the Ward Councillor(s).
11.	Urgent Executive Business	To deal with urgent items of business falling within the remit of the Executive where the Leader and Executive Members are not in office.
12.	Acquisition of key regeneration sites	To authorise acquisitions relating to key regeneration sites in consultation with the Leader, the Director of Finance, the Director of Governance and the Solicitor to the Council.
13.	Local Government Act 1972 (Section 138)	To exercise the powers of the Council under Section 138 of the Local Government Act 1972 in respect of emergencies or disasters.
		The Chief Executive shall have been provided with the relevant completed pro forma in respect of the site

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
14.	Civil Contingencies Act 2004	To discharge the duties of the Council under the Civil Contingencies Act 2004.	
15.	Placing of services of officers at the disposal of other authorities	<p>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:</p> <p>(a) for the placing at the disposal of that authority for the purposes of its functions, the services of officers employed by the Council;</p> <p>(b) for the placing at the disposal of the Council for the purposes of its functions, the services of officers employed by that authority.</p>	
16.	Dover and Shepway Partnership Project	<p>(a) Exercise the powers and functions of the Council under the Local Authorities (Goods and Services) Act 1970 in order to facilitate the achievement of the Dover and Shepway Partnership Project.</p> <p>(b) Exercise the Council's powers and functions under section 2 of the Local Government Act 2000 where to do so is calculated to facilitate, or is conducive or incidental to the achievement of the objectives of the Partnership Project.</p> <p>(c) Exercise the Council's powers and functions under section 111 of the Local Government Act 1972 where to do so is calculated to facilitate, or is conducive or incidental to the achievement of the objectives of the Partnership Project.</p>	
17.	Section 113 of the Local Government Act 1972	As Head of Paid Service, to exercise, or nominate another officer to exercise, the powers and functions of the Council to effect any changes necessary to the contract of employment of any officer so as to enable his services to be placed at the disposal of another local authority under the provisions of section 113 of the Local Government Act 1972.	
18.	Local Government Act 1972 (Section 270(3))	Power to appoint persons as the "Proper Officer" for specific statutory purposes	The Chief Executive shall be satisfied that any person whom he

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			proposes to appoint as a proper officer has the necessary skills and experience to enable him to discharge the functions of the proper officer appointment.

Delegation to: Chief Executive
[or in that person's absence, the Section 151 Officer]

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
19.	Covert Surveillance Policy	To act as the authorising officer for all covert surveillance operations conducted in accordance with the Council's Covert Surveillance Policy and Procedures.	

Delegation to: Director of Governance

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
20.	Freedom of Information Act 2000	To maintain, update and amend the Records Retention Scheme and Publication Scheme in respect of the Freedom of Information Act 2000.	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
21.	Post Entry training	To grant financial assistance for post entry training in accordance with any scheme approved by the Council.	
22.	Removal expenses and lodging allowances	To grant removal expenses and lodging allowances in accordance with any scheme approved by the Council.	
23.	Freedom of Information Act 2000	To maintain, update and amend the Council's Records Retention Schedule and Publication Scheme as required .	
24.	Insurance matters	To deal with all Council insurance matters.	
25.	Equalities	Authority to deliver the Council's equalities programme and community development matters.	

Delegation to: Solicitor to the Council

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
26.	Defence of any civil or criminal proceedings	To take all necessary action (including the laying of an information) for the institution or defence of any civil or criminal proceedings or of proceedings under any enactment, statutory instrument, order or byelaw on behalf of the Council.	
27.	Local Government (Miscellaneous Provisions) Act 1976 (Section 16), Town and Country Planning Act 1990 (Section 330) and Road Traffic Regulation Act 1984 (Section 112)	To serve Requisitions for Information and any other enabling statutory provision.	
28.	Town and Country Planning Act 1990 (Section 172)	To issue enforcement notices to specify the date upon which they are to become effective and to determine the appropriate period or periods for	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		compliance with such notices.	
29.	Enforcement Notices	To issue Enforcement Notices under the instruction of the Director of Community and Development or Head of Development Management.	
30.	Temporary Stop Notices	To issue a Temporary Stop Notice.	
31.	Licensing Act 2003	To act as Solicitor to the Council as Licensing Authority under the Licensing Act 2003.	
32.	Licensing Act 2003 and Gambling Act 2005	To take all necessary action (including the laying of an information) for the institution or defence of any civil or criminal proceedings arising out of or in connection with the functions of the Council as Licensing Authority.	
33.	Licensing Act 2003	To authorise appropriately experienced officers to exercise any powers or functions delegated to him under 10 above.	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
34.	Housing Benefit or Council Tax Benefit fraud	To lay informations in respect of offences involving housing benefit or council tax benefit fraud.	In conjunction with East Kent Services
35.	Institution or defence of any civil or criminal proceedings	To take all necessary action (including the laying of an information) for the institution or defence of any civil or criminal proceedings or of proceedings under any enactment, statutory instrument, order or byelaw on behalf of the Council.	
36.	Serve notices or demands leases, licences, tenancies and mortgages	To serve notices or demands in relation to leases, licences, tenancies and mortgages for breach of covenant or condition and to recover possession and any monies owing to the Council.	
37.	Recover money	To institute, in consultation with the Director of Finance or the Director of EK Shared Services proceedings to recover money owing to the Council.	
38.	Notices to Treat and Notice of Entry	To serve Notices to Treat and Notices of Entry.	
39.	Local Government (Miscellaneous Provisions) Act	To serve Requisitions for Information and any other enabling statutory provision.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	1976 (Section 16), Town and Country Planning Act 1990 (Section 330) and Road Traffic Regulation Act 1984 (Section 112)		
40.	Proceedings for the possession of a property	To institute proceedings for the possession of a property in mortgage to the Council where the mortgage repayments are three months or more in arrear and such arrears amount to not less than £100.	
41.	National Assistance Act 1948	To make application to a Court of summary jurisdiction under the provisions of the National Assistance Act 1948, as amended, on receipt of a certificate from the Proper Officer, for the removal to suitable premises of persons in need of care and attention and to make application to extend or vary any Order made under Section 47 of that Act.	
42.	Criminal Justice and Public Order Act 1994 (Sections 77-79)	To discharge the Council's powers and functions in respect of travellers encampments.	
43.	Possession Orders	To authorise the enforcement of any order for the possession of premises made in favour of the Council.	

Delegation to: Democratic Services Manager

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
44.	Local Land Charges	To exercise the functions of the Council in respect of the Local Land Charges Service.	
45.	Civic Gifts	To accept, hold and administer civic gifts of property.	Where such gifts result in ongoing revenue implications, the decision to accept the gift to be

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			taken in consultation with the Section 151 Officer.

Delegation to: Section 151 Officer

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
46.	Financial Regulations	To deal with matters specified by Financial Regulations.	
47.	Administration of Council Tax	In connection with the administration of the council tax: (a) to write off irrecoverable council tax and penalties and residual community charge and penalties; (b) to be responsible for the accounting arrangements for the operation of the collection fund; (c) to authorise statutory returns in respect of council tax and council tax benefits and discretionary housing payments as chief financial officer for the Council.	
48.	Housing Benefit Scheme	In connection with the administration of the Housing Benefit Scheme to authorise statutory subsidy calculations and returns as chief financial officer of the Council.	
49.	National Non-Domestic Rate	In connection with the administration of the national non domestic rate: (a) to write off irrecoverable national non domestic rate; (b) to authorise statutory returns in respect of national non-domestic rate as chief financial officer for the Council;	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		(c) to be responsible for the accounting arrangements for the operation of the collection fund.	
50.	Council's financial affairs	To be responsible for the administration of the Council's financial affairs.	
51.	Investment and borrowing	To undertake the investment of the monies of the Council and the borrowing of such sums as the Council shall have resolved to borrow.	
52.	Rate of interest	To declare every six months, where appropriate, a local average rate of interest in respect of Housing Act Advances and car loans to employees.	
53.	Advances for house purchases and improvement	To authorise the making of advances for house purchase and improvement in accordance with any scheme approved by the Council and to consent to the transfer of ownership in respect of properties held in mortgage by the Council in cases where: <ul style="list-style-type: none"> (a) The circumstances of occupation have altered materially and permanently; or (b) It is proposed to add a further person(s) to the mortgage deed without affecting the liability of the existing mortgagor(s); and (c) The proposed mortgagor, or combination of mortgagors, would, if applying for a mortgage on the same terms and conditions as the existing loan, be acceptable under the Council's scheme for mortgage lending. 	
54.	Collection of income	To ensure proper arrangements for the collection of income due to the Council.	
55.	Dwelling held in mortgage	To approve the letting or parting with possession of the whole or part of a dwelling held in mortgage by the Council.	
56.	Local Government (Contracts) Act 1997	In consultation with the Monitoring Officer or, in his absence, with his Deputy, to determine when a certificate should be issued .	
57.	Bonds and Temporary Loans	To issue, renew or repay Bonds and Temporary Loans	
58.	Premature repayment	To authorise the premature repayment of individual bonds and mortgages issued by the Council.	
59.	Bank charges	To negotiate and accept bank charges and fees with the Council's	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		bankers.	
60.	Lodgers in properties mortgaged to the Council	To approve applications for the taking of lodgers in properties mortgaged to the Council.	
61.	Write off income deemed to be uncollectable	To authorise the write off of income due to the Council deemed to be uncollectable.	
62.	Financial leases	To authorise financial leases in accordance with approved capital financing arrangements.	
63.	Officer car leasing scheme	To administer and manage the Council's officer car leasing scheme within the approved policy of the Council.	
64.	Write off irrecoverable overpayments of Housing Benefit	To write off irrecoverable overpayments of Housing Benefit.	
65.	Budget and Medium Term Financial Plan	To take decisions to apply capital receipts, revenue resources, grants, Section 106 monies, etc to finance the approved capital programme.	
66.	Corporate Gifts	To accept, reject, hold and administer corporate gifts of property.	
67.	Determination of service charges payable under leases of dwellings	To determine the levels of service charges payable by lessees under leases of dwellings in respect of which the Council is the lessor	
68.	Budget carry forwards and use of Growth Point	To approve revenue budget carry forwards within approved guidelines and create and draw down Growth Point reserves in order to apply them to regeneration projects and support.	In consultation with the Leader of the Council or Portfolio Holder for Corporate Resources and Performance
69.	Value Added Tax Act 1994	To opt to tax supplies of land and buildings for the purposes of VAT	
70.	Determination of service charges payable under leases of dwellings	To determine the levels of service charges payable by lessees under leases of dwellings in respect of which the Council is the lessor	

Delegation to: Leadership Support & Corporate Communication Manager

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
71.	Communication, Consultation and Marketing	Authority to deal with the Council's corporate communication, consultation and marketing activity.	
72.	Website	To exercise responsibility for the Council's website.	

Delegation to: Director of Environment and Corporate Assets

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
73.	Waiving of fees for the hire of rooms at the Council Offices	To determine applications for the reduction or waiving of fees for the hire of rooms at the Council Offices, Whitfield for voluntary and charitable organisations.	
74.	Acquire or dispose of property	To acquire or dispose of property in those instances where the proposed acquisition or disposal is in accordance with terms previously agreed by the Executive.	
75.	Hire charges for all buildings	To adjust admission and hire charges for all buildings administered by the Council in accordance with Council policy.	
76.	Valuation Court	To lodge objections to and proposals for rating assessments, agree revised values, sign agreements and appear in the Valuation Court.	
77.	Insurance values of property	To revise periodically insurance values of property.	
78.	Negotiate terms and conditions for the acquisition or disposal of freehold or leasehold property	To negotiate terms and conditions for the acquisition or disposal of freehold or leasehold property in accordance with the policy and/or instructions of the Council and to acquire or dispose of property in those instances where the proposed acquisition or disposal is in accordance with terms previously agreed by the Executive or where the value of the land/property does not exceed £10,000.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
79.	Markets	To control, manage and let stalls in Markets controlled by the Council.	
80.	Carrying out of minor and non-controversial works	To determine applications and to grant approvals to the carrying out of minor and non-controversial works where consent is required from the Council to comply with any covenant or restriction affecting property owned or formerly owned by the Council (or its predecessor) otherwise than under the Housing Revenue Account.	
81.	Demolition	To arrange for demolition in the implementation of approved schemes.	
82.	Public conveniences and bus shelters	To exercise the powers and functions of the Council in relation to the provision and maintenance of public conveniences and bus shelters.	
83.	Beach and foreshore	To deal with all matters concerning the beach and foreshore, including coast protection, pollution of the coastline, beach chalets, the letting of moorings, scull boxes, boat pitches and winter boat storage sites.	
84.	Fix the value of property	To fix the value of property for Housing Act purposes.	
85.	Grant and Termination of Leases	<p>(a) To settle the terms and authorise the grant of leases, licences and similar agreements affecting land and premises within the terms of Council policy where the rent or other consideration does not exceed £30,000 per annum;</p> <p>(b) to review all rents or other consideration in connection therewith;</p> <p>(c) to consent to any assignment or underletting or other variation of such lease, licence or agreement; and</p> <p>(d) to authorise and take all action necessary to determine such a lease, licence or agreement.</p>	
86.	Acquisition/Disposal of freehold property	<p>(a) To negotiate terms and conditions for the acquisition or disposal of freehold or leasehold property in accordance with the policy and/or instructions of the Council and to acquire or dispose of property in those instances where the proposed acquisition or disposal is in accordance with terms previously agreed by the Executive;</p> <p>(b) to authorise the acquisition or disposal of freehold property up to a</p>	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		consideration of £10,000.	
87.	Refuse collection, street cleaning and cesspool emptying	To exercise the powers and functions of the Council in relation to refuse collection, recycling, street cleaning and cesspool emptying.	
88.	Dispose of boats and ancillary equipment	To dispose of boats and ancillary equipment abandoned or uncollected on any part of the foreshore in the Council's ownership.	
89.	Cemeteries, closed churchyards and war memorials	To maintain cemeteries, closed churchyards and war memorials for which the Council is responsible.	
90.	Deal Pier	To exercise the powers and functions of the Council in relation to Deal Pier.	
91.	Parks and open spaces	To let parks and open spaces for sporting and recreational activities including fairs, exhibitions and displays.	
92.	Recreation prices	To adjust recreation prices.	
93.	Public halls	To let and administer public halls.	
94.	White Cliffs Countryside Partnership	To manage the White Cliffs Countryside Partnership.	
95.	Leisure and recreation services and events	To make all necessary arrangements for the provision and advertising of leisure and recreation services and events within the general programme approved by the Council, including the engagement of artistes, negotiation of fees and conditions, issue of contracts and fixing of ticket prices.	
96.	Operation of CCTV	To discharge the Council's powers and functions with regard to the management and operation of CCTV in accordance with any relevant policies, codes of practice and protocols adopted by the Council.	
97.	Asset Management	To maintain the Council's corporate property assets in accordance with the provisions of the Council's Corporate Property Strategy and Asset Management Plan.	
98.	Indoor and outdoor sporting and recreational facilities	To manage or liaise for the provision of indoor and outdoor sporting and recreational facilities.	
99.	Acquisition of key regeneration sites	To authorise acquisitions relating to key regeneration sites, in the absence of the Chief Executive, in consultation with the Leader of the Council, the Director of Finance, the Director of Governance and the Solicitor to the	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		Council.	
100.	East Kent Waste Contract	To discharge the executive functions of Kent County Council and Shepway District Council relating to the management of the East Kent Waste Contract as detailed in paragraph 8.2 of the joint report of the Director of Landlord Services (Shepway District Council) and the Director of Property, Leisure and Waste Management (Dover District Council) to Cabinet on 13 October 2010.	Subject to the conditions and limitations set out in the three-way inter authority agreement between Dover District Council, Kent County Council and Shepway District Council.
101.	The Local Government Act 1972, the Public Health Act 1936 and the Local Authorities Cemeteries Order 1977	Powers in relation to the grant of rights of burial, rights to erect memorials and the maintenance of grave	Only those provisions relating to the matters specified in Column 2 are delegated
102.	The Refuse Disposal Amenity Act 1978	Provisions relating to abandoned vehicles	
103.	The Removal and Disposal Of Vehicles Regulations 1986	Provisions relating to abandoned vehicles etc.	
104.	Management of the Quay, Sandwich	To exercise the powers and functions of the Council in relation to The Quay, Sandwich and those parts of the River Stour and its banks which are within the ownership of the Council, including, without limitation, the granting and termination of mooring licences and agreements and the regulation of persons and vessels using these areas.	

Delegation to: Director of Environment and Corporate Assets
 Director of Community and Development
 Head of Development Management
 Housing and Community Manager
 Corporate Property Services Manager

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
105.	The Housing Grant, Construction and Regeneration Act 1996 Part I Part IV	Grants and other assistance for housing purposes Deferred Action Notices etc	

Delegation to: Director of Environment and Corporate Assets
 Community Safety, CCTV and Parking Manager

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations/Notes
106.	Covert operations	To act as signatory for the Council in respect of targeted covert operations requested by the Police or Customs and Excise.	
107.	Traffic Management Act 2004 (Part 6)	To exercise such of the executive functions of Kent County Council under part 6 of the Act as are exercisable in the District by virtue of the Agency Agreement made with Kent County Council on 23 January 2011 as subsequently varied.	All powers to be exercised in accordance with the requirements of the agency agreement as varied

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations/Notes
108.	Road Traffic Regulation Act 1984 and Traffic Management Act 2004 (Part 6)	To exercise the Council's powers and duties in relation to the provision and maintenance of off street parking places and to be responsible for the procedural aspects of the making of orders and making provision as to their use.	Excluding determining the level of charges
109.	Off street and on street parking places	To exercise the Council's powers and duties in relation to the management of all off street and on street parking places and to institute any legal proceedings in connection therewith.	Excluding determining the level of charges
110.	Road Traffic Regulation Act 1984 (Section 102) and Traffic Management Act 2004 (Part 6)	To move any vehicle or arrange for any vehicle to be removed from any controlled parking place when any vehicle is left in such a parking place in contravention of any of the provisions contained in the appropriate Order and to take all such further action in connection therewith as is permitted by the said Order: and further to exercise all the powers conferred on the Council .	
111.	Town Police Clauses Act 1847	To determine applications for the temporary restriction of highways.	
112.	Street name plates and street lighting	To exercise the powers and functions of the Council in relation to street name plates and street lighting.	
113.	Goods Vehicles (Licensing of Operators) Act 1995	To make objections and representations on behalf of the local authority to the grant of applications for operators licences	
114.	Number houses and to mark or re-mark street names	To number houses and to mark or re-mark street names.	
115.	Manage the major projects	To take all steps necessary to undertake and manage the Council's major projects in accordance with approved policy and budget.	
116.	Provision of services, amenities, recreation, and refreshment facilities on the highway and related powers	To grant permission for provision, etc of services, amenities, recreation, and refreshment facilities on the highway and related powers.	
117.	Highways Act 1980 (Section 115E)	To publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980.	

**Delegation to: Director of Environment and Corporate Assets
Corporate Property Services Manager**

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
118.	The Town and Country Planning Act 1990 - Section 215 to 219	Land adversely affecting amenity of neighbourhood	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
119.	The Building Act 1984 Section 59 Section 60 Section 64 Section 66 Section 67 Section 72 Section 76 Section 79 Section 84 Section 85 Section 98 Section 104 Section 108	Drainage of buildings Use and ventilation of soil pipes Provision of closets in building Replacement of earth-closets etc Loan of temporary sanitary conveniences Means of escape from fire Defective premises Ruinous and dilapidated buildings and neglected sites. Paving and drainage of yards and passages Maintenance of entrances to courtyards Power to require occupier to permit work. Local authority to give effect to appeal Payment by instalments	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
120.	The Housing Act 1985 Part VI Part VI Part X Part XI		Excluding Sections 289 to 302 inclusive and sections 304 to 306 inclusive
121.	The Housing Act 2004 Part 1 Chapter 1 Chapter 2 Chapter 3 Chapter 5	Housing Conditions Enforcement of housing standards: general Improvement notices, prohibition orders and hazard awareness notices Emergency measures General and miscellaneous provisions relating to enforcement action	The provisions of Part 1 Chapter 4 relating to demolition orders and slum clearance declarations have not been delegated Including Schedule 3
122.	The Local Government and Housing Act 1989 - Section 98	Power of entry in connection with Renewal Areas	
123.	The Local Government Miscellaneous Provisions Act 1976 Section 16 Sections 21 & 22 Section 33	Power to obtain particulars of persons interested in land Sanitary conveniences Restoration or continuation of supply of water gas or electricity	
124.	The Local Government (Miscellaneous Provisions) Act 1982 - Sections 29 to 32	Protection of Buildings	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
125.	The National Assistance Act 1948 Section 47 Section 48	Removal to suitable premises of persons in need of care Duty of councils to provide temporary protection for property of persons admitted to hospitals etc	

Delegation to: **Director of Environment and Corporate Assets
Environmental Enforcement and Protection Manager**

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
126.	European Communities Act 1972 (a) All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time and relating to public Health (b) any modification or re- enactment of the foregoing	Various measures for the optimisation of public health	
127.	The Game Act 1831 – Sections 5, 6, 17, 18 and 21 to 23 Game Licences Act 1860 –	Licensing of dealers in game and the killing and selling of game	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Sections 2 to 16 The Customs and Inland Revenue Act 1883 – Section 4 The Local Government Act 1874 – Sections 12(3) and 27 The Local Government Act 1972 – Section 213		
128.	The Licensing Act 2003 - Parts 3, 4	Functions of enforcing authority for the purposes of the Health & Safety at Work etc Act 1974	To exercise the powers under the Act of a "responsible authority" within the meaning of sections 13(4)(c) and 69(4)(c) of the Act
129.	The Noise and Statutory Nuisance Act 1993 - Schedules 2 and 3	Powers relating to loudspeakers and alarms.	
130.	Poisons Act 1972 - Sections 3(1)(b)(ii), 5, 6 and 11	List of persons entitled to sell non-medical poisons	
131.	The Town and Country Planning Act 1990 – Sections 215 to 219	Land adversely affecting amenity of neighbourhood.	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
132.	The Anti-Social Behaviour Act 2003		

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Sections 41 & 42 Section 43 Sections 48 & 49	Closure of noisy premises To authorise officers to issue penalty notices for graffiti and fly-posting Graffiti removal and recovery of expense	
133.	The Building Act 1984 Section 59 Section 60 Section 65 Section 67 Section 79 Section 84 Section 85 Section 98 Section 104 Section 108	Drainage of buildings. Use and ventilation of soil pipes. Provision of sanitary conveniences in workplace. Loan of temporary sanitary conveniences. Ruinous and dilapidated buildings and neglected sites. Paving and drainage and yards and passages. Maintenance of entrances to courtyards. Power to require occupier to permit work. Local authority to give effect to appeal. Payment by instalments.	
134.	Byelaws made by the Council in so far as they relate to dogs		
135.	Clean Air Act 1993		Excluding Part III (provisions relating to smoke Control Areas)
136.	Clean Neighbourhoods and Environment Act 2005 Part 2 Part 3 Part 4 Part 5 Part 6	Vehicles Litter and Refuse Graffiti and other defacement Waste Dogs	Excluding section 55 (power to make dog control orders)

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Part 7	Noise	Excluding section 69 (Designation of alarm notification areas)
137.	The Control of Dogs Order 1992		
138.	The Control of Pollution Act 1974 Part III Part V	Provisions relating to noise Supplementary Provisions	Excluding sections 63 to 67 inclusive
139.	The Control of Pollution (Amendment) Act 1989 Section 5 Section 6 Section 7	Duty to produce authority to transport controlled waste Seizure and disposal of vehicles used for illegal waste disposal Further enforcement provisions	
140.	The County of Kent Act 1981		
141.	The Dangerous Dogs Act 1991		
142.	The Dogs (Fouling of Land Act) 1996 Section 3 Section 4	Prosecution of Offences Provisions relating to fixed penalty notices	
143.	The Dover Port Health Authority Order 1978	To exercise the powers and functions of the council in its capacity as Port Health Authority [within the meaning of the Public Health (Control of Disease) Act 1984] whether arising or having effect under The Food Safety Act 1990 The European Communities Act 1972 The Agriculture Act 1990	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
147.	European Communities Act 1972 (a) All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time and relating to public Health (b) any modification or re-enactment of the foregoing	Various measures for the optimisation of public health	
148.	The Food and Environment Protection Act 1985		
149.	The Food (Chilli, Chilli Products Curcuma & Palm Oil) (Emergency Control) (England) Regulations 2005		
150.	The Food Hygiene (England) Regulations 2006		
151.	The Food (Jelly Confectionary) (Emergency Control) (England) Regulations 2002		
152.	The Food Safety Act 1990 Part II Part III	Main Provisions Administration & Enforcement	
153.	The Food Safety Act (Amendment) Regulations 2004		

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
154.	The General Food Regulations 2004		
155.	The Health Act 2006, Part 1, Chapter 1 – All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time relating to smoking	Smoke-free premises, places and vehicles.	
156.	The Local Government Miscellaneous Provisions Act 1976 Section 16 Sections 21 and 22 Section 33 Section 35	Power to obtain particulars of persons interested in land. Sanitary conveniences. Restoration or continuation of supply of water, gas or electricity. Removal of obstructions from private sewers	
157.	The Local Government (Miscellaneous Provisions) Act 1982 – Sections 29 to 32	Protection of buildings.	
158.	The National Assistance Act 1948 – Section 47 Section 48	Removal to suitable premises of persons in need of care. Duty of Councils to provide temporary protection for property of persons admitted to hospitals, etc.	
159.	The Noise Act 1996	Noise at Night	
160.	The Offices, Shops and Railway Premises Act 1963		
161.	The Official Feed and Food Controls (England) Regulations 2006		

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
162.	The Organic Products (Imports from Third Countries) Regulations 2003		
163.	Pollution Prevention and Control Act 1999		
164.	Pollution Prevention and Control (England and Wales) Regulations 2000		
165.	The Prevention of Damage by Pests Act 1949		
166.	Private Water Supplies Regulations 1991		
167.	The Products of Animal Origin (Import and Export) Regulations 1996		
168.	The Products of Animal Origin (Third Country Imports (No 4) (England) Regulations 2004		
169.	Public Health Act 1936, Part II Section 45 Section 50 Section 78 Section 79 Sections 83 and 84 Section 140 Part XII	Sanitation and buildings Defective sanitary conveniences. Leaking cesspools. Accumulations in yard, etc. Removal of noxious matter. Filthy and verminous premises, articles, etc. Polluted water supply. General works in default, powers of entry, prosecutions, etc.	
170.	The Public Health Act 1961 Section 17 Section 34 Sections 35 and 36	Drainage Accumulations of rubbish Filthy and verminous premises, articles, etc	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
171.	The Public Health (Control of Diseases Act) Act 1984 Part I Part II Part III Part V Part VI	Port Health Control of disease Disposal of dead bodies Miscellaneous General	
172.	The Public Health (Ships) Regulations 1979	Public health control of ships	
173.	The Refuse Disposal Amenity Act 1978	Provisions relating to other refuse	
174.	The Rice Products (Restriction on First Placing on the Market) (England) Regulations 2008		
175.	The Specified Products from China (Restriction on First Placing on Market) (England) Regulations 2008		
176.	Environmental Permitting Regulations 2008	Powers relating to environmental permitting.	
177.	The Water Industry Act 1991 – Sections 77 to 85	Local authority functions with regard to water supplies	
178.	The Prevention of Damage by Pests Act 1949		
179.	Public Health Act 1936 Part II Section 45 Section 50 Section 78	Sanitation and Buildings Defective sanitary conveniences Leaking cesspools Accumulations in yard etc	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	Section 79 Sections 83 & 84 Section 140 Part XII	Removal of noxious matter Filthy and verminous premises, articles etc Polluted water supply General Works in default, powers of entry, prosecutions etc	(amended by section 35 Public Health Act 1961)
180.	The Public Health Act 1961 Sections 35 & 36 Section 17	Filthy and verminous premises, articles etc Drainage	
181.	The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002	Power to improve living conditions	
182.	Environmental Protection Act 1990, Sections 79 and 80	Any premises in such a state as to be prejudicial to health or a nuisance	Section 79(1)(b)-(h)

Delegation to: Environmental Protection Team Leaders

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
183.	The Licensing Act 2003 - Parts 3 & 4	Functions of local authority whose functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health	To exercise the powers under the Act of a "responsible authority" within the meaning of sections 13(4)(e) and 69(4)(e) of the Act

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			To act as an "authorised person" and to appoint and to terminate the appointments of other officers to so act

Delegation to: Public Protection Team Leaders

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
184.	The Health and Safety at Work etc Act 1974 - Section 19	Power to appoint and to terminate the appointments of inspectors, to specify and vary the powers which any such inspector is entitled to exercise	

**Delegation to: Environmental Enforcement and Protection Manager
Licensing Team Leader**

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
185.	Licensing Act 2003 and Gambling Act 2005 and any Regulations and Orders made or having effect thereunder	To exercise all functions of the Council as Licensing Authority.	Those which are either reserved to or conferred upon either the full Council or the Licensing Committee (or a Sub-Committee thereof)

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			either by law, or by virtue of this or any other scheme of officer delegations made by the Licensing Committee from time to time [Licensing Committee]
186.	Licensing Act 2003 and Gambling Act 2005 (Sections 18, 31, 35, 39, 44, 72, 85, 120 and 121)	<p>By way of example (and not by way of limitation) the delegations effected by the above paragraph include power to discharge the following functions:</p> <p>(a) The functions under Section 18 relating to determining applications for premises licences where there are no relevant representations.</p> <p>(b) The functions under Section 31 relating to determining applications for provisional statements where there are no relevant representations.</p> <p>(c) The functions under Section 35 relating to determining applications for variations to premises licences where there are no relevant representations.</p> <p>(d) The functions under Section 39 relating to determining applications to vary the designated premises supervisor where there is no police objection.</p> <p>(e) The functions under Section 44 relating to determining applications for the transfer of a premises licence where there is no police objection.</p> <p>(f) The functions under Section 72 relating to determining applications for club premises certificates where there are no relevant representations.</p> <p>(g) The functions under Section 85 relating to determining applications to</p>	[Licensing Committee]

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p>vary club premises certificates where there are no relevant representation.</p> <p>(h) The functions under Section 120 relating to determining applications for personal licences where there is neither a police objection and the applicant does not have unspent convictions.</p> <p>(i) The functions under Section 121 relating to determining applications for the renewal of personal licences where there is neither a police objection and the applicant does not have unspent convictions.</p> <p>(j) To determine whether any complaint, representation etc is irrelevant, frivolous, vexatious or is a repetition etc.</p> <p>(k) To discharge the administrative and managerial functions of the Licensing Authority under the Act and, in particular, to issue, sign or authenticate any notice, order, determination, or document required or authorised to be given under the Act or any Regulations and Orders made or having effect thereunder.</p>	
187.	Authorise experienced officers to exercise functions	To authorise appropriately experienced officers to exercise any powers or functions delegated to them.	[Licensing Committee]
188.	Licensing Act 2003	No officer shall authorise or bring or defend any legal proceedings (including criminal proceedings for the breach of any requirement arising under the Licensing Act 2003 or any Regulations or Orders made or having effect thereunder) otherwise than in consultation with the Solicitor to the Council.	[Licensing Committee]
189.	Local Government (Miscellaneous Provisions) Act 1982 (Paragraph 10 of Schedule 4)	To issue, renew or revoke street trading consents, including the institution of legal proceedings.	[Council]
190.	Street and House to House Collections	To authorise street and house-to-house collections.	[Council]

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
191.	Licences – Pleasure Boats, Pleasure Vessels and Boatmen	To issue licences in respect of pleasure boats and pleasure vessels and boatmen.	[Council]
192.	Caravan Sites and Control of Development Act 1960 (Part 1)	To exercise the powers and functions of the Council relating to the licensing of caravan sites including the powers of entry under section 26 and, in consultation with the Solicitor to the Council, to institute proceedings in respect of any offence under the Act	[Council]
193.	Local Government (Miscellaneous Provisions) Act 1976 and Caravan Sites and Control of Development Act 1960 (Part 1.)	To delegate powers for the service of Statutory Notices.	[Council]
194.	Caravan Sites and Control of Development Act 1960 (Breaches of Site Licence) and Local Government (Miscellaneous Provisions) Act 1976	To institute, in consultation with the Solicitor to the Council, legal proceedings in respect of any offence under the legislation, or Regulations.	[Council]
195.	Caravan Sites and Control of Development Act 1960 (Part 1)	To issue site licences.	[Council]
196.	Local Government (Miscellaneous Provisions) Act 1976 (Section 57) (power to require information)	To exercise the powers and duties of the Council.	[Council]
197.	Hackney Carriage and Private Hire Vehicle Driver's Licences	To approve applications for Hackney Carriage and Private Hire Vehicle Drivers' Licences where the applicant either: (a) has no current convictions; or (b) has convictions which would not, under normal circumstances, raise doubts as to the applicant's fitness to hold a licence having regard to	[Council]

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		the Council's policy guidelines relating to fit and proper persons.	
198.	Vehicle Licences	To approve applications for Hackney Carriage and Private Hire Vehicle Licences.	[Council]
199.	Private Hire Vehicle Operator Licences	To approve applications for Private Hire Vehicle Operator Licences where the applicant: (a) has no current convictions; or (b) has convictions which would not, under normal circumstances, raise doubts as to the applicant's fitness to hold a licence having regard to the Council's policy guidelines relating to fit and proper persons.	[Council]
200.	Local Government (Miscellaneous Provisions) Act 1976 (Section 58) (Return of Identification Plate or Disc)	To exercise the powers and duties of the Council.	[Council]
201.	Local Government (Miscellaneous Provisions) Act 1976 (Section 79)	To act as Authorised Officer in respect of the specified licences (Authentication of Licences).	[Council]
202.	Local Government (Miscellaneous Provisions) Act 1976 (Sections 60, 61 and 62)	To suspend Hackney Carriage and Private Hire Vehicle and Drivers' Licences and Private Hire Operator Licences.	[Council]
203.	Local Government (Miscellaneous Provisions) Act 1976 (Section 68) (fitness of licensed vehicles)	To act as an Authorised Officer.	[Council]
204.	Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Town Police Clauses Act 1847 (Sections 37 to 68)	To institute proceedings against any person contravening legislative provisions and any Byelaws made thereunder.	[Council]
205.	Advertising on hackney carriage and private hire	To approve applications for advertising on the front doors of hackney carriage and private hire vehicles.	[Council]

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	vehicles		
206.	Refunds of surrendered Private Hire Vehicle and Private Hire Operator Licences	To grant refunds in respect of surrendered Private Hire Vehicle and Private Hire Operator Licences.	[Council]
207.	To licence or register persons or premises	To register persons and premises in respect of the business of tattooing, ear-piercing, electrolysis and hairdresser or barber and the practice of acupuncture.	[Council]
208.		To licence or register as appropriate: (a) Theatres, cinemas, sex establishments, late night refreshment houses. (b) Dangerous wild animals, animal boarding, dog breeding establishments, pet shops, riding establishments, performing animals and zoos, guard dogs, slaughter houses and slaughter men. (c) Game dealers, rag flock and scrap dealers and metal dealers.	
209.	Local Government (Miscellaneous Provisions) Act 1982 (Paragraph 10 of Schedule 4)	To issue, renew or revoke street trading consents, including the institution of legal proceedings.	[Council]
210.	Animals Act 2006	To exercise the powers and functions of the Council	[Council]

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
211.	Sunday Trading Act 1994	To administer the provisions of the Sunday Trading Act 1994 including the receipt of notices in respect of large shops and shops occupied by persons observing the Jewish Sabbath and to maintain the statutory registers in respect thereof.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
212.	Sunday Trading Act 1994	To enforce the provisions of the Sunday Trading Act 1994 (including the institution of legal proceedings in respect of any offence under the Act) and to appoint inspectors for the purpose thereof.	
213.	Sunday Trading Act 1994 (Schedule 3)	To determine all applications for consent and exercise all powers under Schedule 3 of the Sunday Trading Act 1994.	

**Delegation to: Director of Community and Development
 Head of Development Management**

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
214.	Flyposting	In appropriate cases and following requests for posters to be removed, to take legal action, including prosecutions in the Magistrates Court, in respect of indiscriminate flyposting.	
215.	Town and Country Planning Act 1990 (Sections 191, 192 and 220), Planning (Listed Building and Conservation Areas) Act 1990 (Section 10) and Planning (Hazardous Substances) Act 1990 (Section 4)	<p>(1) To determine any application for full planning permission, outline planning permission, deemed planning permission, approval of reserved matters or any amendments to previously approved applications and to make observations in cases of consultations by Statutory Undertakers, Government Departments, adjoining local authorities, or the Kent County Council.</p> <p>(2) To determine applications for consent under Regulations made under Section 220 of the Town and Country Planning Act 1990, for the display of advertisements.</p> <p>(3) To determine applications for Certificates of Lawful Use and Development under Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended).</p>	<p>The powers in Column 2 to be exercised except in the following circumstances</p> <p>(a) made by or on behalf of the Council, a member of the Council or a member of staff;</p> <p>(b) those specifically requested in writing by a Member of the Council for</p>

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p>(4) To determine applications for "listed building consent" under Section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of proposals to alter or extend a listed building (but not in respect of demolition) provided there are no adverse representations.</p> <p>(5) To determine applications for hazardous substances consent under Section 4 of the Planning (Hazardous Substances) Act 1990 provided there are no adverse representations.</p> <p>Material amendments made to applications after consideration by the Planning Committee but prior to formal determination shall be put before the Planning Committee for reconsideration if, following any re-advertisement or re-consultation, issues not previously taken into account are raised by third parties.</p> <p>A report to the Planning Committee shall not be required where, irrespective of the intended decision of the Director of Community and Development or Head of Development Management, third parties (including Town or Parish Councils) state no objections or are ambivalent or raise only issues which are not material planning considerations.</p>	<p>consideration by the Planning Committee;</p> <p>(c) those brought to the Planning Committee on the Director of Community and Development or Head of Development Management's initiative;</p> <p>(d) applications attracting more than two contrary third party written representations which cannot be sustained on planning considerations.</p>
216.	Town and Country Planning (General Permitted Development) Order 1995	To determine applications as to whether the prior approval of the Council is required to the method of proposed demolition and any proposed restoration of a site.	
217.	Town and Country Planning (General Permitted Development) Order 1995 (Part 6, Class A2(2) and Schedule 2, Part 24 Class A2(4)(a)), Town and Country Planning (General Permitted Development) (England) Order	<p>(a) To determine applications under the Town and Country Planning (General Permitted Development Order 1995 as to whether the prior approval of the Council is required, and the giving or refusing of such approval, for agricultural development pursuant to Part 6, Class A.2(2) of the Order.</p> <p>(b) To determine applications under the Town and Country Planning (General Permitted Development) (England) Order 2001 as to whether</p>	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
<p>2001 (Part 24), Land Compensation Act 1961 (Section 17) and Land Compensation Development Order 1974</p>	<p>the prior approval of the Council is required, and the giving or refusing of such approval, for development by telecommunications code system operators pursuant to Part 24 of the Order, all in accordance with the following agreed arrangements:</p> <ul style="list-style-type: none"> (i) All such proposals for masts, antennae or radio equipment housing to be reported to the Planning Committee or be the subject of consultation with the Chairman or Vice-Chairman of the Planning Committee if the intended decision is not to require prior approval. (ii) All such proposals to be delegated to the Director of Community and Development or Head of Development Management if the intended decision is to require prior approval. (iii) If, following a decision that prior approval is required, the intended decision on any such proposal is to grant prior approval, the application be reported to the Planning Committee or be the subject of consultation with the Chairman or Vice-Chairman of the Planning Committee. (iv) If, following a decision that prior approval is required, the intended decision on any such proposal is to refuse prior approval, the application be determined by the Director of Community and Development or Head of Development Management, unless more than two contrary representations have been received. (v) All prior approval applications for public call boxes, whether or not prior approval is required and whether or not such approval is to be given, to be delegated to the Director of Community or Development and Head of Development Management to determine, except if more than two contrary representations have been received or if they involve the removal of a K6 telephone 	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p>kiosk and the recommendation is to grant approval, in which case the application will either be reported to Planning Committee or be the subject of consultation with the Chairman and Vice-Chairman of the Planning Committee.</p> <p>(vi) All proposals for the addition of telecommunications items and equipment to the masts at Langdon Cliffs (Swingate), Hougham and Whitfield be determined by the Director of Community and Development and Head of Development Management unless more than two contrary third party representations have been received.</p> <p>(vii) All applications for the addition of any ancillary equipment (such as equipment cabins but not additional replacement antennae) be determined by the Director of Community and Development and Head of Development Management.</p> <p>(viii) All applications under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as to whether the prior approval of the Council is required, and the giving or refusing of such prior approval, for development by Telecommunications Code systems operator within the Area of Outstanding Natural Beauty and Conservation Areas pursuant to Schedule 2, Part 24, Class A2 (4)(a) be determined by the Director of Community and Development and Head of Development Management.</p> <p>(c) To determine applications for Certificates of Appropriate Alternative Development under Section 17 of the Land Compensation Act 1961 and the Land Compensation Development Order 1974.</p>	
218.	Town and Country Planning (General Permitted Development) Order 1995	To determine applications under the Town and Country Planning (General Permitted Development) Order 1995 as to whether the prior approval of the Council is required, and the giving or refusal of such prior approval, for	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	(Schedule 2, Part II, Class A1)	development under Local or Private Acts or Orders pursuant to Schedule 2, Part 11, Class A1 of the 1995 Order.	
219.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 38) – Service of Building Preservation Notices and Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994	<p>(a) To authorise the service of Building Preservation Notices in accordance with Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>(b) To institute listed building enforcement action under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>(c) To make observations on notifications of "relevant work" under the Code of Practice relating to works proposed.</p>	
220.	Town and Country Planning Act 1990 (Section 106)	To negotiate and authorise agreements.	
221.	Town and Country Planning Act 1990 (Sections 201, 198, 172 and 211(3)(B)(i))	<p>(a) To authorise the making of Provisional Tree Preservation Orders under Section 201 of the Town and Country Planning Act 1990, with immediate effect and continuing in effect for up to 6 months.</p> <p>(b) To confirm or not confirm Tree Preservation Orders in cases where there are not more than two written representations which are contrary to the Officer's recommendation regarding the making of the Order.</p> <p>(c) To determine applications for consent under an Order under Section 198 of the Town and Country Planning Act 1990, to the cutting down, topping, lopping, uprooting, wilful damage and wilful destruction of trees.</p> <p>(d) To impose, whenever it is appropriate in the granting of planning permission for any development, conditions requiring the preservation or planting of trees in accordance with Section 197 of the Town and Country Planning Act 1990; to approve tree planting schemes required to be submitted within a given period; and to take appropriate enforcement action under Section 172 of the Town and Country</p>	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p>Planning Act 1990, requiring such schemes to be submitted, implemented and maintained in compliance with the terms of the conditions imposed.</p> <p>(e) To determine applications for consent under Section 211(3)(b)(i) of the Town and Country Planning Act 1990, for the carrying out of acts in respect of trees in Conservation Areas which may by virtue of Section 198(3)(a) of the 1990 Act be prohibited by a Tree Preservation Order.</p>	
222.	Environmental Impact Assessment	<p>(a) To determine whether or not a planning application is a Schedule 1 or Schedule 2 application (these schedules list, respectively, development always requiring an Environmental Impact Assessment and development requiring an Environmental Impact Assessment if it is likely to have significant affects on the environment).</p> <p>(b) To provide an opinion (a Screening Opinion) on whether a Schedule 2 development requires an Environmental Impact Assessment, or whether or not a development requires an Environmental Impact Assessment prior to the submission of an application, and notifying an applicant or prospective applicant accordingly.</p> <p>(c) To provide environmental information to a developer and give a formal opinion on what should be included in an Environmental Statement (a Scoping Opinion).</p> <p>(d) To request further information from an applicant if the required information is lacking from an Environmental Statement.</p> <p>(e) To publicise the Environmental Statement and any subsequently received information.</p> <p>(f) To inform the public of any decision on any application accompanied by an Environmental Statement and the main reasons for it.</p>	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
223.	Town and Country Planning Act 1990 (Section 215)	To serve, subject to any directions given by the Secretary of State for the Environment, notices requiring the proper maintenance of waste land.	
224.	Planning (Hazardous Substances) Act 1990 (Sections 11 and 24)	(a) To determine the validity of claims for deemed hazardous substances consent. (b) To institute hazardous substances enforcement action.	
225.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Sections 67 and 73)	To determine whether development proposed in an application would affect the setting of a listed building, or the character or appearance of a conservation area and to advertise the proposal.	
226.	Costs incurred in planning appeals	To make application in appropriate cases for costs incurred in planning appeals and to determine the amount of costs where such applications are successful.	
227.	Town and Country Planning Act 1990 (Sections 187A, 171C, 171D, 172, 183, 196A and 214B) and Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 88)	(a) To take appropriate enforcement action to secure compliance with any condition imposed on any grant of planning permission under Section 187A of the Town and Country Planning Act 1990. (b) To investigate any unauthorised development and to serve planning contravention notices in pursuance of Sections 171C and 171D of the Town and Country Planning Act 1990 and to hear any offers or representations in response to such notices. (c) To prioritise action in respect of investigation of breaches of planning control. (d) To authorise the issue of Enforcement Notices under Section 172 of the Town and Country Planning Act 1990. (e) To authorise the service of Discontinuance Orders under Section 102 of the Town and Country Planning Act 1990. (f) To authorise the service of Stop Notices under Section 183 of the Town and Country Planning Act 1990.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p>(g) To determine whether development enforced against is Schedule 1 or Schedule 2 and to provide a screening opinion and the accompanying Notice in appropriate cases.</p> <p>(h) To withdraw enforcement notices where planning permission has subsequently been granted, to waive or relax any requirement of such notices, or to extend the period for compliance.</p> <p>(i) To authorise officers to enter on to land and listed buildings in connection with the making or confirming of a Tree Preservation Order and offences relating to Tree Preservation Orders, or trees in conservation areas in accordance with Sections 196A and 214B of the Town and Country Planning Act 1990 (as amended) and Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>(j) To authorise no action in cases where, following initial investigation of a third party complaint, the Director of Community and Development or Head of Development Management is satisfied that the service of a formal notice under Town and Country Planning legislation cannot be justified.</p> <p>(k) To authorise (in consultation with the Solicitor to the Council) the institution of proceedings for any offence under the Town and Country Planning legislation or Regulations made thereunder.</p>	
228.	Publication of applications for planning permission and other consents and supply of copies of planning applications to Town and Parish Councils	<p>(a) To publicise in appropriate local weekly newspapers the receipt of applications for planning permission and other consents.</p> <p>(b) To supply copies of the relevant applications for planning permission and other consents (including plans) to the Clerks of Town and Parish Councils within the District.</p>	
229.	Town and Country Planning	To implement the provisions of the Town and Country Planning (Fees for	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	(Fees for Applications and Deemed Applications) Regulations 1989	Applications and Deemed Applications) Regulations 1989 as amended.	
230.	Hedgerow Regulations 1997	To exercise the Council's powers and duties in relation to the Hedgerow Regulations 1997.	
231.	Response to all planning appeals	To determine the Council's response to all planning appeals, to include: <ul style="list-style-type: none"> (a) The completion of questionnaires and agreement on the procedure to be used; (b) The determination of whether a statement is necessary in written representations cases; (c) The determination of the form and content of statements and proofs of evidence; (d) The provision of representations and evidence at Public Inquiries and Informal Hearings. 	
232.	Set aside planning conditions – retention of trees	To set aside Planning Conditions with no time limit relating to the retention of trees included in decisions pre-dating 1974.	
233.	Schedule 1 or 2 development – screening opinion	(a) Determination of whether development enforced against is Schedule 1 or Schedule 2 development. (b) Providing a screening opinion and the accompanying Notice in appropriate cases.	
234.	Tree work in Conservation Areas	To determine conservation area tree work applications where there are unresolved third party representations which accord with the provisions of the Human Rights Act 1998 and subject to consultation with the Chairman and Vice-Chairman of the Planning Committee.	
235.	Statutory register of planning applications	To maintain and administer the statutory register of planning applications.	
236.	Town and Country Planning	To carry out any and all consultations required by Article 10 of the Town	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes	
	(General Development Procedure) Order 1995 (Article 10)	and Country Planning (General Development Procedure) Order 1995 and to carry out any additional consultation which the Director of Community and Development or Head of Development Management considers necessary or desirable in respect of any particular planning applications or other applications under the Planning Acts.	
237.	Impose conditions upon planning permission and other consents	To impose conditions upon the grant of full or outline planning permission and upon other consents under the Planning Acts and to give reasons for the imposition of such conditions and, in the case of refusal of full or outline planning permission or other applications under the Planning Acts, to give reasons for that refusal.	
238.	Town and Country Planning Act 1990 (Section 172) and Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 38)	To issue Enforcement Notices including specifying dates and determining the periods for compliance.	
239.	Anti-Social Behaviour Act 2003 (Section 74)	To exercise the powers of entry under Section 74 of the Anti-Social Behaviour Act 2003 and also that he/she be empowered to authorise other officers to exercise those powers.	
240.	Anti-Social Behaviour Act 2003 (Part 8)	To discharge the powers and functions of the Council in relation to complaints made under Part 8 of the Anti-Social Behaviour Act 2003.	
241.	Validation of planning applications	To exercise all relevant statutory powers to (i) determine whether a planning application is valid and (ii) require applicant(s) to supply further information or evidence in support of a planning application. To prepare and finalise any future local requirements relating to those types of applications not currently covered and to amend any local requirements in future to reflect changes in circumstances.	
242.	Town and Country Planning (General Permitted Development) Order 1995 (as amended)	(a) To authorise the making of Article 4 Directions, and to undertake all necessary publicity and consultation. (b) To decline to authorise the making of Article 4 Directions in those cases where they are requested but no planning justification can be	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		identified.	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
243.	Dangerous trees	To require owners to carry out works to dangerous trees or to authorise entry onto land for the purpose of enabling such works to be carried out on behalf of the Council.	
244.	Anti-Social Behaviour Act 2003 (Part 8) (having regard to any amendments to the Functions and Responsibilities Regulations 2000)	To undertake all functions in respect of the processing of complaints about high hedges.	
245.	Licensing Act 2003 (Sections 13(4)(d) and 69(4)(d))	To exercise the powers of the Planning Committee as "responsible authority".	

**Delegation to: Director of Community and Development
Head of Development Management
Building Control Manager**

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
246.	Building Act 1984 (Section 79)	To take action with regard to ruinous buildings.	
247.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 58)	To decide upon the recovery of sums paid out in respect of repairs to properties.	
248.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 57) or the Town Grant Scheme	Where the total amount repayable does not exceed £250, and subject to the concurrence of the Section 151 Officer, to determine if grants made should be repaid.	
249.	Transport Act 1968 (Sections 63 and 64)	To make representations to the Licensing Authority in respect of applications for goods vehicle operators' licences.	
250.	Building (Local Authority Charges) Regulations 1998 Building Act 1984 and the Building Regulations 1985 Building (Approved Inspectors, etc) Regulations 1985 Building Regulations	(a) To operate the Council's scheme of charges and to vary the standard charge scales by up to 10% (variations to the standard scale of charges greater than 10% to be agreed in consultation with the Chairman and Vice-Chairman of the Planning Committee. (b) To examine, and pass or reject all plans submitted, and examine and verify all building notices . (c) To examine, and either accept or reject all notices and certificates. (d) To inspect so far as possible building works in progress to ensure that the Building Regulations are not contravened. (e) To institute, in consultation with the Solicitor to the Council, appropriate enforcement proceedings when it is considered prudent that action should be taken to remedy the situation where it is	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		discovered that building works contravene the Building Regulations 1985, as amended. (f) To serve notices pursuant to the Building Act 1984 and the Building Regulations 1985, so far as they relate to building work. (g) To issue certificates of completion of building work.	
251.	Building Act 1984 (Section 81)	To approve applications for intended demolitions and serve the appropriate notices.	
252.	Building Act 1984 (Sections 77 and 78)	To serve Notices and take all necessary action in respect of dangerous buildings and structures .	

**Delegation to: Director of Community and Development
Housing and Community Manager**

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
253.	Fix values of Council houses	To fix values of Council houses to be sold.	
254.	Events	To co-ordinate the management of events taking place within the District both on and off Council land.	
255.	Housing Act 1996, as amended by the Homelessness Act 2002 (Part VII)	To determine the status of an applicant for accommodation .	
256.	Housing Corporation Grants submitted by Housing Associations	To administer applications for Housing Corporation Grants submitted by Housing Associations to the Council in respect of schemes approved by the Council or a Committee.	
257.	Fix rents and service charges etc	To fix reasonable rents, service charges and other charges for the tenancy and occupation of Council dwellings and garages in accordance	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		with the Council's policy and the provisions of Social Rent Reform.	
258.	Right to buy	To determine the circumstances in which the Right to Buy does and does not arise in accordance with the current legislation.	
259.	Housing (Service Charge Loans) Regulations 1992	To exercise the powers and duties of the Council under the Housing (Service Charge Loans) Regulations 1992 in accordance with such schemes as may from time to time be approved by the Council.	
260.	The Housing Act 2004 Part 2 Part 3 Part 4 Part 7	Licensing of houses in multiple occupation Selective licensing of other residential accommodation Additional control provisions in relation to residential accommodation Supplementary and final provisions	Excluding sections 55 to 60 relating designation of additional licensing areas Excluding sections 80 to 84 relating to the designation of selective licensing areas
261.	Recovery of repair costs by sale of property	(a) To charge property with the costs of repair works undertaken by the Council pursuant to its statutory powers. (b) To authorise the sale by the Council of any such property pursuant to powers contained in the Law of Property Act 1925 in order to recovery any sums due to the Council and secured by such a charge.	Power only to be exercised where the property in question is unoccupied
262.	Private sector leasing scheme	To discharge any functions of the Council under any private sector leasing scheme.	

**Delegation to: Director of Community and Development
Museums and Tourism Manager**

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
263.	Tourist Information Centres, museums and other tourist attractions	To manage or liaise for the provision of the Tourist Information Centres, museums and other tourist attractions.	
264.	Official guide books and other publicity and information material	To produce and publish official guide books and other publicity and information material including insertion of any advertisement in national and local journals.	
265.	Joint marketing schemes	To co-operate in joint marketing schemes.	
266.	Display at exhibitions and in museums	To select items for display at exhibitions and in museums.	

D. Conditions or Limitations (if any) [Council Functions]

None.

E. Conditions or Limitations (if any) [Executive Functions]

None.

JOINT REPORT OF THE DIRECTOR OF GOVERNANCE AND THE DIRECTOR OF FINANCE

EXTRAORDINARY COUNCIL – 18 MAY 2011

MEMBERS' ICT PROVISION AND SUPPORT 2011-2015

Recommendation

- (a) *It is recommended that Council confirms the amendments made to the Members' Allowance Scheme by Council on 6 April 2011 but with the amendment of paragraph, 15.2, to read as follows:*
- 15.2 *Basic allowances and special responsibility allowances will be paid as follows:*
- (i) *To enable Members to meet one-off expenses at the start of each year, the basic allowance will be paid as follows:*
- (a) *a payment of £500 at the commencement of the year*
- (b) *the balance to be paid by equal monthly payments on or about the 19th day of each month*
- (ii) *Special responsibility allowances will be paid by equal monthly instalments on or about the 19th day of each month.*
- (b) *That the amended scheme have effect from 1 April 2011.*
- (c) *That the amendments to the scheme be published in accordance with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003.*

Contact Officers: David Randall, extension 2141 and Mike Davis, extension 2107.

Reasons why a decision is required

1. To seek approval for changes to the method of Members ICT provision and to the Members' allowance scheme.

Options available to the Council with assessment of preferred option

2. On 11 April and 19 April respectively, Cabinet and Scrutiny (Policy and Performance) Committee considered a report on "Members' ICT Provision and Support 2011 - 2015" (the report is attached at Appendix 1).
3. The objective of the report was to save circa £38k every four years by:
 - stopping the provision of laptops and associated equipment to Members;
 - enabling Members to use web enabled e-mails; and

- providing a secure DDC memory stick for the storage of reports and documents.
4. The proposals were also linked to a second report on the Cabinet agenda "Procurement of a Committee/Document Management and E-Petition System". This system, called "Modern.Gov", is intended to make the circulation of Cabinet agendas more efficient and to reduce printing. The costs of Modern.Gov are to be met from the savings delivered by the cessation of supply of laptops to Members.
 5. At the meeting on 11 April Cabinet resolved:
 - (a) That Councillors not be supplied with ICT hardware or consumables with effect from May 2011, subject to the outcome of (b).
 - (b) That discussions be held between the Portfolio Holder for ICT, Consumer Affairs and Human Resources, the Director of Finance and EK Shared Services (ICT) to explore the practical implications that would permit re-elected Councillors to retain their laptops without ongoing Council ICT maintenance support, with the Portfolio Holder for ICT, Consumer Affairs and Human Resources authorised to make a final decision on this matter, having considered issues surrounding disposal, etc.
 - (c) That the Portfolio Holder for ICT, Consumer Affairs and Human Resources be authorised to determine requests from Members (where supported by their Group Leader) for the provision of refurbished laptops in cases of specific hardship where the Member cannot afford to buy a computer from their Member's allowance, but has the necessary ICT skills.
 6. On 19 April, Scrutiny Committee considered the report at Appendix 1. In the course of the debate Members raised concerns over:
 - (a) The requirement for new Members to finance the purchase of a laptop/PC from their own resources immediately after becoming a Member.
 - (b) The differential between existing re-elected Members who would be able to continue to use their current DDC laptops.
 - (c) The facilities made available to tenant representatives and the apparent inequity if they are provided with laptops by the Council.
 - (d) The view that although many households now have PCs/laptops, the additional requirement to use them for Council business can cause problems over adequate access within the households.
 7. With regard to point c above, the position for tenant representatives is rather different. They do not receive a Member's allowance, and so the Chairman and Secretary do receive a DDC laptop for their term in office. No other laptops are provided to tenant representatives. The other points are addressed below.
 8. At the end of their discussions, Scrutiny asked for the report to be re-submitted to Council, but addressing the following points:

- (a) the £15 per month currently provided to meet the costs of broadband access to be consolidated into the basic Members allowance¹.
 - (b) To enable Members to meet one-off expenses² at the start of each year, the basic allowance will be paid as follows:
 - (i) a payment of £500 at the commencement of the year
 - (ii) the balance to be paid by equal monthly payments.
 - (c) Members who do not serve for the full council year will be required to refund a pro rata proportion of the £500, and Members elected through by-election part way through the year will receive a pro rata proportion for the year.
 - (d) Members who decide to continue with their existing laptops will still receive the £500 on the basis that when the laptop becomes unserviceable, they have the funds to replace it, and there would be no ICT support provided. The alternative would be that the £500 is only paid when existing laptops are returned, but that would provide an incentive to return perfectly serviceable machines which would probably then have minimal use.
 - (e) The aim to minimize the wasteful over-production of printed agendas was welcomed, but the Committee confirms that Members attending meetings will continue to need paper agendas at the meetings (it was never proposed to stop supplying printed agenda to Members attending meetings, so this will not be an issue).
 - (f) When re-designing the format of Committee reports, the Directors of Governance and Finance should explore the potential use of ICT in the Chamber to provide projection of the report summary on the Chamber screen, and also the possibility of projecting the wording of any amendments for the assistance of Members.
9. Points (a) – (d) have been covered by the recommendations in this report. Points (e) and (f) will be taken into account in the implementation of Modern.Gov, and in the redesign of committee reports.

Options available to the Council

10. The main options available are:
- 1. Continue with the current basis of provision of ICT to Members.
 - 2. Cease all ICT provision and consolidate the £15pcm broadband allowance into the Members monthly allowance.
 - 3. Cease the provision of laptops, provide Members with a DDC memory stick, cease the payment of the £15pcm broadband allowance and make one-off payments of £500 to Members each year.
11. Option 1 would require continued support from ICT. The provision of ICT via East Kent Services has not been designed to maintain this level or resource. It would also require the identification of an additional £7k of savings from elsewhere in the budget

¹ This has already been approved by Council on 6/4/11.

² Such as purchase of a laptop, consumables etc

to offset the re-instatement of this cost to provide for the 4 yearly purchase of ICT kit for Members.

For these reasons option 1 is not recommended.

12. Option 2 would deliver the required savings, but it is recognised that even though many households have access to a PC or laptop, competition for access to the machines is often such that Members require their own machine. This would place an additional cost on Members.

For these reasons option 2 is not recommended.

13. Option 3 does deliver the required savings. It also makes provision for Members who have to purchase an additional PC or laptop, while delivering an additional £16k savings over 4 years.

For these reasons, option 3 is recommended.

Background Papers

None.

Resource Implications

The savings generated by these proposals arise on a 4 yearly cycle as follows:

- Savings every 4 years from the cessation of purchase of laptops and associated equipment for Members are estimated at £38k.
- Reduced annual contribution to Members ICT reserve, already assumed in the budget £7k.

Comments from Finance

Finance were consulted in the production of this report and have no further comment to make.

Impact on Corporate Objectives and Corporate Risks

The proposals save money to assist in meeting the pressures in the Councils Medium Term Financial Plan. They also have the environmental benefit of reducing printing costs and volumes and improving the circulation of papers to Members.

Attachments

Appendix 1 – Report of the Directors of Governance and Finance to Cabinet on 11 April 2011 and Scrutiny (Policy and Performance) Committee on 19 April 2011.

Appendix 2 – Changes to the basic allowance

Appendix 3 – Members' Allowance Scheme

DAVID RANDALL

MIKE DAVIS

Director of Governance

Director of Finance

JOINT REPORT OF THE DIRECTOR OF GOVERNANCE AND THE DIRECTOR OF FINANCE

RESPONSIBILITY – PORTFOLIO HOLDER FOR ICT, CONSUMER AFFAIRS AND HUMAN RESOURCES

NON-KEY DECISION

EXECUTIVE

CABINET – 11 APRIL 2011

MEMBERS' ICT PROVISION AND SUPPORT 2011-2015

Recommendation

- (a) *That Option 1 be approved: not to supply Councillors with ICT hardware or consumables with effect from May 2001.*
- (b) *That, subject to the approval of Option 1, the Portfolio Holder for ICT, Consumer Affairs and Human Resources be authorised to determine requests from Members (where supported by their Group leader) for the provision of refurbished laptops in cases of specific hardship where the Member can not afford to buy their own computer from their Member's allowance, but has the necessary ICT skills.*

Contact Officer: Pauline Hodding, extension 2305.

Purpose of the Report

1. To approve revised arrangements for ICT for Members, under which Members will:
 - purchase their own PCs/laptops and anti-virus software, printers and supplies;
 - use web based e-mail; and
 - receive a secure DDC memory stick for the secure retention of DDC reports and electronic documents.

Reasons why a decision is required

2. The approved budget for the financial year 2011/12 has been drawn up on the assumption that Option 1 below will be approved. Consequently there is no provision in 2011/12 for the ongoing supply of computers to Members. This report seeks Members' approval for this new approach. If approved, it is proposed to implement the new arrangements after the local elections on 5 May 2011.

Options available to the Council with assessment of preferred option

3. Option 1: not to supply Members with computers, subscriptions to anti-virus software or ICT consumables as any expenditure on these items should be covered by the Member's Basic Allowance which would be consolidated as set out in paragraph 8 below. A secure memory stick, access to web-enabled email, advice on minimum hardware and software specifications, and training will be provided to Members after

4. Option 2: only to supply a refurbished laptop (to be taken from existing laptops returned by Members) in instances of specific hardship where the Member cannot afford to buy their own computer, in which case the Member should discuss the matter with the leader of their Political Group who will forward any request to the Portfolio Holder for ICT for determination.

These laptops will not be upgraded or repaired, so when the current stock is exhausted, or no longer of an adequate specification, this option will no longer be sustainable and will cease.

5. Option 3: to maintain the status quo by providing Members with ICT hardware, consumables, and broadband subsidy. This is not a sustainable position as the cost is approximately £850 for each of the 45 Members (total £38,250) and EK Shared ICT service would not have the capacity to offer individual assistance to Members as at present. Budgetary provision for maintaining the status quo was removed by the Council in approving the 2011/12 budget and, were this option to be pursued, savings would have to be identified from elsewhere within the budget to meet the cost. Therefore this option is not recommended.

Information to be considered in taking the decision

6. In September 2003 and November 2004 Cabinet considered reports by the then Head of IT on the provision of IT facilities for Members to assist them in their Council and community work in support of 'e-government'. A standard package for Members' IT was approved (CAB116 2003) and Members were offered the provision for broadband where available.
7. In 2004 Cabinet agreed to enhance the provision of Members' IT facilities by adopting the Windows terminal server system for Members' remote access to email and the intranet; Microsoft Office was to be provided to all Members; and with BT to be adopted as the preferred broadband supplier (CAB 131 2004). At that time the average monthly cost of broadband subscription was £30 and it was agreed that the Council would reimburse half of that monthly figure to those Members who requested it. **Copies of these reports are attached at Appendix A.**
8. At present there are 40 laptops, 3 desktops, 2 PDAs, 1 Blackberry and a large number of printers provided to Members. Three Members have chosen to share a computer with their spouses who are also elected Members and 2 have not requested DDC computers. All of this equipment remains the property of DDC and Members signed an agreement to this effect on being issued with the items. **A copy of the agreement is attached at Appendix B.** To date this Council's ICT officers have provided support to Members with hardware, software and broadband connection problems where possible.
9. Although not all Members requested the £15 per month broadband connection reimbursement, the sum of £7,000 per annum was included in the budget for this specific purpose and remains in the budget to date. Should Members agree to

Option 1 above then a further report will be presented to Council on the consolidation of the Basic Allowance to allow for the inclusion of subscriptions to broadband.

10. Under Option 1 above (the preferred option) East Kent Services ICT team will provide a note of the minimum PC/laptop specification that Members will require, together with a note of anti-virus/firewall and broadband specification. The PC/laptop does not need to be a high specification and the majority of basic machines should be adequate. Members will be responsible for procuring the PC/laptop, the software and the broadband service. EKS ICT staff will be unable to provide direct support or home visits. They can provide general advice, but not a full support service. It should also be noted that the majority of problems experienced by Members relate to broadband issues which EKS ICT are unable to resolve as they are a matter between the Member and their Internet Service Provider.
11. The preferred option proposes to issue Members with a high capacity, secure memory stick which will enable them to save/store all DDC electronic documents in a secure manner. The data on the stick will not be accessible to anyone without the correct password. Members will be asked to sign for the stick, will be given guidance on its use and asked not to store any non-DDC data on the stick.
12. Members will be given access to web-enabled e-mail (and diary) which has virtually the same function as traditional email but can be accessed from any PC or laptop with internet access. This approach is already in use by a number of officers. It removes from Members the restriction of having to use just one computer in one location. It also assists DDC in complying with the Government's mandatory Code of Connection. Any attachments to emails can be saved on the memory stick and access to a Member's e-mail will be password protected.
13. As part of the Members' induction programme following the May elections, Members will be provided with a training session, guidance notes, the memory stick and an agreement which they will be asked to sign concerning the use of the memory stick.
14. Democratic Support is promoting the use of a comprehensive electronic committee management system and a full report on this appears later on the agenda for this meeting. Purchase of this system relies upon budget savings achieved by Option 1 above and Members' attention is drawn to the fact that Canterbury, Shepway and Thanet Councils already use the Modern.Gov committee management system. Modern.Gov (MG) is a system that provides agenda management and e-petition facilities. The key elements of MG are:
 - the format of Cabinet/Committee reports will be redesigned so that they contain a single page summary at the front
 - an abbreviated agenda will be published containing the single page summaries. This will make it easy for Members to read the agenda on-line.
 - full reports will also be held on MG, but will only be sent, as a matter of course, to Members who serve on the Cabinet/Committee in question (as currently happens with paper agendas)
 - if a Member who does not routinely receive the agenda is interested in a particular report, Democratic Services will provide a full printed copy on request.
 - all Members will continue to receive Council agendas
 - access to MG will be controlled by password.
14. As set out in the agreement signed by all Members at the time of receiving their laptop, PC, printer etc. this equipment is to be returned to DDC and should be

brought back to the Council by 23 May 2011 at the latest. Members who are not standing for re-election may wish to bring their equipment in earlier than this. Anyone who anticipates difficulty in returning the equipment themselves should contact their Group Leader to seek assistance.

15. The Council needs a clear, consistent and effective means of enabling all Members to use ICT to its best advantage while providing good value for money and one which ensures that every Member can safely access public and confidential Council material, be identified at all times as a Councillor when undertaking Council business and be easily contacted by their electorate, officers and other Members. Therefore the approval of Option 1 is recommended.

Background Papers

Cabinet reports September 2003 and December 2004
DDC Members' ICT Policy

Resource Implications

The provision of ICT equipment to Members costs around £850 for 45 Members, or £38,250 in total, every four years. Provision for this has been made by annual contributions to an ICT equipment and servers reserve. The recent rate of contribution is £7k per annum, and is a little short of the latest estimated requirement.

If Members approve this proposal they will make an estimated saving this May of £35k - £38k, and this also avoids the need to maintain the on-going £7k - £10k contribution to re-build the reserve. A cost of £30 per Member, or £1,350 will still be incurred for purchase of memory sticks, but these should be re-usable, and therefore, other than loss or breakage, this should be a one-off cost.

Requirement from Current Budget	Requirement for Additional Budget	
	Current Year	Full Year
Saving on the contribution to ICT reserve (the budget already assumes this saving)		£7k
Four yearly Saving on equipment purchase.		£38k

Comments from Finance

The 2011/12 budget and the Medium Term Financial Plan assume that this proposal will be approved.

Impact on Corporate Objectives and Corporate Risks

Effective arrangements, including e-mail access, secure storage and the use of a committee management system supports good ICT governance for all Councillors.

Customer Access Review

Not applicable.

Attachments

Appendix 1 – Cabinet reports September 2003 and November 2004³
Appendix 2 – DDC Members' ICT Policy

DAVE RANDALL

MIKE DAVIS

Director of Governance

Director of Finance

The officer to whom reference should be made concerning inspection of the background papers is the David Randall, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 821199, Extension 2141.

³ Appendices 1 and 2 were attached when the original report was presented to Cabinet on 11 April, but, for brevity, are not reproduced again with this report.

Changes to the Basic Allowance

1.	Members' Basic Allowance 2010/11	£4,223
	Broadband allowance	£180
	Total	<u>£4,403</u>
2.	Basic Allowance reduced by 10% for 2011/12	£3,800
	Consolidated Broadband Allowance	£180
	New Consolidated Allowance	<u>£3,980</u>
3.	Payment of Basic Allowance	
	– Lump sum paid at start of the year	£500
	– 12 monthly payments of £290	£3,480
	Total	<u>£3,980</u>

Members' Allowance Scheme

1. Introduction

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) requires local authorities to prepare schemes for the payment of allowances to their members.
- 1.2 The 2003 Regulations (as amended) states that authorities must establish a new scheme of allowances under those Regulations by 31 December 2003. Authorities making schemes are required to make provision for the payment of basic allowances and may also provide for the payment of special responsibility allowances, dependants' carers allowances, travelling and subsistence allowance and co-optees' allowances. Authorities must have regard to the recommendations made by an independent remuneration panel before making or amending a scheme.
- 1.3 An Independent Remuneration Panel has been established jointly by Dover District Council, Shepway District Council and Thanet District Council from 1 May 2008. The previous Independent Remuneration Panel established jointly by Dover District Council and Thanet District Council produced a report and recommendations (dated November 2003) in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003. This scheme was then duly made by the Council at its meeting on 17 December 2003.
- 1.4 At the Annual Meeting of the Council held on 11 May 2005 (and following consideration of a further report and recommendations of the independent remuneration panel dated January 2005), the Scheme was duly amended and these amendments are referred to and included in the Scheme set out below.

2. Commencement and Period of Scheme

- 2.1 This Scheme is made by Dover District Council pursuant to Section 18 of the Local Government and Housing Act 1989 (as amended by Section 99 of the Local Government Act 2000) and the Local Authorities (Members' Allowances) Regulations 2003.
- 2.2 This Scheme has effect from 17 December 2003 and applies to the payment of members' allowances from 18 December 2003 until 31 March 2004 and subsequent years thereafter (subject to any revocation or amendment).
- 2.3 The Scheme shall remain in force unless and until revoked by the Council with effect from the beginning of a year.
- 2.4 The Scheme may be amended at any time provided that regard is had to the recommendations of the independent remuneration panel.
- 2.5 Following the report from the independent remuneration panel in January 2005, the Council amended this Scheme at its Annual Meeting held on 11 May 2005; such amendments comprised of (a) inserting amended Schedules 1 (Basic Allowance), 2 (Special Responsibility Allowances) and 3 (Travelling and Subsistence Allowance) and (b) inserting paragraph 7A and Schedule 5 (Dependants Carers' Allowance).

3. Revocation of Previous Schemes

- 3.1 All previous schemes made by the Council for the payment of members' allowances were revoked with effect from 17 December 2003.

4. Basic Allowances

- 4.1 A basic allowance shall be paid to each Member of the authority who is a councillor in the amount set out in Schedule 1.
- 4.2 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office as Member and councillor subsists bears to the number of days in that year.
- 4.3 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that part, the part of basic allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the authority.

5. Special Responsibility Allowances

- 5.1 Special responsibility allowances shall be payable to those Members of the authority who are councillors as hold those offices (which have special responsibilities in relation to the authority) as are specified in column 1 of Schedule 2.
- 5.2 The amount of each special responsibility allowance shall be as specified in column 2 of Schedule 2.
- 5.3 Where a Member does not have throughout the whole of a year any such special responsibilities as entitle him/her to a special responsibility allowance, his/her entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.
- 5.4 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of special responsibility allowances payable to him/her in respect of the responsibilities or duties from which he/she is suspended or partially suspended may be withheld by the authority.
- 5.5 No Member shall be entitled to more than one special responsibility allowance. Where a Member holds more than one office, then the higher of the special responsibility allowances shall apply.

6. Appropriate Adjustments

- 6.1 The Section 151 Officer shall be authorised to make provision for any appropriate adjustment if necessary in respect of any basic allowance or special responsibility allowance which (a) has already been paid under the previous scheme in respect of the remainder of the year from which this Scheme has effect or (b) is to be paid in respect of any part of the year during which the previous scheme had effect.

7. Travelling and Subsistence Allowance

- 7.1 Travelling and Subsistence Allowance shall be available to Members of the Council (including Co-opted members) in such amount or amounts as may be specified in Schedule 4 and subject to such conditions as are set out therein and below.
- 7.2 Travelling and Subsistence Allowance shall only be payable to Members in respect of actual expenditure incurred in connection with or relating to the approved duties shown below. The scheme does not allow for travelling expenses to be paid to Members arranging meetings with officers or attending to Ward work as this is deemed to be part of the Member's role and Members' allowances paid are calculated to reflect these extra duties.
- 7.3 Attendance at meetings of the Council or of any of its committees, sub-committees, working or liaison groups, appeal panels and ad hoc meetings recorded in official minutes to which a Member has been appointed or at which s/he is acting as a Substitute for another Member including representatives appointed to Neighbourhood Forums and their substitutes.
- 7.4 Attendance at meetings of the Cabinet or of any Committee of the Cabinet or policy or project advisory groups. Members of the Shadow Cabinet, Chairmen of Scrutiny Committees and recognised Group Spokespersons shall also be eligible to claim for attendance at meetings of the Cabinet.
- 7.5 Requested attendance at meetings of Overview and Scrutiny Committees.
- 7.6 Meetings pursuant to any Joint Arrangements with another or other local authorities whether appointed or established under the Local Government Act 2000 or any other enactment.
- 7.7 Official briefing meetings which relate to an approved meeting as set out in 1.1 and 1.2 above where officers have specifically invited the Member. This scheme does not allow for travelling expenses to be paid to individual Members arranging meetings with officers as this is deemed to be part of the Member's role and Members' allowances paid are calculated to reflect these extra duties. For example: visiting the Council offices to discuss with an officer a matter raised by a member of the public in the Member's Ward.
- 7.8 Site meetings approved in advance by the Council, a committee or sub-committee, and limited to members of the committee or sub-committee in question.
- 7.9 Attending the approved duties as set out in Table 1 of Schedule 4. (Travelling arrangements should be co-ordinated to avoid duplicate claims wherever possible, particularly in instances where a Council Officer is also attending).

- 7.10 There is also a general duty permitting the Leader or nominated deputy to represent the Council at formal meetings not specified elsewhere with other authorities, official bodies or agencies for the purposes of any function of the Council.
- 7.11 Training, induction courses and seminars arranged for Members.
- 7.12 Attending the Council offices to open tender documents in accordance with Contracts Standing Order 11.5 in Part 4 of the Constitution.
- 7.13 The performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises.
- 7.14 The performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 (approval of non-maintained special schools) of the Education Act 1996.
- 7.15 The carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council or any of its committees or sub-committees. Provided always that the approved duties for which Members are eligible to claim travel and subsistence allowance shall not include cases where the Member is acting solely in his/her community role or carrying out ward business.
- 7.16 Co-opted and independent members of Committees, Boards and Panels receive travel allowances in the same way as elected members of the Council.
- 7.17 All claims for travel and subsistence allowances must be submitted to the Democratic Support section within three months from the date on which the entitlement arises.

8. Suspension from duties

- 8.1 Where a Member is suspended or partially suspended from his responsibilities or duties as a member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any travelling and subsistence allowance payable to him/her in respect of the responsibilities or duties from which s/he is suspended or partially suspended may be withheld by the Council.

9. Dependants' Carers' Allowance

- 9.1 A Dependants' Carers' Allowance shall be available to Members of the Council (a) in such amount or amounts as may be specified in Schedule 5 and (b) subject to such conditions as are set out in Schedule 6 and below.
- 9.2 A Dependant's Carer's Allowance shall only be payable to Members in respect of actual expenditure incurred in connection with or relating to the approved duties set out and at the hourly national minimum wage or higher for the municipal year 2011/12 and thereafter index linked as specified in Schedule 5.
- 9.3 A Dependant's Carer's Allowance shall only be payable to Members in respect of the expense of arranging for the care of a spouse, partner, child, parent, or a person who lives in the same household as the Member otherwise than by reason of being his/her employee, tenant, lodger or boarder.

- 9.4 The carer must not be a member of the claimant's immediate family i.e. spouse or partner, other children of the Member or Member's spouse, or any member of the Member's family who lives at the same address as the Member; nor should it be an employee, tenant, lodger or boarder who lives at that address.
- 9.5 Payment of the allowance shall only be made on satisfactory production of an invoice and receipt; invoice is available from the Democratic Services Manager.
- 9.6 Such allowances paid to a Member shall be unlimited.
- 9.7 All claims for such allowances must be submitted monthly to the Democratic Services Manager.

10. **Index Linking**

- 10.1 Each of the levels of the allowances contained in this Scheme shall be adjusted annually on 1 April 2006, 1 April 2007, 1 April 2008 and 1 April 2009 by reference to those indices as may be specified in Schedule 5.

11. **Back Dating**

- 11.1 Where an amendment of this Scheme is made which affects an allowance payable for the year in which the amendment is made, the Member's entitlement to such allowance as amended shall apply with effect from the beginning of the year in which the amendment is made.

12. **Repayment**

- 12.1 Where payment of any allowance has already been made in respect of any period during which the Member concerned is:

- (a) suspended or partially suspended from his/her responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
- (b) ceases to be a member of the authority; or
- (c) is in any way not entitled to receive the allowance in respect of that period,

the Council may require that such part of the allowance as relates to any such period shall be repaid to the Council.

13. **Membership of More than One Authority**

- 13.1 Where a Member of the Council is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.

14. **Elections**

- 14.1 A Member may, by notice in writing given to the Section 151 Officer, elect to forego any part of his/her entitlement to an allowance under this Scheme.

15. Claims and Payments

- 15.1 No claim is required for basic allowances and special responsibility allowances. Basic allowances will be paid equally to all Members whilst special responsibility allowances will be paid to those Members who are entitled to them.
- 15.2 Basic allowances and special responsibility allowances will be paid as follows:
- (i) To enable Members to meet one-off expenses at the start of each year, the basic allowance will be paid as follows:
 - (a) a payment of £500 at the commencement of the year
 - (b) the balance to be paid by equal monthly payments on or about the 19th day of each month
 - (ii) Special responsibility allowances will be paid by equal monthly installments on or about the 19th day of each month.
- 15.3 In the case of Travelling and Subsistence Allowance and Dependents' Carers' Allowance claims must be submitted on the appropriate form on a monthly basis and will be paid through the Council's payroll system. In order to facilitate payment, claim forms should be completed in full detail and any appropriate receipts or vouchers attached. If the expenses are vatable, a VAT receipt should be enclosed if possible, to enable the Council to recover the VAT element. The declaration on the form must be completed and signed in every instance.
- 15.4 Members are requested to submit claims by not later than the 25th of each month for payment by direct credit to bank accounts on or about the 19th of the following month. A payment advice slip will be sent directly to Members and further claim forms are available from the Committee & Members' Services Officer on request.
- 15.5 The following data must be provided to the Section 151 Officer in order to facilitate the payment:
- (i) Bank address and bank account number.
 - (ii) National Insurance number and, in the case of certain married women, a Certificate of Reduced Liability and, in the case of pensioners, a Certificate of Age Exemption, these certificates being provided by the Department of Social Security.
- 15.5 In the case of a claim for Travelling and Subsistence Allowance or Dependents' Carers' Allowance such claim must be made to the Senior Democratic Support Officer within one month from the date on which an entitlement to the allowance arises.

SCHEDULE 1

Basic Allowance	£3,980 pa
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SCHEDULE 2

Column 1 (Description)	Column 2 (Amount)
Special Responsibility Allowances	
Special responsibility allowances of the amounts shown in Column 2 (where indicated) shall be payable in respect of the following office holders:	
Leader of the Council	£14,8320 pa
Deputy Leader of the Council	£7,416 pa
Other Cabinet Members	£5,562 pa
Chairmen of Overview and Scrutiny Committees	£3,708 pa
Chairman of the Planning Committee	£3,708 pa
Chairman of the Governance Committee	£3,708 pa
Chairman of the Standards Committee	£927 pa
Chairman of the Regulatory Committee	£927 pa
Chairman of the Licensing Committee	£927 pa
Chairman of the Dover Joint Transportation Board	£927 pa
Chairman of the General Purposes Committee	£927 pa
Vice-Chairmen of Overview and Scrutiny Committees	£927 pa
Vice-Chairman of the Planning Committee	£927 pa
Vice-Chairman of the Governance Committee	£927 pa
Vice-Chairman of the Standards Committee	£232 pa
Vice-Chairman of the Regulatory Committee	£232 pa
Vice-Chairman of the Licensing Committee	£232 pa
Vice-Chairman of the Dover Joint Transportation Board	£232 pa
Vice-Chairman of the General Purposes Committee	£232 pa
Leader of the Main Opposition Group where the group has 10 or	£4,171 pa

Column 1 (Description)	Column 2 (Amount)
more members	
Leader of an Opposition Group with a membership of between 5 and 9 members	£232 pa
Leader of an Opposition Group with less than 5 members	None
Deputy Leader of the Main Opposition Group where the group has 10 or more members	£1,854 pa
Deputy Leader of an Opposition Group with less than 10 members	None
Members of the Shadow Cabinet	£1,854 pa
Members of the Licensing Committee	£260 pa
Independent (Co-opted) Members of the Standards Committee	£116 pa

SCHEDULE 3

Column 1 (Description)	Column 2 (Amount)
Chairman of the Council	£5,300 pa
Vice-Chairman of the Council	£1,400 pa

SCHEDULE 4

Column 1 (Description)	Column 2 (Amount)																																												
<p>Travelling and Subsistence Allowance</p> <p>List of approved duties attendance at which may be claimed for:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Body</u></th> <th style="text-align: center;"><u>Number of representatives</u></th> </tr> </thead> <tbody> <tr><td>Action with Rural Communities in Kent</td><td style="text-align: center;">2</td></tr> <tr><td>Association of Port Health Authorities</td><td style="text-align: center;">1</td></tr> <tr><td>Dover Deal & District Citizens Advice Bureau</td><td style="text-align: center;">2</td></tr> <tr><td>Dover District Community Sports Network</td><td style="text-align: center;">2</td></tr> <tr><td>East Kent Spatial Development Company</td><td style="text-align: center;">1</td></tr> <tr><td>Industrial Communities Alliance</td><td style="text-align: center;">1</td></tr> <tr><td>JAC Kent Downs AONB Partnership</td><td style="text-align: center;">1</td></tr> <tr><td>Kent County Playing Fields Association</td><td style="text-align: center;">1</td></tr> <tr><td>Kent International Airport Consultative Committee</td><td style="text-align: center;">1</td></tr> <tr><td>Kent Leaders' & Chief Executives' Forum</td><td style="text-align: center;">1</td></tr> <tr><td>Local Government Association – General Assembly</td><td style="text-align: center;">1</td></tr> <tr><td>Local Government Association – Rural Commission</td><td style="text-align: center;">1</td></tr> <tr><td>Patrol (National Parking Adjudication Service)</td><td style="text-align: center;">1</td></tr> <tr><td>River Dour Steering Group</td><td style="text-align: center;">1</td></tr> <tr><td>River Stour (Kent) Internal Drainage Board</td><td style="text-align: center;">2</td></tr> <tr><td>Sandwich & Pegwell Bay National Nature Reserve Management Committee</td><td style="text-align: center;">1</td></tr> <tr><td>Sandwich Port & Haven</td><td style="text-align: center;">2</td></tr> <tr><td>South East England Councils (Secretary & Executive)</td><td style="text-align: center;">1</td></tr> <tr><td>South East Leaders' Board</td><td style="text-align: center;">1</td></tr> <tr><td>Southern & South East England Tourist Board</td><td style="text-align: center;">1</td></tr> <tr><td>Supporting People in Kent Commissioning Body</td><td style="text-align: center;">1</td></tr> </tbody> </table>	<u>Body</u>	<u>Number of representatives</u>	Action with Rural Communities in Kent	2	Association of Port Health Authorities	1	Dover Deal & District Citizens Advice Bureau	2	Dover District Community Sports Network	2	East Kent Spatial Development Company	1	Industrial Communities Alliance	1	JAC Kent Downs AONB Partnership	1	Kent County Playing Fields Association	1	Kent International Airport Consultative Committee	1	Kent Leaders' & Chief Executives' Forum	1	Local Government Association – General Assembly	1	Local Government Association – Rural Commission	1	Patrol (National Parking Adjudication Service)	1	River Dour Steering Group	1	River Stour (Kent) Internal Drainage Board	2	Sandwich & Pegwell Bay National Nature Reserve Management Committee	1	Sandwich Port & Haven	2	South East England Councils (Secretary & Executive)	1	South East Leaders' Board	1	Southern & South East England Tourist Board	1	Supporting People in Kent Commissioning Body	1	<p><u>Subsistence Allowances</u></p> <p>Subsistence allowance shall only be paid for actual expenses incurred and with proper receipts and shall not exceed:</p> <p>(a) In the case of absence, not involving an absence overnight, from the Member's usual place of residence:</p> <p style="margin-left: 20px;">(i) <u>Breakfast Allowance</u> £6.45</p> <p style="margin-left: 20px;">Absence to exceed 4 hours before 11.00 am.</p> <p style="margin-left: 20px;">(ii) <u>Lunch Allowance</u> £8.91</p> <p style="margin-left: 20px;">Absence to exceed 4 hours and to include the lunch period between 12 noon to 2.00 pm.</p> <p style="margin-left: 20px;">(iii) <u>Tea Allowance</u> £3.53</p> <p style="margin-left: 20px;">Absence to exceed 4 hours and to include the period 3.00 pm to 6.00 pm.</p> <p style="margin-left: 20px;">(iv) <u>Evening Meal Allowance</u> £11.03</p> <p style="margin-left: 20px;">Absence to exceed 4 hours, period of time ending after 7.00 pm.</p> <p>(b) Members who are required to make overnight stays in the performance of their official duties should, wherever possible,</p>
<u>Body</u>	<u>Number of representatives</u>																																												
Action with Rural Communities in Kent	2																																												
Association of Port Health Authorities	1																																												
Dover Deal & District Citizens Advice Bureau	2																																												
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Supporting People in Kent Commissioning Body	1																																												

Column 1 (Description)	Column 2 (Amount)
	<p>second class rail fare on their monthly claim form.</p> <p>(d) Second class rail fares, bus fares, essential taxi fares and gratuities, car parking fees, tolls etc necessarily incurred may be claimed subject to the provision of receipts. Rail fares should be pre-booked wherever possible to achieve reduced fares.</p> <p>(e) All claims for travel and subsistence allowances must be submitted to the Democratic Support section within three months from the date on which the entitlement arises.</p>

SCHEDULE 5

Allowance	Index
Index Linking	
Basic and Special Responsibility Allowances and Co-optees Allowance	Percentage adjustment in line with changes in Officers' Allowances
Travel and Subsistence Allowances	Percentage adjustment in line with changes in Officers' Allowances
Dependants' Carers' Allowance	Retail Price Index

SCHEDULE 6

Column 1 (Description and Conditions)	Column 2 (Amount)
Dependants' Carers' Allowance	£5.93 per hour



COMMITTEE SECTION ONLY	
Decision No:	U12
Notification Date:	29 30/03/11
Implementation Date: (unless called-in)	4/04/11
Call-in:	No

**Notice of Decision Taken by Portfolio Holder/Leader of the Council
Between Meetings of the Cabinet**

(Please read the attached guidance notes before completing this notice)

A. Decision taken by: Councillor Paul Watkins, Leader of the Council

B. Part of the Constitution authorising decision:

Part 3 (Responsibility for Functions); Section 6A, paragraph 12(2) (Scheme of Officer Delegations)

C. (a) Subject (including whether it is a Key Decision and included within the Forward Plan):

Amendment to the current Scheme of Officer Delegations.

This is not a Key Decision.

(b) Is the decision likely to disclose exempt information?

No

Yes — under paragraph(s) _____ of Part 1 of Schedule 12A of the
Local Government Act 1972.

D. Decision:

That the following officer delegation, currently delegated to the Head of Development and Public Protection and the Environmental Health Managers, be transferred to the Environmental Protection Team Leader:

The Licensing Act 2003 - Parts 3 & 4	Functions of local authority whose functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health	To exercise the powers under the Act of a "responsible authority" within the meaning of sections 13(4)(e) and 69(4)(e) of the Act To act as an "authorised person"
--------------------------------------	--	---

		and to appoint and to terminate the appointments of other officers to so act
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E. Reason(s) for decision (including why the decision cannot wait until the next meeting of Cabinet (or Council where appropriate)):

With the implementation of the new organisational structure, the responsibility for the operational management of the Council's Licensing functions is to be transferred from Democratic Services within the Governance Division to Environmental Enforcement Protection within the Environment & Corporate Assets Division, with effect from 4 April 2011. Whilst the majority of Licensing functions are Council functions carried out by the statutory Licensing Committee or delegated by them, the above function, whereby the Council is acting as a "responsible authority" under the Licensing Act 2003, is executive.

It is necessary to re-delegate responsibility for this function to the Environmental Protection Team Leader in order to achieve a separation between the functions of the Licensing Authority (which will sit with the Environmental Enforcement & Protection Manager) and the authority acting as a responsible authority within the meaning of the Licensing Act 2003.

As the new organisational structure will come into effect on 4 April 2011, it is not appropriate to wait until the next meeting of Cabinet on 6 April 2011 to make this decision as the responsibility must be transferred before this date. For the same reason, the Chairman of the Council has agreed to suspend call-in.

F. Details of alternative options considered and rejected:

None

G. Any personal or prejudicial interest declared by the Portfolio Holder/Leader of the Council when the decision was taken:

None

H. Background Documents:

None.

I. Decisions within the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Cabinet (Part 3, Section 3C, paragraph 13 - General Responsibilities Delegated to All Members of the Executive)

I confirm that the decision-taker has taken the decision in consultation with me.

Not applicable.

Signed: _____ Dated: _____
(Leader/or Deputy)

J. Decisions outside the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Council (Part 4, paragraph 4 – Budget and Policy Framework Procedure Rules)

Please give reasons why it is not practical to convene a quorate meeting of the Council or General Purposes Committee to take the decision.

Not applicable.

I have given my consent to the decision being taken as a matter of urgency.

Signed: _____ Dated: _____
(Chairman of the relevant Scrutiny Committee)

K. Urgent decisions not subject to call-in

I confirm that this decision is an urgent one and should not, therefore, be subject to call-in.

Yes No

Signed: _____ Dated: 28/3/11
(Decision-taker)

On the advice of the decision-taker, I agree that the decision is reasonable in all the circumstances and, as a matter of urgency, should not be subject to call-in.

Yes No

Signed: _____ Dated: 28/03/11
(Chairman/Vice-Chairman/Head of Paid Service or their nominee)

(Please note that L-N relate to Key Decisions not in the Forward Plan (Part 4; Rules 15 and 16 of the Access to Information Procedure Rules))

L. Reason(s) for General Exception/Special Urgency (i.e. why the decision was not included in the current Forward Plan and why it would be impracticable to defer the decision until the period covered by the next Forward Plan)

Not applicable.

M. Notice of use of General Exception Procedure (to be followed where at least five clear days will have elapsed between issuing a General Exception Notice and informing the Chairman of the relevant Scrutiny Committee, and the Key Decision being taken)

I have informed the Chairman of the relevant Scrutiny Committee.

Not applicable.

Signed: _____ Dated: _____
(Decision-Taker)

N. Agreement to use of Special Urgency Procedure (to be followed where it is not possible to give five clear days' notice that a Key Decision will be taken)

I agree that the taking of the decision cannot reasonably be deferred.

Not applicable.

Signed: _____ Dated: _____
(Chairman of the relevant Scrutiny Committee)



Signed: _____ Dated: 28/3/11
(Decision-Taker)

Guidance Notes for Completion of a Notice of Decision Taken by the Portfolio Holder or Leader of the Council Between Meetings of the Cabinet

- (1) The Decision Notice should be clear, concise and capable of immediate publication by the Democratic Services Manager.
- (2) It must include the following information:
 - A Details of the decision-taker (i.e. Portfolio Holder or Leader of the Council).
 - B Part of the Constitution authorising decision. Where the decision is one which would normally be taken by the Cabinet, Part 3 (Responsibility for Functions); Section 3C; paragraph 13 (Responsibility for Executive Functions) will apply. Where the decision is outside the Budget or Policy Framework and would therefore normally be taken by the Council, Part 4 (Rules of Procedure); paragraph 4 (Budget and Policy Framework Procedure Rules) will apply.
 - C (a) State the subject of the decision and whether it is a Key Decision (Part 2 (Articles of the Constitution); Article 13.03 – Decision-Making). A Key Decision is defined as any executive (i.e. Cabinet) decision that:
 - results in the Council incurring expenditure which is, or savings which are, significant (£200,000 or more) having regard to the Council's budget for the service or function to which the budget relates;
 - is significant in terms of its effects on communities living or working in an area comprising two or more wards in the District; or



COMMITTEE SECTION ONLY

Decision No:	U13
Notification Date:	1/04/11
Implementation Date: (unless called-in)	4/04/11
Call-in:	No

**Notice of Decision Taken by Portfolio Holder/Leader of the Council
Between Meetings of the Cabinet**

(Please read the attached guidance notes before completing this notice)

A. Decision taken by: Councillor Paul Watkins, Leader of the Council

B. Part of the Constitution authorising decision:

Part 3 (Responsibility for Functions); Section 6A; paragraph 12(2) (Scheme of Officer Delegations)

C. (a) Subject (including whether it is a Key Decision and included within the Forward Plan):

Amendments to the Scheme of Officer Delegations in relation to executive functions

This is not a Key Decision.

(b) Is the decision likely to disclose exempt information?

No

D. Decision:

To amend the Scheme of Officer Delegations (Part 3; Section 6B and 6C) relating to executive functions, as per the attached schedule, in order:

- to reflect a number of changes made to the Council's organisational structure through the Delivering Effective Services programme;
- to reflect joint working through East Kent Shared Services; and
- to regularise existing practices.

E. Reason(s) for decision (including why the decision cannot wait until the next meeting of Cabinet (or Council where appropriate)):

The Delivering Effective Services report was approved by Cabinet and Council on 1 November 2010 (CAB 46) and 3 November 2010 (Minute No 289) respectively, resulting in a slimmer organisation with fewer Chief Officers. The Scheme of Officer Delegations must be amended in order to reflect this new structure, and to regularise existing practices.

Additionally, following recommendations made by the Scrutiny (Policy & Performance)

Committee on 6 January 2011 (Minute No 395(d)), and the Governance Committee on 16 March 2011, this decision will change the delegated powers of the Director of Property, Leisure and Waste Management (Director of Environment and Corporate Assets with effect from 1 April 2011). The Director will no longer have delegated authority to set the level of revised parking charges, this function now reverting to Cabinet.

F. Details of alternative options considered and rejected:

None – Officers' delegated powers must be amended in order to reflect the Council's new organisational structure and working practices.

G. Any personal or prejudicial interest declared by the Portfolio Holder/Leader of the Council when the decision was taken:

None.

H. Background Documents:

Reports to Governance Committee on 4 April and Council on 6 April 2011.

I. Decisions within the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Cabinet (Part 3, Section 3C, paragraph 13 - General Responsibilities Delegated to All Members of the Executive)

I confirm that the decision-taker has taken the decision in consultation with me.

Not applicable.

Signed: _____ Dated: _____
(Leader/or Deputy)

J. Decisions outside the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Council (Part 4, paragraph 4 – Budget and Policy Framework Procedure Rules)

Please give reasons why it is not practical to convene a quorate meeting of the Council or General Purposes Committee to take the decision.

Not applicable.

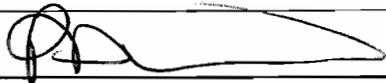
I have given my consent to the decision being taken as a matter of urgency.

Signed: _____ Dated: _____
(Chairman of the relevant Scrutiny Committee)


K. Urgent decisions not subject to call-in

I confirm that this decision is an urgent one and should not, therefore, be subject to call-in.

Yes/No

Signed:  Dated: 31/3/2011
 (Decision-taker)

On the advice of the decision-taker, I agree that the decision is reasonable in all the circumstances and, as a matter of urgency, should not be subject to call-in. (Yes/No)

Signed:  Dated: 01/04/11
 (Chairman/Vice-Chairman/Head of Paid Service or their nominee)

(Please note that L-N relate to Key Decisions not in the Forward Plan (Part 4; Rules 15 and 16 of the Access to Information Procedure Rules))

L. Reason(s) for General Exception/Special Urgency (i.e. why the decision was not included in the current Forward Plan and why it would be impracticable to defer the decision until the period covered by the next Forward Plan)

Not applicable.

M. Notice of use of General Exception Procedure (to be followed where at least five clear days will have elapsed between issuing a General Exception Notice and informing the Chairman of the relevant Scrutiny Committee, and the Key Decision being taken)

I have informed the Chairman of the relevant Scrutiny Committee.

Not applicable.

Signed: _____ Dated: _____
 (Decision-Taker)

N. Agreement to use of Special Urgency Procedure (to be followed where it is not possible to give five clear days' notice that a Key Decision will be taken)

I agree that the taking of the decision cannot reasonably be deferred.

Not applicable.

Signed: _____ Dated: _____
 (Chairman of the relevant Scrutiny Committee)

Signed:  Dated: 31/3/2011

(Decision-Taker)

Guidance Notes for Completion of a Notice of Decision Taken by the Portfolio Holder or Leader of the Council Between Meetings of the Cabinet

- (1) The Decision Notice should be clear, concise and capable of immediate publication by the Democratic Services Manager.
- (2) It must include the following information:
 - A Details of the decision-taker (i.e. Portfolio Holder or Leader of the Council).
 - B Part of the Constitution authorising decision. Where the decision is one which would normally be taken by the Cabinet, Part 3 (Responsibility for Functions); Section 3C; paragraph 13 (Responsibility for Executive Functions) will apply. Where the decision is outside the Budget or Policy Framework and would therefore normally be taken by the Council, Part 4 (Rules of Procedure); paragraph 4 (Budget and Policy Framework Procedure Rules) will apply.
 - C
 - (a) State the subject of the decision and whether it is a Key Decision (Part 2 (Articles of the Constitution); Article 13.03 – Decision-Making). A Key Decision is defined as any executive (i.e. Cabinet) decision that:
 - results in the Council incurring expenditure which is, or savings which are, significant (£200,000 or more) having regard to the Council's budget for the service or function to which the budget relates;
 - is significant in terms of its effects on communities living or working in an area comprising two or more wards in the District; or
 - has a particularly significant impact on any community as experiencing social exclusion or discrimination, whether geography or interest defines that community and even if that community is only located in one ward in the area of the local authority.
 - (b) If the decision relates to an exempt item, please specify the relevant paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972 which applies. Exempt information is information relating to any individual or organisation, or information which is likely to reveal the identity of an individual, or the financial or business affairs of any person. There are other categories of exempt information and these are described in paragraph 10.4 of Part 4 (Access to Information Procedure Rules) of the Constitution. Advice should be sought from the Monitoring Officer or the Democratic Support Section if you are in doubt about which paragraph of the Local Government Act 1972 applies.
 - D Please provide full details of the decision taken.
 - E Reasons for the decision, including why it cannot wait until the next meeting of Cabinet (or Council where appropriate).
 - F Any alternative options considered and rejected at the time the decision was made.
 - G Details of any personal or prejudicial interest declared by the decision-taker.
 - H Please provide details of report(s) and other documents which disclose any facts or matters on which the report(s) is based, and which have been relied upon to a significant extent to prepare the report(s) (Part 4 (Access to Information Procedure Rules); paragraph 8 – Background Papers).

Part 3, Responsibility for Functions, Section 6 – Scheme of Officer Delegations

(i) Delegations to All Chief Officers

Executive Functions	
Part 3	Reason
<p>6. ICT Procurement To ensure that, prior to the procurement of any ICT (eg computer or communications hardware or software), adequate checks are carried out: (b) To obtain confirmation from the Head of Finance and ICT Director of EK Shared Services as to the compatibility of ICT selected for purchase.</p>	Change of specified officer
<p>26. Regulation and Investigatory Powers Act 2000 To authorise (in consultation with the Head of Audit Partnership Corporate Support Manager and the Monitoring Officer) a request for covert surveillance made pursuant to the Regulation of Investigatory Powers Act 2000 and in accordance with the Council's Covert Surveillance Policy and Procedures.</p>	Change of specified officer
<p>34. Dover and Shepway Partnership Project Placing of Services of Officers at the disposal of other authorities</p>	Regularising of existing practices
<p>35. Lost and Uncollected Property To exercise the powers of the Council under section 41 of the Local Government (Miscellaneous provisions) Act 1982 in relation to lost and uncollected property.</p>	New delegation

(ii) Delegations to the Chief Executive

Executive Functions	
Part 3	Reason
<p>15. Dover and Shepway Partnership Project Placing of Services of Officers at the disposal of other authorities</p>	Regularising of existing practices
<p>16. Dover and Shepway Partnership Project (a) Exercise the powers and</p>	Regularising of existing practices

Executive Functions	
Part 3	Reason
<i>functions of the Council under the Local Authorities (Goods and Services) Act 1970 in order to facilitate the achievement of the Dover and Shepway Partnership Project.</i>	

(iii) Delegation to Section 151 Officer

Executive Functions	
Part 3	Reason
68. Value Added Tax Act 1994 To opt to tax supplies of land and buildings for the purposes of VAT	<i>New addition</i> <i>Regularising of existing practices</i>

(iv) Delegations to Director of Environment and Corporate Assets

Executive Functions		
Part 3	Exclusions/Notes	Reason
92. White Cliffs Countryside Partnership <i>To manage the White Cliffs Countryside Partnership</i>		<i>Correction</i>
101A. Traffic Management Act 2004 (Part 6) To exercise such of the executive functions of Kent County Council under part 6 of the Act as are exercisable in the District by virtue of the Agency Agreement made with Kent County Council on 23 January 2001 as subsequently varied	All powers to be exercised in accordance with the requirements of the agency agreement as varied	<i>New addition</i> <i>Regularising of existing practices</i>

- (v) Delegations to Director of Environment and Corporate Assets and Community Safety, CCTV and Parking Manager

Executive Functions		
Part 3	Exclusions/Notes	Reason
<p>104. Road Traffic Regulation Act 1984 and Traffic Management Act 2004 (Part 6)</p> <p>To exercise the Council's powers and duties in relation to the provision and maintenance of off street parking places and to be responsible for the procedural aspects of the making of orders and making provision as to their use.</p>	<p>Excluding determining the level of charges</p>	<p>Result of recommendations made by the Scrutiny (Policy & Performance) and Governance Committees</p>
<p>105. Off street and on street parking places</p> <p>To exercise the Council's powers and duties in relation to the management of all off street and on street parking places and to institute any legal proceedings in connection therewith.</p>	<p>Excluding determining the level of charges</p>	<p>Result of recommendations made by the Scrutiny (Policy & Performance) and Governance Committees</p>

- (vi) Delegation to Director of Environment and Corporate Assets and Environmental Enforcement and Protection Manager

Executive Functions		
Part 3	Exclusions/Notes	Reason
<p>142. Environmental Protection Act 1990 Part VIII</p>	<p>The Head of Development and Public Protection Director of Community and Development is appointed as the officer with responsibility discharging the</p>	<p>Change of officer title</p>

	<i>functions imposed or conferred by section 149 for dealing with stray dogs</i>	
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COMMITTEE SECTION ONLY	
Decision No:	U14
Notification Date:	19/04/11
Implementation Date: (unless called-in)	20/04/11
Call-in:	No

**Notice of Decision Taken by Portfolio Holder/Leader of the Council
Between Meetings of the Cabinet**

(Please read the attached guidance notes before completing this notice)

A. Decision taken by: Councillor Paul Watkins, Leader of the Council

B. Part of the Constitution authorising decision:

Part 3 (Responsibility for Functions); Section 6A, paragraph 12(2) (Scheme of Officer Delegations)

C. (a) Subject (including whether it is a Key Decision and included within the Forward Plan):

Amendment to the current Scheme of Officer Delegations.

This is not a Key Decision.

(b) Is the decision likely to disclose exempt information?

No

Yes — under paragraph(s) _____ of Part 1 of Schedule 12A of the Local Government Act 1972.

D. Decision:

To amend the Scheme of Officer Delegations as follows:

- To add to the end of the current wording in brackets at Part 3 (Responsibility for Functions); Section 6A, paragraph 13(c)(viii) - "unless specifically authorised within this Scheme of Officer Delegations"
- To insert the following delegation to the Director of Community and Development:

Recovery of repair costs by sale of property	(i) To charge property with the costs of repair works undertaken by the Council pursuant to its statutory powers (ii) To authorise the sale by the Council of any such property pursuant to powers contained in the	Power only to be exercised where the property in question is unoccupied
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	Law of Property Act 1925 in order to recover any sums due to the Council and secured by such a charge	
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E. Reason(s) for decision (including why the decision cannot wait until the next meeting of Cabinet (or Council where appropriate)):

There are occasions where the Council undertakes essential repairs to an empty property typically using the Housing Act 2004 and Building Act 1984. The legislation enables the Council to recover the costs of the work from the owner and to secure the sums owing by way of a charge against the property until they are paid.

The Council will always seek to recover these costs by requesting payment from the owners but there are situations where the property owner is unwilling to cooperate or cannot be contacted and the property remains empty and the debt unpaid. Where the debt remains unpaid the Law of Property Act gives the Council the power enjoyed by a mortgagee to sell the property in order to recover the debt and any costs related to the sale. The attached document sets out a procedure for taking this action.

Authority is now sought for the Director of Community and Development to authorise the registration of charges against property in the circumstances set out above and to authorise the sale of the property. It will be noted that it is only being suggested that the Director should be able to authorise a sale where a property is unoccupied. Should it be considered necessary to invoke the procedure in respect of an occupied property the situation would be the subject of a report to Members.

This decision is not urgent but is being taken between meetings under powers specifically given to the Leader of the Council as per B above.

Call-in is being suspended as the Council is dealing with a particular case which it would like to move forward as soon as possible.

F. Details of alternative options considered and rejected:

None.

G. Any personal or prejudicial interest declared by the Portfolio Holder/Leader of the Council when the decision was taken:

None.

H. Background Documents:

Procedure for taking action under the Law of Property Act 1925

I. Decisions within the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Cabinet (Part 3, Section 3C, paragraph 13 - General Responsibilities Delegated to All Members of the Executive)

I confirm that the decision-taker has taken the decision in consultation with me.

Not applicable.

Signed: _____ Dated: _____
(Leader/or Deputy)

J. Decisions outside the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Council (Part 4, paragraph 4 – Budget and Policy Framework Procedure Rules)

Please give reasons why it is not practical to convene a quorate meeting of the Council or General Purposes Committee to take the decision.

Not applicable.


I have given my consent to the decision being taken as a matter of urgency.

Signed: _____ Dated: _____
(Chairman of the relevant Scrutiny Committee)

K. Urgent decisions not subject to call-in

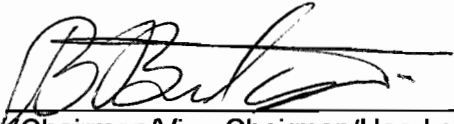
I confirm that this decision is an urgent one and should not, therefore, be subject to call-in.

Yes/No

Signed:  _____ Dated: 18/04/11
(Decision-taker)

On the advice of the decision-taker, I agree that the decision is reasonable in all the circumstances and, as a matter of urgency, should not be subject to call-in.

Yes/No

Signed:  _____ Dated: 18/04/11
(Chairman/Vice-Chairman/Head of Paid Service or their nominee)

(Please note that L-N relate to Key Decisions not in the Forward Plan (Part 4; Rules 15 and 16 of the Access to Information Procedure Rules))

L. Reason(s) for General Exception/Special Urgency (i.e. why the decision was not included in the current Forward Plan and why it would be impracticable to defer the decision until the period covered by the next Forward Plan)

Not applicable.

M. Notice of use of General Exception Procedure (to be followed where at least five clear days will have elapsed between issuing a General Exception Notice and informing the Chairman of the relevant Scrutiny Committee, and the Key Decision

being taken)

I have informed the Chairman of the relevant Scrutiny Committee.

Not applicable.

Signed: _____
(Decision-Taker)

Dated: _____

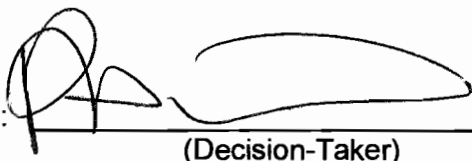
N. Agreement to use of Special Urgency Procedure (to be followed where it is not possible to give five clear days' notice that a Key Decision will be taken)

I agree that the taking of the decision cannot reasonably be deferred.

Not applicable.

Signed: _____
(Chairman of the relevant Scrutiny Committee)

Dated: _____

Signed:  _____
(Decision-Taker)

Dated: 18/4/11 _____

Guidance Notes for Completion of a Notice of Decision Taken by the Portfolio Holder or Leader of the Council Between Meetings of the Cabinet

- (1) The Decision Notice should be clear, concise and capable of immediate publication by the Democratic Services Manager.
- (2) It must include the following information:
 - A Details of the decision-taker (i.e. Portfolio Holder or Leader of the Council).
 - B Part of the Constitution authorising decision. Where the decision is one which would normally be taken by the Cabinet, Part 3 (Responsibility for Functions); Section 3C; paragraph 13 (Responsibility for Executive Functions) will apply. Where the decision is outside the Budget or Policy Framework and would therefore normally be taken by the Council, Part 4 (Rules of Procedure); paragraph 4 (Budget and Policy Framework Procedure Rules) will apply.
 - C (a) State the subject of the decision and whether it is a Key Decision (Part 2 (Articles of the Constitution); Article 13.03 – Decision-Making). A Key Decision is defined as any executive (i.e. Cabinet) decision that:
 - results in the Council incurring expenditure which is, or savings which are, significant (£200,000 or more) having regard to the Council's budget for the service or function to which the budget relates;

Appendix A - Recommended procedure for taking action

The Process

It is recommended that the agreed criteria for Enforced Sale Procedure, using current best practice should be:

- The total registered charges on the property in respect of debt owed to the Authority should be not less than £400.
- That the property is vacant (unless there are exceptional circumstances).
- Statutory notices have been correctly served & method of service recorded.
- Property not subject to any bankruptcy action

That each property is considered on its merits to determine best course of action

There are other considerations to note:

Sale of the Property – the presumption is that the property will be disposed of by means of public auction or in appropriate cases the Authority may sell the property to a preferred partner or by private treaty at market value.

After the Sale – fees can be deducted from the proceeds of the sale, such as:

- Auctioneer's fee
- Legal fee
- Surveyor's fee
- Department Administration fee

Delegated authority – it is recommended that the Director of Housing and Community is authorised to instigate the enforced sales procedure through to the sale of the property, in order to provide a more cost effective way of dealing with some of the long term empty properties, in line with corporate and local priorities.



COMMITTEE SECTION ONLY

Decision No:	<u>U15</u>
Notification Date:	<u>05/05/11</u>
Implementation Date: (unless called-in)	<u>11/05/11</u>
Call-in:	<u>Yes</u>

**Notice of Decision Taken by Portfolio Holder/Leader of the Council
Between Meetings of the Cabinet**

(Please read the attached guidance notes before completing this notice)

A. Decision taken by: Councillor P A Watkins, Leader of the Council

B. Part of the Constitution authorising decision:

Part 3 (Responsibility for Functions); Section 6A; paragraph 12(2) (Scheme of Officer Delegations)

C. (a) Subject (including whether it is a Key Decision and included within the Forward Plan):

Approval of the Scheme of Officer Delegations in its entirety where it relates to executive functions.

Not a Key Decision.

(b) Is the decision likely to disclose exempt information?

No

D. Decision:

For the Leader of the Council to approve the Scheme of Officer Delegations in so far as it relates to any functions which are properly the responsibility of the Executive.

E. Reason(s) for decision (including why the decision cannot wait until the next meeting of Cabinet (or Council where appropriate)):

As part of the Council's annual review of the Constitution, it is necessary to undertake wholesale amendments to the Scheme of Officer Delegations in order:

- a) to reflect changes made to the Council's organisational structure through the Delivering Effective Services programme;
- b) to reflect joint working through East Kent Shared Services and with Shepway District Council on Waste;
- c) to regularise existing practices.

The Delivering Effective Services report was approved by Cabinet and Council on 1 November 2010 (CAB 46) and 3 November 2010 (Minute No 289) respectively, resulting in a slimmer organisation with fewer Chief Officers. The Scheme of Officer Delegations must be amended in order to reflect this new structure. In addition, the sharing of services with Canterbury City and Thanet District Councils, and the joint delivery of the waste service with Shepway District Council, must also be reflected in the Scheme of Officer Delegations. There are also a number of other matters and practices that need to be regularised by amending the Scheme.

This decision is being taken between Cabinet meetings under powers specifically given to the Leader of the Council as per B above.

The document which encapsulates these amendments has been circulated separately to Members, for consideration by the Regulatory and Planning Committees on 28 April and at an Extraordinary meeting of the Council to be held on 18 May 2011.

F. Details of alternative options considered and rejected:

None – Officers' delegated powers must be amended for the reasons outlined at E.

G. Any personal or prejudicial interest declared by the Portfolio Holder/Leader of the Council when the decision was taken:

None.

H. Background Documents:

The document entitled Part 3 – Responsibility for Functions – Section 6: Scheme of Officer Delegations which has been circulated separately to Members.

I. Decisions within the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Cabinet (Part 3, Section 3C, paragraph 13 - General Responsibilities Delegated to All Members of the Executive)

I confirm that the decision-taker has taken the decision in consultation with me.

Not applicable.

Signed: _____ Dated: _____
(Leader/or Deputy)

J. Decisions outside the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Council (Part 4, paragraph 4 – Budget and Policy Framework Procedure Rules)

Please give reasons why it is not practical to convene a quorate meeting of the Council or General Purposes Committee to take the decision.

Not applicable.

I have given my consent to the decision being taken as a matter of urgency.

Signed: _____ Dated: _____
(Chairman of the relevant Scrutiny Committee)

K. Urgent decisions not subject to call-in

I confirm that this decision is an urgent one and should not, therefore, be subject to call-in. Yes/No

Not applicable.

Signed: _____ Dated: _____
(Decision-taker)

On the advice of the decision-taker, I agree that the decision is reasonable in all the circumstances and, as a matter of urgency, should not be subject to call-in. Yes/No

Signed: _____ Dated: _____
(Chairman/Vice-Chairman/Head of Paid Service or their nominee)

(Please note that L-N relate to Key Decisions not in the Forward Plan (Part 4; Rules 15 and 16 of the Access to Information Procedure Rules))

L. Reason(s) for General Exception/Special Urgency (i.e. why the decision was not included in the current Forward Plan and why it would be impracticable to defer the decision until the period covered by the next Forward Plan)

Not applicable.

M. Notice of use of General Exception Procedure (to be followed where at least five clear days will have elapsed between issuing a General Exception Notice and informing the Chairman of the relevant Scrutiny Committee, and the Key Decision being taken)

I have informed the Chairman of the relevant Scrutiny Committee.

Not applicable.

Signed: _____ Dated: _____
(Decision-Taker)

N. Agreement to use of Special Urgency Procedure (to be followed where it is not possible to give five clear days' notice that a Key Decision will be taken)

I agree that the taking of the decision cannot reasonably be deferred.

Not applicable.

Signed: _____ Dated: _____
(Chairman of the relevant Scrutiny Committee)

Signed:  _____ Dated: 4/5/11
(Decision-Taker)

Guidance Notes for Completion of a Notice of Decision Taken by the Portfolio Holder or Leader of the Council Between Meetings of the Cabinet

- (1) The Decision Notice should be clear, concise and capable of immediate publication by the Democratic Services Manager.
- (2) It must include the following information:
 - A Details of the decision-taker (i.e. Portfolio Holder or Leader of the Council).
 - B Part of the Constitution authorising decision. Where the decision is one which would normally be taken by the Cabinet, Part 3 (Responsibility for Functions); Section 3C; paragraph 13 (Responsibility for Executive Functions) will apply. Where the decision is outside the Budget or Policy Framework and would therefore normally be taken by the Council, Part 4 (Rules of Procedure); paragraph 4 (Budget and Policy Framework Procedure Rules) will apply.
 - C
 - (a) State the subject of the decision and whether it is a Key Decision (Part 2 (Articles of the Constitution); Article 13.03 – Decision-Making). A Key Decision is defined as any executive (i.e. Cabinet) decision that:
 - results in the Council incurring expenditure which is, or savings which are, significant (£200,000 or more) having regard to the Council's budget for the service or function to which the budget relates;
 - is significant in terms of its effects on communities living or working in an area comprising two or more wards in the District; or
 - has a particularly significant impact on any community as experiencing social exclusion or discrimination, whether geography or interest defines that community and even if that community is only located in one ward in the area of the local authority.
 - (b) If the decision relates to an exempt item, please specify the relevant paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972 which applies. Exempt information is information relating to any individual or organisation, or information which is likely to reveal the identity of an individual, or the financial or business affairs of any person. There are other categories of exempt information and these are described in paragraph 10.4 of Part 4 (Access to Information Procedure Rules) of the Constitution. Advice should be sought from the Monitoring Officer or the Democratic Support Section if you are in doubt about which paragraph of the Local Government Act 1972 applies.
 - D Please provide full details of the decision taken.



DEMOCRATIC SUPPORT ONLY

Decision No: SCI10
Notification Date: 6/04/11
Implementation Date: 6/04/11
Call-In: No

SUSPENSION OF CALL-IN

A. Decision taken by: Cabinet on 6 April 2011

B. Part of the Constitution authorising decision:

Suspension of call-in: Part 4 (Overview and Scrutiny Procedure Rules); paragraph 18(l) – Call-in and Urgency

C. Subject (including whether it is a key decision):

Whitfield Urban Extension Masterplan – Supplementary Planning Document

A Key Decision

D. Exempt Information

No

E. Decision:

(a) (i) It was agreed that the following recommendations of the Local Development Framework Project Advisory Group, made at its meeting held on 31 March 2011, be approved:

(a) That Cabinet be requested:

(ii) To accept in principle the need to prepare a Charging Schedule for the purposes of the Community Infrastructure Levy and to note that a further report will be needed in order to consider the resource implications.

(iii) To engage actively with the education authority, local community and developers in order to work towards early provision of the primary school in phase 1 of the development.

(b) That the Director of Community and Development be authorised, in consultation with the Portfolio Holder for Environment, Waste and Planning, to make any necessary changes to improve presentation, clarity and consistency, etc. of the Whitfield Urban Extension Masterplan Supplementary Planning Document prior to the formal publication of the document and to carry out the necessary formal processes.

- (ii) It was agreed that, whilst Cabinet recognised the comments made by the Local Development Framework Project Advisory Group, its recommendation (c) be rejected since any delay to the implementation of the Whitfield Urban Extension Masterplan Supplementary Planning Document would be detrimental to the local community, and could lead to uncontrolled development. Recommendation (c) is as follows:

That Cabinet be informed of the concern felt by members of the LDF Group that the timescale for consideration of the SPD by Scrutiny, Cabinet and Council was too short and left no time for further involvement of the Whitfield Parish Council.

- (iii) It was agreed that the following recommendation made by the Scrutiny (Community and Regeneration) Committee, at its meeting held on 31 March 2011, be rejected since, whilst Cabinet recognised the comments made by the Scrutiny Committee, any delay to the implementation of the Whitfield Urban Extension Masterplan Supplementary Planning Document would be detrimental to the local community, and could lead to uncontrolled development:

That it be recommended to the (Cabinet and) Council that no decision be made until further consultation with Whitfield Parish Council and all other interested parties can be undertaken to ensure the best possible quality development.

- (iv) It was agreed that the Chairman of the Council be requested to suspend call-in as this decision is an urgent one which, if delayed, would prejudice the public's and the Council's interests.

(b) It was agreed to recommend to Council:

- (i) That the Whitfield Urban Extension Masterplan Supplementary Planning Document, as amended by the schedule of proposed changes dated 6 April 2011, be adopted and made available.
- (ii) That the need to prepare a Charging Schedule for the purposes of the Community Infrastructure Levy be accepted in principle, and that it be noted that a further report will be needed to consider the resource implications.
- (iii) That the Director of Community and Development be authorised, in consultation with the Portfolio Holder for Environment, Waste and Planning, to make any necessary changes to improve presentation, clarity and consistency, etc. of the Whitfield Urban Extension Masterplan Supplementary Planning Document prior to the formal publication of the document and to carry out the necessary formal processes.
- (iv) That the Council engages actively with the education authority, local community and developers in order to work towards early provision of the primary school in phase 1 of the development.

F. Reason(s) for decision:

The Chairman of the Council is requested to suspend call-in as Cabinet's decision regarding the Whitfield Urban Extension Masterplan Supplementary Planning Document is considered urgent on the grounds that any delay which is likely to be caused by the call-in process would seriously prejudice the Council's and the public's interests, by virtue of the fact that it would: (a) affect delivery related to the Council's Growth Point status; (b) impair the delivery of a key component of the adopted Local Development Framework Core Strategy; (c) delay the determination of current planning applications; and (d) be detrimental to the community and potentially lead to uncontrolled development.

G. Details of alternative options considered and rejected:

To not suspend call-in.

H. Background Documents:

Report to Cabinet of 6 April 2011 (Whitfield Urban Extension Masterplan Supplementary Planning Document)

I. Urgent decisions not subject to call-in

Is it the opinion of the decision-maker that the decision is an urgent one, and therefore not subject to call-in?

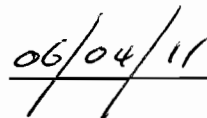
Yes/ No

Signed:



(Decision-taker)

Dated:



CCGENISUSPENSION OF CALL-IN - CHAIRMAN

EXCLUSION OF THE PRESS AND PUBLIC

Recommendation

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involve the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
Decisions taken by Portfolio Holders between Cabinet and Council Meetings	3	Information relating to the financial or business affairs of any particular person