

## SCHEME OF DELEGATIONS TO OFFICERS

### 1. SCOPE

- 1.1 The functions which Dartford Borough Council is responsible for are either executive or non-executive. Non-executive functions are those specifically required by statute or designated by the Council to be non-executive functions. These will be exercised by either the Council, or by committees, boards, panels appointed by the General Assembly of the Council (the GAC), or by officers. Executive functions are all those functions which will be exercised by either the Cabinet collectively, or a committee or sub-committee of the Cabinet or by officers.
- 1.2 This Scheme of Delegations to Officers shall be interpreted in accordance with the relevant provisions of the Local Government Act 2000, in particular Section 13 (functions which are to be the responsibility of the executive) and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
- 1.3 Any arrangements made by virtue of this Scheme of Delegations are not to prevent the GAC, Cabinet, committee or board by whom the arrangements are made, from exercising those functions.
- 1.4 This Scheme of Delegations has been approved in its totality by both the GAC and by the Cabinet and no delegation contained within it shall be treated as invalid by reason of it being incorrectly classified as a Council function instead of a Cabinet function or vice versa.
- 1.5 This Scheme may be amended from time to time in any manner as is considered appropriate:
  - (1) in relation to Council functions:
    - (a) by the GAC; or
    - (b) by the relevant committee, sub-committee or board insofar as it relates to functions discharged by that committee, sub-committee or board; or
    - (c) by the Managing Director in consultation with the Leader.
  - (2) in relation to executive functions:
    - (a) by the Cabinet; or
    - (b) by the Managing Director in consultation with the Leader.

### 2. GENERAL PRINCIPLES

- 2.1 Under this Scheme, the GAC, in pursuance of powers under Sections 101, 151 and 270 of the Local Government Act 1972 and the Cabinet, in pursuance of powers under Sections 14(3)(b) & (5) of the Local Government Act 2000 and all other powers enabling, delegates to the Managing Director, to the extent of their respective powers, the functions referred to in this Scheme at Annexes 1 and 2.
- 2.2 This Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties including those relating to the employment of staff incidental to that legislation, as well as authorising the affixing of the Common

Seal, the institution, defending or participating in any legal proceedings in any case where such action(s) is necessary, to give effect to decisions of the Council and the Cabinet or in any case, where it is considered that such action is necessary, to protect the Council's interests.

- 2.3 This Scheme includes the power for the GAC and the Cabinet to delegate functions to officers of other local authorities and to appoint or designate any officer as an 'authorised officer', 'inspector', 'person duly authorised' or similar, under any of the legislation or functions specified in this Scheme.
- 2.4 All powers delegated under this Scheme shall, so far as the power itself is exercisable by the Council only under an agency agreement pursuant to Section 101 of the Local Government Act 1972 or by the Cabinet pursuant to Section 19 of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), be exercised in accordance with the terms of such agency agreement.
- 2.5 The action of an officer under a delegated power shall be deemed to be the act of the Council or the Cabinet (as the case may be).
- 2.6 Nothing in these delegated powers shall restrict the powers or duties placed upon any officer by statute.
- 2.7 The exercise of the powers and functions delegated by this Scheme 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 administrative and procedural acts, exercising discretion, making determinations and imposing, amending, deleting, revoking, enforcing conditions, limitations, restrictions or other terms on any approval, consent licence, permission or registration.
- 2.8 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. 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.

### **3. LIMITATIONS**

- 3.1 Any exercise of delegated powers under this Scheme or any other scheme of delegation shall comply with:
  - (a) any statutory restrictions;
  - (b) the Constitution;
  - (c) the following Standing Orders:
    - Standing Order 38 - Delegation of Urgent and Routine Matters
    - Standing Order 43 - Disposal of Property
    - Standing Orders 46 - 51 - Access to Information Procedure Rules
    - Standing Orders 52 - 56 - Budget and Policy Framework Procedure Rules
    - Standing Orders 59 - 64 - Officer Employment Procedure Rules
  - (d) Contracts Standing Orders;
  - (e) Financial Regulations;
  - (f) the budget and policy framework and any other plans and strategies approved by the GAC or Cabinet;
  - (g) the Employee Code of Conduct, the Member Code of Conduct or such other codes as may be in place from time to time;
  - (h) the Code of Practice on Local Authority Publicity;
  - (i) the agreed arrangements for recording decisions; and

- (j) any additional conditions imposed either by the GAC, Cabinet or by statute or any statutory code of conduct.
- 3.2 The exercise of the powers delegated under this Scheme or any other scheme of delegation involving the incurring of expenditure, is subject to there being sufficient approved provision within budgets to cover the expenditure.
- 3.3 Before exercising any delegated powers, consideration shall be given to:
  - (a) human rights implications under the Human Rights Act 1998, to ensure that individual rights and freedoms are consciously balanced with the Council's and Cabinet's obligations and duties;
  - (b) the public sector equality duty under the Equality Act 2010, to ensure that equality considerations are embedded into day to day decision making.
- 3.4 To ensure that Councillors have adequate opportunity to comment on and be involved in the decision-making process where appropriate, the exercise of delegated powers under this Scheme or pursuant to a GAC or Cabinet resolution, may require that the delegation be exercised in consultation with the Cabinet Chairman or Portfolio Member etc. Officers shall have regard to the Code of Practice Governing Officers Decisions in Consultation with Members

#### **4. MATTERS NOT DELEGATED**

- 4.1 This Scheme does not delegate any matter:
  - (a) reserved by law or by the Constitution to the GAC or the Cabinet;
  - (b) which may not by law, be delegated to an officer;
  - (c) any matter expressly reserved to a committee, board or panel by the Constitution, Standing Orders or Financial Regulations, or withdrawn from delegation by this Scheme or by a committee, board or panel;
  - (d) any power to make a decision on permanent savings in a budget;
  - (e) any power to make an order for the compulsory acquisition of land;
  - (f) any power to acquire land in advance of requirements;
  - (g) any power to confirm any order, or to issue or grant any permission, consent, licence or other determination, which is the subject of a statutory right of objection that has been duly exercised.

#### **5. DELEGATIONS**

- 5.1 For the purposes of this Scheme, the GAC and Cabinet arrange for their respective functions (Annexes 1 and 2) to be discharged by the Managing Director.
- 5.2 The delegations apply to those functions which have not, by virtue of the Constitution or any other instrument, been reserved to Council or Cabinet and any committees, sub-committees, panels or boards thereof.
- 5.3 Delegations set out in this Scheme are in addition to any delegations referred to in the Constitution.
- 5.4 The Managing Director is delegated all those powers necessary to act within this Scheme, including the expenditure of money.
- 5.5 Apart from those powers set out in this Scheme which have been generally or specifically delegated to the Managing Director, any remaining functions which have not been specifically reserved to Council, Cabinet or any committees, sub-committees, boards or panels thereof, are delegated to the Managing Director.

- 5.6 In respect of any matter falling within the parameters of this Scheme, the Managing Director may further delegate to Directors and authorise officers by designation, to exercise any of the powers delegated to him under this Scheme or any other applicable scheme of delegation, in so far as is legally permissible and in so far as not already delegated by virtue of the Constitution. Such further delegations and authorisations shall be recorded in a sub-delegations scheme (the Sub-delegations Scheme). The Managing Director may at any time arrange for the transfer/reallocation of functions to, from and within Directorates as he considers appropriate.
- 5.7 Directors may further authorise officers by designation, within their Directorates to exercise any of the powers delegated to them under this Scheme or any other applicable scheme of delegation, in so far as is legally permissible and in so far as not already delegated by virtue of the Constitution. Such further authorisations shall be recorded in the Sub-delegations Scheme.
- 5.8 All delegated powers shall be exercised in the name of the Managing Director or a Director but this shall be without prejudice to the right of an officer to exercise such powers in their name where professional standards so require e.g. the issue of a report on the Council's land transactions by the Council's qualified valuer.

## **6. Statutory Officers**

- 6.1 The functions of the Head of Paid Service, Monitoring Officer and Section 151 Officer are set out in Articles 12 and 14 of the Constitution. So far as not specified by legislation, the Head of Paid Service, Monitoring Officer and Section 151 Officer are delegated all powers necessary to carry out their statutory functions.

## **7. Proper Officer functions**

- 7.1 Pursuant to Section 270(3) of the Local Government Act 1972, the Managing Director is appointed the 'proper officer' as described in specified sections of relevant Acts of Parliament or regulations. The Managing Director may nominate or designate a Director or officer to act as proper officer or deputy proper officer for any specified functions. Any such nomination or designation shall be recorded in the Sub-delegations Scheme.

## THE DELEGATED FUNCTIONS - COUNCIL

The Council delegates the following general functions to the Managing Director to be exercised in respect of non executive functions of the Council:

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>COUNCIL FUNCTIONS</b>	
<b>Local Authorities (Functions and Responsibilities)(England) Regulations 2000 - Schedule 1 (as amended)</b>	
<b>Animal Boarding Establishments Act 1963 – Section 1 - licensing functions</b>	As set out in Environmental Health Sub – delegations
<b>Caravan Sites and Control of Development Act 1990</b>	As set out in Housing Options & Private Sector Housing Team Sub-delegations
Section 1 – institution of legal proceedings	As set out in Legal Services Sub - delegations
Section 3(3) - site licensing	
<b>Anti-Social Behaviour Act 2003 - Part 8 (Sections 69, 70, 71 &amp; 74) - high hedges complaints</b>	As set out in Development Control Sub - delegations
<b>Dangerous Wild Animals Act 1976 – Section 1 - licensing functions</b>	As set out in Environmental Health Sub – delegations
<b>Food Safety Act 1990 - Section 19 – registration &amp; licensing premises</b>	As set out in Environmental Health Sub – delegations
<b>Gambling Act 2005</b>	
Sections 29, 30, 39 and 350 - information exchange, occasional use notices, and disapplication functions	As set out in Licensing and Gambling Sub – delegations
Section 346 - institution of legal proceedings	As set out in Legal Services Sub-delegations
<b>Health Act 2006 – Part 1 Chapter 1 (Sections 6(5), 7(4), 8(4), 10(3), 10(5)), paras 13, 15 &amp; 16 of Schedule 1, &amp; para 1 of Schedule 2 &amp; regulations - enforcement and penalty notices</b>	As set out in: Enforcement and Regulatory Services Sub-delegations Environmental Health Sub-delegations Licensing and Gambling Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>COUNCIL FUNCTIONS</b>	
<b>Local Authorities (Functions and Responsibilities)(England) Regulations 2000 - Schedule 1 (as amended)</b>	
<b>Health and Safety at Work etc. Act 1974</b> (functions relating to health and safety at work (to the extent that those functions are discharged otherwise than in the Council's capacity as an employer) & powers of entry	As set out in Environmental Health Sub-delegations
Section 19 – appointment of inspectors	As set out in Environmental Health Sub – delegations
Section 33 - institution of legal proceedings	As set out in Legal Services Sub-delegations
<b>Hedgerow Regulations 1997</b> – protection of hedgerows	As set out in Development Control Sub – delegations
<b>Hypnotism Act 1952</b>	
Sections 2(3) & 3 - Institution of legal proceedings	As set out in Legal Services Sub-delegations
Sections 1 & 2 - licensing hypnotism performances	As set out in Licensing and Gambling Sub – delegations
<b>Licensing Act 2003</b> – licensing functions	As set out in: Environmental Health Sub-delegations Licensing and Gambling Sub – delegations
<b>Local Government Act 1972</b> – Section 112 - appoint staff & determine the terms and conditions on which they hold office (including procedures for their dismissal)	As set out in Member Services Sub-delegations
<b>Local Government Act 2000</b> - Section 92 - make payments or provide other benefits in cases of maladministration etc.	As set out in Management Team Sub-delegation's Scheme

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>COUNCIL FUNCTIONS</b>	
<b>Local Authorities (Functions and Responsibilities)(England) Regulations 2000 - Schedule 1 (as amended)</b>	
<b>Local Government (Miscellaneous Provisions) Act 1976</b> – Sections 47, 48, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 & 79 - licensing of hackney carriages and private hire vehicles	As set out in: Enforcement and Regulatory Services Sub – delegations Licensing and Gambling Sub – delegations
<b>Local Government (Miscellaneous) Provisions Act 1982</b>	
Schedule 4 – institution of legal proceedings	As set out in Legal Services Sub – delegations
Part III & Schedule 4 – licensing of market and street trading	As set out in: Enforcement and Regulatory Services Sub – delegations Markets Sub – delegations
Sections 2, 4, 13, 14, 15, 16 & 17 – Licensing of sex shops, premises for acupuncture, tattooing, ear-piercing and electrolysis	As set out in: Environmental Health Sub – delegations Licensing and Gambling Sub – delegations
<b>Noise and Statutory Nuisance Act 1993</b> - Schedule 2 - granting consent for the operation of loudspeakers	As set out in Environmental Health Sub – delegations
<b>Performing Animals (Regulation) Act 1925</b> - Section 1 – registration of animal trainers and exhibitors	As set out in Environmental Health Sub – delegations
<b>Pet Animals Act 1951</b> – Section 1 – licensing of pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	As set out in Environmental Health Sub – delegations
<b>Planning Hazardous Substances) Act 1990</b> - Sections 9(1) & 10 – determination of applications for hazardous substances consent, and related powers	As set out in Development Control Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>COUNCIL FUNCTIONS</b>	
<b>Local Authorities (Functions and Responsibilities)(England) Regulations 2000 - Schedule 1 (as amended)</b>	
<b>Planning (Listed Buildings and Conservation Areas) Act 1990</b> – Sections 3(1), 4(1), 38, 48 & 54 – service of building preservation notices, repairs notices & enforcement notices	As set out in Development Control Sub – delegations
<b>Public Health Act 1936</b> – Section 269(1) – licensing the use of moveable dwellings & camping sites	As set out in Environmental Health Sub – delegations
<b>Riding Establishments Acts 1964 and 1970</b> – licensing of pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	As set out in Environmental Health Sub – delegations
<b>Scrap Metal Dealers Act 1964</b> – Section 1 – licensing of scrap yards	As set out in Environmental Health Sub – delegations
<b>Town and Country Planning Act 1990</b>	
Sections 171E, 187, 187A(9), 187B, - institution of legal proceedings and application for injunction  Sections 172, 173A, 183, 187A, 215(1), & 330 – service of enforcement notices & requisition for information	As set out in Legal Services Sub - delegations
Sections 70A, 106, 171C, 171E, 172, 183(1), 187A, 187B, 191(4), 192(2), 196A, 215(1), & 330 – decline to determine application for planning permission, enter into agreement regulating development or use of land, various enforcement functions, preservation of trees, maintenance of land & requisition for information	As set out in Development Control's Sub-delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>COUNCIL FUNCTIONS</b>	
<b>Local Authorities (Functions and Responsibilities)(England) Regulations 2000 - Schedule 1 (as amended)</b>	
<b>Town and Country Planning (General Permitted Development) Order 1995</b> – Parts 6, 7, 24 & 31 - make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	As set out in Development Control’s Sub-delegations
<b>Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999</b> – establish need or otherwise for EIAs	As set out in Development Control’s Sub-delegations
<b>Town Police Clauses Act 1847</b>	
Institution of legal proceedings	As set out in Legal Services Sub - delegations
The relevant Sections of the Act relating to the licensing of Hackney Carriages and Private Hire Vehicles	As set out in Licensing and Gambling Sub-delegations
<b>Zoo Licensing Act 1981</b> – Section 1 – licensing functions	As set out in Environmental Health Sub – delegations
<b>Placing of staff at disposal of other authorities</b> – enter into agreements with other local authorities for the placing of staff at the disposal of those other authorities in relation to Council functions	

The Cabinet delegates the following general functions to the Managing Director to be exercised in respect of executive functions of the Council:

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000(as amended) <sup>1</sup></b>	
<b>Accounts and Audit (England) Regulations 2011</b> - sign statement of accounts	As set out in Finance Sub – delegations
<b>Allotments Acts 1922 – 1950</b> – enter into agreements	As set out in Parks and Opens Spaces Sub - delegations
<b>Animals Act 1971</b> – removal of horses	As set out in Enforcement and Regulatory Services Sub – delegations
<b>Animal Boarding Establishments Act 1963</b> (excluding Section 1 (see Council functions)) - regulate the keeping of boarding establishments for animals & for purposes connected therewith & powers of entry	As set out in Environmental Health Sub – delegations
<b>Animal Health Act 1981</b> – control of animal diseases and welfare of animals	As set out in Enforcement and Regulatory Services Sub – delegations
<b>Animal Welfare Act 2006</b>	
Section 30 – institution of legal proceedings	As set out in Legal Services Sub - delegations
The relevant provisions of the Act relating to the welfare of animals & powers of entry	As set out in Environmental Health Sub – delegations
<b>Anti-Social Behaviour Act 2003</b>	
Institution of legal proceedings and application for ASBOs and ASBIs	As set out in Legal Services Sub - delegations

<sup>1</sup> Any function of a local authority which is not specified in regulations is to be the responsibility of the executive of the authority under executive arrangements  
Delegations/August 2011/Cabinet Delegated Functions

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Anti-Social Behaviour Act 2003</b>	
Part 6 (Sections 48 – 52) and other relevant Sections of the Act (excluding Part 8 (see Council functions)) – issue of defacement remedial notices, fixed penalty notices & high hedge remedial notices & demotion of secure tenancy	As set out in: Enforcement and Regulatory Services Sub – delegations Environmental Health Sub – delegations Housing (Landlord Function) Sub - delegations
<b>Breeding of Dogs Act 1973</b>	
Institution of legal proceedings	As set out in Legal Services Sub - delegations
The relevant Sections of the Act relating to the inspection of premises at which dogs are bred and functions relating to the transportation of puppies (excluding Section 1 (see Council functions)) & powers of entry	As set out in Environmental Health Sub – delegations
<b>Breeding of Dogs Act 1991</b>	
Section 3 - institution of legal proceedings	As set out in Legal Services Sub - delegations
The relevant Sections of the Act relating to licensing, inspection of premises & powers of entry	As set out in Environmental Health Sub – delegations
<b>Building Act 1984</b>	
Section 59 – drainage of buildings	As set out in Civil Protection and Drainage Sub-delegations
Sections 35, 81 & 113 – institution of legal proceedings	As set out in Legal Services Sub - delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Building Act 1984</b>	
Sections 8, 16, 18, 19, 20, 21, 24, 25, 32, 33, 35, 36, 47, 50(8), 52(5), 56, 71(1), 71(3), 72, 74, 75, 77, 78, 81, 95 & 96 – approve or refuse dispensations, pass, reject or rescind plans, require conformity tests, discharge functions related to initial notices, demolition orders, closure orders & dangerous structures, requisitions for information, obstruction to private sewers & powers of entry	As set out in: Building Control Sub-delegations Civil Protection and Drainage Sub-delegations Environmental Health Sub-delegations
Section 76, Parts III & IV - service of statutory notices & discharge of functions listed in 'other provisions about buildings' and 'general'	As set out in: Enforcement and Regulatory Services Sub – delegations Environmental Health Sub – delegations
<b>Building (Approved Inspectors etc.) Regulations 2000</b> – Regulations 8, 15, 17, 20 & 25 – functions relating to plans & certificates	As set out in Building Control Sub-delegations
<b>Building (Local Authority Charges) Regulations 1998</b> – Regulations 3, 4, 6, 7, 8, 9, 10, 11, 12 – functions relating to the Standard Fee Scheme	As set out in Building Control Sub-delegations
<b>Building Regulations 2000</b> – Regulations 13, 14, 15, 16, 17, 18 & 19 - functions relating to plans, building notices, completion certificates, energy ratings, sampling & testing	As set out in Building Control Sub-delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000(as amended)</b>	
<b>Caravan Sites and Control of Development Act 1960</b>	
Section 1 – institution of legal proceedings	As set out in Legal Services Sub - delegations
Functions relating to the control of caravan sites (excluding Section 3(3) (see Council functions)) & powers of entry	As set out in Housing Options & Private Sector Housing Team Sub-delegations
<b>Clean Neighbourhoods and Environment Act 2005</b>	
Institution of legal proceedings under relevant Sections of the Act	As set out in Legal Services Sub - delegations
Sections 6(1), 59(2) & Parts 3, 6 & 7 - functions relating to dropping of litter, graffiti, dogs, noise & the issue of fixed penalty notices	As set out in: Enforcement and Regulatory Services Sub – delegations Environmental Health Sub – delegations As set out in Waste and Recycling Sub - delegations
<b>Commonhold and Leasehold Reform Act 2002</b> - functions relating to residential property (Council housing) management	As set out in Housing (Landlord Function) Sub - delegations
<b>Communications Act 2003</b> - functions relating to requests to remove public pay phones	As set out in Development Control Sub - delegations
<b>Community Charges (Administration and Enforcement) Regulations) 198</b> - administration and enforcement of Council Tax	As set out in Finance Sub-delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Control of Dogs Order 1992</b>	
Article 3 - institution of legal proceedings	As set out in Legal Services Sub - delegations
The relevant Articles of the Order relating to wearing of dog collars & seizure of dogs	As set out in Environmental Health Sub – delegations
<b>Control of Pollution Act 1974</b>	
Section 62 – institution of legal proceedings	As set out in Legal Services Sub - delegations
Section 23 & Part III – functions relating to prohibition of parking to facilitate street cleaning, noise & powers of entry	As set out in: Enforcement and Regulatory Services Sub – delegations Environmental Health Sub – delegations
<b>Control of Pollution (Amendment) Act 1989</b> - Section 5B(2) – issue of fixed penalty notices	As set out in Enforcement and Regulatory Services Sub – delegations
<b>Council Tax (Administration and Enforcement) Regulations) 1992</b> - Part VI, Regulation 49 – administration and enforcement of Council Tax	As set out in Finance Sub-delegations
<b>County of Kent Act 1981</b>	
Sections 10, 30(3), (4) & (5) – issue of notices for renumbering and renaming streets and properties	As set out in: Civil Protection and Drainage Sub-delegations Property Information Sub-delegations
Sections 51 & 53 - safety requirements for basement car parks	As set out in Building Control Sub-delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Crime and Disorder Act 1998</b> – Sections 1(1) & (10) – institution of legal proceedings	As set out in Legal Services Sub - delegations
<b>Criminal Justice and Public Order Act 1994</b> – Sections 77 & 78 – enforcement functions relating to unauthorised campers on land & powers of entry	As set out in Enforcement and Regulatory Services Sub – delegations
<b>Dangerous Dogs Act 1991</b>	
Section 3 - institution of legal proceedings	As set out in Legal Services Sub-delegations
Sections 3, 4 & 5 – functions relating to keeping dogs under control, disqualification and destructions orders & powers of entry	As set out in Environmental Health Sub – delegations
<b>Dogs Act 1871</b> – laying a civil complaint in the Magistrates' Court for dog destruction	As set out in Legal Services Sub-delegations
<b>Dogs (Fouling of Land) Act 1996</b>	
Section 3 - institution of legal proceedings	As set out in Legal Services Sub-delegations
Section 4 – issue of fixed penalty notices	As set out in: Enforcement and Regulatory Services Sub – delegations Environmental Health Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000(as amended)</b>	
<b>Enforcement of Parking Contraventions (England) General Regulations 2007</b> – functions detailed in the Agency Agreement for the Enforcement of Parking Control	As set out in Parking Services Sub - delegations
<b>Environmental Protection Act 1990</b>	
Sections 46(3), 47(2), 59, 92, 93, 94 – functions relating to commercial and industrial waste, litter abatement, clearing notices, litter control notices & issue of fixed penalty notices	As set out in Waste and Recycling Sub - delegations
Sections 23, 24, 33, 34, 78M, 78M(5), 80, 81(5), 87, 88, 92, 92C, 93, 94A(2) – institution of legal proceedings	As set out in Legal Services Sub - delegations
Sections 34A(2), 47(2), 47ZA(2), 59, 71, 88, 92, 93, 94, 94A(2), 149(1), Schedules 3 & 3(A) & parts I, IIA, III & VI - pollution control, contaminated land, statutory nuisances, stray dogs, fixed penalty notices & powers of entry	As set out in: Enforcement and Regulatory Services Sub – delegations Environmental Health Sub – delegations
Section 80 – issue of abatement notices for statutory nuisances	As set out in Development Control Sub - delegations
<b>Environment Act 1995</b> – Parts IV & V – air quality functions & powers of entry	As set out in Environmental Health Sub - delegations
<b>European Communities Act 1972</b> – food hygiene and environmental damage	As set out in Environmental Health Sub - delegations
<b>Executive Arrangements (Decisions, Documents and Meetings) Regulations 2000</b> – access to information (public meetings)	As set out in Member Services Sub - delegations

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Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Food and Environment Protection Act 1985</b>	
Section 21 - institution of legal proceedings (pesticides & contamination of food)	As set out in Legal Services Sub-delegations
The relevant Sections of the Act relating to powers of entry and enforcement (pesticides & contamination of food)	As set out in Environmental Health Sub - delegations
<b>Food Hygiene (England) Regulations 2006</b>	
Sections 10, 15, 17 & 18 - institution of legal proceedings	As set out in Legal Services Sub-delegations
The relevant Sections of the Act relating to the issue of notices & orders, procuring samples & powers of entry	As set out in Environmental Health Sub - delegations
<b>Food Safety Act 1990</b>	
Parts II & III - institution of legal proceedings	As set out in Legal Services Sub-delegations
The relevant Sections of the Act relating to the enforcement of food safety functions (excluding Section 19 (see Council functions)) & powers of entry	As set out in Environmental Health Sub - delegations
<b>Guard Dogs Act 1975</b> – functions relating to the licensing of guard dogs	As set out in Environmental Health Sub - delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Housing Act 1985</b>	
Sections 82A, 140, 141 & 154(2) – institution of legal proceedings	As set out in Legal Services Sub-delegations
Schedule 16 – adjustment of mortgage interest rates	As set out in Finance Sub-delegations
Parts II, III, IV, V,VI, X & XI - provision of housing accommodation, housing the homeless, functions relating to secure tenancies, right to buy, repair notices, HMOs & powers of entry	As set out in: Housing (Landlord Function) Sub – delegations Housing Options & Private Sector Housing Team Sub-delegations
<b>Housing Act 1996</b>	
Sections 127, 128, 143D, 143E, 153A – 153E – institution of legal proceedings and application for injunction	As set out in Legal Services Sub-delegations
Sections 153(A), (C & (E) & Parts VI & VII – introductory & demoted tenancies, allocation of Council properties and garages	As set out in Housing (Landlord Function) Sub - delegations
<b>Housing Act 2004</b> – functions relating to housing conditions, issue of licences for HMOs, service of orders & notices, institution of legal proceedings & powers of entry	As set out in: Legal services Sub-delegations Housing Options & Private Sector Housing Team Sub-delegations
<b>Housing Grants Construction and Regeneration Act 1996</b> – Part I – improvements and repairs grants	As set out in Housing Options & Private Sector Housing Team Sub-delegations
<b>Land Compensation Act 1961</b> – Section 17 – certificates of appropriate alternative development	As set out in Development Control Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Land Compensation Act 1973</b>	
Sections 29 & 37 - compensation and disturbance payments	As set out in: Land and Property Assets Sub – delegations Legal Services Sub-delegations
Section 29 - discretionary payments for displacement of Council tenant	As set out in Housing (Landlord Function) Sub - delegations
<b>Land Drainage Act 1991</b> - Section 25 – maintaining watercourse flows	As set out in Civil Protection and Drainage Sub - delegations
<b>Law of Property Act 1925</b> – Section 146 – rights of entry or forfeiture	As set out in: Land and Property Assets Sub – delegations Legal Services Sub-delegations
<b>Leasehold Reform, Housing and Urban Development Act 1993</b> – Sections 1, 56, 69, 76 & 108 – grant of freeholds & long leases to qualifying tenants, agreements for estate management schemes & rent to mortgage	As set out in Housing (Landlord Function) Sub - delegations
<b>Local Authorities’ Cemeteries Order 1977</b> – functions relating to the management of cemeteries	As set out in Cemeteries Sub-delegations
<b>Local Authorities (Goods and Services) Act 1970</b> –	
Functions relating to the supply of goods and services & the carrying out of suitable work for public bodies	As set out in Management Team’s Sub-delegations As set out in Land and Property Assets Sub - delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Local Government Act 1972</b>	
Sections 123, 214, 222, 223 & 237 – issue of open space land disposal notices, deeds of grant for exclusive rights of burial, application for injunctions, institution of legal proceedings for breach of byelaws	As set out in Legal Services Sub-delegations
Sections 138 & 222 – incur expenditure & grant loans & apply for injunctions	As set out in Management Team’s Sub-delegations
<b>Local Government and Housing Act 1989</b>	
Sections 119(8) & 164 – determine right to buy applications & repayments of grants	As set out in Housing (Landlord Function) Sub - delegations
<b>Local Government (Compensation for Redundancy) Regulations 1994 – Part II – determine discretionary compensation payments for officers</b>	As set out in Human Resources Sub-delegations
<b>Local Government Finance Act 1988 – Sections 89 &amp; 120 – functions relating to the collection fund &amp; refund of overpayments</b>	As set out in Finance Sub-delegations
<b>Local Government Finance Act 1992 – write-offs and institution of winding up/bankruptcy proceedings</b>	As set out in Finance Sub-delegation’s
<b>Local Government (Miscellaneous Provisions) Act 1976</b>	
Sections 16 & 35 – requisitions for information & removal of obstructions from private sewers	As set out in Civil Protection and Drainage Sub - delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Local Government (Miscellaneous Provisions) Act 1976</b>	
Sections 16 & 20 & Part II –institution of legal proceedings	As set out in Legal Services Sub - delegations
Section 15 – functions relating to the survey of land & property	As set out in Land and Property Assets Sub - delegations
Section 23 – functions relating to dangerous trees & powers of entry	As set out in Development control Sub-delegations
Sections 16, 33, 68 & remaining Sections of Part II (excluding Sections 47, 48, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 & 79 – ( see Council functions)), requisitions for information, restoration or continuation of supply of water, gas and electricity	As set out in: Enforcement and Regulatory Services Sub – delegations Environmental Health Sub - delegations Licensing and Gambling Sub – delegations Housing Options & Private Sector Housing Team Sub-delegations
<b>Local Government (Miscellaneous) Provisions Act 1982</b>	
Part VIII – institution of legal proceedings	As set out in Legal Services Sub - delegations
Sections 29 & 41 & Parts IV & VIII– issue of notices for lost & uncollected property on Council premises, functions related to control of refreshment premises, acupuncture, tattooing, ear-piercing and electrolysis & powers of entry	As set out in: Building Management Sub - delegations Enforcement and Regulatory Services Sub – delegations Environmental Health Sub - delegations Housing (Landlord Function) Sub - delegations
<b>Noise Act 1996</b>	
Section 4 - institution of legal proceedings	As set out in Legal Services Sub - delegations
The relevant Sections of the Act relating to the control of noise emitted from dwellings at night & forfeiture and confiscation of equipment & powers of entry	As set out in: Environmental Health Sub - delegations Licensing and Gambling Sub – delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Noise and Statutory Nuisance Act 1993</b>	
Sections 3 & 5 - institution of legal proceedings	As set out in Legal Services Sub - delegations
Schedule 3 and other relevant Sections of the Act relating to loudspeaker noise in streets (excluding Schedule 2 (see Council functions)) & powers of entry	As set out in Environmental Health Sub – delegations
<b>Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 - write off of debts</b>	As set out in Finance Sub - delegations
<b>Non-Domestic Rating (Payment of Interest) Regulations 1990) – write off of debts</b>	As set out in Finance Sub - delegations
<b>Offices Shops and Railway Premises Act 1963 – functions relating to securing the health, safety and welfare of persons employed to work in office or shop premises and ancillary matters</b>	As set out in Environmental Health Sub - delegations
<b>Performing Animals (Regulation) Act 1925 - functions relating to the exhibition and training of performing animals - (excluding Section 1 (see Council functions)) &amp; powers of entry</b>	As set out in Environmental Health Sub - delegations

<p style="text-align: center;">(1)</p>	<p style="text-align: center;">(2)</p>
<p style="text-align: center;"><b>Provision of Act or Statutory Instrument</b></p>	<p style="text-align: center;"><b>Limitations/Exclusions/Notes</b></p>
<p style="text-align: center;"><b>CABINET FUNCTIONS</b></p>	
<p style="text-align: center;"><b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b></p>	
<p><b>Pesticides Act 1998</b> – enforcement of pesticide control measures</p>	<p style="text-align: center;">As set out in Environmental Health Sub - delegations</p>
<p><b>Pet Animals Act 1951</b> – functions relating to the sale of pets (excluding Section 1 (see Council functions)) &amp; powers of entry</p>	<p style="text-align: center;">As set out in Environmental Health Sub - delegations</p>
<p><b>Planning (Hazardous Substances) Act 1990 - (</b></p>	
<p>Sections 23, 24, 24A, 24(8), 26AA &amp; 36B - institution of legal proceedings</p>	<p style="text-align: center;">As set out in Legal Services Sub - delegations</p>
<p>Relevant Sections of the Act relating to enforcement &amp; powers of entry (excluding Sections 9(1) &amp; 10 (see Council functions))</p>	<p style="text-align: center;">As set out in Development Control Sub – delegations</p>
<p><b>Planning (Hazardous Substances) Regulations 1992</b> – powers of entry</p>	<p style="text-align: center;">As set out in Development Control Sub – delegations</p>
<p><b>Planning (Listed Buildings and Conservation Areas) Act 1990</b> – Sections 9, 39, 43, 74 &amp; 88 – functions relating to legal proceedings, enforcement notices, conservation area consents &amp; powers of entry</p>	<p style="text-align: center;">As set out in Development Control Sub – delegations</p>
<p><b>Pollution Prevention and Control Act 1990</b> – issue permits &amp; powers of entry</p>	<p style="text-align: center;">As set out in Environmental Health Sub - delegations</p>
<p><b>Prevention of Damage by Pests Act 1949</b></p>	
<p>Sections 4, 5 &amp; 9 – service of statutory notices and functions relating to carrying out works in default &amp; powers of entry</p>	<p style="text-align: center;">As set out in Environmental Health Sub - delegations</p>
<p>Section 26 - institution of legal proceedings</p>	<p style="text-align: center;">As set out in Legal Services Sub - delegations</p>

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Public Health Acts (Amendment) Act 1907</b> - Section 31 – issue of notices for fencing lands adjoining streets	As set out in: Enforcement and Regulatory Services Sub – delegations Environmental Health Sub - delegations
<b>Public Health Act 1925</b> - Section 17 – street naming functions	As set out in Property Information Sub - delegations
<b>Public Health Act 1936</b>	
Section 50 – overflowing and leaking cesspools	As set out in: Civil Protection and Drainage Sub – delegations Environmental Health Sub-delegations
Sections 45, 50, 51, 52 & 83 – institution of legal proceedings	As set out in Legal Services Sub - delegations
The relevant Sections of the Act relating to the Council's public health functions (excluding Section 269(1) (see Council functions)) & powers of entry	As set out in Environmental Health Sub - delegations
<b>Public Health Act 1961</b>	
Section 17 – repair of drains and remedy stopped up drains	As set out in: Civil Protection and Drainage Sub – delegations Environmental Health Sub-delegations
The relevant Sections of the Act relating to the Council's public health functions	As set out in Environmental Health Sub - delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Public Health (Control of Disease) Act 1984</b>	
Part IIA – Applying for Orders, institution of legal proceedings, functions relating to control of diseases, disposal of dead bodies, canal boats & general and miscellaneous functions & powers of entry	As set out in; Cemeteries Sub – delegations Environmental Health Sub - delegations Legal Services Sub - delegations
<b>Refuse Disposal (Amenity) Act 1978</b>	
Sections 2(A)(1) and other relevant Sections of the Act – issue of notices for removal of vehicles and functions relating to abandoned vehicles and refuse, issue of fixed penalty notices & powers of entry	As set out in: Enforcement and Regulatory Services Sub-delegations Environmental Health Sub - delegations Housing (Landlord Function) Sub – delegations Waste and Recycling Sub - delegations
<b>Regulation of Investigatory Powers Act 2000</b> – Sections 28 & 29 – authorise covert surveillance operations & use of CHIS	As set out in Management Team's Sub-delegation's Scheme
<b>Regulatory Reform (Housing Assistance) Order 2002</b> – grants' application functions	As set out in Housing Options & Private Sector Housing Team Sub-delegations
<b>Representation of the People (England and Wales) Regulations 2001</b> - Regulation 23 – institution of legal proceedings for failure to register	As set out in Legal Services Sub - delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Road Traffic Regulation Act 1984</b> – institution of legal proceedings for on-street & off street parking offences	As set out in Legal Services Sub - delegations
<b>Scrap Metal Dealers Act 1964</b> – registration and enforcement functions (excluding Section 1 – (see Council functions)) & powers of entry	As set out in Environmental Health Sub – delegations
<b>Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994</b> – determination of applications from tenants	As set out in Housing (Landlord Function) Sub - delegations
<b>Sunbeds (Regulation) Act 2010</b>	
Section 7 – enforcement functions relating to the use or supply of tanning devices that use artificial ultra-violet radiation; and for connected purposes & powers of entry	As set out in Environmental Health Sub - delegations
Section 8 – institution of legal proceedings	As set out in Legal Services Sub - delegations
<b>Sunday Trading Act 1994</b>	
Schedules 1, 2 & 3 - functions relating to regulating shop opening hours and ancillary matters, powers of entry & institution of legal proceedings	As set out in Environmental Health Sub - delegations

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<p><b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b></p>	
<p><b>Town and Country Planning Act 1990</b></p>	
<p>Sections 196B, 214B, 214C, 214D, 219, 225 &amp; 324 – powers of entry with or without warrant, tree preservation functions, direct action &amp; removal and obliteration of placards and posters</p>	<p>As set out in Legal Services Sub - delegations</p>
<p><b>Town Police Clauses Act 1847</b> – Section 21 – applications for street parties &amp; processions</p>	<p>As set out in Sports Development and Special Events Sub - delegations</p>
<p><b>Traffic Management Act 2004</b> – issue of fixed penalty notices, enforcement and administration of parking schemes within the Borough</p>	<p>As set out in Parking Services Sub - delegations</p>
<p><b>Water Industry Act 1991</b> - Sections 77, 78, 79, 80, 82 &amp; 85 – functions relating to the sampling of water supplies, service of notices and requisitions for information &amp; powers of entry</p>	<p>As set out in Environmental Health Sub - delegations</p>
<p><b>Zoo Licensing Act 1981</b> – powers of entry</p>	<p>As set out in Environmental Health Sub – delegations</p>
<p><b>Placing of staff at disposal of other authorities</b> - enter into agreements with other local authorities for the placing of staff at the disposal of those other authorities in relation to Cabinet functions</p>	

(1)	(2)
Provision of Act or Statutory Instrument	Limitations/Exclusions/Notes
<b>CABINET FUNCTIONS</b>	
<b>Pursuant to Schedule 2 - Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) &amp; Section 13(2) Local Government Act 2000)(as amended)</b>	
<b>Other Functions not referred to in regulations or this Schedule</b>	
Any function which is not specified in the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended) or any subsequent regulations and this Schedule	Unless retained by Cabinet, a committee board or panel of Cabinet

## Regeneration Director

### BUILDING CONTROL

#### BUILDING ACT 1984 (E)

- Section 8** - Authorised to approve or refuse applications for dispensation of Building Regulation requirements.
- Section 16** - Authorised to **pass** plans submitted for approval under the Building Regulations with or without conditions and to **reject** plans where plans are defective or show a contravention of any Building Regulations, such authority to include the following Sections of the said Act:
- Section 18** - Building over sewer.
- Section 19** - Use of short-lived materials.
- Section 20** - Use of materials unsuitable for permanent building.
- Section 24** - Provision of exits, etc.
- Section 25** - Provision of water supply.
- Section 18(1)** - Authorised to exercise the functions in relation to any case or description of cases affecting a sewerage undertaker's drains, sewers or disposal mains.
- Section 21** - Authorised to reject plans in relation to provision of drainage.
- Section 32** - Authorised in relation to lapse of deposit of plans to declare that deposit of plan(s) is of no effect.
- Section 33** - Authorised to require tests for conformity with Building Regulations.
- Section 36** - Authorised to give notice for removal or alteration of offending works and to undertake works in default.
- Section 47** - Authorised to accept or reject Initial Notices, Plans Certificates and Final Certificates submitted by Approved Inspectors and public bodies.
- Section 50(8)** - Authorised by notice to rescind acceptance of plans certificates.
- Section 52(5)** - Authorised to cancel Initial Notice by the giving of notice in the prescribed form.
- Section 56** - Authorised to deal with all matters appertaining to recording and furnishing of information.
- Section 71(1)** - Subject to consultation with the Fire Brigade, authorised to issue notice requiring execution of works to entrances, exits, etc., as may be required in certain cases.
- Section 71(3)** - The following named persons, or otherwise the persons holding the posts of:
  - Andrew Nichols - Building Control Manager
  - Nicholas Tremain - Senior Building Control Surveyor
  - Stuart Wilmot - Senior Building Control Surveyor

be authorised in consultation with Legal Services to make application to the Magistrates' Court for Closure Orders.

- Section 72** - Authorised after consultation with the Fire Authority to serve notice to execute works with regard to means of escape from fire.
- Sections 74 & 75** - Authorised to give consent with or without conditions and to refuse consent for the construction of cellars and rooms below subsoil water level.

## **BUILDING ACT 1984 (E) (Cont'd)**

**Section 77** - That the following named persons, or otherwise the persons holding the posts of:  
Andrew Nichols - Building Control Manager  
Nicholas Tremain - Senior Building Control Surveyor  
Stuart Wilmot - Senior Building Control Surveyor

be authorised in consultation with Legal Services to make application to the Magistrates' Court to secure works on potentially dangerous structures.

**Section 78** - That the following named persons, or otherwise the persons holding the posts of:  
Andrew Nichols - Building Control Manager  
Nicholas Tremain - Senior Building Control Surveyor  
Stuart Wilmot - Senior Building Control Surveyor

be authorised to take immediate action (emergency measures) in relation to dangerous structures and to instruct contractors up to a maximum cost of £20,000. Where costs exceed £20,000, this delegation must be exercised in consultation with the Managing Director or in his absence the Head of Finance and Resources.

**Section 81** - Authorised to serve Notices on persons intending to, or who have commenced work demolishing buildings and structures, including consequential requirements to safeguard public safety.

**Sections 95 and 96** - The persons from time to time holding the posts of:-  
Building Control Manager  
Senior Building Control Surveyors  
Area Building Control Officers

be authorised to **enter** premises at all reasonable hours for purposes connected with **Building Control** and other matters.

## **BUILDING (APPROVED INSPECTORS ETC.) REGULATIONS 2000 (E)**

**Regulation 8** - Authorised to reject initial notice, in line with prescribed grounds.

**Regulation 15** - Authorised to reject plans certificate or combined initial notice plans certificate, in line with prescribed grounds.

**Regulation 17** - Authorised to reject final certificate, in line with prescribed grounds.

**Regulation 20** - Authorised to issue the appropriate notice and to deal accordingly with all matters appertaining to partly completed works.

**Regulation 25** - Authorised to reject a public body's plans certificate or a public body's plans certificate combined with a public body's notice, in line with prescribed grounds.

## **BUILDING REGULATIONS 2000 (E)**

**Regulation 13** - Authorised to accept or reject Building Notices submitted in lieu of full plans.

**Regulation 14** - Authorised to accept or reject Full Plans Applications.

**Regulation 14** - Authorised to deal with all matters appertaining to Regularisation Applications.

**Regulation 15** - Authorised to serve notices requiring a person to cut into, lay open, or pull down work for which prior notice should have been given to the Council.

**Regulation 16** - Authorised to accept Notice of Energy Rating of new dwellings.

**Regulation 17** - Authorised to issue Completion Certificates.

**Regulation 18** - Authorised to undertake testing of drains and private sewers to ensure compliance.

**Regulation 19** - Authorised to take samples of materials to ascertain compliance.

## **THE BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 1998 (E)**

**Regulation 3** - Authorised to charge Building Regulations fees in accordance with the Council's Standard Fee Scheme.

**Regulations 4, 6, 7 & 8** - Authorised to determine the amount of fees to be paid in line with the Standard Fee Scheme including reductions for repetitive building work or applications or notices for substantially the same work.

**Regulation 9** - Authorised to determine exemption from payment of fees in relation to work for disabled people.

**Regulation 10** - Authorised to agree payment methods and refunding of Building Regulations fees in line with the Standard Fee Scheme.

**Regulation 11** - Authorised to accept and agree cost estimates for building work described in Regulation 7(1) in line with the Standard Fee Scheme.

**Regulation 12** - Authorised to publish the adoption of the Standard Fee Scheme including any amendments to the Scheme.

## **CIVIL PROCEDURE RULES (E)**

**Disclosure Statements** - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

## **COUNTY OF KENT ACT 1981 (E)**

**Section 51** - Subject to consultation with the Fire Authority and Petroleum Licensing Authority, authorised to approve, reject or conditionally approve the safety requirements in connection with basement car parks.

**Section 53** - Subject to consultation with the Fire Authority, authorised to approve/reject development proposals in connection with access for the Fire Brigade.

**LICENSING ACT 2003 (C)**

**Local Authority Consultee** - Authorised to object when the Council is a consultee and not the lead authority.

**PARTY WALL ETC ACT 1996 (E)**

**Section 10(8)** - The Building Control Manager authorised to act as Appointing Officer for the selection of third surveyor as required under the Act.

**MISCELLANEOUS (E)**

**The Council's Adopted Standard Fee Scheme (E)** - Authorised to charge application fees in line with the Standard Fee Scheme.

**GENERAL**

**Byelaws (C)** - Officers of Building Control authorised to enforce the Byelaws of the Council.

**BUILDING MANAGEMENT**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (E)**

**Section 41** - Authorised to issue a notice(s) in relation to lost and uncollected property found on premises owned or managed by the Council or deposited with the Council and not collected, and to dispose of such property if not claimed by the owner(s).

**MISCELLANEOUS (E)**

**Civic Centre** - Authorised to deal with all requests for the use of rooms for meetings in the Civic Centre and to decide what charges, if any, should apply.

## Regeneration Director

## CEMETERIES

### LOCAL AUTHORITIES' CEMETERIES ORDER 1977 (E)

The persons from time to time holding the posts of:  
Regeneration Director  
Leisure Services Manager  
Bereavement Services Manager

Be appointed for the purposes of all the functions to be carried out under the 1977 Order.

### PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984 (E)

#### Section 46 - Burial or Cremation of the Dead

The persons from time to time holding the posts of:  
Regeneration Director  
Leisure Services Manager  
Bereavement Services Manager

be authorised in consultation with the Managing Director to deal with the obtaining of quotations and tenders and the acceptance thereof.

### MISCELLANEOUS

**Bereavement Services (E)** - The persons from time to time holding the posts of:

Regeneration Director  
Leisure Services Manager  
Bereavement Services Manager

- (1) authorised to deal with burials at East Hill, Watling Street, Stone and Swanscombe Cemeteries.
- (2) authorised to determine memorial applications where designs of an unusual nature are proposed, with those of a potentially controversial nature being subject of consultation with the Chairman or the Vice-Chairman of the Cabinet.

**GENERAL**

**Byelaws (C)** - Officers of the Cemeteries Section authorised to enforce the Byelaws of the Council.

## Executive Director

### CIVIL PROTECTION AND DRAINAGE

#### **BUILDING ACT 1984 (E)**

**Section 59** - Authorised to serve Statutory Notices for drainage of building.

#### **CIVIL CONTIGENCIES ACT 2004 (E)**

Authorised to discharge the duties of the Council under the Act.

#### **CIVIL PROCEDURE RULES (E)**

**Disclosure Statements** - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

#### **COUNTY OF KENT ACT 1981 (E)**

**Section 30(3) and(5)** -Authorised to serve notice on occupiers of land or premises on which floodgates are situated, giving, altering or revoking directions to close floodgates.

**Section 30(4)** - Authorised to close floodgates on land owned by the Council or by arrangement with other owners and to serve Notices on owners of private land to close floodgates and if necessary, to enter private land to take the appropriate action.

#### **LAND DRAINAGE ACT 1991 (E)**

**Section 25** - Authorised to require works for maintaining flow of watercourse.

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (E)**

**Section 16** - Authorised to serve Requisition for Information Notices with Drainage/Land Drainage/Flood Gate/Cesspool Notices.

**Section 35** - Authorised to remove obstructions from private sewers.

#### **PUBLIC HEALTH ACT 1936 (E)**

**Section 50** - Authorised to serve Statutory Notices in respect of overflowing and leaking cesspools.

#### **PUBLIC HEALTH ACT 1961 (E)**

**Section 17** - Authorised to serve Statutory Notices (repair of drains, private sewers etc and to remedy stopped up drains etc).

#### **MISCELLANEOUS (E)**

**Hazardous Substances** - Authorised in consultation with the Managing Director and the Chairman or the Vice-Chairman of the Cabinet to approve expenditure for the removal, and/or treatment and disposal of chemicals and/or general cargo and oil spilt and/or washed onto the River Thames foreshore.

#### **GENERAL**

**Byelaws (C)** - Officers of the Civil Protection and Drainage Section authorised to enforce the Byelaws of the Council.

## Executive Director

### CIVIL PROTECTION AND DRAINAGE

#### **BUILDING ACT 1984 (E)**

**Section 59** - Authorised to serve Statutory Notices for drainage of building.

#### **CIVIL CONTIGENCIES ACT 2004 (E)**

Authorised to discharge the duties of the Council under the Act.

#### **CIVIL PROCEDURE RULES (E)**

**Disclosure Statements** - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

#### **COUNTY OF KENT ACT 1981 (E)**

**Section 30(3) and(5)** -Authorised to serve notice on occupiers of land or premises on which floodgates are situated, giving, altering or revoking directions to close floodgates.

**Section 30(4)** - Authorised to close floodgates on land owned by the Council or by arrangement with other owners and to serve Notices on owners of private land to close floodgates and if necessary, to enter private land to take the appropriate action.

#### **LAND DRAINAGE ACT 1991 (E)**

**Section 25** - Authorised to require works for maintaining flow of watercourse.

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (E)**

**Section 16** - Authorised to serve Requisition for Information Notices with Drainage/Land Drainage/Flood Gate/Cesspool Notices.

**Section 35** - Authorised to remove obstructions from private sewers.

#### **PUBLIC HEALTH ACT 1936 (E)**

**Section 50** - Authorised to serve Statutory Notices in respect of overflowing and leaking cesspools.

#### **PUBLIC HEALTH ACT 1961 (E)**

**Section 17** - Authorised to serve Statutory Notices (repair of drains, private sewers etc and to remedy stopped up drains etc).

#### **MISCELLANEOUS (E)**

**Hazardous Substances** - Authorised in consultation with the Managing Director and the Chairman or the Vice-Chairman of the Cabinet to approve expenditure for the removal, and/or treatment and disposal of chemicals and/or general cargo and oil spilt and/or washed onto the River Thames foreshore.

#### **GENERAL**

**Byelaws (C)** - Officers of the Civil Protection and Drainage Section authorised to enforce the Byelaws of the Council.

**ANTI SOCIAL BEHAVIOUR ACT 2003 (C)**

**Sections 69 and 70** – In consultation with Legal Services to issue, vary or withdraw a Remedial Notice, provided that the issue of a notice is reported to the Development Control Board.

In consultation with ward Councillors, to decline to issue a Remedial Notice, where the hedge does warrant action under the 2003 Act.

**Section 71** - To contest appeals against remedial notices and to decide accordingly.

**Section 74 – Rights of Entry** - The persons from time to time holding the posts of:-

Regeneration Director  
Development Control Manager  
Assistant Development Control Manager  
Enforcement Officer  
Assistant Enforcement Officer  
Landscape Manager  
Principal Planner  
Senior Planner  
Planner  
Policy Monitoring Officer  
Project Manager  
Transport Engineer

be authorised to enter upon land for purposes of administration of the functions of the Council in relation to the 2003 Act.

**CIVIL PROCEDURE RULES (E)**

**Disclosure Statements** - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

## **CHANNEL TUNNEL RAIL LINK ACT 1996 (E)**

To determine in consultation with the Chairman of the Cabinet and the Chairman of the Development Control Board, submissions for major infrastructure or works pursuant to the 1996 Act, whether or not any representations have been lodged/received.

To determine submissions for minor infrastructure or works or revisions to works already approved pursuant to the 1996 Act, whether or not any representations have been lodged/received.

## **COMMUNICATIONS ACT 2003 (E)**

**Sections 45 to 50** – Subject to public consultation authorised to issue decisions following requests to remove public pay phones.

## **ENVIRONMENTAL PROTECTION ACT 1990 (E)**

**Section 80** - The persons from time to time holding the following posts authorised to serve abatement notices in respect of statutory nuisances:

Enforcement Planner

Assistant Enforcement Planner

## **HEDGEROW REGULATIONS 1997 (C)**

- (1) Authorised to serve **Notices** in response to Hedgerow Removal Notices.
- (2) **Rights of Entry** – The persons from time to time holding the posts of:
  - Regeneration Director
  - Development Control Manager
  - Assistant Development Control Manager
  - Planning Policy Manager
  - Senior Planner
  - Planner
  - Enforcement Officer
  - Assistant Enforcement Officer
  - Landscape Manager
  - Project Manager

be authorised to enter land for surveying hedgerow(s) in connection with a Removal Notice(s) received by the Council in accordance with Regulations 12, 13 and 14.

## **LAND COMPENSATION ACT 1961 (E)**

Section 17 - Authorised to determine applications for certificates of appropriate alternative development.

## **LICENSING ACT 2003 (C)**

**Local Authority Consultee** - Authorised to object when the Council is a consultee and not the lead authority.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (E)**

### **Dangerous Trees**

**Section 23** - Authorised to take action in relation to dangerous trees.

**Rights of Entry** - The persons from time to time holding the posts of:

Regeneration Director  
Development Control Manager  
Assistant Development Control Manager  
Landscape Manager  
Enforcement Officer  
Assistant Enforcement Officer

be authorised to enter upon land for purposes of administration of the planning functions of the Council in relation to dangerous trees.

## **PLANNING (HAZARDOUS SUBSTANCES) ACT 1990 (C) & (E) THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992 (E)**

To determine applications for Hazardous Substances Consent, whether or not representations have been received.

**Rights of Entry** - The persons from time to time holding the posts of:-

Regeneration Director  
Development Control Manager  
Assistant Development Control Manager  
Senior Planner  
Planner  
Enforcement Officer  
Assistant Enforcement Officer

**PLANNING (HAZARDOUS SUBSTANCES) ACT 1990 (C) & (E) (Cont'd)**  
**THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992 (E)**

be authorised pursuant to:-

**Section 36** - enter any land in connection with an application for consent, or a proposal to issue a Hazardous Substances Contravention Notice.

**Section 36A** - enter land under Warrant when entry to land has been refused, or refusal is likely, or the case is one of urgency.

**Section 36B** - enter land and take such other persons as may be necessary.

NB: Sections 9(1) & 10 – (C)

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (C) & (E)**

**Section 3\*\*** - Authorised to serve a Building Preservation Notice.\*\*

**Section 9** – Authorised to initiate legal proceedings for offence of unauthorised execution of works.

**Sections 38\*\* & 39** – Authorised to issue Listed Building Enforcement Notices and deal with related appeals.

**Section 43** – Authorised to prosecute for a failure to comply with a Listed Building Enforcement Notice.

**Section 48\*\*** - Authorised to issue a Repairs Notice.

**Section 54\*\*** - Authorised to issue an urgent Repairs Notice.

**Section 74** - Authorised to approve applications for Conservation Area Consent.

**Section 88** - Authorised to issue 24 hours' notice of intended entry and to enter land for the purposes of administration of the functions of the Council in relation to the provisions of the Act.

**Rights of Entry** - The persons from time to time holding the posts of:

Regeneration Director

Development Control Manager

Assistant Development Control Manager

Planning Policy Manager

Senior Planner

Planner

Enforcement Officer

Assistant Enforcement Officer

Landscape Manager

Project Manager

authorised to **enter** upon land for purposes of administration of the functions the Council in relation to listed buildings and conservation areas related issues.

NB: \*\* - (C)

## **TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999 (C)**

Authorised to establish the need or otherwise for an Environmental Impact Assessment under the Regulations and to issue opinions as to the content of Environmental Statements.

## **TOWN AND COUNTRY PLANNING ACT 1990 (as amended) (C) & (E)**

Authorised in consultation with Legal Services, to institute legal proceedings for offences under the 1990 Act.

**Section 70A** - To decline to determine an application for planning permission.

### **Section 106:**

- (a) In consultation with Legal Services, to enter into or vary existing agreements and/or Unilateral Undertakings under Section 106 of the Town and Country Planning Act 1990, in connection with an application which may be determined under delegated powers.
- (b) To negotiate on and accept and determine the acceptability or otherwise of submissions under the terms of an existing Section 106 Agreement.
- (c) In consultation with the Chairman of the Development Control Board, to conclude Section 106 Agreements outside any time limit that may be specified by the Board in the original resolution.

**Section 171C** - To serve Planning Contravention Notices on owners/occupiers for information relating to land.

**Section 171E** - Authorised to issue, vary or withdraw a Temporary Stop Notice, provided that the issue of the Notice is reported to the Development Control Board.

**Section 172** - Authorised to issue, vary or withdraw an Enforcement Notice, provided that the issue of a notice is reported to the Development Control Board.

**Section 173A** – Authorised to vary or withdraw a Notice issued under Section 172.

**Section 174** – Authorised to deal with an appeal against a Notice issued under Section 172.

**Section 178** - Authorised to undertake Direct Action with respect of a failure to comply with a Notice under Section 172.

**Section 183** - Authorised to issue, vary or withdraw a Stop Notice, provided that the issue of the Notice is reported to the Development Control Board.

**Section 187A** - Authorised to issue, vary or withdraw a Breach of Condition Notice.

**Section 187B** – In consultation with Legal Services, to seek injunctive relief in the courts, and to pursue Contempt proceedings for non-compliance with same

**Section 191(4)** Authorised to issue Certificate of Lawfulness of Existing Use or Development (where there is an element of judgement as to the weight to be given to evidence relating to uses, the application will be determined by the Development Control Board should any Member so request).

**Section 192(2)** - Authorised to issue Certificate of Lawfulness of Proposed Use or Development.

**Section 193(7)** - In consultation with Legal Services, authorised to revoke Certificates.

**Section 198** - Tree Preservation Orders - Authorised to make and publicise Tree Preservation Orders made and to confirm unopposed Orders.

**Section 201** - Provisional Tree Preservation Orders - Authorised to give immediate effect, on a provisional basis, to a Tree Preservation Order made under Section 198.

**Section 215A** Authorised to issue a Notice under Section 215.

**Section 219\*\*** – Authorised to undertake Direct Action with respect of a failure to comply with a Notice under Section 215.

**Section 225\*\*** - **Authorised** to remove or obliterate any placard or poster displayed illegally in the Borough provided that written notice has been given to anyone who can be identified as the person responsible for the display.

**Section 330** - Authorised to serve Requisitions for Information in connection with enforcement action and general planning matters.

NB: \*\* - (E)

## **TOWN AND COUNTRY PLANNING ACT 1990 (C) (Cont'd)**

**Rights of Entry** - The persons from time to time holding the posts of:-

Regeneration Director  
Development Control Manager  
Assistant Development Control Manager  
Planning Policy Manager  
Senior Planner  
Planner  
Enforcement Officer  
Assistant Enforcement Officer  
Landscape Manager  
Policy Monitoring Officer  
Project Manager  
Transport Engineer

be authorised to **enter** upon land for purposes of administration of the planning functions of the Council in relation to the following Sections of the Act:

**Section 196A** - Right to enter without warrant.\*

**Section 196B** - Right to enter under warrant.\*\*

**Section 214B** - Rights of entry without a warrant onto land in connection with tree preservation functions.\*\*

**Section 214C** - Rights of entry under warrant onto land in connection with tree preservation functions.\*\*

**Section 214D** - Taking of samples from any tree and samples of soil in connection with tree preservation functions.\*\*

**Section 324** - For certain specified purposes of the Act.\*\*

**Notice of Intended Entry - Section 325** – Authorised to issue 24 hours notice of intended entry.\*\*

NB: \* - (C) & \*\* - (E)

### **Determination of Applications for Planning Permission and Other Applications (C)**

Authorised to approve, with or without conditions, applications falling within the categories mentioned below except and provided that where more than two objections raising material planning considerations are received to an application which is recommended for approval, the application be referred to the Development Control Board and provided also that such delegated decision is in accordance with the Development Plan and other relevant planning policies:

## **TOWN AND COUNTRY PLANNING ACT 1990 (C) (Cont'd)**

Authorised to refuse applications falling within the categories mentioned below except and provided that where more than two clear letters of support raising material planning considerations is received to an application which is recommended for refusal, the application be referred to the Development Control Board and provided also that such delegated decision is in accordance with the Development Plan and other relevant planning policies.

(In addition to the Regeneration Director, such powers may be exercised by the Development Control Manager or the Assistant Development Control Manager).

- (1) Full or outline planning applications.
- (2) Applications for reserved matters or discharge of planning conditions.
- (3) Applications for the felling, lopping, topping, etc., of trees covered by a Tree Preservation Order or in a Conservation Area.
- (4) Applications for Listed Building Consent.
- (5) Applications for Conservation Area Consent.
- (6) Applications to vary or remove conditions attached to any previous permission or consent, including applications to extend the time limits for an existing permission or consent.
- (7) Applications for non material amendments to existing planning permissions.

## **Determination of Applications for Planning Permission and Other Applications (C)**

Authorised to determine detailed submissions in respect of large scale major developments (as defined for the purposes of Government statistical returns) following the grant of an outline planning permission in consultation with the Chairman, Vice Chairman and Shadow Chairman of the Development Control Board, whether or not representations have been received.

## **TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 2007 (E)**

Authorised to approve or refuse applications for illuminated signs and non-illuminated signs. Such applications will be determined by the Development Control Board should any Member so request.

Authorised to take discontinuance action and to revoke or modify express consent.

Authorised in consultation with Legal Services, to institute legal proceedings for offences under the Regulations.

## **TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (C)**

- (1) Authorised to serve notices under Article 3.
- (2) Authorised to deal with "prior notification cases" submitted in accordance with:

**Part 6** - Agricultural buildings and operations;

**Part 7** - Forestry buildings and operations;

**Part 24** -Development by telecommunications code system operators\*\*.

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (C) (Cont'd)**

**Part 31** - Demolition of buildings

**\*\*NB:** Where applications under Part 24 attract objections, and Officers are minded to recommend that prior approval is not required, this delegation shall be exercised in consultation with the Chairman, Vice-Chairman and Shadow Chairman of the Development Control Board and subject to the Chairman and at least one Member consultee agreeing to the proposed Officer recommendation;

Authorised to establish appropriate procedures required in order to ensure the efficient processing of planning applications.

**MISCELLANEOUS (C)**

**Planning Performance Agreements** - Authorised to enter into agreements with applicants setting out the timescale for determining major applications

**Local Plan/Local Development Framework Documents** – The Planning Policy Manager authorised to waive fees for documents for external organisations including: consultants commissioned by or on behalf of the Council; partner organisations; the media; government departments and agencies; local authorities; parish councils; community, resident and interest groups; key commercial and property interests; service providers; educational establishments.

In consultation with ward Councillors, to decline to take enforcement action against identified breaches of planning control, where the breach does not contravene Local Plan policy.

**Appeals** - Authorised to contest appeals.

**Consultations**

- (a) Authorised to respond to consultations undertaken by Kent County Council in respect of their proposals to carry out development or on applications which fall to them to be determined. Such applications will be determined by the Development Control Board should any Member so request.
- (b) Authorised to respond to consultations from neighbouring authorities inviting comment on proposed development in their area. Such applications will be determined by the Development Control Board should any Member so request.)
- (c) Authorised to respond to consultation papers from the government and outside agencies where the subject matter relates to the terms of reference of the Development Control Board.

**GENERAL**

**Byelaws (C)** - Officers of the Development Control Section authorised to enforce the Byelaws of the Council.

## ELECTORAL REGISTRATION

### EUROPEAN PARLIAMENTARY ELECTIONS ACT 2002 (C)

**Section 6(5)** – The Managing Director appointed the Local Returning Officer for the proper conduct and organisation of the European Parliamentary Election in the local counting area.

### REPRESENTATION OF THE PEOPLE ACT 1983 (C)

The Managing Director:

**Section 8** - Appointed the Electoral Registration Officer of any constituency or any part of a constituency co-terminus with or contained in the Borough.

**Section 10** - The Officer who shall appoint canvassers.

**Section 28(1) (b)** – The Officer who shall be the Acting Returning Officer for Parliamentary Elections.

**Section 35(1)** - Appointed as the Returning Officer for elections of Borough and Parish Councillors.

**Section 52(2)** - The Executive Director appointed Deputy Electoral Registration Officer of any constituency or any part of a constituency co-terminus with or contained in the Borough.

Appointed the local counting officer for the national referenda.

### THE LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) (ENGLAND) REGULATIONS 2000 (C)

The Managing Director appointed as Proper Officer in relation to **Regulations 4 and 5** - the publication of the verification number.

ENFORCEMENT AND REGULATORY SERVICES

**ANIMALS ACT 1971 (E)**

**Unauthorised Horses on Council Owned Land**

The persons from time to time holding the posts of:  
Strategic Director  
Enforcement and Regulatory Services Manager  
Senior Enforcement Officer

authorised to remove horses from Council owned land, subject to due regard having been given to the relevant legal considerations, to the impact on the visual amenity of the area, the individual circumstances of the case and the likelihood of risk to the public and to other animals legitimately using the land.

**ANIMAL HEALTH ACT 1981 (E)**

All officers within the Directorate be authorised to execute and enforce the requirements of the **Control of Dogs Order 1992** in respect of collars and tags for dogs.

**ANTI-SOCIAL BEHAVIOUR ACT 2003 (graffiti and fly-posting) (E)**

Authorised to serve defacement removal notices under sections 48-52, enter any land, carry out works in default and recover costs.

All Officers within the Directorate and authorised officers of "secondary authorities" (Parish and Town Councils) authorised to issue fixed penalty notices under section 43 for relevant offences (graffiti and fly-posting).

**BUILDING ACT 1984 (E)**

Authorised to serve **Statutory Notices** under the following provisions:-

**Section 76** - defective premises

## **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 (E)**

**Section 6(1)** - All Officers within the Section (including Parks Ranger Service) authorised to issue fixed penalty notices for the offences relating to nuisance parking.

**Section 59(2)** - All Officers within the Section (including Parks Ranger Service and Town Centre Warden) and authorised officers of “secondary authorities” (Parish and Town Councils) authorised to issue fixed penalty notices for offences under Dog Control Orders.

## **CONTROL OF POLLUTION ACT 1974 (E)**

**Section 23** - Authorised to carry out the functions relating to the prohibition of parking to facilitate street cleaning.

## **CONTROL OF POLLUTION (AMENDMENT) ACT 1989 (E)**

**Section 5B(2)** - All Officers within the Section (including Parks Ranger Service and Town Centre Warden) authorised to issue fixed penalty notices for the offence of failing to produce waste transfer notes

## **CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994 (Unauthorised Campers) (E)**

Authorised to:

- (1) **Section 77** - Issue a Direction(s)
- (2) **Section 78** - Obtain Removal Orders

## **DOGS (FOULING OF LAND) ACT 1996 (E)**

**Section 4** - All Officers within the Directorate and persons working within the Borough and holding the position of Police Community Support Officer authorised to issue Fixed Penalty Notices.

## ENVIRONMENTAL PROTECTION ACT 1990 (E)

- (1) **Section 34A(2)** - All officers within the Section (including Parks Ranger Service and Town Centre Warden ) authorised to issue fixed penalty notices for the offence of failing to furnish waste carriers licence
- (2) **Section 47(2)** - Authorised to serve Notice in respect of receptacles for commercial or industrial waste.
- (3) **Section 47ZA(2)** - All Officers within the Section (including Parks Ranger Service and Town Centre Warden ) authorised to issue fixed penalty notices for offences in relation to waste receptacles
- (4) **Section 59** - Authorised to serve Notice requiring removal of waste unlawfully deposited.
- (5) **Section 71** - Authorised to issue and respond to notices seeking information.
- (6) **Section 88** - All Officers within the Section (including Parks Ranger Service and Town Centre Warden), authorised officers of “secondary authorities” (Parish and Town Councils) and persons working within the Borough and holding the position of Police Community Support Officer authorised to issue **fixed penalty notices** for the offence of **leaving litter**.
- (7) **Section 92** - Authorised to serve Litter Abatement Notices and Litter Clearing Notices.
- (8) **Sections 93 & 94** - Authorised to serve Street Litter Control Notices.
- (9) **Section 94A(2)** - All Officers within the Section (including Parks Ranger Service and Town Centre Warden) authorised to issue fixed penalty notices for offences relating to street litter control notices and litter clearing notices
- (10) **Schedule 3(A)** - All Officers within the Section (including Parks Ranger Service and Town Centre Warden) and all other persons with whom the Authority has entered into arrangements with, and have authorised in writing, be authorised to issue fixed penalty notices for offences in relation to unauthorised distribution of literature on designated land

## HEALTH ACT 2006 (C)

**Part 1 Chapter 1** - Authorised to carry out enforcement, including the issue of fixed penalty notices.

## LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (C) & (E)

Authorised to serve **Statutory Notices** pursuant to **Section 16\*** - Requisition for Information

**Part II (Hackney Carriages and Private Hire Vehicles)** - that the following powers be delegated to persons from time to time holding the posts of officers within the enforcement section

- (1) Inspection of vehicles, issue of notice and suspension of licences under Sections 60, 61, 62 & 68\*
- (2) Requiring information under Section 57\*\*

NB: \*(E): \*\*(C)

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (C) & (E)**

**Section 29\*** - Authorised to take all steps necessary for the protection of buildings.

**Schedule 4, paras.3 and 7\*\*** - Authorised to issue, renew or refuse Street Trading Licences and Street Trading Consents.

NB: \*(E): (C)\*\*

## **PUBLIC HEALTH ACTS (AMENDMENT) ACT 1907 (E)**

**Section 31** - Authorised to serve notices in respect of fencing lands adjoining streets.

## **REFUSE DISPOSAL (AMENITY) ACT 1978 (E)**

Authorised to issue Notices and arrange for removal of vehicles.

Section 2(A)1 - All Officers within the Section (including Parks Ranger Service including Town Centre Warden) authorised to issue fixed penalty notices for offences in relation to abandoning a vehicle

## **TOWN AND COUNTRY PLANNING ACT 1990 (C)**

**Section 225** - Authorised to remove or obliterate any placard or poster displayed illegally in the Borough provided that written notice has been given to anyone who can be identified as the person responsible for the display.

## **STATUTORY POWERS OF ENTRY (E)**

The persons from time to time holding the post of an officer of the Enforcement Section authorised to enter land and premises pursuant to the statutory provisions in that behalf contained in the following Acts and any other Acts and Regulations incorporating the said provisions;

- (1) Building Act 1984
- (2) Clean Air Act 1993
- (3) Criminal Justice and Public Order Act 1994
- (4) Environmental Protection Act 1990
- (5) Local Government (Miscellaneous Provisions) Act 1982
- (6) Refuse Disposal (Amenity) Act 1978

## **MISCELANEOUS (E)**

**Trespassers** - Authorised in consultation with Legal Services and the Chairman of the Cabinet to use common law powers of eviction in relation to trespass on Council owned land.

## **GENERAL**

**Byelaws (C)** - Officers of the Enforcement and Regulatory Services Section (including Parks Ranger Service and Town Centre Warden) authorised to enforce the Byelaws of the Council.

## Strategic Director

### ENVIRONMENTAL HEALTH

#### PROPER OFFICER (E)

Sheri Green Strategic Director appointed **Proper Officer** in relation to any reference to the **Public Health Inspector** in any Enactment passed before or during the 1971/72 session of parliament, other than the Local Government Act 1972 or in any instrument made before 26 October 1972.

Sheri Green Strategic Director appointed **Proper Officer** in relation to the Sections of the Enactments and Statutory Instruments specified hereunder and authorised to appoint Officers to carry out the functions under the said statutes; (Acts, Regulations and Orders).

#### ANIMAL BOARDING ESTABLISHMENTS ACT 1963 (C) & (E)

Authorised to discharge the functions of the Act.

NB: Section 1 (licensing powers) - (C)

#### ANIMAL WELFARE ACT 2006 (E)

Authorised to discharge the functions of the Act.

#### ANTI-SOCIAL BEHAVIOUR ACT 2003 (E)

Authorised to discharge the functions of Part 6 of the Act.

#### BREEDING OF DOGS ACT 1973 (C) & (E)

Authorised to discharge the functions of the Act.

NB: Section 1 (licensing of premises) - (C)

#### BREEDING OF DOGS ACT 1991 (E)

Authorised to discharge the functions of the Act.

**BUILDING ACT 1984 (E)**

Authorised to discharge the functions under:

- (a) Part III 'other provisions about buildings'
- (b) Part IV 'General'
- (c) Section 59 – Authorised to serve statutory notices for drainage of building.

**CLEAN AIR ACT 1993 (E)**

Authorised to discharge the functions of the Act.

**CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 (E)**

Authorised to discharge the functions in respect of:

**Part 3** – Litter and Refuse

**Part 6** – Dogs

**Part 7** – Noise

**CONTROL OF DOGS ORDER 1992 (E)**

Authorised to execute and enforce the requirements in respect of collars and tags for dogs.

**CONTROL OF POLLUTION ACT 1974 (E)**

Authorised to discharge the functions pursuant to Part III.

**DANGEROUS DOGS ACT 1991 (E)**

Authorised to discharge the functions of the Act pursuant to:

**Section 3** - Keeping dogs under proper control

**Section 4** - Destruction and disqualification orders

**Section 5** - Seizure, entry of premises and evidence

Authorised to execute the powers of seizure of any dog bred for fighting.

## **DANGEROUS WILD ANIMALS ACT 1976 (C) & (E)**

Authorised to discharge the functions of the Act.

NB: Section 1(power to licence) - (C)

## **DOGS (FOULING OF LAND) ACT 1996 (E)**

**Section 4** - All Officers within the Directorate authorised to issue Fixed Penalty Notices.

## **ENVIRONMENTAL PROTECTION ACT 1990 (E)**

Authorised to carry out the functions pursuant to:-

**Part I** - Pollution Control

**Part IIA** - Contaminated Land

**Part III** - Statutory Nuisances and Clean Air

**Part VI** - Litter

**Schedule 3** - Statutory nuisances

**Section 149(1)** - Sheri Green Strategic Director appointed Proper Officer for the purposes of discharging the functions imposed or conferred by Section 149 of the Act for dealing with stray dogs found in the area of the Authority including dealing with the negotiation aspects relating to the value of the dogs.

## **ENVIRONMENT ACT 1995 (E)**

Authorised to discharge the functions of the Act pursuant to

**Part IV** - Air Quality

**Part V** – Misc and General

## **EUROPEAN COMMUNITIES ACT 1972 (E)**

- (a) Appointed for the purposes of the powers set out in the Act and:
- (b) 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.  
any modification or re-enactment of the foregoing:-
- General Food Regulations 2004
  - Food Hygiene (England) Regulations 2006
  - The Environmental Damage (Prevention and Remediation) Regulations 2009

## **FOOD AND ENVIRONMENT PROTECTION ACT 1985 (E)**

Authorised to discharge the functions of the Act.

### **Secretary of State Nominations for action on behalf of the Government at local level**

Ann Littleton	Environmental Health Manager
Christopher Amey	Team Leader Commercial
Heather Lawson	Environmental Health Officer
Shona McQuade	Team Leader Environmental Development
Julie Short	Team Leader Environmental Protection

## **FOOD SAFETY ACT 1990 (C) & (E)**

Authorised to discharge the functions of the Act.

NB: Section 19 (preparation of food) – (C)

## **GUARD DOGS ACT 1975 (E)**

Authorised to discharge the functions of the Act.

## **HEALTH ACT 2006 (C)**

Authorised to discharge the functions under Part 1 Chapter 1

## **HEALTH AND SAFETY AT WORK ETC ACT 1974 (C)**

- (1) **Section 19** - Appointed as **Inspectors** for carrying into effect the relevant statutory provisions.
- (2) Authorised to exercise the powers pursuant to:-
  - (a) **Section 20(2)(a) to (m) inclusive** - Powers of Inspectors
  - (b) **Section 21** - Service of Improvement Notices
  - (c) **Section 22** - Service of Prohibition Notices
  - (d) **Section 25** - Power to deal with cause of imminent danger

## **LICENSING ACT 2003 (C)**

**Parts 3 & 4** – Authorised to exercise the functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.  
**Local Authority Consultee** - Authorised to object when the Council is a consultee and not the lead authority.

## **LOCAL GOVERNMENT ACT 1972 (E)**

**Schedule 14, Part 1, para. 13** - The Officer for the purposes of the amendments to Sections 24, 29 and 30 of the Public Health (Control of Disease) Act 1984.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (C) & (E)**

Section 16 – Authorise to serve requisitions for information notices with Drainage/Land Drainage/Flood Gate/Cesspool Notices  
Section 35 – Authorised to remove obstructions from private sewers.  
Authorised to discharge other functions of the Act.

NB: Sections 47, 48, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 & 79 – (C)

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (C) & (E)**

Authorised to discharge the functions of the Act pursuant to:

**Part IV** – Control of refreshment premises

**Part VIII** – Acupuncture, tattooing, ear piercing and electrolysis

NB: Sections 4, 13 – 17 (take away food shops & acupuncture, tattooing, ear piercing and electrolysis) – (C)

## **NATIONAL ASSISTANCE ACT 1948 (E)**

## **NATIONAL ASSISTANCE (AMENDMENT) ACT 1951 (E)**

**Section 47** - Sheri Green Strategic Director appointed Proper Officer for the purposes of discharging the functions conferred or imposed under the respective Acts and authorised to appoint Officers and medical practitioners to carry out those functions.

**NOISE AND STATUTORY NUISANCE ACT 1993 (C) & (E)**

Authorised to discharge the functions of the Act.

NB: Schedule 2 (loudspeakers) – (C)

**NOISE ACT 1996 (E)**

Authorised to discharge the functions of the Act.

**OFFICES SHOPS AND RAILWAY PREMISES ACT 1963 (E)**

Authorised to discharge the functions of the Act.

**PERFORMING ANIMALS (REGULATION) ACT 1925 (C) & (E)**

Authorised to discharge the functions of the Act.

NB: Section 1 (animal trainers and exhibitors) – (C)

**PESTICIDES ACT 1998 (E)**

Authorised to discharge the functions of the Act.

**PET ANIMALS ACT 1951 (C) & (E)**

Authorised to discharge the functions of the Act.

NB: Section 1 (pet shops etc) – (C)

**POLLUTION PREVENTION AND CONTROL ACT 1999 (E)**

Authorised to issue permits for Part A2 and Part B installations within the Borough.

## **PREVENTION OF DAMAGE BY PESTS ACT 1949 (E)**

Authorised to discharge the functions of the Act pursuant to:

- (1) **Sections 4 and 9** - Authorised to serve Statutory Notices
- (2) **Section 5** - Authorised to carry out works in default and to recover costs

## **PUBLIC HEALTH ACTS (AMENDMENT) ACT 1907 (E)**

**Section 31** - Authorised to serve notices in respect of fencing lands adjoining streets.

## **PUBLIC HEALTH ACT 1936 (C) & (E)**

Section 50 – Authorised to serve statutory notices in respect of overflowing and leaking cesspools.  
Authorised to discharge other functions of the Act.

NB: Section 269(1) (moveable dwellings and camping sites) – (C)

## **PUBLIC HEALTH ACT 1961 (E)**

Section 17 – Authorised to serve statutory notices (repair of drains, private sewers etc and to remedy stopped up drains etc) repair of drains and remedy stopped up drains  
Authorised to discharge the other functions of the Act.

## **PUBLIC HEALTH ENACTMENTS (E)**

Sheri Green Strategic Director appointed Proper Officer for the purposes of discharging the functions conferred or imposed under the Public Health (Control of Disease) Act 1984 and authorised to appoint Officers to carry out those functions.

## **PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984 (E)**

Authorised to discharge the functions of Part IIA the Act.

**REFUSE DISPOSAL (AMENITY) ACT 1978 (E)**

Authorised to discharge the functions of the Act in relation to abandoned vehicles and refuse.

**RIDING ESTABLISHMENTS ACT 1964 (C)**

**RIDING ESTABLISHMENTS ACT 1970 (C)**

Authorised to discharge the functions of the Act.

**SCRAP METAL DEALERS ACT 1964 (C) & (E)**

Authorised to deal with all applications for the granting and renewal of registrations.

NB: Section 1 (scrap yards) – (C)

**STATUTORY POWERS OF ENTRY (C) & (E)**

Authorised to enter land and premises pursuant to the statutory provisions in that behalf contained in the following Acts and any other Acts and Regulations incorporating the said provisions;

Animal Boarding Establishments Act 1963

Animal Welfare Act 2006

Breeding of Dogs Act 1973

Breeding of Dogs Act 1991

Building Act 1984

Clean Air Act 1993

Control of Pollution Act 1974

## **STATUTORY POWERS OF ENTRY (C) & (E) (Cont'd)**

Dangerous Wild Animals Act 1976  
Dangerous Dogs Act 1991  
Environment Act 1995  
Environmental Protection Act 1990  
Food Safety Act 1990  
Health and Safety at Work etc Act 1974 \*\*  
Noise and Statutory Nuisance Act 1993  
Noise Act 1996  
Pet Animals Act 1951  
Pollution Prevention and Control Act 1990  
Performing Animals (Regulation) Act 1925  
Prevention of Damage by Pests Act 1949  
Public Health Act 1936  
Public Health (Control of Disease) Act 1984  
Refuse Disposal (Amenity) Act 1978  
Riding Establishments Acts 1964 – 1970 \*\*  
Scrap Metal Dealers Act 1964  
Sunbeds (Regulation) Act 2010  
Sunday Trading Act 1994  
Water Industry Act 1991  
Zoo Licensing Act 1981

NB: \*\* (C)

## **SUNBEDS (REGULATION) ACT 2010 (E)**

Authorised to enforce the provisions of the Act.

## **SUNDAY TRADING ACT 1994 (E)**

- (1) Schedules 1 and 3 and Part II of Schedule 2** - Authorised to enforce the provisions of the Act.
- (2) Schedule 2** - That the persons from time to time holding the posts of:

Ann Littleton	Environmental Health Manager
Christopher Amey	Team Leader Commercial
Heather Lawson	Environmental Health Officer
Shona McQuade	Team Leader Environmental Development
Julie Short	Team Leader Environmental Protection

be appointed Inspectors for the purposes of the Act and authorised to enter premises.

## **WATER INDUSTRY ACT 1991 (E)**

- (1) Sections 77, 78 and 79** - Authorised to carry out such enquiries, including the sampling of water supplies as to ascertain and ensure wholesomeness and sufficiency of domestic water supplies.
- (2) Section 80** - Authorised to serve a Notice in relation to private supplies.
- (3) Section 82** - Authorised to enforce and vary Private Supply Notice.
- (4) Section 85** - Authorised to serve Requisition for Information.

## **MISCELLANEOUS (C) & (E)**

**Hazardous Substances** - Authorised in consultation with the Managing Director, the Strategic Director (Emergency Planning) and the Chairman or the Vice-Chairman of the Cabinet to approve expenditure for the removal of substances washed ashore.

**Veterinary Surgeon** - Authorised to appoint a registered Veterinary Surgeon or Practitioner and/or such other person as may be deemed competent to enter premises to inspect and carry out the duties and powers pursuant to:-

- (1)** Animal Boarding Establishments Act 1963
- (2)** Breeding of Dogs Act 1973
- (3)** Dangerous Wild Animals Act 1976 - Section 3
- (4)** Pet Animals Act 1951
- (5)** Riding Establishments Act 1964 - Section 2\*\*

NB: \*\* (C)

**GENERAL**

**Byelaws (C)** - Officers of the Environmental Health Section authorised to enforce the Byelaws of the Council.

## Managing Director

### FINANCE

#### ACCOUNTS AND AUDIT (ENGLAND) REGULATIONS 2011 (E)

Authorised to sign the statement of accounts.

#### COMMUNITY CHARGES (ADMINISTRATION AND ENFORCEMENT) REGULATIONS 1989 (E) LOCAL GOVERNMENT FINANCE ACT 1988 (E) Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (E) Non-Domestic Rating (Payment of Interest) Regulations 1990 (E)

Authorised to write-off under Financial Regulations debts up to a limit of £5,000 per debt.

#### COUNCIL TAX (ADMINISTRATION AND ENFORCEMENT) REGULATIONS 1992 (E) LOCAL GOVERNMENT FINANCE ACT 1992 (E)

Authorised to:-

- (1) Write off penalties where the circumstances warrant such action.
- (2) Write off under Financial Regulations debts up to a limit of £5,000 per debt.
- (3) Council Tax Enforcement - Part VI - Regulation 49 - Institute winding up/bankruptcy proceedings.

#### FINANCIAL REGULATIONS (E)

- (1) **Exercise of Borrowing Powers** - Authorised to borrow monies in accordance with all relevant legislation and good practice.
- (2) **Exercise of Investment Powers** - Authorised to invest monies in the most efficient manner and in accordance with the statutory powers, regulations and codes in effect from time to time.

- (3) **Regulation 16** - Authorised to effect all insurance cover to the requirements of the Council and to negotiate all claims, subject to the directions of the Cabinet and to maintain the necessary records.

## **HOUSING ACT 1985 (E)**

### **Schedule 16 (as amended by the Local Government and Housing Act 1989)**

**Mortgage Interest Rates** - Authorised to adjust the mortgage interest rates.

## **LOCAL GOVERNMENT ACT 1972 (C) & (E)**

The Managing Director authorised as follows;

**Section 115(2)** - The Officer who shall receive all monies due to the Council.

**Section 146(1)** - The Officer who (upon transfer of securities on the alteration of the name or the district) shall make a Statutory Declaration specifying the securities and verifying the change of name and identity of the Council or shall give such a certificate as is prescribed.

**Section 151\*** - The Officer having responsibility for the administration of the financial affairs of the Council and as such shall administer a system of financial administration in accordance with good accountancy practice and as specified in the Financial Regulations adopted by the Council.

Appointed **Proper Officer** in relation to any reference to the **Treasurer of a Local Authority** in any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972.

NB: \*(C)

## **LOCAL GOVERNMENT FINANCE ACT 1988 (E)**

**Section 89** - Authorised to administer the accounting arrangements for the operation of the Collection Fund.

**Section 114** – The Managing Director, the Chief Finance Officer of the Authority responsible for the financial affairs of the Authority (reporting to Council or Cabinet).

**Section 120** - Authorised to refund overpayments.

## **LOCAL GOVERNMENT AND HOUSING ACT 1989 (E)**

**Section 119(8) - Repayment of Grant** - Authorised to waive repayment of renovation or disabled facility grants in whole or in part and to report such action to the Cabinet.

## **MONEY LAUNDERING REGULATIONS 2003 (Reg.7) (E)**

Steve Brooks Head of Finance and Resources appointed the Money Laundering Reporting Officer.  
Helen Griffith Accountant appointed Deputy Money Laundering Reporting Officer.

## **MISCELLANEOUS (E)**

### **Write-offs**

- (1) Sundry Debtor and Mortgage Accounts** - Authorised to write-off individual amounts up to £5,000.
- (2) Rent Write-Offs** - Authorised to write-off individual housing rent arrears up to £5,000.
- (3) Fees and Charges - Refunds and Write-offs** - Authorised to deal with write-offs and refunds in connection with fees and charges up to £5,000.

**Banking Arrangements/Cheque Signatories** - The facsimile of the Managing Director's signature be used for General Account crossed cheques.

**Petitions** - Authorised to present petitions to the Official Receiver for the winding-up of companies in appropriate cases involving unpaid General Rate.

**External Audit Negotiated Fee** - Authorised to negotiate the External Auditor's fee subject to the Audit Board being advised accordingly.

**Parking Area Charges** - Authorised to adjust the charge for garage/caravan parking areas in line with any change in the standard rate of VAT.

**Charging to Revenue** - The Managing Director authorised to charge such sums as may be possible and prudent, which are currently anticipated to be met from revenue, balances or reserves, or capital accounts, to such other accounts if deemed to be in the interests of the Council.

## Managing Director

### GRANTS

1. **Award of Grants (E)**
  - (a) Authorised to approve Salute to Youth applications in consultation with the Leader or designated Cabinet member.
  - (b) Authorised in consultation with the Cabinet member with portfolio for grants, to make future changes to the application criteria.
  - (c) Authorised to approve community grants in consultation with the Grants Approval Panel.
  - (d) Authorised to refuse applications for financial assistance from voluntary and community organisations which do not fall within the agreed criteria.
2. **Small Grants Scheme (E)** – Authorised to distribute small grants in consultation with the Grants Approval Panel.
3. **Service Level Agreements (E)**  
Subject to agreed contractual and financial arrangements, authorised to pay SLA grants to CAB, GKMM, DSO, etc.

**HOUSING (LANDLORD FUNCTION)**

**ANTI SOCIAL BEHAVIOUR ACT 2003 (E)**

Authorised to implement and administer the Council's Antisocial Behaviour Policy.  
Authorised to apply for demotion of secure tenancy.

**CIVIL PROCEDURE RULES (E)**

**Disclosure Statements** - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

**COMMONHOLD AND LEASEHOLD REFORM ACT 2002 (E)**

Authorised to deal with all matters in relation to the Act.

**HOUSING ACT 1985 (E)**

**Part V - Right-to-Buys**

- (a) **Housing Leasehold Service Charges** - Authorised to set the level of Service Charges in respect of leaseholds under Right-to-Buys.
- (b) Authorised to deal with all other matters arising under Right-to-Buys.
- (d) **Repayment of Right to Buy Discount** - Authorised to refuse applications to waive the repayment of the Right to Buy discount.
- (c) Authorised in exceptional circumstances (e.g. repossession cases) to waive repayment of discount.

Authorised in consultation with the Project Director as valuer, to buy back Right to Buy properties if they are sold within the 10 year period.

## **HOUSING ACT 1985 (Cont'd) (E)**

That the following named persons or otherwise the persons holding the posts of:-

Sheri Green- Strategic Director  
Peter Dosad - Head of Housing

be authorised to approve the taking of all necessary steps to obtain possession of accommodation let by the Council under the Housing Act 1985 and any subsequent legislation thereafter.

## **HOUSING ACT 1996 (E)**

**Sections 153 (A), (C) and (E)** – Authorised to apply for injunctions.

**PART VI** - Authorised to allocate Council properties and garages.

### **PART VII**

- (a)** Authorised to house homeless families in temporary housing, including bed and breakfast accommodation where essential, to fulfil the Council's statutory duties under the Act.
- (b)** Authorised to investigate and determine homeless applications and to issue the appropriate Statutory Response Notice.
- (c)** Authorised to implement the Councils Introductory Tenancy Policy and to determine reviews in accordance with section 124 of the Act.
- (d)** Authorised to apply for injunctions

**Introductory Tenancies** – Authorised to grant, review and terminate introductory tenancies.

## **LAND COMPENSATION ACT 1973 (E)**

**Discretionary Payments** - Authorised to make discretionary payments to tenants in circumstances where the tenant has had to vacate Council owned property for a temporary period to enable improvement works to be undertaken.

## **LEASEHOLD REFORM, HOUSING AND URBAN DEVELOPMENT ACT 1993 (E)**

**Section 1** – Authorised in consultation with the Project Director as valuer to grant freeholds of Council property under collective and enfranchisement provisions to qualifying tenants of flats.

**Section 56** - Authorised in consultation with the Project Director as valuer, to grant new long lease to qualifying tenants and to agree terms outside the provisions of the 1993 Act.

**Section 69** - Authorised to enter into Agreements with tenants for Estate Management Schemes.

**Section 76** - Authorised to deal with requests from qualifying leaseholders to exercise their "Tenants' Right to Management Audit".

**Section 108** - Authorised to establish a tenant's right to acquire on rent to mortgage terms in accordance with the Rent to Mortgage Scheme.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (E)**

**Section 41** - The persons from time to time holding the posts of:

Strategic Director

Head of Housing Services

authorised to issue a notice(s) in relation to lost and uncollected property found on premises owned or managed by the Council or deposited with the Council and not collected, and to dispose of such property if not claimed by the owner(s).

## **LOCAL GOVERNMENT AND HOUSING ACT 1989 (E)**

**Section 164** – Authorised to determine Right to Buy applications on 'exempt' properties where properties are suitable for letting to the elderly.

**REFUSE DISPOSAL (AMENITY) ACT 1978 (E)** – Authorised to issue Notices and arrange for removal of vehicles.

## **SECURE TENANTS OF LOCAL HOUSING AUTHORITIES (RIGHT TO REPAIR) REGULATIONS 1994 (E)**

Authorised to determine applications from tenants in accordance with the Regulations.

## **STATUTORY POWERS OF ENTRY (E)**

The persons from time to time holding the posts of:

Strategic Director  
Head of Housing Services  
Housing Manager  
Housing Maintenance Manager  
Supported Housing & Finance Manager  
Senior Housing Officer  
Housing Policy Manager  
Technical Officer (Repairs)  
Housing Officers  
Planned Maintenance Surveyors  
Building Services Surveyor  
Supported Housing Officer  
Senior Supported Housing Officer  
Housing Options and Advice Manager  
Accommodation Support Officers  
Estate Maintenance Officer

be authorised to enter land and premises pursuant to the statutory provisions in that behalf contained in the following Acts and any other Acts and Regulations incorporating the said provisions:

- (1) Housing Act 1985
- (2) Housing Act 2004

## **MISCELLANEOUS (E)**

### **Transfer and Exchange Applications**

Authorised to process and register transfer applications.

Authorised to process and register exchange applications.

Authorised to implement a system of formal application for the **transfer of a tenancy** following the death of a tenant including transfer of tenancies to widows/widowers/divorcees, etc., which fall outside adopted Council policy/procedures.

## MISCELLANEOUS (E) (Cont'd)

### Repairs and Charges

- (a) To authorise repairs and recharges (housing related only) in accordance with Council policy.
- (b) To authorise works to the value of £500 for works to be undertaken for vulnerable tenants which fall outside of the Council's repairs policy.
- (c) To authorise adaptation works which fall outside of the Council's policy where special circumstances arise.

Authorised to approve or refuse applications from tenants wishing to make improvements and alterations to Council properties, such approval not to be unreasonably withheld.

**Households without Dependant Children** – Authorised to extend Housing Policy to enable the offering of flats and maisonettes to households without dependent children.

**Storage of Furniture** - Authorised to arrange for the storage of furniture temporarily and to report in due course on the implications of longer-term provision of such storage.

**Joint Tenancies** - Authorised to deal with requests for joint tenancies not falling into stated category.

**Key Workers**- Authorised to maintain a Key Worker waiting list and nominate key worker applicants to developments.

**Rent Deposit Scheme** - Authorised to implement the Council's rent deposit scheme and make payments to landlords in accordance with the scheme.

**Dartford Private Sector Leasing Scheme** - Authorised to implement the Council's Rent DPL scheme and make payments to landlords in accordance with the Scheme.

**Choice Based Lettings** – Authorised to implement the Council's choice based lettings policy and authorised to determine appeals.

**Death of Tenant** - Authorised to allocate tenancies following the death of a tenant or following a matrimonial dispute in accordance with Council policy.

**Lounges and Guest Rooms** - Authorised to approve requests for the use of lounges & guest rooms in sheltered housing schemes.

**Removal Expenses and Disturbance Payments** - Authorised to pay removal expenses and disturbance payments on the agreed scale where considered appropriate to do so.

**Compensation** – Authorised to negotiate the compensation to an outgoing tenant in accordance with the tenant's right to compensation for repairs and Council policy.

**Central Heating Systems** - Authorised to take over responsibility for central heating systems and their future maintenance where tenants are in receipt of Income Support and unable to keep the system in good working order.

**Adaptations for Elderly and Disabled Tenants - Authorised** to carry out adaptations to Council properties in which elderly and/or disabled people live and who qualify etc. **subject** to resources being available within approved estimates and in accordance with Council policy.

## MISCELLANEOUS (E) (Cont'd)

**Estate Parking Areas** - Authorised in consultation with the Head of Finance and Resources to let to tenants land on estate parking areas for the erection of garages.

**Consent of Council** - Authorised to deal with applications from owners of former freehold Council houses, for the carrying out of improvements, etc.

**Succession and Under-Occupation** - Authorised in cases where a property is of a type urgently required by the Council to meet its statutory responsibilities, to require a tenant to move to a smaller property **SUBJECT** to the provisions set out in the Housing Act 1985 and to the decision of the Cabinet on the instigation of Court proceedings.

**Cleaning Services** - Authorised to deal with all matters relating to and to keep under review, by regular monitoring, the operational and financial performance of the cleaning activities of Council owned accommodation and vacant properties and any other matters ancillary thereto.

**Notices of Increase of Rent** - Authorised to sign Notices of Increase of Rent in respect of housing accommodation.

**Central Emergency Control Call-Out Service** - Authorised to withdraw the Central Emergency Control Service to tenants who repeatedly misuse the service.

**Quotas** - Authorised to allocate properties in accordance with any quota agreements.

**Mutual Exchange Applications** - Authorised to determine Mutual Exchange Applications.

**Caravan Sites** – Authorised to maintain waiting lists, other licences for plots, provide a Housing Management Service including serving Notices where licence conditions are breached.

**Notices To Quit and Notices to Seek Possession** - Authorised to serve NTQs and NSPs and Notice of Proceeding to Seek Possession.

**Tenant Participation** - Authorised to consult with tenants and leaseholders and develop resident involvement including the implementation of the Resident Involvement Agreement.

### Community Centres -

- (1) **Hours of Letting** - Authorised to permit organisations to use the Community Centres after midnight.
- (2) In consultation with the Chairman or Vice-Chairman of the Cabinet authorised to **determine the charges** to be set for the **hire of furniture** from the Community Centres.

**Succession** - To determine applications in accordance with the Council's policy.

**Nomination of Housing Applicants** – Authorised to nominate applicants to Registered Social Landlords or Private Landlords or local authorities.

**Downs Estate** – Authorised to agree terms for the sale of freeholds on Downs Estate.

## **MISCELLANEOUS (E) (Cont'd)**

**Downsize for Cash** - Authorised to determine Downsize for Cash Applications.

**Consent of Landlord** - Authorised in consultation with Legal Services to grant consents in cases where leaseholders or tenants require the consent of the landlord, including the release or waiver of any provision or grant of deed of variation in a lease or tenancy agreement, where such action would be appropriate.

## **GENERAL**

**Byelaws (C)** - Officers of the Housing Section (Landlord Function) authorised to enforce the Byelaws of the Council.

## Strategic Director

### HOUSING OPTIONS & PRIVATE SECTOR HOUSING TEAM

#### **CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 (C) & (E)**

- (1) Authorised to issue licences and impose conditions in accordance with the provisions of the said Act.
- (2) Authorised to carry out other functions pursuant to the Act.

NB: Section 3(3) (site licences) – (C)

#### **HOUSING ACT 1985 (E)**

Authorised to enforce the provisions of the Act.

#### **HOUSING ACT 2004 (E)**

Authorised to enforce the provisions of the Act.

#### **HOUSING GRANTS, CONSTRUCTION AND REGENERATION ACT 1996 PART I (E) REGULATORY REFORM (HOUSING ASSISTANCE) ORDER 2002 (E)**

Authorised to deal with all applications for Grants towards costs of adaptations, improvements and repairs, etc.

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (E)**

**Section 16** - Authorised to serve Requisitions for Information.

**Section 33** - Authorised to enforce the provisions relating to restoration or continuation of supply of water, gas or electricity.

#### **STATUTORY POWERS OF ENTRY (E)**

Authorised to enter land and premises pursuant to the statutory provisions in that behalf contained in the following Acts and any other Acts and Regulations incorporating the said provisions;

- (1) Caravan Sites and Control of Development Act 1960
- (2) Housing Act 1985
- (3) Housing Act 2004

The persons from time to time holding the posts of:

Head of Housing Services

Housing Options and Private Sector Housing Manager

Senior Private Sector Housing Officers

**GENERAL**

**Byelaws (C)** –Housing Services Officers authorised to enforce the Byelaws of the Council.

**CIVIL PROCEDURE RULES (E)**

**Disclosure Statements** - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

**LOCAL AUTHORITIES (STANDING ORDERS) REGULATIONS 2001 (E)**

The Managing Director appointed Proper Officer for the purposes of the Regulations

**LOCAL GOVERNMENT ACT 1972 (C) & (E)**

**Section 113** - Authorised to exercise the powers and functions of the Council, to enter into agreement with another local authority:

- (a) for the placing at the disposal of that authority for the purposes of its functions, the services of Officers employed by the Council;
- (b) for the placing at the disposal of the Council for the purposes of its functions, the services of Officers employed by that authority.
- (c) authorised to agree changes to contracts of employment so as to enable services to be placed at the disposal of another local authority.

NB: (C) – if in relation to Council functions: (E) – if in relation to Cabinet functions

**LOCAL GOVERNMENT (COMPENSATION FOR REDUNDANCY) REGULATIONS 1994 PART II (E)**

Authorised to determine discretionary compensation payments for Officers up to and including the level of Grade M, in consultation with the relevant Director.

**LOCAL GOVERNMENT PENSION SCHEME(C)**

**A.** Authorised to exercise any discretion permitted by the LGPS.

## MISCELLANEOUS (C)

1. Authorised to deal with;
  - (a) terms and conditions of employment of staff (excluding Statutory Officers and Officers reporting to the Council as defined in Standing Order 60);
  - (b) the appointment, dismissal and disciplinary action of staff below Officer reporting to the Council level in accordance with Standing Order 64 and within agreed policies, practices and procedures in place from time to time;
  - (c) miscellaneous personnel related issues in accordance with agreed policies, practices and procedures in place from time to time;
  - (d) the amendment of personnel policies, practices and procedures.
2. Authorised to determine and publicise a description of the overall organisational structure of the Council showing the management structure and deployment of Officers.
3. Authorised to enter into contracts with service providers on personnel related matters.
4. Authorised to deal with appeals (on all employment matters) from staff who do not report to Council (*Standing Order 60 defines staff who report to Council*).
5. **Politically Restricted Posts** – Authorised as Head of Paid Service, to issue Certificates of Opinion.

## **JOINT WORKING ARRANGEMENTS**

### **Partnership Working Agreement (Dartford Borough Council and Sevenoaks District Council)**

The delegation by Sevenoaks District Council to Dartford Borough Council via its Head of Paid Service, of the discharge of all functions with regard to the Internal Audit and Fraud Service and the placing of Sevenoaks District Council staff at the disposal of Dartford Borough Council for the purposes of its Internal Audit and Fraud functions [DBC Cabinet 09.12.10 Min.No 113 & GAC 13.12.10 Min.No.86].

Dartford Borough Council authorises Sevenoaks District Council via its Head of Paid Service, to undertake the administrative functions associated with the Revenues and Benefits service and the placing of Dartford Borough Council staff at the disposal of Sevenoaks District Council for the purposes of its Revenues and Benefits functions [DBC Cabinet 09.12.10 Min.No.113 & GAC 13.12.10 Min.No.86].

LAND AND PROPERTY ASSETS

**CIVIL PROCEDURE RULES (E)**

**Disclosure Statements** - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

**LAND COMPENSATION ACT 1973 (E)**

Authorised as follows:

**Section 29** - Authorised in consultation with Legal Services to deal with claims for compensation, **provided** the claims conform to all the conditions laid down by the said Act and subject to the statutory limits.

**Section 37** - Authorised in consultation with Legal Services to approve the payment of disturbance allowances.

**LANDLORD AND TENANT ACTS AND AGRICULTURAL HOLDINGS OR RELATED ACTS (E)**

Authorised to settle claims for dilapidations, tenants' rights and compensation, arising under the said Acts.

**LICENSING ACT 2003 (E)**

**Local Authority Consultee** - Authorised to make representations when the Council is a consultee and not the lead authority.

## **LOCAL AUTHORITIES (GOODS AND SERVICES) ACT 1970 (E)**

Authorised to carry out, on request, suitable work for public bodies within the scope of the said Act or Orders made thereunder, **subject to:-**

- (a)** the agreement between the Council and the body concerned, including provision for payment on the basis of actual costs incurred by the Council in the carrying out of the work, and including the salaries of the staff engaged, incidental expenses and normal office overheads; **and**
- (b)** any legal liability falling upon the Council through the use of staff of the Directorate by an outside body being covered by the Council's normal insurance provision through arrangements made with the Managing Director.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (E)**

**Section 15** - Authorised to approve appropriate professional staff employed in the Valuation Section, to survey any land and property in connection with a proposal by the Council to acquire compulsorily an interest or right over such land and property and for the purposes of such surveys, to enter onto the land and property.

**Proceedings** - Authorised in consultation with Legal Services to approve the institution of Arbitration, Forfeiture, Lands Tribunal, Valuation Court and Agricultural Lands Tribunal proceedings.

## **MISCELLANEOUS (E)**

**Consent of Landlord or Licensor, etc.** - Authorised in consultation with Legal Services to grant consents in cases where tenants or licensees require the consent of the Landlord or Licensor, including the release or waiver of any provision or grant of deed of variation in such tenancy agreement or licence, where such action would be appropriate in the interests of good estate management.

**Boreholes, Soil or Site Investigations** - Authorised to approve expenditure of up to £2,000 in any one case in respect of compensation or other payments arising out of the making of boreholes or the carrying out of any soil or site investigations for any approved scheme or project, **subject** to provision being made within approved revenue or capital budgets for the relevant year.

**Rent Arrears (other than Housing)** - Authorised in consultation with Legal Services to approve the institution of legal proceedings for the recovery of arrears in respect of rent due to the Council and/or to regain possession of the land or property.

## MISCELLANEOUS (E) (Cont'd)

**Qualified Valuer** - The Project Director (and his/her absence, the Principal Valuer) appointed the qualified valuer for the purpose of certifying land and property transactions.

**Compensation/Acquisition** - In respect of any approved scheme or project, authorised, to settle any compensation sum in respect thereof and authorise the acquisition of any land or property or any interest in land or property previously approved in principle by the Cabinet, **provided** the compensation or acquisition sum (including the cost of any accommodation works) does not exceed £100,000 in any one transaction.

**Fees and Expenses** - Authorised to agree the payment of relevant surveyors' fees, costs and expenses in connection with any approved scheme or project or any disposal of land and property within budget approvals.

**Payment of Professional Fees** - The persons from time to time holding the posts of:

Managing Director  
Project Director  
Principal Valuer  
Valuer

authorised to agree with prospective vendors/grantors the payment of professional fees incurred by such vendors/grantors when, after negotiations have been instituted on behalf of the Council, including action for compulsory acquisitions, the Council for its own reasons withdraws from the negotiations, and to approve the payment of such fees.

**Compulsory Purchase** – Authorised to settle the amount of compensation payable in consequence of compulsory purchase orders, purchase notices and the like, provided the compensation agreed is within the amount of an estimate previously approved by the Cabinet.

**Easements, etc.** – Authorised in consultation with Legal Services to take, grant or terminate/surrender any leases, tenancies, wayleaves, licences, easements, or other arrangements whereby the Council grants occupation, or itself occupies land or buildings, up to an annual net rent, fee or consideration of £30,000 in any one case.

**User Rights** – Authorised to agree with Kent County Council the precise terms of user rights enjoyed by the Council over property owned by the County Council, and vice versa.

## MISCELLANEOUS (E) Cont'd)

### Disposal –

(1) Authorised in consultation with the Cabinet Portfolio Member for Property to sell land and property, provided the financial consideration does not exceed £10,000 in any one transaction

(2) - Authorised in consultation with the Chairman of the Cabinet to sell land and property, the disposal of which has previously been approved in principle by the Cabinet, **provided** the financial consideration does not exceed £100,000 in any one transaction.

(3) - Authorised between meetings of the Cabinet, in consultation with the Chairman of the Cabinet to agree terms for the disposal of land and property, and to authorise the sale of land and premises, the disposal of which has previously been approved in principle by the Cabinet, **provided** the financial consideration in any one transaction is between £100,000 and £250,000 and where delay would result in the Council suffering financial or other loss, subject to provision being within existing approved budgets and with a full financial appraisal.

**Lease Renewals and Assignments** - Authorised in consultation with Legal Services to deal with the renewal of leases and assignments.

**Variation and Release of Restrictive Covenants-** Authorised to determine terms for the variation and release of restrictive covenants following consideration by the Strategic Director (Housing (Landlord Function)), if necessary, on policy grounds.

**Mortgage Repayment Arrears** - Authorised, following possession proceedings, to determine terms for the sale of premises.

**Trespassers** - Authorised in consultation with Legal Services and the Chairman of the Cabinet to use common law powers of eviction in relation to trespass on Council owned land.

**Acquisition by Agreement** -Authorised in consultation with the Managing Director to approve in cases of urgency;

- (a) the acquisition of any interest in land required for the purposes of the Council;
- (b) the purchase price or other consideration for any interest in land but with power to refer any transaction to the Cabinet for decision.

**Signing of Contracts and other Documents** - Subject to compliance with Standing Orders and Financial Regulations, authorised to sign contracts and other documents not under seal, including the signing of letters when the Council agrees with the adjoining land owner respective responsibilities for boundary structures.

## **MISCELLANEOUS (E)(Cont'd)**

### **Tenders -**

- (a)** Authorised to accept tenders, provided that the estimated project costs are no higher than the approved budget for the project and provided there are no proposed changes to the works originally approved. The normal virement rules will apply where the tender exceeds budget provision.
- (b)** Authorised, in consultation with the Chairman of the Cabinet, to accept tenders for capital projects provided:
- (i) the estimated costs of the project are no more than 10% or £50,000 (whichever is the higher) above the approved cost for the project and;
  - (ii) a corresponding saving is identified elsewhere in the capital programme and;
  - (iii) there is no change to the works originally approved.

**Professional Services** - Authorised to engage the professional services of consultants or practitioners provided the estimated costs do not exceed £50,000 and subject to provision being made within approved Revenue or Capital Budgets for the relevant year.

## **GENERAL**

**Byelaws (C)** - Officers of the Valuation Section authorised to enforce the Byelaws of the Council.

**LAND CHARGES**

**LOCAL LAND CHARGES ACT 1975, THE LOCAL LAND CHARGES RULES 1977 AND THE LOCAL AUTHORITIES (ENGLAND) (CHARGES FOR PROPERTY SEARCHES) REGULATIONS 2008 (E)**

The Officer who shall act as Registrar of Local Land Charges in connection with the Council's functions and who shall register any matters specified by the said Act and Rules affecting land situate within the Borough.

**LEGAL SERVICES**

**ANIMAL WELFARE ACT 2006 (E)**

Section 30 –Authorised to prosecute for offences under the Act.

**ANTI SOCIAL BEHAVIOUR ACT 2003 (E)**

Authorised to institute legal proceedings, including injunctions in respect of offences under the Act.

**BREEDING OF DOGS ACT 1973 (E)**

Authorised to institute legal proceedings in respect of offences under the Act.

**BREEDING OF DOGS ACT 1991 (E)**

**Section 1** - Authorised to institute legal proceedings in respect of offences under the Act.

**BUILDING ACT 1984 (E)**

**Section 35** - Authorised in consultation with the relevant Director to institute legal proceedings in respect of Building Regulation offences.

**Section 81 - Demolition Orders** - Authorised in consultation with the relevant Director to serve notices on persons intending or who have commenced to carry out work of demolishing buildings and structures.

**Section 113** - Authorised to institute legal proceedings in respect of offences under the Act.

## **CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 (E)**

**Section 1** - Authorised to institute legal proceedings against occupiers of land for permitting land to be used as a caravan site without having obtained a site licence.

## **CIVIL PROCEDURE RULES (E)**

**Statements of Truth** - Authorised to sign the appropriate Statements of Truth subject however to being satisfied of the truth of the matters in the relevant Statements before doing so.

**Offers to Settle** – The Head of Legal Services authorised in consultation with the Managing Director to negotiate a settlement and to make an offer to settle for a sum not exceeding £2000 and, if necessary, to pay the money into Court before or after the proceedings have started.

## **CLEAN AIR ACT 1993 (E)**

Authorised to institute proceedings for offences under the Act.

## **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 (E)**

Authorised to institute proceedings for offences under the Act.

## **CONTROL OF DOGS ORDER 1992 (E)**

Authorised to lay information in support of an application to the Magistrates' Court for the issue of a summons against the owner or keeper of a dog(s) not wearing collar and tag in a public place.

## **CONTROL OF POLLUTION ACT 1974 (E)**

**Section 62** - Authorised to institute proceedings for offences relating to noise in streets.

## **COUNTY OF KENT ACT 1981 (E)**

Section 10 - Authorised in consultation with the relevant Director to service Notices of renaming or renumbering of streets and properties.

## **CRIME AND DISORDER ACT 1998 (E)**

(Refer to Home Office Anti-Social Behaviour Guidance and the Council's Anti-Social Behaviour Policy)

**Section 1(1): Anti-Social Behaviour Orders** - Subject to consultation with the Police, authorised in consultation with the relevant Director to apply for an Anti-Social Behaviour Order in relation to any person aged 10 or over if it appears:

- (a) that the person has acted in a manner that caused or is likely to cause harassment, alarm or distress to one or more persons not of the same household as himself/herself; and
- (b) that the Order is necessary to protect persons in the Dartford area in which the harassment, alarm or distress was caused or was likely to be caused from further anti-social acts by him/her.

**NB:** If any adjoining local authority is to be specified in the application, that local authority and the Police for the area must be consulted before the making of the application.

**Section 1(10) - Contravention of Anti-Social Behaviour Order** - Authorised to institute proceedings for breaches of Anti-Social Behaviour Orders.

## **DANGEROUS DOGS ACT 1991 (E)**

Authorised to institute proceedings for offences under the Act.

## **DATA PROTECTION (E)**

The Head of Legal Services authorised as the Council's Data Protection Officer.

## **DOGS ACT 1871 (E)**

Authorised where necessary, in the public interest, to lay complaints in the Magistrates' Court where a dog is considered dangerous and not kept under control.

## **DOGS (FOULING OF LAND) ACT 1996 (E)**

Authorised to institute proceedings for offences under the Act.

## **ENVIRONMENTAL PROTECTION ACT 1990 (E)**

- (1) **Section 23** - Authorised to institute proceedings for offences laid down by the said Section.
- (2) **Section 24** - Authorised to take proceedings in the High Court for the purpose of securing compliance with an Enforcement Notice, or a Prohibition Notice.
- (3) Authorised to institute legal proceedings in relation to;  
(a) **Section 33**: - the unauthorised or harmful depositing, treatment or disposal etc of waste;  
(b) **Section 34**: - failure to exercise a duty of care etc as respects waste.
- (4) **Section 78M** - Authorised to institute legal proceedings for failure to comply with a Remediation Notice.
- (5) **Section 78M(5)** - Authorised to apply to the High Court to secure compliance with a Remediation Notice.
- (6) **Section 80** - Authorised to institute legal proceedings for breach of **Abatement Notices** served in respect of **statutory nuisances** as defined in Section 79.
- (7) **Section 81(5)** - Authorised to take proceedings in the High Court for the purpose of securing the abatement, prohibition or restriction of nuisances.
- (8) **Sections 87 and 92** - Authorised to institute proceedings for offence of leaving litter and failure to comply with **Litter Abatement Notice**.
- (9) **Section 92C** – Authorised to institute proceedings for offence of failure to comply with a **Litter Clearing Notice**.
- (10) **Section 93** - Authorised to institute proceedings for failure to comply with **Street Litter Control Notice**.

## **FOOD AND ENVIRONMENT PROTECTION ACT 1985 (E)**

**Section 16(12)** - Authorised to institute proceedings for offences under the Control of Pesticides Regulations 1986.

### **FOOD SAFETY ACT 1990 (E)**

- (1) Authorised to institute proceedings pursuant to **Part II** of the said Act (rendering food injurious to health, selling food not complying with food safety requirements, failure to comply with improvement notices, selling food not of nature, substance or quality demanded, falsely describing or presenting food, etc).
- (2) Authorised to institute proceedings pursuant to **Part III** of the said Act (obstruction of Officers acting in execution of the Act, failing to give information, giving false or misleading information etc).

### **FOOD HYGIENE (ENGLAND) REGULATIONS 2006 (E)**

Authorised to institute proceedings for offences under the Regulations.

### **FREEDOM OF INFORMATION (E)**

The Head of Legal Services authorised as the Council's Freedom of Information Officer.

### **GAMBLING ACT 2005 (C)**

Authorised to institute proceedings for offences under the Act.

### **HEALTH AND SAFETY AT WORK ETC ACT 1974 (C)**

**Section 33** - Authorised to institute legal proceedings for contravention of the Health and Safety Regulations and offences created under the Act.

### **HOUSING ACT 1985 (E)**

- (1) Authorised to institute proceedings for possession of Council owned property.
- (2) **Section 82A** – Authorised to apply for demotion orders in accordance with the Council's Demoted Tenancy Policy.
- (3) **Sections 140 and 141** – Authorised to serve First and Second Notices to Complete for Council house sales.
- (4) **Section 154(2)** – Authorised to sign Certificates of Title for Council house sales.

## **HOUSING ACT 1996 and the Council's Anti - Social Behaviour Policy (E)**

- (1) **Sections 127 and 128** – Authorised to institute proceedings to bring an Introductory Tenancy to an end.
- (2) **Sections 143D and 143E** – Authorised to institute proceedings to bring a demoted tenancy to an end in accordance with the Council's Demoted Tenancy Policy.
- (2) **Sections 153A – 153E** – Authorised in consultation with the relevant Director to apply for injunctions.

## **HOUSING ACT 2004**

**Part 1** - Authorised to serve notices and orders.

**Part 2** - Authorised to issue licences for houses in multiple occupation (HMOs).

**Part 4** – Authorised to serve interim and final Management Orders including Empty Dwelling Management Orders and overcrowding notices.

**Sections 30 and 32** – Authorised to institute legal proceedings for failure to comply with Improvement Notices and Prohibition Orders.

**Section 72** – Authorised to institute legal proceedings for offences related to HMO licensing.

**Section 241** – Authorised to institute legal proceedings for the offence of obstruction.

## **HYPNOTISM ACT 1952 (C)**

Authorised to institute legal proceedings in respect of offences under the Act.

## **LAND COMPENSATION ACT 1973 (E)**

**Section 29** - Authorised in consultation with the Project Director, to deal with claims for compensation, **provided** the claims conform to all the conditions laid down by the said Act and subject to the statutory limits.

**Section 37** - Authorised in consultation with the Project Director, to deal with claims for **disturbance payments**.

## **LAW OF PROPERTY ACT 1925 (E)**

**Section 146 - Right of re-entry or forfeiture** - Authorised in consultation with the Project Director and/or Principal Valuer, to serve notice in respect of leasehold properties (non-Housing related).

**Section 146 – Right of re-entry or forfeiture** – Authorised in consultation with the Head of Housing Services to serve notice and institute proceedings in respect of leasehold properties (Housing related) where there is a serious and persistent breach of the lease

## **LICENSING ACT 2003 (C)**

Authorised to institute proceedings for offences under the Act.

## **LOCAL GOVERNMENT ACT 1972 (E)**

Appointed **Proper Officer** in relation to the following provisions:-

**(1) Section 191(2)** - The Officer who shall receive an application under Section 1 of the Ordnance Survey Act 1841.

**(2) Section 210(6) and (7)** - The Officer who shall exercise the powers relating to charities conferred by these subsections.

**(3) Section 225(1)** - The Officer who shall receive and retain documents deposited with the Council pursuant to the Standing Orders of the Houses of Parliament or to any enactment or instrument, and shall take such action relating to these documents as may be directed.

**(4) Section 229(5)** - The Officer who shall certify a photographic copy of a document in the custody of the Council, or of a document which has been destroyed while in the custody of the Council, or of any part of any such document.

**(5) Section 234(1) and (2)** - The Officer whose signature shall authenticate any notice, order, or other document which the Council are required or authorised to issue by or under any enactment.

**(6) Section 236(9)** - The Officer who shall send a copy of every byelaw made by the Council and confirmed to the Proper Officer of every Parish Council to which they apply.  
**(C)**

**(7) Section 236(10)** - The Officer who shall send a copy of every byelaw made by the Council and confirmed to the County Council.

**(8) Section 238** - The Officer who shall certify a printed copy of a byelaw of the Council.

**(9) Schedule 14 Part II Para. 25(7)** - The Officer who shall certify a resolution of the Council.

## **LOCAL GOVERNMENT ACT 1972 (E) as detailed below) (Cont'd)**

Authorised:-

**Section 123** - to give notice by public advertisement of the intention to dispose of any **Open Space Land** subject however unless the proposed disposal is authorised under these delegations to a resolution in principle from the Cabinet or the Council for disposal or the issue of a declaration that the land is surplus to requirements.

**Section 214** - in consultation with the Regeneration Director, to sign **Deeds of Grant of Exclusive Right of Burial** pursuant to the said Section and the **Local Authorities' Cemeteries Order 1977**.

**Section 222** - The Officer who shall under **Standing Order 38 Procedure** authorise legal action (injunctive proceedings) under the said Section where the relevant Member of the Management Team and the Cabinet Chairman or Vice-Chairman consider it expedient for the promotion or protection of the interests of the inhabitants of the area.

**Section 223** – The Head of Legal Services authorised to prosecute or defend, and to appear on the Council's behalf, in proceedings before a Magistrates' Court, County Court and Tribunals.

**Section 237** - to institute proceedings for any contravention of the Council's byelaws.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (E)**

- (1) **Part II Hackney Carriages and Private Hire Vehicles** - Authorised to institute legal proceedings for contraventions of any of the provisions of this Part of the Act.
- (2) **Section 16** - Authorised to serve notice requiring information of persons interested in land.
- (3) **Section 20** - Authorised to serve notice for provision of **sanitary appliances** at places of entertainment.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (C) & (E)**

- (1) **Schedule 4, para.10 - Street Trading Licences and Street Trading Consents** - Authorised to institute legal proceedings for contravention of relevant provisions.\*\*
- (2) **Part VIII** - Authorised to institute legal proceedings for contravention of relevant provisions (acupuncture, tattooing, ear- piercing and electrolysis.)

NB: \*\* - (C)

### **NOISE AND STATUTORY NUISANCE ACT 1993 (E)**

Authorised to institute legal proceedings for offences under the Act.

### **NOISE ACT 1996 (E)**

Authorised to institute legal proceedings for offences under Section 4 (noise exceeds permitted level after service of notice).

### **OFFICES, SHOPS AND RAILWAY PREMISES ACT 1963 (E)**

**Section 63** - Authorised to institute proceedings for contravention of provisions enforceable by the local authority.

### **PLANNING (HAZARDOUS SUBSTANCES) ACT 1990 (E)**

### **PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992 (E)**

Authorised in consultation with the relevant Director:

- (1) **Section 23** - to institute legal proceedings for a contravention of hazardous substances control.
- (2) **Section 24** - to issue a **Hazardous Substances Contravention Notice** specifying the steps to be taken to rectify a contravention of control.
- (3) **Section 24A** - to **waive** or **relax** any requirement of a **Hazardous Substances Contravention Notice**, either before or after the Notice takes effect.
- (4) **Section 24(8)** - to **withdraw** a **Hazardous Substances Contravention Notice** at any time before or after it takes effect.
- (5) **Section 26AA** - to apply to the Court for an **injunction** in respect of any actual or apprehended contravention of control, irrespective of the use of any of the Council's other powers under the Act.
- (6) **Section 36B** - to institute legal proceedings against any person who wilfully obstructs an authorised Officer of the Council acting in the exercise of a **right of entry**.

### **PREVENTION OF DAMAGE BY PESTS ACT 1949 (E)**

**Section 26** - Authorised to institute legal proceedings for an offence under the Act.

## **PUBLIC HEALTH ACT 1936 (E)**

Authorised to institute legal proceedings against persons for failure to comply with notices pursuant to:-

**Section 45** - Buildings having defective closets capable of repair.

**Section 50** - Overflowing and leaking cesspools.

**Section 51** - Care of closets.

**Section 52** - Care of sanitary conveniences used in common.

**Section 83** - Cleansing of filthy or verminous premises.

## **PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984 (E)**

Authorised to prosecute for breaches of:

Part IIA – Authorised to apply for Orders and to prosecute for breaches of the Act.

## **REPRESENTATION OF THE PEOPLE (ENGLAND AND WALES) REGULATIONS 2001 (E)**

**Reg 23** - Authorised to initiate legal proceedings for failure to comply with a requisition from the Registration Officer as to information from householders.

## **ROAD TRAFFIC REGULATION ACT 1984 (E)**

Authorised to institute proceedings for contraventions of the provisions of on-street and off street car parking places orders.

## **SUNBEDS (REGULATION) Act 2010 (E)**

**Section 8** - Authorised to institute proceedings for contraventions of the provisions of the Act.

## **SUNDAY TRADING ACT 1994 (E)**

Authorised to institute legal proceedings for contravention of the provisions of the Act.

## **TOWN AND COUNTRY PLANNING ACT 1990 (C)**

### **1. Authorised to institute legal proceedings for contravention of the following provisions:**

**Section 171D(1)** - Non-compliance with **Planning Contravention Notices**.

**Section 171D(5)** - The giving of false or misleading information with regard to **Planning Contravention Notices**.

**Section 171E** – **Service of Temporary Stop Notice**

**Section 171G** **Contravention of Temporary Stop Notice**

**Section 179** - Offence where **Enforcement Notice** not complied with.

**Section 187** - Contravention of **Stop Notice**.

**Section 187A(9)** - Breach of requirements of a **Breach of Condition Notice**.

**Section 187B** - Subject to the Regeneration Director having considered the compensation and cost risks, the Head of Legal Services authorised to seek injunctive relief where the grounds of the case merit such action.

**Section 194(1)** - Offences relating to the issue of **Certificates of Lawful Use or Development**.

**Section 196C(2)** - Obstruction of a person acting in the exercise of a **right of entry**.

**Section 210** - Breach of Tree Preservation Order.

**Section 216** – Contravention of a section 215 notice.

**Section 217** – Defending an appeal against the service of section 215 notice

## **TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991) (C) (Cont'd)**

**Section 224** – Displaying advertisements in contravention of regulations.

### **2. Variation and Withdrawal of Enforcement Notices**

- (a) Section 173A** - Authorised in consultation with the relevant Director to withdraw, waive or relax any requirement and extend any period specified in an Enforcement Notice.
- (b) Section 193(7)** - Authorised in consultation with the relevant Director to **revoke** Certificates issued under the above provisions of the Act.
- 3. Section 201** - Authorised to give immediate effect, on a provisional basis, to **Provisional Tree Preservation Orders**.
- 4. Section 207** - Authorised to serve **Tree Replacement Notices**.
- 5. Section 257** - Authorised to confirm unopposed **Public Path Orders**.
- 6. Section 330** - Authorised to serve Requisitions for Information in connection with enforcement action, general planning matters or the institution of legal proceedings.

**7.** Authorised to issue:-

- (a) Section 172** - Enforcement Notices
- (b) Section 183** - Stop Notices
- (c) Section 187A** - Breach of Condition Notices
- (d) Section 215** – Remedying the condition of land Notices

## **TOWN POLICE CLAUSES ACT 1847 & 1889 (C)**

Authorised to institute legal proceedings under the Acts.

## **MISCELLANEOUS (E)**

**Standard Scale of Charges (Legal Costs, etc.)** – The Head of Legal Services authorised in consultation with the Managing Director to vary the Standard Scale of Charges relating to Legal Services agreed annually by the Council.

## MISCELLANEOUS (E)

**Trespassers** - Authorised in consultation with either the relevant Director(s) or the Project Director and in respect of common law powers of eviction also the Chairman of Cabinet to take all necessary action to secure the removal of trespassers from the Council's land, including making applications to the Courts for injunctions.

**Access over Heathland** - Authorised to grant licences in respect of vehicular or pedestrian access over heathland and such other areas as may be identified from time to time.

**Vehicular and Pedestrian Access Licences** - Authorised to issue licences in respect of pedestrian and vehicular accessways.

**Mortgage Transfers** - Authorised to deal with mortgage transfer applications, including transfer into joint names.

**Sub-letting** - Authorised in consultation with the Head of Finance and Resources to deal with applications from mortgagors desiring to sub-let their properties and to grant consent on terms considered appropriate.

**Lease Renewals** - Authorised in consultation with the Project Director, to deal with renewal of leases.

**Variation and Release of Restrictive Covenants** - Authorised to deal with applications for variation and release of restrictive covenants on terms to be determined by the Project Director and in accordance with the Council's policy which may be set from time to time.

**Institution of Arbitration, Lands Tribunal, etc. Proceedings** - Authorised in consultation with the Project Director, to approve the institution of arbitration, lands tribunal, valuation court and agricultural land tribunal proceedings.

**Consent of Landlord or Licensor, etc.** - Authorised in consultation with the Project Director to grant consents in cases where tenants or licensees require the consent of the Landlord or Licensor, including the release or waiver of any provision in such tenancy agreement or licence where such action would be appropriate in the interests of good estate management.

**Rent Arrears(excluding housing)** - Authorised in consultation with the Project Director, to approve the institution of legal proceedings for the recovery of arrears in respect of rent and/or to regain possession of the land or premises.

### **Mortgage Repayment Arrears –**

- (a) Authorised in consultation with the Head of Finance and Resources to institute legal proceedings to obtain possession of premises where mortgagors are in arrears with their **mortgage repayments** for three months or more, **AND**
- (b) Authorised to enter into arrangements for the subsequent sale of premises on terms to be agreed by the Project Director.

## **MISCELLANEOUS (E) (Cont'd)**

**Easements, etc.** - Authorised in consultation with the Project Director and the relevant Director, to take, grant or terminate any tenancies, wayleaves, licences, easements, or other arrangements whereby the Council grants occupation or itself occupies land or buildings, up to an annual net rent of £20,000 in any one case, **subject** in the cases of the granting of tenancies or leases for more than 7 years to the prior approval in principle of the Cabinet.

**Referrals of Applications for Financial Assistance** – The Head of Legal Services authorised in consultation with the Managing Director to refer applications for financial assistance to the Kent County Council or to any other appropriate body where considered appropriate.

**Cautions** - Subject to the recommendation of the relevant Member of the Management Team authorised to formally administer cautions in lieu of instituting legal proceedings.

**Counsel, External Solicitors and Expert Witnesses** - Authorised to instruct Counsel, External Solicitors and Expert Witnesses to advise and/or appear in connection with any legal proceedings instituted by or against the Council.

**Redemption of Council Mortgages** - Authorised on redemption of a Council mortgage, to seal and submit to Land Registry the Form of Discharge of Registered Charge to confirm the receipt of the funds and acknowledge that the property is no longer charged as security for the payment of the sums due under the mortgage.

**Authentication of Documents** - Authorised on behalf of the Council to sign any document necessary to any legal procedure or proceedings unless any enactment otherwise authorises or requires or the Council has given requisite authority to some other Officer.

**Sealing of Documents** - Authorised to attest the Common Seal of the Council.

**GAMBLING ACT 2005 (C)**

- (1) Authorised to deal with all applications and granting of licences/permits where no representations have been received or where representations have been withdrawn.
- (2) Authorised to enter premises pursuant to powers contained in the Act.
- (3) Power to exchange information.

NB: Sections 29, 30, 39 and 350 – (C)

**HEALTH ACT 2006 (C)**

Authorised to carry out the enforcement functions pursuant to Part 1 Chapter 1, including the issue of fixed penalty notices.

**HYPNOTISM ACT 1952 (C)**

**Section 1** - Authorised to attach conditions regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at the place to which a licence for public dancing, singing, music or other public entertainment of the like kind relates.

**Section 2** - Authorised to permit with or without conditions the demonstration(s) of hypnotism at other places.

**LICENSING ACT 2003 (C)**

1. Authorised to deal with the following:

- (1) **Personal Licence**  
Application for Personal Licence - where no representation made
- (2) **Designated Premises Supervisor**  
Application to vary Designated Premises Supervisor – where no police representation;  
Request to be removed as Designated Premises Supervisor.
- (3) **Premises Licence**  
Application for Premises Licence – where no representation made;  
Application for Provisional Statement – where no representation made;  
Application to vary Premises Licence – where no representation made;  
Application for transfer of Premises Licence – where no police representation.

## LICENSING ACT 2003 (C)(Cont'd)

### (4) **Club Premises Certificate**

Application for Club Premises Certificate – where no representation made;  
Application to vary Club Premises Certificate – where no representation made.

### 2. **Interim Authorities**

Authorised to give immediate effect to an application – where no police representation.

### 3. **Irrelevant, Frivolous, Vexatious etc Complaints**

Authorised to decide on whether a complaint is irrelevant, frivolous, vexatious etc.

### 4. **Dispense with a Hearing**

Authorised to dispense with a hearing provided the applicant and where applicable, interested parties and relevant authorities have agreed.

### 5. **Local Authority Consultee**

The Environmental Health Services Manager (and in his absence, the Principal Environmental Health Officer)) be authorised to object when the Council is a consultee and not the lead authority.

### 6. **Statutory Powers of Entry**

The persons from time to time holding the posts of:-

Strategic Director  
Enforcement and Regulatory Services Manager  
Senior Licensing Officer  
Licensing Officer

authorised to enter land and premises pursuant to the statutory provisions in that behalf contained in Sections 59, 96, 108 and 179 of the Act.

## LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (C)

**Part II (Hackney Carriages and Private Hire Vehicles)** - that the following powers be delegated to persons from time to time holding the posts of:-

Strategic Director  
Enforcement and Regulatory Services Manager  
Senior Licensing Officer  
Licensing Officer

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (C)(Cont'd)**

- (1) Issue of licences
- (2) Imposition and/or variation of conditions on licences
- (3) Suspension of licences
- (4) Revocation of licences
- (5) Refusal to grant or renew licences
- (6) Requiring information under Section 57
- (7) Inspection of vehicles, issue of notice and suspension of licence under Section 68
- (8) Issue of notice requiring return of plate or disc, or driver's badge.

**NOISE ACT 1996 (as amended by the Clean Neighbourhoods and Environment Act 2005) (E)**

Section 8 - All Officers within the Section authorised to issue fixed penalty notices for offences in relation to noise from licensed premises.

**TOWN POLICE CLAUSES ACTS 1847 AND 1889 (C)**

Authorised to administer the functions relating to hackney carriages.

**MISCELLANEOUS (E)**

**The Council's Adopted Standard Fee Scheme** - Authorised to charge application fees in line with the Standard Fee Scheme.

**Issue of Notice of Determination** - The Strategic Director authorised to issue Notice of Determination.

**GENERAL**

**Byelaws (C)** - Officers of the Licensing and Gambling Section authorised to enforce the Byelaws of the Council.

## MANAGEMENT TEAM

### CIVIL PROCEDURE RULES (E)

**Disclosure Statements** - The appropriate Member of the Management Team authorised to make signed certifications in accordance with the procedures for disclosure of documents.

### FREEDOM OF INFORMATION ACT 2000 (E)

- (a) Authorised as a FOI decision-maker.
- (b) Authorised to waive the Council's standard fees for FOI requests.
- (c) Section 36 – The Managing Director (in the absence of the Monitoring Officer) the 'qualified person' for the purposes of the Act.
- (d) The Managing Director authorised to make in-year amendments to the Publication Scheme, subject to seeking the Information Commissioner's approval to the removal of any commitment(s) in the Scheme.

### LOCAL AUTHORITIES (GOODS AND SERVICES) ACT 1970 (E)

Authorised to exercise the powers and functions of the Act.

### LOCAL GOVERNMENT ACT 1972 (E)

**Section 111** – Authorised to exercise the powers and functions of the Council, where to do so is calculated to facilitate, or is conducive or incidental to the achievement of the objectives of a partnership project.

**Section 138** - Authorised to incur expenditure and grant loans in respect of emergencies and disasters.

**Section 222** – Where considered expedient for the promotion or protection of the interests of the inhabitants of the area, members of the Management Team authorised in consultation with the Head of Legal Services, to agree injunction proceedings.

## LOCAL GOVERNMENT ACT 2000 (C) & (E)

The Managing Director

- (a) **Section 2** – Authorised to exercise the powers and functions of the Council, where to do so is calculated to facilitate, or is conducive or incidental to the achievement of the objectives of a partnership project.
- (b) **Section 19** - Subject to reporting in the Members' Information Bulletin the action taken, the Managing Director in consultation with the Leader of the Council, authorised to take decisions on whether or not to accept delegations to and from other authorities and to enter into arrangements for the discharge of the functions.
- (c) **Section 92\*** – All Directors authorised to make payments or provide other benefits in cases of maladministration etc subject to a financial limit of £1000 in any one case and where the estimated payment or benefit in kind exceeds this threshold, to consult with the Managing Director.

NB: \*(C)

## REGULATION OF INVESTIGATORY POWERS ACT 2000 (E)

**Sections 28 and 29** - To authorise covert surveillance operations and the use of covert human intelligence sources on notice to the Managing Director.

## REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER 2003 (E)

Authorised to obtain postal and telecommunications data for the purpose of preventing or detecting crime or preventing disorder in accordance with the authorisation procedures.

The Managing Director designated the Council's Senior Responsible Officer (SRO).

## MISCELLANEOUS (C) & (E)

**Partnerships** – The Managing Director in consultation with the Cabinet Chairman, authorised to enter into agreements for partnership working.

**Signing of Contracts, Partnership Agreements and other Documents** - Subject to compliance with Standing Orders and Financial Regulations, Directors in consultation with the Head of Legal Services, authorised to **sign** contracts, partnership agreements and other documents.

**Outside Bodies** – Authorised to appoint Officers to outside bodies.

## **MISCELLANEOUS (C) & (E)**

**Scheme of Delegations to Officers** – The Managing Director authorised to make routine amendments to the Scheme of Delegations to Officers e.g. changes in Officer structure, adding or deleting legislative functions etc.

### **Petitions/ePetitions**

- (a) To receive Ordinary Petitions and to respond in consultation with the relevant Portfolio Member, in accordance with the Ordinary Petitions Guidelines.
- (b) The Managing Director authorised to reject vexatious, abusive or otherwise inappropriate petitions/ePetitions, in accordance with the Petitions Scheme Guidelines and the Ordinary Petitions Guidelines.

## **MISCELLANEOUS (C)**

**Constitution and supporting documentation** – The Managing Director authorised to make amendments to the Constitution and supporting documentation.

**Contract Standing Orders and Standing Orders** – The Managing Director authorised to amend Contract Standing Orders and Standing Orders.

**Transitional Arrangements post local elections** - The Managing Director authorised from the 3<sup>rd</sup> day after the Borough whole- Council elections to the day of the post election Annual Meeting (i.e. the first Annual Meeting to be held after the Borough whole-Council elections take place) to deal with any urgent matters subject to reporting on the use of this power to Councillors.

## **MISCELLANEOUS (E)**

**Settlement of Contractual Claims** - The relevant Director authorised in consultation with the Managing Director or in his absence, the Head of Finance and Resources to agree financial terms in relation to contractual disputes.

**HMRC Personal Data Requests** –Authorised to request personal data from HMRC.

### **Complaints**

- (a) On the report of the relevant service Manager, the Managing Director authorised in consultation with the relevant Director, to exercise discretion not to investigate complaints further.
- (b) The Managing Director authorised to make in – year amendments to the Corporate Complaints Procedure.

## MISCELLANEOUS (E) (Cont'd)

### Tenders -

- (a) Authorised to accept tenders, provided that the estimated project costs are no higher than the approved budget for the project and provided there are no proposed changes to the works originally approved. The normal virement rules will apply where the tender exceeds budget provision.
- (b) Authorised, in consultation with the Chairman of the Cabinet, to accept tenders for capital projects provided:
- (i) the estimated costs of the project are no more than 10% or £75,000 (whichever is the higher) above the approved cost for the project and;
  - (ii) a corresponding saving is identified elsewhere in the capital programme and;
  - (iii) there is no change to the works originally approved.

**Professional Services** - Authorised to engage the professional services of consultants or practitioners, provided the estimated cost does not exceed £75,000 and subject to provision being made within approved financial resources.

**Lottery Applications** - Authorised to deal with the assessment of lottery applications.

**External Funding/Bids** – Authorised to sign applications for external funding/bids.

**Civil Contingencies** – Authorised to approve expenditure incurred in connection with civil protection.

*NB: Directors will discharge this delegation in consultation with the Managing Director*

**Debt write-off under Financial Regulations** – Authorised as follows to effect write offs of debts **providing** they are irrecoverable and that no such amounts are written-off within twelve months of the debt having arisen **except** in the event of the death of the debtor or the dissolution of a limited company:

Directors	Up to £1,500
Managing Director	Up to £5,000
Cabinet	In excess of £5,000

**Anti-Fraud Strategy** – The Managing Director authorised to make minor in-year amendments to the Anti-Fraud Strategy.

**MARKETS**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (C)**

**Part III and Schedule 4** – Authorised to license markets and street trading.

**Market Permit Conditions (E)** – Authorised to make changes to the Market Permit Conditions when appropriate.

**Appeals (E)** – Authorised to hear appeals in relation to refusal of market trading permits.

**GENERAL**

**Byelaws (C)** - Officers of the Markets Section authorised to enforce the Byelaws of the Council.

## MEMBER SERVICES

### EXECUTIVE ARRANGEMENTS (DECISIONS, DOCUMENTS AND MEETINGS) REGULATIONS 2000 (E)

The Executive Director authorised as Proper Officer for the purposes of;

- (1) **Regulation 5(2)** - Access to agenda and connected reports for public meetings.
- (2) **Regulation 6** - Recording decisions taken at meetings of the Cabinet.
- (3) **Regulation 9 (3)** - Cabinet papers not open to Members for inspection.
- (4) **Regulation 12(1)** - the maintenance of a register detailing Cabinet arrangements.
- (5) **Regulation 12(2)** - the maintenance of a list (namely this Scheme of Delegations to Officers) specifying Cabinet functions delegated to Officers (for a period exceeding 6 months).
- (6) **Regulation 16 (2) (v)** - Inspection by the public of the notice to the Chairman of the Scrutiny Committee (urgent Cabinet key decisions).
- (7) **Regulation 19** - Publication of Cabinet key decisions.

### LOCAL GOVERNMENT ACT 1972 (E)

The Managing Director appointed **Proper Officer** in relation to the following provisions:-

- (1) **Section 83(1)** - The Officer to whom a person elected to the office of Chairman, Vice-Chairman, or Councillor of the Council of the Borough, shall deliver a declaration of acceptance of office.

#### **LOCAL GOVERNMENT ACT 1972 (E) (Cont'd)**

- (2) **Section 83(2) and (4)** - Witness and receipt of declarations of acceptance of office.
- (3) **Section 84** - The Officer to whom a person elected to any office may give written notice of resignation.
- (4) **Section 88(2)** - The Officer who may convene a meeting for the election of Mayor of the Council following a casual vacancy in that office\*.
- (5) **Section 89(1)** - The Officer to whom notice shall be given of any casual vacancy occurring in the office of Councillor\*.
- (6) **Schedule 12 Part I:**
  - (a) **Para. 4(2)(b)** - The Officer who shall sign a summons to attend a Council meeting;
  - (b) **Para. 4(3)** - The Officer who shall receive a notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice, other than his place of residence.
- (7) **Section 112\*** - Authorised to exercise all powers and duties in relation to the proper discharge by the Authority of its functions or another Authority's functions pursuant to **Section 113**.
- (8) **Section 234(1) and (2)** - The Officer whose signature shall authenticate any notice, order, or other document which the Council are required or authorised to issue by or under any enactment
- (9) **Section 248** - The Officer who shall keep the Roll of Freemen.

#### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 (E)**

The Managing Director appointed **Proper Officer** for the purposes of the following provisions;

**Section 100(B)(2)** - Circulation of reports and agendas.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 (E) (Cont'd)**

**Section 100(B)(7)(c)** - Supply of papers to the Press.

**Section 100(C)(2)** - Summaries of Minutes.

**Section 100(D)(1)(a)** - Compilation of lists of background papers.

**Section 100(D)(5)(a)** - Identification of background papers.

**Section 100(F)(2)** - Papers not open to Members for inspection.

## **LOCAL GOVERNMENT ACT 2000 (E)**

**Scrutiny Committee Reports** – The Managing Director appointed Proper Officer for the purposes of receiving requests from the Chairman or any five Members of the Scrutiny Committee to require a report from the Cabinet on behalf of the Committee in accordance with Standing Order 54(9)(a)(iii).

## **MISCELLANEOUS (E)**

**Civic Concerts** - Authorised to designate the Dartford Choral Society Concert, Dartford Symphony Orchestra Concert and Dartford Amateur Operatic and Dramatic Society Concert as Civic Concerts **ON THE BASIS** of **ONE** performance per year by each, and provided the cost does not exceed the Mayoral Allowance budget for any one-year.

**Change of dates and times of Meetings and Cancellations** – Authorised in consultation with the appropriate Chairman, to change the dates and times of meetings of Council, Cabinet, Committees, Boards and Panels, when considered appropriate and to cancel scheduled meetings through lack of business or in emergency situations e.g. extreme weather conditions etc.

**Borough Forums** - Authorised in consultation with the Leader of the Council, to change dates, times and venues of Borough Forums agreed by the Cabinet.

**Neighbourhood Forums** - Authorised in consultation with the relevant Ward Member(s), to change dates, times and venues of Neighbourhood Forums agreed by the Cabinet.

**MISCELLANEOUS (E)(Cont'd)**

**Conference Attendances by Members, Co-opted Members and Officers - Authorised:**

- (1) to agree conferences not on the approved list of conferences;
- (2) to approve substitutes and additional Members and Officers not named on the approved list.

**Consultation/Discussion Papers** - Authorised in consultation with the Leaders of the Political Groups on the Council to respond to consultation/discussion papers in accordance with internal procedures.

## MONITORING OFFICER

### FREEDOM OF INFORMATION ACT 2000 (E)

**Section 36** – The ‘qualified person’ for the purposes of the Act.

### LOCAL GOVERNMENT ACT 1972 (E)

**Section 96(1)** - The Officer to whom a Member of the Council shall give general notices of personal interests and gifts and hospitality.

**Section 96(2)** - The Officer who shall record particulars of any disclosure made under Section 94 (personal interests) and of any notice given under Section 96(1) of the said Act.

## Regeneration Director

### MUSEUM

#### MUSEUM (E)

- (1) Authorised to grant requests for exhibitions in the Museum.
- (2) Authorised to obtain new artefacts from the Donations Fund.

**P A R K I N G   S E R V I C E S**

**AGENCY AGREEMENT RELATING TO THE ENFORCEMENT OF PARKING CONTROL IN THE CIVIL ENFORCEMENT AREA FOR THE BOROUGH OF DARTFORD (E)**

Authorised to carry out the functions (other than the functions related to Traffic Regulation Orders) set out in the Agency Agreement.

**TRAFFIC MANAGEMENT ACT 2004 Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (E)  
ROAD TRAFFIC (PERMITTED PARKING AREA AND SPECIAL PARKING AREA) (COUNTY OF KENT) (BOROUGH OF DARTFORD) ORDER 2001 (E)  
DARTFORD BOROUGH COUNCIL (OFF STREET PARKING PLACES) ORDER 2010(E)**

The persons from time to time holding the posts of:

Strategic Director

Enforcement and Regulatory Services Manager

CCTV/Parking Services Manager

1. Authorised to delegate the authority to issue Penalty Charge Notices and NtOs to duly appointed Civil Enforcement Officers.
2. Authorised to administer all controlled parking schemes within the designated areas of Dartford.
3. Authorised to effect technical write-offs.
  
4. The person from time to time holding the post of CCTV/Parking Services Manager:
  - (a) Authorised to enforce parking regulations within the designated areas of Dartford.
  - (b) Authorised to consider representations to and cancel Penalty Charges Notices and NtOs.
  
5. The persons from time to time holding the posts of:
  - Strategic Director (or nominee)
  - Enforcement and Regulatory Services Manager (or nominee)
  - Head of Legal Services (or nominee)

authorised to consider Adjudicator referrals.

**GENERAL**

**Byelaws (C)** - Officers of the Parking Services Section authorised to enforce the Byelaws of the Council.

## Executive Director

### PROPERTY INFORMATION

#### COUNTY OF KENT ACT 1981 (E)

**Section 10** – Authorised to allocate and re-allocate numbers to buildings in streets.

#### PUBLIC HEALTH ACT 1925 (E)

**Section 17** – Authorised to object to proposed names for new roads within one month of receipt of the names from Developers.

*Naming of roads will be referred to Cabinet*

#### MISCELLANEOUS (E)

**Authority Liaison Officers** – The Property Information Manager and the Local Land and Property Gazetteer (LLPG) Custodian appointed as the Council's Authority Liaison Officers.

**Responsible Officer** - The Executive Director appointed as the Council's Responsible Officer for the purposes of the LLPG.

### SPORTS DEVELOPMENT AND LEISURE FACILITIES

#### TOWN POLICE CLAUSES ACT 1847 (E)

**Section 21** – Authorised in consultation with the Chairman or Vice Chairman of Cabinet to deal with applications for street parties, processions etc and to make the Orders connected therewith.

#### MISCELLANEOUS (E)

1. Authorised to refuse applications for financial assistance from voluntary and community organisations which do not fall within the agreed criteria.
2. **Complimentary Tickets** - Authorised to send complimentary tickets when considered necessary for publicity and promotion purposes, for any Council function, for which the Directorate is responsible.
3. **Concessionary Access to the Orchard Theatre (Orchard Access Grant)** – Authorised to approve each grant in consultation with the Cabinet Member with the portfolio for Arts and Culture.
4. **Special Events** – Authorised to make operational decisions in consultation with the relevant Portfolio Member and/or the Managing Director.
5. **Dartford Festival**
  - (a) Authorised in consultation with the criteria agreed by the Cabinet Member with the Portfolio for Arts and Culture and/or the Managing Director to;
    - (i) place bookings for certain acts in connection with the Dartford Festival;
    - (ii) invite tenders for security services at the Dartford Festival;
    - (iii) set charges for commercial and charity stalls for the Dartford Festival;
    - (iv) agree discounts for on the day bookings and bulk bookings for commercial and charity stalls;
    - (v) advertise for expressions of interest in specialist magazines for commercial participation in the Dartford Festival;
    - (vi) permit volunteers, local voluntary organisations and businesses to assist in the organisation and provision of services for the Dartford Festival, subject to budgetary provision.
  - (b) Authorised in consultation with the Cabinet Member with the portfolio for Arts and Culture, to apply for appropriate licenses for the provision of entertainment at the Dartford Festival.
  - (c) Authorised in Consultation with the Cabinet Member with the portfolio for Arts and Culture and the Managing Director, to make appropriate arrangements for the provision of a procession through the Dartford Town Centre on the Saturday of the Dartford Festival.

**MISCELLANEOUS (E)(Cont'd)**

6. **Summer Sizzlers Holiday Activity Programme** – Authorised to;
- (a) Develop and administer the Holiday Activities Programme in consultation as necessary, with Kent County Council Social Services Children's Services (NW Kent).
  - (b) To assess and agree grant allocations for the Holiday Activities Programme in consultation with Kent County Social Services Children's Services (NW Kent);
  - (c) To organise and book appropriate entertainment and activities for the Holiday Activities Programme.
  - (d) To seek appropriate sponsorship for additional income to support the Holiday Activities Programme.
7. **Acacia Hall/Princes Park** – Authorised to make operational decisions within the criteria agreed by Cabinet and/or the Managing Director.

## Executive Director

### WASTE AND PARKS

#### **ALLOTMENTS ACTS 1922-1950 (E)**

The persons from time to time holding the posts of:

Executive Director

Waste and Parks Manager

Parks and Recreation Manager

authorised to enter into Agreements pursuant to the provisions of the said Acts.

#### **CIVIL PROCEDURE RULES (E)**

**Disclosure Statements** - Authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

#### **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 (E)**

**Section 59(2)** - All Officers within the Section and authorised officers of “secondary authorities” (Parish and Town Councils) authorised to issue fixed penalty notices for offences under the Dog Control Order.

#### **ENVIRONMENTAL PROTECTION ACT 1990 (E)**

The persons from time to time holding the posts of:

Executive Director

Waste and Parks Manager

authorised to

- (1) Section 46(3) - charge for the initial provision and replacement of wheeled bins in accordance with the Council’s approved fees and charges
- (2) Section 47(2) - serve Notice in respect of receptacles for commercial or industrial waste.

- (3) Section 59 - serve Notice requiring removal of waste unlawfully deposited.
- (4) Section 92 - serve Litter Abatement Notices and Litter Clearing Notices.
- (5) Sections 93 & 94 - serve Street Litter Control Notices.
- (6) Section 88 - All Officers within the Section authorised to issue fixed penalty notices for the offence of leaving litter.
- (7) Section 94A(2) - All Officers within the Section authorised to issue fixed penalty notices for offences relating to street litter control notices and litter clearing notices.

### **REFUSE DISPOSAL (AMENITY) ACT 1978 (E)**

The persons from time to time holding the posts of;

Executive Director  
Waste and Parks Manager

authorised to issue Notices and arrange for removal of vehicles.

Section 2(A) 1 - All Officers within the Section authorised to issue fixed penalty notices for offences in relation to abandoning a vehicle.

### **MISCELLANEOUS (E)**

**Applications** - The persons from time to time holding the posts of:

Executive Director  
Waste and Parks Manager  
Parks and Recreation Manager

- (1) Authorised to approve the use of Parks and Open Spaces (with the exception of the Dartford Festival) by **Charitable Organisations** as may be deemed suitable for their purposes.

## **MISCELLANEOUS (E)(Cont'd)**

**(2)** Authorised to approve applications to hold **fun fairs** and non-animal circuses in Parks and Open Spaces in accordance with the fees and charges agreed by the Council.

**(3)** Authorised to approve applications for the **use** of Parks and Open Spaces (excluding matters related to the Dartford Festival) in accordance with the fees and charges agreed by the Council.

**(4) Standard Scale of Fees and Charges (E)** - The persons from time to time holding the posts of:

Executive Director  
Waste and Parks Manager  
Parks and Recreation Manager

authorised in consultation with the Managing Director to vary the Standard Scale of Fees and Charges agreed annually by the Council.

**(5) Sale of Goods in the Parks (E)** - The persons from time to time holding posts:

Executive Director  
Waste and Parks Manager  
Parks and Recreation Manager

authorised to approve the sale of goods pursuant to the byelaws relating to the parks in the Borough.

**(6) Permits (E)** - The persons from time to time holding the posts of:

Executive Director  
Waste and Parks Manager  
Parks and Recreation Manager

authorised to issue permits to allow disabled persons to bring invalid carriages into Central and Hesketh Parks.

## **MISCELLANEOUS (E)(Cont'd)**

**(7) Exhibition of Animals – The** persons from time to time holding the posts of:

Executive Director

Waste and Parks Manager

Parks and Recreation Manager

authorised in consultation with the Chairman or Vice-Chairman of the Cabinet to deal with applications for animals to be exhibited at shows.

**Trespassers** - Authorised in consultation with Legal Services and the Leader of the Council to use common law powers of eviction in relation to trespass on Council owned land.

**Charitable Land Holdings** - The Managing Director authorised (by the Deed, Trust and Obligations Committee) to undertake the day to day administration of the Charities' land.

## **GENERAL**

**Byelaws (C)** - Officers of the Waste and Parks Section authorised to enforce the Byelaws of the Council.