

PART 3

RESPONSIBILITY FOR FUNCTIONS AND SCHEME OF DELEGATIONS

RESPONSIBILITY FOR FUNCTIONS

1. PREFACE

This part of the Constitution explains who is responsible for the various functions of the Council. Functions fall into the following categories:

1.1 NON-EXECUTIVE FUNCTIONS

These are functions which, by law, are not to be the responsibility of the Cabinet. In some cases, such as adopting the Council's Budget or the Policy Framework, only Full Council meeting may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee or an officer.

1.2 "LOCAL CHOICE" FUNCTIONS

There are some functions which the Council may treat as being the responsibility of the Cabinet (in part or whole) or as being non-executive, at its discretion.

1.3 EXECUTIVE FUNCTIONS

All other functions are classed as executive functions. Decisions on these functions will be taken by the Cabinet or the Leader or relevant Portfolio Holder unless they are delegated in accordance with Article 7 or dealt with under joint arrangements. Officer Delegations and Joint Arrangements are also contained in this part of the Constitution.

1.4 WHO MAY EXERCISE OFFICER DELEGATIONS?

Where a function has been delegated to an officer(s) ("delegated officers"), the decision may be taken in the name of (but not necessarily personally by) such delegated officer(s) by another officer(s) ("authorised officers(s)") in accordance with arrangements made from time to time by such delegated officer(s) for this purpose.

1.5 INTERPRETATION

In this part of the Constitution:

"the 2000 Act" means the Local Government Act, 2000;

"the 2000 Regulations" means the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000;

"the 2007 Act" means the Local Government and Public Involvement in Health Act, 2007;

"the 1972 Act" means the Local Government Act, 1972.

THE CABINET

2.1 THE ROLE AND COMPOSITION OF CABINET

2.1.1 Role

The Cabinet (which is also known as the Executive) will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

2.1.2 Form and Composition

The Cabinet will consist of the Leader of the Council together with at least 2 and up to 9 councillors appointed to the Cabinet by the Leader. The political balance requirements of section 15 of the Local Government and Housing Act 1989 do not apply to the composition of the Cabinet.

2.2 THE LEADER

The Leader will be a councillor elected to the position of Leader by the Council at the Annual Meeting of Full Council. Leaders will hold office for a period of four years or until the Annual Meeting following the expiration of their term of office as a councillor, whichever is the earlier or until they:

- (a) resign from the office; or
- (b) are no longer a councillor; or
- (c) are removed from office by resolution of the Council following a request signed by at least 33% of the Council made at least 10 days prior to the Council meeting.

In the event of any casual vacancy in the position of Leader the Deputy Leader shall act in the Leader's place until the appointment of a new Leader by the Council.

2.3 DEPUTY LEADER

2.3.1 Appointment

The Leader may designate one of the members of the Cabinet as Deputy Leader.

2.3.2 Duties of the Deputy Leader

The Deputy Leader may exercise all the functions of the Leader where the position is vacant or where the Leader is absent or is otherwise unable to act.

2.3.3 Removal from Office

The Leader may remove the Deputy Leader from office at any time.

2.4 OTHER CABINET MEMBERS

- 2.4.1** The Leader of the Council will, following their election to office of Leader, advise the Annual Meeting (or such other Council meeting where they are elected to the office of Leader) of the identities of those members who the Leader has appointed to the Cabinet (also known as Portfolio Holders). These will include:

- (a) The number of persons to form the Cabinet which shall be at least 2 but not more than 9 councillors (plus in each case the Leader), one of whom will be designated as Deputy Leader;
- (b) description of the allocation of responsibilities, powers and duties falling within each portfolio within the Cabinet; and
- (c) names of the councillors who are to be Cabinet members and, for information, any portfolios to be held by each of them.

2.4.2 Cabinet members will hold office for a period of one year until or unless they:

- (a) resign from office; or
- (b) are no longer councillors; or
- (c) are removed from office by the Leader who must give written notice to the Proper Officer. The removal will take effect immediately after receipt of the notice by the Proper Officer (see Part 3 'Proper Officer and Designated Officers' for the definition of Proper Officer).

2.5 LEADER'S POSITION

It will be open to Council at any meeting to resolve to terminate the Leader's position as Leader. In those circumstances or if the Leader resigns from that position or otherwise ceases to hold office or is suspended from office (e.g bankruptcy, death or suspension or removal from the office of councillor) the Council will as soon as reasonably possible convene to elect a new Leader from amongst the elected members of the Council. The proper Officer may convene a meeting of the Council for such an election.

2.6 CABINET MEMBER VACANCY

If for any reason a vacancy occurs during the year in respect of a Portfolio Holder within Cabinet, or if a Cabinet member is suspended from the office of councillor, the Leader may fill it and such action will take effect immediately after notification has been received by the Proper Officer. The Leader may vary the arrangements described in 2.4 by giving written notice to the Proper Officer, and the variation will take effect immediately after the Proper Officer has received the notice.

2.7 PROCEEDINGS OF THE CABINET

Proceedings of the Cabinet will take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

2.8 RESPONSIBILITY FOR FUNCTIONS

- 2.8.1** The arrangements for the discharge of the executive functions which have been adopted by Full Council are set out below. If they are not detailed below then the Leader may decide how they are to be exercised. In such latter circumstances the Leader will maintain a list setting out which individual members of the Cabinet, Committees of the Cabinet, Officers or joint arrangements are responsible for the exercise of particular executive functions.
- 2.8.2** The Cabinet will be responsible for all functions of the Council not reserved to Full Council in this Constitution or delegated to a Council Committee by this Constitution and which are not prohibited by law from being executive functions.

2.8.3 All executive functions must be carried out in accordance with the Cabinet Procedure Rules and the principles laid out above.

2.8.4 Plans and strategies which should be adopted by Cabinet (where a full revision of the plan or strategy has taken place)

(a) It is a requirement that the following plans and strategies are reviewed on an annual basis:

(b) The following plans and strategies have a three to five year cycle:

Plan/strategy	Frequency of revision and/or review	Route for adoption for full revision of policy or strategy	Route for approval of strategy reviews where there is no significant financial impact or borough wide impact to the community
Plans and strategies that require annual review			
People Strategy	Full revision every five years. Annual review	Cabinet (via the relevant Cabinet Advisory Board)	Consultation with relevant CAB before approval given through Portfolio Holder Delegated Decision
Property Asset Management Plan	Full revision every five years. Annual review	Cabinet (via the relevant Cabinet Advisory Board)	
Medium Term Financial Strategy	Full revision every five years. Annual review	Cabinet (via the relevant Cabinet Advisory Board)	
Treasury Management Policy & Strategy	Annual review	N/A	
Customer Care Programme	Annual review	N/A	
Air Quality Management Action Plan	Annual review	N/A	
Plan/strategy	Frequency of revision and/or review	Route for adoption for full revision of policy or strategy	Route for approval of strategy reviews where there is no significant financial impact or borough wide impact to the community
Plans and strategies that have a three to five year cycle for full revision			
Housing Strategy	Full revision every five years.	Cabinet (via the relevant Cabinet Advisory Board)	N/A
Leisure/Culture Strategy	Full revision every five years	Cabinet (via the relevant Cabinet Advisory Board)	N/A
Risk Strategy	Full revision every five years	Cabinet (via the relevant Cabinet Advisory Board)	N/A
West Kent Equalities Partnership Aims and Commitments	Full revision every four years	Cabinet (via the relevant Cabinet Advisory Board)	N/A
Corporate Procurement Strategy	Full revision every three years	Cabinet (via the relevant Cabinet Advisory Board)	N/A
ICT Strategy and Shared Service arrangements around ICT	On-going	Cabinet (via the relevant Cabinet Advisory Board)	N/A

Carbon Management Plan	Full revision every five years	Cabinet (via the relevant Cabinet Advisory Board)	N/A
Kent Health & Affordable Warmth Strategy	Full revision every five years	Cabinet (via the relevant Cabinet Advisory Board)	N/A
Kent Environment Strategy	Full revision every three years	Cabinet (via the relevant Cabinet Advisory Board)	N/A
West Kent Area Investment Strategy	Full revision every five years	Cabinet (via the relevant Cabinet Advisory Board)	N/A
Economic Strategy	Full revision every four years	Cabinet (via the relevant Cabinet Advisory Board)	N/A
Contaminated Land Strategy	As required	Cabinet (via the relevant Cabinet Advisory Board)	Consultation with relevant CAB before approval given through Portfolio Holder Delegated Decision
Private Sector Housing Renewal Strategy	Full revision every five years. Review as and when required.	Cabinet (via the relevant Cabinet Advisory Board)	Consultation with relevant CAB before approval given through Portfolio Holder Delegated Decision
Empty Property Strategy	Full revision every five years. Review as and when required.	Cabinet (via the relevant Cabinet Advisory Board)	Consultation with relevant CAB before approval given through Portfolio Holder Delegated Decision
Homelessness Strategy	Full revision every four years. Review as and when required.	Cabinet (via the relevant Cabinet Advisory Board)	Consultation with relevant CAB before approval given through Portfolio Holder Delegated Decision
Housing Allocation Policy	Full revision every four years. Review as and when required.	Cabinet (via the relevant Cabinet Advisory Board)	Consultation with relevant CAB before approval given through Portfolio Holder Delegated Decision
Housing Renewal Assistance Policy	Full revision every four years. Review as and when required.	Cabinet (via the relevant Cabinet Advisory Board)	Consultation with relevant CAB before approval given through Portfolio Holder Delegated Decision
Child Protection Policy	N/A	N/A	Requires a review every three years. To be completed by General Purposes Committee

2.9 DELEGATION OF CABINET FUNCTIONS TO PORTFOLIO HOLDERS

Individual Portfolio Holders may exercise the Cabinet's functions by making Non-Key Decisions in their designated areas of responsibility. Details of the composition of the current Leader and Cabinet together with their designated areas of responsibility are shown at Annex B.

2.10 DELEGATION OF CABINET FUNCTIONS TO OFFICERS

Please see Annex C to this Part for details of the Cabinet functions delegated to officers.

REGULATORY AND OTHER COMMITTEES

Introduction

The Council will appoint committees and boards to undertake a variety of regulatory and other functions that are the responsibility of the Council but which do not have to be carried out by Full Council.

Committees/Boards

The Committees/Boards are listed as follows and full details of their functions are provided below:

Finance and Governance Cabinet Advisory Board

Communities Cabinet Advisory Board

Planning and Transportation Cabinet Advisory Board

Planning Committee

Licensing Committee

General Purposes Committee

Audit and Governance Committee

Overview and Scrutiny Committee

Investigating and Disciplinary Committee

Appeals Committee

Independent Panel

Other Committees and Sub-Committees

- The Council will appoint such other committees as it considers appropriate to exercise any of its functions.
- Any committee appointed by the Council may at any time appoint additional sub-committees and panels throughout the year. Their terms of reference and delegation of powers to them shall be explicit and within the appointing Committee's terms of reference.
- The Council in the case of Standing Committees or the parent committee in the case of sub-committees or panels will, in the case of sub-committees or panels, appoint the members to serve on the committee, sub-committee or panel subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and any regulations made under that Act to make nominations for those appointments at the meeting that makes the appointments before the appointments are made.

CABINET ADVISORY BOARDS

- 3.1 Cabinet Advisory Boards:** Each Cabinet Advisory Board will consider the functions of the Cabinet that fall within its remit (the remits of each Cabinet Advisory Board are detailed below and will be appointed at the start of each civic year. Any changes to the remits during the year will be made by the Leader and reported to Council at the next practical point). The Cabinet Advisory Boards will meet in public and be subject to the Council's Access to Information Rules and the Council's Committee Procedure Rules.
- 3.2 Membership:** 11 members of the Council (to be composed of at least 8 non-executive members and the relevant Portfolio Holders. Proportionality rules will apply. Each Cabinet Advisory Board will be Chaired by the relevant Portfolio Holder.
- 3.3 Responsibilities:** Each Cabinet Advisory Board will have the following general responsibilities:
- (a) Consider and where necessary make recommendations on all key and non-key decisions to be taken by Cabinet that fall within the remit of the Cabinet Advisory Board.
 - (b) Assist and advise the Cabinet in the development of the Policy Framework issues that fall within the remit of the Cabinet Advisory Board.
 - (c) Assist in the development of Cabinet decisions within the remit of the Cabinet Advisory Board that require wider member involvement.
- 3.4 Cabinet Advisory Boards will have the power to:**
- (a) Request members of the Cabinet and officers to attend before it to answer questions.
 - (b) Question and gather evidence from any person (with their consent)
 - (c) Co-opt expert individuals on a non-voting basis to assist their work.
- 3.5 Remits:** the remits of the Cabinet Advisory Boards will be as follows:

Cabinet Advisory Board 1 - Finance & Governance:

- Finance and the budget
- Governance
- Risk Management
- Business Continuity
- Strategic Compass
- Sustainable Community Strategy
- Equalities
- Communication & Engagement
- Transparency
- ICT
- Property and Asset Management
- Regeneration

Cabinet Advisory Board 2 – Communities:

- Housing
- Revenues & Benefits
- Health
- Community Development
- Rural Communities
- Play Schemes
- Tourism
- Economic Development
- Cemeteries & Crematoriums
- Leisure (includes Assembly Hall and Museum)
- Parks & Sport Centres
- Grants
- Customer Access
- Waste & Streetscene
- Emergency Planning
- Environmental Services (includes Environmental Health/Protection & Land Contamination)
- Community Safety & CCTV
- Licensing
- Procurement Strategy
- Sustainability

Cabinet Advisory Board 3 – Planning & Transportation

- Conservation & Heritage
- Land Charges & Building control
- Landscape
- Public Transportation
- Car Parking
- Drainage & Flooding
- Planning Policy

PLANNING COMMITTEE

4.1 Wards within the eastern area of the Borough:

Hawkhurst & Sandhurst; Brenchley & Horsmonden; Benenden & Cranbrook; Goudhurst & Lamberhurst; Frittenden & Sissinghurst; Capel; Pembury, Paddock Wood (East) and Paddock Wood (West).

4.2 Wards within the western area of the Borough

Broadwater; Culverden; Pantiles & St. Mark's; Park; Sherwood; St. James'; St. John's; Southborough & High Brooms; Southborough North; Rusthall; and Speldhurst & Bidborough.

4.3 Membership: 14 members of the Council, 7 being elected representatives of the wards in the eastern area and 7 being elected representatives of the wards in the western area.

4.4 Quorum: 5 members

4.5 Chairing the Planning Committee

At its Annual Meeting, Full Council will approve a Chair and Vice-Chair for the Planning Committee.

4.6 Functions

All functions relating to town and country planning and development control contained in Function A, Numbers 1-31, and Function I, Numbers 30A, 31, 32, 46 and 47, of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended to the full extent as set out in Article 2 thereof and generally in the Regulations which are set out for ease of reference in Section 6 of Part 3 of this Constitution, and any other development control or planning enforcement powers, including temporary stop notices (under S.171E of the Town and Country Planning Act 1990 (as amended)) and high hedges (under Part 8 of the Anti-Social Behaviour Act 2003).

4.7 Delegation of functions

Full extent, except where an application for planning permission would be required to be notified to the Secretary of State, under the criteria laid out in the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999.

4.8 Terms of Reference and Working Arrangements for the Planning Committees

Members must comply with the provisions of "The Protocol for Members taking part in the Planning Process" laid out at Part 6 in this Constitution.

4.9 Enforcement

The Scheme of Delegation to Officers at Annex C of this Part sets out the circumstances in which an enforcement decision may be delegated to officers.

Where the Planning Committee makes enforcement decisions the provisions of the Protocol apply, as for planning applications.

4.10 Performance Monitoring

The Planning Committee will receive for information reports on performance indicators/statistics for the Planning Team and enforcement activity across the borough.

4.11 Delegation of the Area Planning Committees' Functions to Officers

The Scheme of Delegation to Officers at Annex C to Part 3 sets out the delegation of Planning Committee's functions to officers.

LICENSING COMMITTEE

5.1 Membership:

15 members of the Council (no substitute members)

5.2 Functions:

All functions relating to:

5.2.1 Miscellaneous Licensing and registration functions contained in Function B, Numbers 1-18, 20, 21, 23 – 25, 29, 30, 32 – 34, 39, 40, 56 – 63 and 65 - 69 and Function FA of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended;

5.2.2 Licensing Act 2003 functions contained in Function B, Number 14A of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and all of the Council's other functions as Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 and Regulations thereunder.

5.2.3 Delegation of Council functions to the Licensing Committee:

a) Miscellaneous licensing and registration functions

All Council functions set out in Function B, Numbers 1-18, 20, 21, 23 - 25, 29, 30, 32 - 34, 39, 40, 56 - 63 and 65 - 69 of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended are delegated to the Licensing Committee.

b) Licensing Act 2003

All Council functions as Licensing Authority are delegated to the Licensing Committee, with the exception of any function conferred on the licensing authority by Section 5 of the Licensing Act 2003 (statement of licensing policy) and any function discharged under Section 7 (5) (a) of the Act by a committee (other than a licensing committee).

5.3 LICENSING SUB-COMMITTEES

5.3.1 Membership: The 3 members of the Sub-Committee are to be selected from the Licensing Committee.

5.3.2 Quorum: 3 members.

5.3.3 Functions: All functions relating to Licensing contained in Function B, Numbers 14A, 14C, 15, 20 and 32 of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

5.4 DELEGATION OF THE LICENSING COMMITTEE'S FUNCTIONS TO LICENSING SUB-COMMITTEES AND OFFICERS

Licensing Act 2003 Functions	Matter to be dealt with By Sub-Committee	Delegated Authority to Head of Environment and Street Scene (or their authorised officer):
Application for Personal Licence		If no representation made
Application for Personal Licence, with unspent convictions	All cases	-
Application for Premises' Licence/ Club Premises' Certificate	If a representation made	If no representation made
Application for Provisional Statement	If a representation made	If no representation made
Application to vary Premises' Licence / Club Registration Certificate	If a representation made	If no representation made
Determination of all applications for minor variations to premises' licences/club premises' certificates	-	All cases
Application to vary Designated Personal Licence holder	If a police representation made	All other cases
Request to be removed as Designated Personal Licence holder	-	All cases
Application for transfer of premises licence	If a police representation made	All other cases
Application for Interim Authorities	If a police representation made	All other cases
Application to review Premises' Licence / Club Premises' Registration	All cases	-
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc	-	All cases
Decision to object when local authority is a consultee and not the lead authority	-	All cases
Determination of a police representation to a Temporary Event Notice	All cases	-
Determination of all applications for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises' Supervisor in respect of a premises' licence to be disapplied.	-	All cases
Determination of classification of films and issuing of requisite certificates.	-	All cases

5.5. Sub-Committee Delegations

The Council's functions in connection with the following matters are delegated to the Licensing Sub-Committee.

Function	Provision of Act or Statutory Instrument
14CA Power to make order disapplying section 279 or 282(1) of the Gambling Act 2005 in relation to specified premises.	Section 284 of the Gambling Act 2005.
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3.
20. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c. xii).
32. Power to license zoos on first application	Section 1 of the Zoo Licensing Act 1981 (c. 37).
70. Power to revoke licenses issued. (Save where immediate welfare issues require the licence to be revoked immediately, in which case delegation is made to the Head of Housing, Health and Environment.	The Zoo Licensing Act 1981 and The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
Power to consider any applications for a site licence or a collectors licence that have been refused by the authority where the applicant wishes to make representations	Scrap Metal Act 2013

Function	Provision of Act or Statutory Instrument
1. Power to issue licences authorising the use of land as a caravan site (site licences).	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).
2. Power to licence the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).

The Head of Environment and Street Scene has authority to determine all applications for licensing and/or registration in respect of the matters listed below, UNLESS the applicant has relevant prior convictions (or, in the case of applicants for drivers' licences, has 9 or more fixed penalty points), or has had a previous licence of the type sought revoked by this Council or any other. In such cases, the application shall be determined by the sub-Committee.

The Sub-Committee has authority to revoke any of the licences listed below.

Function	Provision of Act or Statutory Instrument
3. Power to licence hackney carriages and private hire vehicles	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47,

	57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to licence drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to licence operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2) as saved for certain purposes by article 3(3)(c) of the Gambling Act Order.
7. Power to grant track betting licenses.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order.
8. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(e) of the Gambling Act Order.
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c. 65) as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order.
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32) as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order.
12. Power to issue cinema and cinema club licenses.	Section 1 of the Cinema Act 1985 (c. 13).
13. Power to issue theatre licenses.	Sections 12 - 14 of the Theatres Act 1968 (c. 54)
14. Power to issue entertainments licenses.	Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of

	Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).
14A. Functions relating to licensing.	Sections 5 to 8 of the Licensing Act 2003 (c. 17).
14AC Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005.

21. Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
34. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. <i>See also</i> the Animal By-Products Order 1999 (S.I. 1999/646).
39. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)
69. Power to issue new beer license.	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act.
71. Power to licence zoos on renewal application which is to become an officer delegation rather than that of the Licensing Sub Committee.	
72. Power to licence premises for dog breeding, boarding for cats and dogs, hiring out horses, keeping and/or training animals for exhibition, and selling animals as pets.	

5.6 Delegation of Licensing Committee Functions to Officers

The Scheme of Delegation to Officers at Annex C to Part 3 sets out the delegation of Licensing Committee functions to officers.

GENERAL PURPOSES COMMITTEE

6.1 Membership: 13 members of the Council of whom 5 are substitute members

6.2 Functions: All functions relating to

(a) **Health and Safety at work** contained in Function C of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended;

(b) **Elections** contained in Function D of Schedule 1 as above;

(c) **Name** and Status of areas and individuals contained in Function E of Schedule 1 as above;

(d) **Power to make, amend, revoke or re-enact byelaws** contained in Function F of Schedule 1 as above;

(e) **Power to promote or oppose local or personal Bills** contained in Function G of Schedule 1 as above; and

(f) **Miscellaneous functions** contained in Function I of Schedule 1 as above with the exception of numbers 36, 38, 39, 45 and 48 which are functions of the Audit and Governance Committee and numbers 30A, 31, 32, 46 and 47 which are functions of the Planning Committees.

6.3 Extent of the Delegation of Council functions to the General Purposes Committee:

(1) Subject to (2) below, all of the functions listed above are delegated in full to the General Purposes Committee, but only in so far as they are not required by statute or otherwise to be exercised by Full Council, in which case the Committee's power is limited to a power to make recommendations to Full Council,

(2) The following functions are reserved to Full Council on the recommendation of the General Purposes Committee:

(i) All functions relating to elections contained in Function D, numbers 7, 11, and 14-16 of Schedule 1 as above;

(ii) All miscellaneous functions laid out in Function I, numbers 1,2,4,6,8,10,16,42 and 45 of Schedule 1 as above.

6.4 Delegation of the General Purposes Committee Functions to Officers

The Scheme of Delegation to Officers at Annex C to Part 3 sets out the delegation of General Purposes Committee functions to officers.

AUDIT AND GOVERNANCE COMMITTEE

7.1 Membership:

8 members of the Council, none of whom may be members of the Cabinet or of the Overview and Scrutiny Committee

2 independent members

2 members of a parish or town council wholly or mainly in the Council's area

7.2 Quorum: The quorum for the Audit and Governance Committee will be three members, to include at least one independent member

7.3 Voting Rights

The independent members and parish/town members do not have voting rights.

7.4 Functions:

7.4.1 Audit Activity

- (a) To consider the Internal Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
- (b) To agree the external Audit Plan for the year.
- (c) To approve the cost of the Audit.
- (d) To consider summaries of specific internal audit reports as requested.
- (e) To consider reports dealing with the management and performance of the providers of internal audit services.
- (f) To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- (g) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- (h) To consider specific reports as agreed with the external audit work and to ensure it gives value for money.
- (i) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (j) To liaise with the Audit Commission over the appointment of the Council's external auditor.
- (k) To commission work from internal and external audit.
- (l) To oversee the whistle-blowing policy and make appropriate recommendations for change to the policy;
- (m) To liaise with the Overview and Scrutiny Committee Chair to coordinate cross-cutting issues and avoid duplication.

7.4.2 Regulatory Framework

- (a) To maintain an overview of the Council's constitution and the Code of Conduct.
- (b) To review any issue referred to it by the Chief Executive, Directors, S151 Officer, Monitoring Officer or any council body.
- (c) To monitor the effective development and operation of risk management and corporate governance in the council, and to ensure that these matters are effectively embedded.
- (d) To oversee the production of the authority's Statement on Internal Control and to recommend its adoption.
- (e) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- (f) To consider the Council's compliance with its own and other published performance standard.

7.4.3 Accounts

- (a) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (b) To consider the external auditor's report to those charged with governance on issues arising from the audits of the accounts.

7.4.4 Governance

To discharge the functions (other than those which are reserved to Council) as set out in Part 1, Chapter 7 of the Localism Act 2011 including:

- (a) To promote and maintain high standards of conduct by Members and Co-opted Members of the Council and to make recommendations to Council on improving standards.
- (b) To advise and assist Parish/Town Councils and Parish/Town Councillors to maintain high standards of conduct and to make recommendations to Parish/Town Councils on improving standards.
- (c) To advise the Council on the adoption of or revisions to its Code of Conduct.
- (d) To advise, train or arrange to train Members, Co-opted Members and Parish/Town Councillors on matters relating to the Code of Conduct.
- (e) To assist the Councillors, Co-opted Members and Parish/Town Councillors to observe their respective Codes of Conduct.
- (f) To monitor and assess the operation and effectiveness of the Code of Conduct and to review and manage the Arrangements for dealing with Code of Conduct Complaints.
- (g) To advise on local ethical governance protocols and procedures.
- (h) To maintain oversight of the Council's arrangements for dealing with Code of Conduct complaints.
- (i) To act as an advisory body in respect of any ethical governance matter.
- (j). To monitor and review the procedures for the Register of Members' Interests and declaring gifts and hospitality.
- (k) To receive quarterly reports (or less frequently if there are no complaints to report) from the Monitoring Officer on the number and nature of complaints received and action taken as a result in consultation with the Independent Person.
- (l) To receive an annual report on the Council's ethical governance arrangements.

- (m) To appointment a sub-committee to deal with Code of Conduct complaints, following investigation.
- (n) To grant dispensations pursuant to S33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:
 - (i) without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - (ii) that the authority considers that the dispensation is in the interests of persons living in its area; or

where the Committee considers that it is otherwise appropriate to grant a dispensation.

7.5 Delegation of Functions:

Function I, number 45 of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) is delegated in full to the Audit and Governance Committee.

7.6 Delegation of the Audit and Governance Committee Functions to Officers

The Scheme of Delegation to Officers at Annex C to Part 3 sets out the delegation of Audit and Governance Committee functions to officers.

OVERVIEW AND SCRUTINY COMMITTEE

8.1 Introduction

- 8.1.2 The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committees should be powerful committees that can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.
- 8.1.3 Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Overview and Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.

8.2 Overview and Scrutiny Committee

- 8.2.1 In order to achieve this, the Council have appointed an Overview and Scrutiny Committee which will:-
- (a) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether by the Cabinet or another part of the Council or any of its Committees;
 - (b) make reports or recommendations to the Council or the Cabinet in connection with the discharge of any functions;
 - (c) consider any matter which affects the Council's area or its inhabitants; and
 - (d) exercise the right to call in for reconsideration decisions made but not yet implemented by the Cabinet and Officers.
- 8.2.2 The Council or the Leader or the Cabinet or the Overview and Scrutiny Committee may from time to time establish such other committees or sub-committees as it sees fit.

8.3 Role, Scope and Membership

- 8.3.1 The Council will appoint the Overview and Scrutiny Committee to discharge the functions that are conferred by section 21 of the Local Government Act 2000, the Police and Justice Act 2006, the relevant provisions of the Local Government and Public Involvement in Health Act 2007, the Localism Act 2011 and associated rules and regulations. In the event of a conflict between these terms of reference or their procedure rules set out in Part 4, and the Acts rules and regulations set out above, then those Acts, rules and regulations will take precedence.
- 8.3.2 The Overview and Scrutiny Committee will comprise twelve Councillors, none of whom may be the Mayor or members of the Cabinet, plus any additional members as the Council may see fit to appoint.

- 8.3.3 The Overview and Scrutiny Committee will manage its own work programme and will be able to establish 'Task and Finish Groups' to undertake its work. The Overview and Scrutiny Committee may only establish two 'Task and Finish Groups' at any one point and they may run concurrently. Only on the completion of one 'Task and Finish Group', may another 'Task and Finish Group' start. 'Task and Finish Groups' will meet in private and any non-executive member may be a member of a 'Task and Finish Group'. The Overview and Scrutiny Committee should not duplicate the work of the Cabinet Advisory Boards or any other committee of the Council.

8.4 Specific Functions

8.4.1 Policy Development and Review

The Overview and Scrutiny Committee may:-

- 8.4.1.1 assist the Council and the Cabinet in the development of its budget and policy framework by in depth analysis of policy issues;
- 8.4.1.2 conduct research, community and other consultation in the analysis of policy issues and possible options;
- 8.4.1.3 question members of the Cabinet and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;
- 8.4.1.4 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working; and
- 8.4.1.5 consider the impact of policies to assess if they have made a difference.

8.4.2 Scrutiny

The Overview and Scrutiny Committee may:-

- 8.4.2.1 review and scrutinise the decisions by and performance of the Cabinet and/or Committees and Council Officers in relation to individual decisions and over time;
- 8.4.2.2 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- 8.4.2.3 question members of the Cabinet and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;
- 8.4.2.4 receive Portfolio Holder Updates;
- 8.4.2.5 exercise the right to call-in;
- 8.4.2.6 deal with any relevant Councillor Calls for Action;
- 8.4.2.7 make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;

- 8.4.2.8 review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance;
- 8.4.2.9 question and gather evidence from any person (with their consent);
- 8.4.2.10 act as the relevant Crime and Disorder Committee for the purposes of section 19(1) of the Police and Justice Act 2006 and in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009;
- 8.4.2.11 appoint representatives to the Joint Health Overview and Scrutiny Committee;
- 8.4.2.12 receive reports from the Joint Health Overview and Scrutiny Committee;
- 8.4.2.13 make reports and/or recommendations to Council and/or the Cabinet in connection with matters within these terms of reference.
- 8.4.3 The Localism Act 2011 expands the partnership scrutiny powers of district councils to the activities carried out by a named partner as listed at s104 of the 2007 Local Government and Public Involvement in Health Act. This will include services not provided by the Council. The list of named partners includes (but is not limited to):
- a fire and rescue authority;
 - a police authority;
 - a chief officer of police;
 - a joint waste authority established under section 207(1);
 - a waste disposal authority established under section 10 of the Local Government Act 1985 (c. 51);
 - a Primary Care Trust;
 - a development agency established by section 1 of the Regional Development Agencies Act 1998 (c. 45);
 - a local probation board established by section 4 of the Criminal Justice and Court Services Act 2000 (c. 43);
 - a youth offending team established under section 39 of the Crime and Disorder Act 1998 (c. 37);
 - a National Health Service trust;
 - an NHS foundation trust;
 - the Arts Council of England;
 - the English Sports Council;
 - the Environment Agency;
 - the Health and Safety Executive;
 - the Historic Buildings and Monuments Commission;
 - the Learning and Skills Council for England;
 - the Museums, Libraries and Archives Council;
 - Natural England;
 - the Secretary of State, but only in relation to—
 - functions under section 2 of the Employment and Training Act 1973 (c. 50) (arrangements with respect to obtaining etc employment or employees);
 - functions as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66); and

functions as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27).

8.5 Finance

The Overview and Scrutiny Committee will exercise overall responsibility for the budget allocated to the function.

8.6 Annual Report

The Overview and Scrutiny Committee must report annually to Full Council on their workings with recommendations for its future work programme and amended working methods if appropriate.

8.7 Proceedings of Overview and Scrutiny Committee

The Overview and Scrutiny Committee will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

INVESTIGATING AND DISCIPLINARY COMMITTEE

Delegated Matters:-

To carry out the following functions in relation to the Head of Paid Service, Monitoring Officer and Chief Finance Officer.

- i. To discharge the functions of the “Investigating and Disciplinary Committee” as set out in the JNC Conditions of Service.
- ii. To consider any allegations made against the Head of Paid Service, Monitoring Officer or Chief Finance Officer and decide if further investigation is required.
- iii. To hear evidence and representations from the Head of Paid Service, Monitoring Officer or Chief Finance Officer in order to decide if a case exists.
- iv. To carry out a preliminary investigation and determine if a question of discipline exists which requires investigation by an Independent Investigator and to appoint such an investigator.
- v. To receive any reports from the Independent Investigator and consider recommendations arising from the report.
- vi. Subject to the Local Authority (Standing Orders) (England) Regulations 2001, as amended by the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015, and to the extent not already delegated to an officer of the Council, to suspend the relevant officer under the terms of the relevant National Agreements.
- vii. To take any disciplinary action short of dismissal against the Head of Paid Service, Monitoring Officer or Chief Finance Officer, following, if necessary, the consideration of the report of the Independent Investigator.
- viii. In the case of a proposal to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer, to refer the matter to the Independent Panel, further to statutory provisions and relevant national agreements.
- ix. To receive any reports from the Independent Panel and, subject to the Regulations, refer those recommendations to Full Council for consideration.
- x. To compromise any claims or agree terms for the settlement of any disputes arising as between the Statutory Officers and the Council.

Membership: 5 members of the authority (including at least one member of the Executive)

Quorum: 3 (to include at least one member of the Executive)

Substitute members: 3

APPEALS COMMITTEE

Delegated Matters:-

To carry out the following functions in relation to the Head of Paid Service, Monitoring Officer and Chief Finance Officer.

- i. To consider appeals in respect of actions short of dismissal arising from the Investigatory Committee as set out in the JNC Conditions of Service.

Membership: 5 members of the authority (including at least one member of the Executive)

Quorum: 3 (to include at least one member of the Executive)

Substitute members: 3

INDEPENDENT PANEL**Delegated Matters:-**

To carry out the following functions in relation to the Head of Paid Service, Monitoring Officer and Chief Finance Officer.

- i. To consider any proposal from the Investigatory Committee to dismiss any of the Statutory Officers
- ii. To hear representations from the relevant Statutory Officer and the Investigatory Committee and to ask questions of either party
- iii. To review the decision of the Investigatory Committee and prepare a report for Full Council, stating clearly, with reasons whether the Panel agreed or disagrees with the recommendation to dismiss.

Membership: 2 Independent Persons, one of whom is the Independent Person appointed by the Council to oversee complaints under the Code of Conduct. The second member shall be the Independent Person of a neighbouring Council, who has been appointed for a similar purpose.

ANNEX A - EXERCISE OF FUNCTIONS OF THE COUNCIL BY JOINT ARRANGEMENTS**JOINT TRANSPORTATION BOARD**

Membership: All Kent County Council members for divisions in the Tunbridge Wells Borough Council's area, an equal number of members appointed by the Tunbridge Wells Borough Council and a representative of the parish and town councils within the Borough.

Functions/Terms of Reference:

(A) The Joint Transportation Board will consider:

- (a) capital and revenue funded works' programme;
- (b) traffic regulation orders;
- (c) street management proposals; and
- (d) will provide advice on those matters to the relevant Executive as appropriate.

(B) Be a forum for consultation between Kent County Council and the Council on policies, plans and strategies related to highways road traffic and public transport.

(C) Review the progress and out-turn of works and business performance indicators.

(D) Recommend and advise on the prioritisation of bids for future programmes of work.

(E) Receive reports on highways and transportation needs within the district.

Delegation of functions: None

Delegation to officers: None

Note: The Joint Transportation Board is established by the Leader of Kent County Council executive and Tunbridge Wells Borough Council Cabinet. The Agreement dated 10 May 2005 between Tunbridge Wells Borough Council and Kent County Council can be viewed on request.

JOINT INDEPENDENT REMUNERATION PANEL FOR MEMBERS' ALLOWANCES

Membership: 5 independent members appointed by Tunbridge Wells Borough Council, Tonbridge and Malling Borough Council and Sevenoaks District Council.

Functions/Terms of Reference:

(1) to make recommendations to the Tunbridge Wells Borough Council, Tonbridge and Malling Borough Council and Sevenoaks District Council as to the amount of basic allowances which should be payable to members;

(2) to make recommendations to the authorities about the roles and responsibilities for which special responsibility allowances should be payable and as to the amount of each such allowances; and

(3) to make recommendations as to whether the Tunbridge Wells and Tonbridge and Malling Borough Council's and Sevenoaks District Council's allowances schemes should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined.

Delegation of functions: Full extent

Delegation to officers: None

ANNEX B - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Executive functions are all of the Council's functions which are not the responsibility of any other part of the Council, by law or under this Constitution, together with the following local choice executive functions:

The appointment of any individual:

- to any office other than an office in which he is employed by the Council;
- to any body other than:
 - the Council;
 - a joint committee of two or more authorities; or
 - to any committee or sub-committee of such a body, and the revocation of any such appointment.

The making of agreements with local authorities and other bodies for the placing of staff at the disposal of those other authorities or bodies.

The Leader is responsible for the discharge of executive functions and may delegate those functions as set out in Article 7 of this Constitution.

The table below indicates how the Leader has allocated portfolios (lead responsibilities) for particular executive functions among individual Members of the Cabinet.

CABINET PORTFOLIOS

Portfolio	Leader of the Council
Responsibilities	<ul style="list-style-type: none"> • Strategic policy • Communications, consultations and engagement • Transparency • Human Resources (including learning and development) • Democratic Services • Devolution/Enhanced two-tier working

Portfolio	Communities (and Deputy Leader)
Responsibilities	<ul style="list-style-type: none"> • To act as Deputy Leader of the Council • To be the lead Cabinet Member for rural/parished areas and to lead on communication and engagement with Parish Chairs and other relevant groups. • Community safety and CCTV • Community centres and hubs • Community Partnerships • Assets of Community Value • Equalities (including younger people and older people) • Community grants • Responding to the Cost of Living Crisis

Portfolio	Finance and Performance
Responsibilities	<ul style="list-style-type: none"> • Finance • Revenues and benefits (including fraud and debt recovery) • Internal audit and risk management • Property, Estates and Facilities Management • Performance and project management • ICT, Technology and digital transformation • Legal services • FOI/EIR/Complaints/Data Protection • Procurement policy and strategy

Portfolio	Environmental Services
Responsibilities	<ul style="list-style-type: none"> • Cemetery and crematorium • Recycling and waste collection • Street cleansing and littering • Fly tipping and abandoned vehicles • Environmental Protection

	<ul style="list-style-type: none"> • Environmental Health • Food hygiene and health and safety standards in business • Corporate Health and Safety • Licensing
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Portfolio	Economic Development
Responsibilities	<ul style="list-style-type: none"> • To be the lead Cabinet Member for Royal Tunbridge Wells town centre and the unparished area and to lead on communication and engagement with the Town Forum and other relevant groups. • Economic Development and Tourism • Business engagement • Supporting the town centre • Culture and the arts • Assembly Hall Theatre and the Ice Rink • The Amelia Scott • Events • Customer access

Portfolio	Sports, Leisure and Health
Responsibilities	<ul style="list-style-type: none"> • Sports and leisure centres • Parks • Grounds maintenance • Health

Portfolio	Housing and Planning
Responsibilities	<ul style="list-style-type: none"> • Planning policy • Strategic sites and delivery • Development Management • Heritage and conservation • Planning Enforcement • Land charges • Building Control • Housing (Including private sector and housing needs) • Homelessness prevention and reduction.

Portfolio	Carbon Reduction and Sustainability
Responsibilities	<ul style="list-style-type: none"> • Sustainability – Carbon reduction and promoting biodiversity • Community leadership in supporting residents and raising funds for carbon reduction • Transportation • Parking (On and off-street)

Annex C – Officer Scheme of Delegations

The purpose of this part of the Constitution is to bring together delegations to officers and roles and responsibilities of officers. Officers may be delegated to make decisions in respect of executive and non-executive matters.

TABLE 1 - GENERAL DELEGATIONS TO ALL CHIEF OFFICERS

1. The Chief Officers referred to in this scheme of delegations are those set out in Article 6 of the Constitution.
2. Chief Officers are empowered to carry out those specific functions of the Council delegated to them in the scheme of delegation. In doing so Chief Officers are expected to follow principles of decision making in Article 7 of the Constitution.
3. Functions are to be construed in a broad and inclusive fashion and include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.
4. In exercising their delegated powers Chief Officers may:
 - 4.1 incur, vary and withdraw expenditure including the making of contributions to outside bodies whose objects are complementary to the work of the Council;
 - 4.2 in consultation, where appropriate, with the relevant Cabinet Portfolio Holder, introduce, set and vary as necessary fees and charges for the delivery of services and for the issue of any licence, registration, permit, consent or approval;
 - 4.3 deal with the following employment issues in accordance with the Council's procedures:
 - 4.3.1 engage, suspend, dismiss and deploy staff up to and including Head of Service level;
 - 4.3.2 take disciplinary action against staff up to but excluding appeals against dismissal;
 - 4.3.3 apply conditions of service in accordance with the Council's policies;
 - 4.3.4 permanently regrade posts up to and including Head of Service level with the approval of the Chief Executive;
 - 4.3.5 make establishment changes up to and including Head of Service level;
 - 4.3.6 deal with applications for regrading up to and including final appeal, ensuring that the person hearing the final appeal has had no previous involvement in the matter;
 - 4.4 deploy other resources within their control;
 - 4.5 within service budgets, accept tenders, place contracts and procure other resources within or outside the Council subject to compliance with the Council's Financial and Contract Procedure Rules;
 - 4.6 terminate contractual and other commissioning arrangements;
 - 4.7 serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, grant licences in the exercise of any discretionary power or in complying with any duty of the Council;
 - 4.8 exercise budget transfer within the financial limits contained in the Financial Procedure Rules;
 - 4.9 provide services to other local authorities and organisations;
 - 4.10 respond to consultations from Government departments and other public bodies;
 - 4.11 request the Monitoring Officer to enforce any bye-laws relevant to their service area.
5. In exercising their delegated powers Chief Officers must act within the law, the Council's Constitution, its Financial and Contract Procedure Rules and other procedures and policies and within appropriate service budgets.
6. In exercising their delegated powers the Chief Officers will:
 - 6.1 consult the relevant Cabinet Portfolio Holder as appropriate;
 - 6.2 consult any appropriate Chief Officer or relevant Head of Service, in particular where there are significant financial, legal, property or HR implications of the proposed action or decision;
 - 6.3 keep a formal record of the exercise of the delegated power and of the consultation undertaken in accordance with guidance issued by the Monitoring Officer;
 - 6.4 make the record available on request to:

- (a) the public, provided this does not mean the release of confidential or exempt information;
 - (b) any member of the Council provided this does not involve the release of confidential or exempt information to which the Member is not entitled; and
 - (c) the Chief Executive, S151 Officer and Monitoring Officer.
7. Each Chief Officer shall act as the designated Proper Officer for the following functions under the Local Government Act 1972:
- 7.1 to identify which background papers disclose facts on which a particular report or an important part of the report is based (Section 100(d)(v)(a) of the Act);
 - 7.2 to prepare a list of background papers and to make arrangements for production of copies of background papers (Section 100(d)(i)(a) and (b) of the Act) (such delegation relates to the Chief Officer(s) in whose name(s) the report is prepared).
8. Chief Officers may authorise officers within their Service area to exercise powers delegated to them. Chief Officers must maintain proper records of such authorisation. The Chief Officer shall remain accountable for any action or decisions taken under that authority.
9. For the avoidance of doubt, any authorisations made by Chief Officers to officers in force immediately prior to the adoption of this Constitution shall continue in force and any action taken there under shall remain valid unless and until it is superseded by either further such delegation or authorisation, or any action taken pursuant to later delegation.
10. In the event of a Chief Officer post being vacant, or in the absence of a Chief Officer, those delegated powers may be exercised by the relevant Service Manager so far as permitted by law.
11. Where this Constitution permits the exercise of delegated powers by Service Managers, such exercise is subject to the same restrictions and requirements as are applicable to Chief Officers.
12. Where it is impracticable to obtain authorisation from the Council body with responsibility for the function and subject to the action being reported (for information) to the next convenient meeting of that body, to take urgent action within legal powers where this is necessary in the interests of the Council, in respect of matters otherwise reserved to the Cabinet or some other Council body.
13. To make payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000 (as amended) as follows:
- | | |
|--------------------|--------|
| Chief Executive | £1,500 |
| Directors | £1,000 |
| Monitoring Officer | £500 |
| Heads of Service | £500 |

TABLE 2 – SPECIFIC DELEGATIONS TO CHIEF OFFICERS**DELEGATIONS TO THE CHIEF EXECUTIVE**

1. To act as Head of the Paid Service under Section 4 of the Local Government and Housing Act 1989.
2. To guide and, where appropriate, direct Chief Officers in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
3.
 - 3.1 To carry out any executive function which is delegated to a particular chief officer in consultation with the relevant Cabinet Portfolio Holder
 - 3.2 To carry out any executive function of a corporate nature in consultation where appropriate with the Leader.
4. To grant exemptions on the political restriction of officer posts under the Localism Act 2011.

To act as Proper Officer for the purposes of the Local Government Acts 1972 and 2000 and all Regulations made there under other than those Proper Officer functions delegated to the Director of Finance.
5. To discharge functions of Cabinet in relation to Human Resources and Organisation Development.
6. In consultation where appropriate with the relevant Cabinet Portfolio Holder, to discharge executive functions in relation to:
 - 6.1 Communications;
 - 6.2 Corporate Policy, Planning and Improvement;
 - 6.3 Community Engagement/Area Action Partnerships;
 - 6.4 Community Development;
 - 6.5 Emergency Planning and Civil Contingencies Unit;
 - 6.6 Equalities, Diversity and Cohesion;
 - 6.7 Performance Management and Research Information;
 - 6.8 Partnership Co-ordination.

The following matters in paragraphs 7 – 12 are, in addition, delegated to Directors:

7. To oversee the management of the Council's Overview and Scrutiny functions.
8. To authorise expenditure from community budgets or other similar initiatives where funding is held by the Council.
9. To designate suitably qualified officers as Authorising Officers for the purpose of granting authorisations to exercise the powers made available to the Council by the Regulation of Investigatory Powers Act, 2000 and the Investigatory Powers Act 2016.
10.
 - (a) To act as Returning Officer for Borough Elections in accordance with Section 35 of the Representation of the People Act 1983 (the 1983 Act).
 - (b) To make any changes to the location of polling places without formal committee approval.

11. To act as Electoral Registration Officer for the Borough in accordance with Section 8 of the 1983 Act.
12. To:
 - appoint members as proxies to attend and vote at shareholders meetings of any company of which the Council is a shareholder; and
 - give consent to written resolutions of any company of which the Council is a shareholder.
13. To make appointments of members to local and other outside bodies which are not the subject of report to the Council or the Cabinet, in consultation with the respective political group leaders.
14. To undertake such statutory or other consultation which may be required or thought to be desirable with a view to making changes to the staff establishment whether by way of dismissal or otherwise provided that it is done in consultation with the Chair, or in their absence the Vice-Chair, of the General Purposes Committee.

DELEGATIONS TO THE DIRECTOR OF FINANCE, POLICY AND DEVELOPMENT (S151 OFFICER)

The following matters are delegated to the Director of Finance, Policy and Development:

15. The proper administration of the Council's financial affairs;
16. The collection of revenue, council tax and national non-domestic rates.
17. The administration of benefits and Council Tax support.
18. To exercise the budgetary control functions referred to under the Council's Financial Procedure Rules.
19. To arrange all borrowings, financing and investment in line with the Council's Treasury Management Policy Statement.
20. To maintain an effective internal audit service.
21. To act as lead officer for the Audit and Governance Committee, and the Finance and Governance Cabinet Advisory Board.
22. To act as the lead officer for Risk Management and ensure appropriate risk management arrangements are in place across the Council.
23. To act as lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement.
24. To make appropriate banking arrangements on behalf of the Council.
25. To insure against risks where he considers this appropriate.
26. The operation of the Council's accounting systems and payroll.
27. In consultation with the Portfolio Holder for Finance and Governance, to authorise the release of funds from contingencies and reserves as set out in the Revenue Budget.

28. To act as Proper Officer for the purposes of the following provisions of the
 - Local Government Act 1972:
 - Section 115(2) (Accountability of Officers);
 - Section 146 (Transfer of Securities on Alteration of Area Etc.)
29. To administer the Council's car loan scheme.
30. To write off debts.
31. To ensure appropriate financial arrangements across the Council.
32. To agree the terms of loans permitted under law.
33. To make a statutory declaration of local authority mortgage interest.
34. To respond to notices in relation to EU financial sanctions.
35. In consultation with the Local Members and the relevant Cabinet Portfolio Holder, to sell or lease any property which is surplus to the requirements of the Service for which it is held and where after enquiries no other Service has expressed an interest in the property.
36. The acquisition and disposal of land and buildings, including all appropriations between purposes up to a value of £100,000.
37. All transactions of leases and other occupational rights in relation to Royal Victoria Place up to an income amount of £1,000,000 or an expenditure amount of up to £375,000 with the approval of the Chair of the Investment Advisory Panel.
38. To authorise the acquisition of wayleaves, licences etc. required to facilitate the discharge of the Council's functions.
39. To deal with applications for easements, rights of way, wayleaves, licences, covenants and consents affecting council land and property not materially affecting the use to which it is or might be put.
40. In consultation with the appropriate Service representative to grant leases for up to 21 years on any council owned property, whether or not it has been declared surplus.
41. To agree the appropriation of land from one use to another where this is necessary to facilitate schemes to be carried out by or on behalf of the Council.
42. To settle compensation claims not exceeding £50,000 either under the provisions of Part 1 of the Land Compensation Act 1973 or as a result of the Council taking entry to property for borehole samples, surveys or other site investigations.
43. To negotiate and agree the rating assessment and valuation of all council owned property, in consultation with the Head of Economic Development.
44. To require information as to interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
45. To negotiate abortive costs in the event of a transaction not proceeding in circumstances where the Council has a liability to pay costs.

46. Where required as part of the appropriate management of the Council's assets, to authorise the demolition of Council buildings.
47. To refer all unresolved objections to disposals and appropriations of Open Space and Public Walks and Pleasure Grounds as set out in Section 10 of the Open Spaces Act 1906 and Section 164 of the Public Health Act 1875 to the General Licensing and Registration Committee for determination.
48. To settle claims from staff for damage to personal property in accordance with the Council's policies.
49. To make applications under the Planning Acts for permission to carry out development on any Council owned land.
50. To consider extensions to sick leave entitlement for members of staff.
51. To vary the employment package for members of staff including relocation package.
52. To determine rates of pay for casual staff.
53. To settle employment claims and other staff related payments in consultation with the Head of Paid Service and the Head of Human Resources, Customer Services and Culture, where it is in the best interests of the Council to do so.

DELEGATIONS TO THE HEAD OF LEGAL PARTNERSHIP AND MONITORING OFFICER

The following matters set out below are, in addition, delegated to the Head of Legal Partnership and Monitoring Officer:

54. The provision of Legal services to the Council;
55. To amend the Constitution where necessary to reflect changes in the law or decisions of council bodies or to correct inaccuracies.
56. To prepare all contracts for the sale or purchase of Council Land and property and all leases, tenancy agreements or other agreements affecting Council land or property including easements or any interest in land.
57. To settle legal documents other than those mentioned above relating to or affecting the functions of the Council.
58. To sign the documents referred to in sub-paragraph 56 above and all other formal documents intended to give effect to decisions of a council body. Electronic signatures may be used where permitted by law and any other requirements. Electronic signatures may only be affixed using the Council's chosen electronic system or an approved alternative as agreed by the Head of Legal Partnership.
59. To sign any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal or enforcement proceedings. Electronic signatures may be used where permitted by law and any other requirements. Electronic signatures may be used as referred to in sub-paragraph 57 above.
60. Generally, to institute, defend and conduct any legal proceedings relating to the Council's functions or affecting the property, rights or interests of the Council.

61. To authorise named officers to appear on behalf of the Council in legal proceedings in the Magistrates' Court pursuant to Section 223 Local Government Act 1972.
62. To settle any action in any court or tribunal in which the Council is a party or where legal proceedings are indicated providing that any settlement between £50,000 and £250,000 will be subject to prior consultation with the S151 Officer, and the Leader or Deputy Leader of the Council except in cases of urgency where the settlement is made on the advice of Counsel.
63. To appoint Review Boards under Regulations under Section 34(4) (Determination of Claims and Reviews) of the Social Security Act 1998.
64. In consultation with the Head of Housing, Health and Environment and the Chairman and Vice-Chairman of the Licensing Committee, to determine that a particular application shall be considered by the Licensing Committee rather than a Sub-Committee

**TABLE 3 – DELEGATIONS TO OFFICERS IN THE FINANCE, POLICY AND DEVELOPMENT
DIRECTORATE**

**DELEGATIONS TO THE DIRECTOR OF FINANCE, POLICY AND DEVELOPMENT IN RELATION
TO PLANNING, ECONOMIC REGENERATION AND OTHER FUNCTIONS**

(Please also see paragraphs 7-12 of Table 2)

1. Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Director of Finance, Policy and Development is authorised to discharge any function of the Cabinet in relation to:

- 1.1 Economic Policy and Programmes;
- 1.2 Regeneration;
- 1.3 Transport Strategy;
- 1.4 Local Transport Planning;
- 1.5 Tourism;
- 1.6 Conservation and Sustainability;
- 1.7 Land Charges (delivered by MKS);
- 1.8 Management of the Council's Land and Property Assets.
- 1.9 Community Right to Bid
- 1.9 Parking Control
- 1.10 Building and Technical Services
- 1.11 Traffic Management, in consultation, where required, with the Highways Committee in relation to functions under the Road Traffic Regulation Act 1984.
- 1.12 ICT Services
- 1.13 Democratic Services

In carrying out these delegated functions the Director will agree arrangements for consultation with the relevant Cabinet Portfolio Holder and will refer to the Cabinet for consideration and decision those matters directed by the said member.

2. Specific and Non-Executive Delegations

- 2.1 To review decisions made by the Head of Economic Development relating to the list of assets of community value.
- 2.2 To exercise the Council's functions in relation to:
 - 2.2.1 contaminated land;
 - 2.2.2 the determination of applications for approval of drainage systems submitted pursuant to Schedule 3 of the Flood and Water Management Act 2010.
- 3. To cancel penalty charge notices in respect of parking contraventions under the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
- 4. To exercise the Council's powers under the Traffic Management Act 1984 to:
 - (a) issue fixed penalty notices to statutory undertakers who fail to issue correct notices to carry out works on the road network;
 - (b) issue a penalty charge notice in connection with parking offences and part of the civil parking regime.

5. To have authority, subject to the applicant defraying the Council's expenses, to approve temporary road closures under Section 21 of the Town Police Clauses Act 1847;
6. In consultation with the Cabinet Leader, to amend the list of roads whose residents are permitted to purchase reduced price car park season tickets in accordance with the current Parking Places Orders;
7. To determine applications for permission to use the Council's car parks for purposes other than car parking having regard to the terms of the current Parking Places Orders;
8. In the absence of the Parking Manager, to exercise the powers delegated to him/her in connection with the agency agreement with the County Council relating to parking decriminalisation;
9. To give overall direction to the Parking Manager under the terms of the agency agreement with the Kent County Council relating to parking decriminalisation, to secure the performance and functions as therein defined and, within approved budgets, to retain or procure the services of such professional, administrative or other staff or services as are required to perform those activities and functions;
10. To act as lead officer for the Planning & Transportation Cabinet Advisory Board.
11. To coordinate the Member Training and Development Programme including:
 - 11.1 management of the approved Member Training and Development Budget; and
 - 11.2 authorisation of Member attendance at conferences, seminars and other training and development events

DELEGATIONS TO HEAD OF PLANNING

The following matters below are delegated to the Head of Planning:

12. Determine all forms of planning and other applications and all notifications submitted under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, Localism Act 2011 or under any related principal or secondary legislation, except the following:
 - 12.1 those applications where any Member has requested in writing that the application be "called in" to be determined by the Planning Committee, and the "call in" and reasons for the "call in" have been agreed as valid by the Portfolio Holder for Planning and Transportation following discussion with the Head of Planning (or delegated deputy).
 - 12.1.1 The reasons for which an application can be called in must include:
 - (a) The material planning issue(s) that warrant(s) the application being determined by Committee; and/or
 - (b) Evidence and the reason(s) of significant local concern that warrant(s) the application being determined by Committee.

- 12.1.2 The request for the "call-in" must be received in writing addressed to the Head of Planning Services within five weeks (35 days) of the date that the application is originally made valid, unless it pertains to an Outline application that has been amended to be a Full application in which case it will be 35 days from the date when the change was first made and advertised.
- 12.2 Any application made by a member of officer of the Planning Department or relative or partner of such persons, or person who has been a member or officer of the Planning Department in the three years prior to making the application;
- 12.3 Proposals recommended for approval (but not including Reserved Matters, or variation of conditions on a major application including material minor amendments or applications for a material minor amendment) comprising:
- (a) twenty or more dwellings (detailed and outline applications) except where the application is for a substitution of house types on a scheme already benefiting from an extant planning permission;
 - (b) non residential floor space by means of new build or conversion of 2000m2 or more.
- 12.4 applications which would otherwise be delegated but which the Head of Planning considers should come before the Committee;
- 12.5 those applications where there is a significant departure from Development Plan policy and which would be required to be the subject of consultation with the Secretary of State;
- 12.6 any proposal involving the Borough Council either as applicant or landowner, either on its own or jointly with another individual or body.
13. To take all necessary steps in connection with the defence of appeals against any refusal or failure to determine any of the applications and notifications mentioned above.
14. To respond to any pre-application or other consultation on nationally significant infrastructure projects submitted or to be submitted to the Major Infrastructure Planning Unit under the Planning Act 2008.
15. To authorise the making of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.
16. To authorise the drafting, negotiation and completion of Section 106 Planning Obligations, S106A Variations to Planning Obligations and Release of Section 52 Planning Agreements.
17. Authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 on behalf of the Council.
18. Authorise the taking of prosecution action applications for injunctions and to instruct the Monitoring Officer, as necessary, to instigate legal proceedings in respect of the enforcement of legislation relating to town and country planning.
19. Authorise the taking of default action under Sections 178, 215 & 219 of the Town and Country Planning Act 1990.

20. To exercise powers of revocation/modification of planning permissions (Section 97), discontinuance of a use/alteration or removal of a building (Section 102 & Schedule 9) and the making of Prohibition or Suspension Orders (Schedule 9) of the Town and Country Planning Act 1990.
21. Authorise the making, confirmation, revocation and variations of Tree Preservations Order (including emergency orders).
22. In connection with any proposed development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, determine whether an Environmental Impact Assessment is required (screening) and the information required (scoping).
23. Authorise individual named officers to exercise powers of entry contained in the following:
 - 23.1 Town and Country Planning Act 1990;
 - 23.2 Planning (Listed Buildings and Conservation Areas) Act 1990;
 - 23.3 Planning (Hazardous Substances) Act 1990;
 - 23.4 Building Act 1984;
 - 23.5 Fire Safety and Safety of Places of Sport Act 1987;
 - 23.6 Safety of Sport Grounds Act 1975;
 - 23.7 Local Government (Miscellaneous Provisions) Act 1982;
 - 23.8 Party Wall Act 1996;
 - 23.9 Planning & Compensation Act 2004 (so far as is relevant);
 or such other Acts of Parliament as relate to the relevant statutory functions of the planning authority.
24. Act under and in respect of:
 - 24.1 Sections 16, 18 to 21, 23 to 25, 32, 35 and 36, Building Act 1984;
 - 24.2 Sections 71 to 73 and 77 to 83, Building Act 1984;
 - 24.3 Building Regulation 14 with regard to giving of notices and requiring the laying open, cutting into, and pulling down the building, works or fittings Issue 1 65 12 May 2010;
 - 24.4 Sections 29-32, Local Government (Miscellaneous Provisions) Act 1982;
 - 24.5 Party Wall Act 1996.
25. Accept and reject notices, certificates and certificates of compliance from Approved Inspectors and Public Bodies under Sections 47 to 54, Building Act 1984 and to issue safety certificates in accordance with Part III, Fire Safety and Safety of Places of Sport Act 1987.
26. To authorise, sign and serve all notices and deal with all applications, licences, revocations and suspensions and take all necessary enforcement action on behalf of the Council in respect of its responsibilities for matters of building control.
27. To administer and determine complaints about high hedges under the Anti-Social Behaviour Act 2003.
28. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.

DELEGATIONS TO HEAD OF ECONOMIC DEVELOPMENT

The following matters set out below are, in addition, delegated to the Head of Economic Development.

29. To authorise and maintain a list of assets of community value and to make adjustments and decisions in relation thereto, as defined in part 5, Chapter 3 of the Localism Act 2011.

30. To receive and respond to expressions of interest under Community Right to Challenge, under Part 5, Chapter 2 of the Localism Act 2011;
31. In respect of leases to carry out rent reviews and to grant renewals, variations, assignments sub-lettings, surrenders and other landlords' consents.
32. To settle the terms of the purchase or lease of property the acquisition of which has been approved in principle by the Council.
33. To negotiate the acquisition of wayleaves, licences etc. required to facilitate the discharge of the Council's functions. To deal with applications for easements, rights of way, wayleaves, licences, covenants and consents affecting council land and property not materially affecting the use to which it is or might be put.

TABLE 4 – DELEGATIONS TO OFFICERS IN THE CHANGE AND COMMUNITIES DIRECTORATE**DELEGATIONS TO THE DIRECTOR OF CHANGE AND COMMUNITIES**

(Please see paragraphs 7-12 of Table 2)

1. EXECUTIVE FUNCTIONS

Subject to the requirement set out below and in compliance with the provisions of Table 1 above the Director of Change and Communities is authorised to discharge any function of the Cabinet in relation to:

- 1.1 Culture
- 1.2 Housing
- 1.3 Community Safety
- 1.4 Private Sector Housing Enforcement
- 1.5 Street Naming and Numbering
- 1.6 Provision, operation and commissioning of public libraries, museums, art galleries, theatres, arts development, heritage facilities, with the exception of major changes in the pattern of the provision including permanent closure of these facilities.
- 1.7 Public Health and Pest Control;
- 1.8 Clean Neighbourhoods and Environment;
- 1.9 Open Spaces, Parks and Recreation Grounds;
- 1.10 Street Cleansing;
- 1.11 Waste and Recycling;
- 1.12 Animal Welfare/Infectious Disease Control;
- 1.13 Burial and Cremation;
- 1.14 Markets

In carrying out these delegated functions the Director will agree arrangements for consultation with the relevant Cabinet Portfolio Holder and will refer to the Cabinet for consideration and decision those matters directed by the said Member.

2. SPECIFIC AND NON-EXECUTIVE DELEGATIONS

- 2.1 In consultation with the Monitoring Officer to take enforcement action under bye-laws relating to arts, libraries and museums.
 - 2.2 Provision and operation of closed circuit television in accordance with the Criminal Justice and Public Order Act 1994 and the Private Security Industry Act 2001.
 - 2.3 The control of pollution and the management of air quality;
 - 2.4 statutory nuisances, as referred to in Schedule 2 to the 2000 Regulations;
3. To exercise, in consultation with the Monitoring Officer the Council's enforcement functions, including the institution of legal proceedings, under legislation set out in Appendix 1 to this Table and all relevant statutory provisions, as amended from time to time.
 4. To authorise suitably qualified and competent staff and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the legislation referred to in Appendix 1 to this Table.
 5. In consultation with the Monitoring Officer to review and update the list of relevant legislation contained within Appendix 1 to this Table to reflect new or modified statutory provisions.

6. To issue simple and conditional cautions to persons guilty of criminal offences under the legislation as referred to in Appendix 1 to this Table and in accordance with PACE and the Home Office Guidance.
7. To discharge the regulatory and enforcement functions of the Council under the legislation set out in Appendix 1 to the Table.

DELEGATIONS TO THE HEAD OF HUMAN RESOURCES

The following matters set out below are delegated to the Head of Human Resources, in addition to the Director of Change and Communities:

8. To implement and make recommendations in relation to the Council's decisions in relation to Local Pay and Contribution Pay;
9. To design the policies and procedures relating to recruitment, employment, termination and other staffing issues;
10. To make recommendations for applications for the extension of sick pay;
11. To make recommendations for applications for leave of absence in cases not covered by the Council's policies, unless in exceptional circumstances;
12. To provide advice on organisational effectiveness and change; and
13. To act as lead advisor to the Council on HR and learning and development.
14. To operate a scheme of complimentary tickets for Assembly Hall shows;
15. To approve in consultation with the Cabinet Leader or, in their absence, any two Borough Councillors who are members of the Cabinet, grants for cultural and artistic activities or for sport and physical recreation, should there be any residual funds after consideration each year of such applications by the Cabinet;
16. In connection with the Tunbridge Wells Museum and Art Gallery -
 - (a) to acquire and dispose of works of art, exhibits and specimens in accordance with the acquisition and disposal provisions within any current policy framework of the Council relating to Collections Management;
 - (b) to book exhibitions and artists/craftsmen in accordance with any current policy framework of the Council; and
 - (c) to negotiate and set fees and charges for goods and services provided by the Tunbridge Wells Museum and Art Gallery in accordance with any current policy framework of the Council.

DELEGATIONS TO THE HEAD OF HOUSING, HEALTH AND ENVIRONMENT

The following matters set out in below are, in addition, delegated to the Head of Housing, Health and Environment:

17. To exercise, in consultation with the Monitoring Officer the Council's licensing, approval, registration and enforcement functions, including the institution of legal proceedings under

legislation set out in Appendix 1 to this Table and all associated secondary legislation as amended from time to time.

18. In consultation with the Monitoring Officer to review and update the list of relevant legislation contained within Appendix 1 to this Table to reflect new or modified statutory provisions.
19. Subject to Appendices 2, 3, 4 and 5 to this Table to authorise, suspend, vary, transfer, extend or revoke permits, licences, certificates, registrations and approvals issued under the legislation set out in the Appendix 1 to this Table including all relevant statutory provisions.
20. To issue simple and conditional cautions to persons guilty of criminal offences under the legislation as referred to in paragraph 22 below and in accordance with PACE and the Home Office Guidance.
21. To authorise suitably qualified and competent staff within the Housing, Health and Environmental Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the legislation referred to in Appendix 1 and Appendix 6 to this Table.
22. To authorise another local authority to institute legal proceedings in respect of a contravention of the legislation set out in Appendix 1 to this Table where related contraventions are being investigated by that authority.
23. Power to agree transfers and assignments under health and safety legislation to change Enforcing Authority responsibilities.
24. Power to appoint Proper Officers and alternate Proper Officers for the Authority for matters relating to Public Health Control of Infectious Disease.
25. Power to appoint Public Analyst, Agricultural Analyst and Food Examiner for the Council.
26. In consultation with the Head of Legal, to authorise officers to institute and or defend on behalf of the Council any legal proceedings which the Council by itself, or by a duly empowered Committee, may decide to take. In this respect, nominated staff are hereby authorised to appear in Court in person, or to be represented by a duly appointed officer of the Council in accordance with Section 223 of the Local Government Act 1972 or to be represented by a duly instructed solicitor.
27. To determine those applications and matters in relation to Licensing and Gambling as are referred to in Appendices 2, 3, 4 and 5 to this Table.
28. To grant tenancy agreements for allotments to suitable applicants;
29. To exercise the Council's function in relation to housing including:
 - 29.1 determining the conditions to be included in tenancy agreements;
 - 29.2 making any decisions necessary to comply with the Council's obligations to secure tenants in compliance with the legislation referred to in Appendix 6 to Table 4;
 - 29.3 the determination of any applications for grant assistance pursuant to the legislation listed in Appendix 6 to Table 4;
 - 29.4 the allocation of tenancies in accordance with policies approved by the Council;
 - 29.5 to determine all requests for consents required by the terms of tenancy agreements;
 - 29.6 to authorise action to enforce a breach of condition in tenancy agreements, including in consultation with the Monitoring Officer where necessary, the institution of legal proceedings;
 - 29.7 the exercise of the Council's enforcement powers under the legislation listed in Appendix 6 to Table 4 in relation to private sector housing;

- 29.8 to authorise the implementation of any action necessary to recover monies due to the Council as a result of its exercise of the powers contained in legislation listed in Appendix 6 to Table 4;
 - 29.9 to investigate and determine all applications made to the Council under its powers and duties to deal with homelessness in the legislation described in Appendix 6 to Table 4;
 - 29.10 to authorise any expenditure required in the exercise of the Council's functions to assist the homeless;
 - 29.11 to amend agreements entered with Arms length Management Organisations;
 - 29.12 to respond on the Council's behalf to requests for consent to alterations to the Articles of Association of Large Scale Voluntary Transfer companies;
- 30. To have authority to exercise the statutory powers relating to means of escape in case of fire from Houses in Multiple Occupation under Section 352 and 368 of the Housing Act 1985 (as amended), subject to consultation with the Fire Authority;
 - 31. To accept undertakings under Section 368 of the Housing Act 1985 (as amended) that part of a house will not be used for human habitation, subject to the required consultation with the Fire Authority and to the undertaking being in a form approved and recorded by the Monitoring Officer;
 - 32. To raise objections to or make representations against the issue of Operator's Licences under Section 12 of the Good Vehicles (Licensing of Operators) Act 1955 subject to consultation with the Monitoring Officer as appropriate;
 - 33. To take such enforcement action as may be necessary to recover monies due in respect of a penalty charge notice, including the registration of the charge certificate, the application for a warrant of execution, the use of certified bailiffs or otherwise.

DELEGATIONS TO THE PROPER OFFICER UNDER THE PUBLIC HEALTH (CONTROL OF DISEASES ACT 1984) AND ANY OTHER MEDICAL OFFICER AUTHORISED BY THE PROPER OFFICER

- 34. To exercise all of the powers under the legislation listed below, related regulations and any re-enactments of this legislation in so far as they are within the functions of the Cabinet including the issue and service of notices, the execution of works (including the disposal of articles), the issuing, refusal and removal of Licences and the initiation of prosecutions in conjunction with the Monitoring Officer.
 - Public Health (Control of Disease) Act 1984

APPENDIX 1 TO TABLE 4

Acquisition of Land Act 1981
 Administration of Justice Act 1970
 Agriculture Act 1970
 Agriculture (Miscellaneous Provisions) Act 1968
 Agricultural Produce (Grading and Marking) Acts 1928 and 1931
 Animal Health Act 1981
 Animal (Penalty Notices) Act 2022
 Animal Welfare Act 2006
 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
 Anti-Social Behaviour Act 2003
 Anti-Social Behaviour, Crime and Policing Act 2014
 Building Act 1984
 Business Names Act 1985
 Business and Planning Act 2020
 Burial Act 1853 and 1857
 Caravan Sites and Control of Development Act 1960
 Caravan Sites Act 1968
 Children and Young Persons (Protection from Tobacco) Acts 1933 and 1991
 Civic Amenities Act 1967
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Contaminants in Food (England) Regulations 2003
 Commons Act 1876 and 2006
 Companies Act 1985
 Consumer Credit Act 1974
 Consumer Protection Act 1987
 Control of Pollution (Amendment) Act 1989
 Control of Pollution Act 1974
 Countryside and Rights of Way Act 2000
 Copyright, Design and Patents Act 1988
 Criminal Damage Act 1971
 Criminal Justice and Police Act 2001
 Criminal Justice and Public Order Act 1994
 Crime and Disorder Act 1998
 Courts and Legal Services Act 1990
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Development of Tourism Act 1969
 Directives and Regulations Dogs (Fouling of Land) Act 1996
 Dogs (Fouling of Land) Act 1996
 Education Reform Act 1988
 Electricity at Work Act 1989
 Employment of Women, Young Persons and Children Act 1920
 Energy Act 1976
 Energy Conservation Act 1981
 Enterprise Act 2002
 Environmental Protection Act 1990 and all associated EU Directives and Regulations
 Environment Act 1995
 Estate Agents Act 1979 European Communities Act 1972
 European Communities Act 1972
 Explosives Acts 1975 to 1976 Fair Trading Act 1973
 Farm and Garden Chemicals Act 1967

Food Act 1984
 Food Hygiene (England) Regulations 2013
 Food and Environment Protection Act 1985
 Food Safety Act 1990
 Gambling Act 2005
 Gas Safety (Installation and Use) Regulations 1998
 Guard Dogs Act 1975
 Hallmarking Act 1973
 Health Act 2006
 Health and Safety at Work etc. Act 1974
 Highways Act 1980
 Home Energy Conservation Act 1997
 Home Safety Act 1961
 Household Waste and Recycling Act 2003
 House to House Collections Act 1939
 Inclosure Act 1857
 Insurance Brokers (Registration) Act 1977
 International Health Regulations 2005
 Intoxicating Substances (Supply) Act 1985
 Imported Food Regulations 1997
 Land Drainage Act 1976
 Land Drainage Act 1991
 Land Drainage Act 1994
 Licensing Act 2003
 Litter Act 1983
 Local Authorities Cemeteries Order 1977
 Local Government Act 1972 and 2003
 Local Government (Miscellaneous Provisions) Act 1976
 Local Government (Miscellaneous Provisions) Act 1982
 Local Transport Act 2008
 Localism Act 2011
 Medicines Act 1968
 Micro Chipping of Dogs (England) Regulations 2015
 Mock Auctions Act 1961
 Motor Vehicle Salvage Operators Regulations 2002
 National Assistance Act 1948
 New Roads and Street Works Act 1991
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Open Spaces Act 1906
 Parochial Registers and Records Measure 1978
 Pesticides Act 1995
 Pesticides (Fees and Enforcement) Act 1989
 Poisons Act 1972
 Police, Factories, etc. (Miscellaneous Provisions) Act 1916
 Police Reform Act 2002
 Police Reform and Social Responsibility Act 2011
 Pollution Prevention and Control Act 1999
 Prevention of Damage by Pests Act 1949
 Prices Acts 1974 and 1975
 Products of Animal Origin (Import and Export) Regulations 1996, as amended
 Property Misdescriptions Act 1991
 Protection of Animals Act 1911 (as amended)
 Public Health Act 1925 – Street Naming and Numbering Functions
 Public Health Act 1936

Public Health Act 1961
Public Health (Control of Diseases) Act 1984
Public Health (Ships) Regulations 1979
Public Health (Ships)(Amendment)(England) Regulations 2007 Riding Establishments Acts 1964 and 1970
Railway Clauses Consolidation Act 1985
Refuse Disposal (Amenity) Act 1978
Registration of Burials Act 1864
Road Traffic (Foreign Vehicles) Act 1972 Road Traffic Acts 1988 and 1991
Road Traffic Offenders Act 1988
Road Traffic (Consequential Provisions) Act 1988
Road Traffic Regulation Act 1984
Rights of Way Act 1991
Scrap Metal Dealers Act 1964 and 2013
Shops (early Closing Day) Act 1995
Slaughter of Poultry Act 1967
Slaughter of Poultry (Licences and Specified Qualifications) Regulations 1991
Slaughterhouse Licence (Forms and Records) Regulations 1959
Slaughterhouse Act 1974
Solicitors Act 1974
Sunbeds (Regulations) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Theft Act 1968
Timeshare Act 1992
Tobacco Advertising and Promotions Act 2002
Town and Country Planning Act 1990
Town Improvement Clauses Act 1847 – Street Naming and Numbering Functions
Town Police Clauses Act 1847
Trade Descriptions Acts 1968 and 1972
Trade Marks Act 1994
Trading Representations (Disabled Persons) Act 1958 and 1972
Trading Stamps Act 1964
Traffic Management Act 2004
Transport Act 1985, 2000 and 2006
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Acts 1984 and 1993
Warm Houses and Energy Conservation Act 2003
Waste Minimisation Act 1998
Water Industry Act 1991
Weights and Measures Act 1985
Wildlife and Countryside Act 1981
Young Persons (Employment) Acts 1938 and 1964
Zoo Licensing Act 1981

APPENDIX 2 TO TABLE 4 - DELEGATION OF LICENSING ACT 2003 RESPONSIBILITIES

Matter to be dealt with	(1) Full Committee	(2) Sub-Committee	(3) Officers
Application for Personal Licence		If a Police objection is made	If no objection made
Application for Personal Licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application to vary designated Premises Supervisor		If a Police objection is made	All other cases
Request to be removed as designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a Police objection is made	All other cases
Application for interim authorities		If a Police objection is made	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious, etc.			All cases, in consultation with the Chair or Vice Chair of the Statutory Licensing Committee
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police representation to a temporary event notice		All cases	
Suspension of Premises Licences due to unpaid fees			All cases

APPENDIX 3 TO TABLE 4 - GAMBLING ACT 2005 – SCHEME OF DELEGATIONS

Gambling Act 2005	Functions	Delegation
Section 29	Duty to comply with requirement to provide information to Gambling Commission	Officers
Section 30	Functions relating to the exchange of information	Officers
Section 163	Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application for Premises Licence where no relevant representations received	Licensing Sub-Committee Officers
Section 162	Attachment of condition to Premises Licence or exclusion of default condition	Licensing Sub-Committee
Section 162	Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application	Officers in consultation with Chair or Vice-Chair at the Licensing Committee
Section 187	Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application to vary Premises Licence in respect of which no representation received	Licensing Sub-Committee Officers
Section 188	Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn) Determination of application for transfer of Premises Licence where no representations received	Licensing Sub-Committee Officers
Section 193	Revocation of Premises Licence for failure to pay annual fee	Officers
Section 194	Determination that a Premises Licence has lapsed	Officers
Section 195	Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn) Reinstatement of lapsed Premises Licence where no representation is received	Licensing Sub-Committee Officers
Section 198	Rejection of application for review of Premises Licence on various grounds	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
Section 200	Initiation of review of Premises Licence	Officers
Section 201	Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
Section 202	Determination of action following review of Premises Licence	Licensing Sub-Committee

Section 204	Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) Determination of application for provisional statement in respect of which no representations received	Licensing Sub-Committee Officers
Section 205	Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
Section 218	Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded	Officers
Section 221	Objection to Temporary Use Notice	Officers
Section 222	Issue of counter notice in response to Temporary Use Notice	Licensing Sub-Committee
Section 284	Making of Order to remove exemptions from specified premises	Licensing Sub-Committee
Section 304	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Officers
Section 346	Institution of criminal proceedings in respect of an offence under the provisions of the Act	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
Schedule 10		
Paragraph 8	Determination of application for Family Entertainment Centre Gaming Machine Permit	Head of Administration (or in their absence the Central Services Manager) (Refusal to be exercised only in consultation with Chair or Vice-Chair of the Licensing Committee)
Paragraphs 14 and 15	Notification of lapse of Family Entertainment Centre Gaming Permit	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
Schedule 11		
Paragraph 44	Registration of society for small society lottery	Officers
Paragraph 48	Refusal of application for registration of society for small society lottery	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
Paragraph 50	Revocation of registration of society for small society lottery	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee

Paragraph 54	Cancellation of registration of society for small society lottery for non-payment of annual fee	Officers
Schedule 12		
Paragraphs 5 and 10 and 24	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn) Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received	Licensing Sub-Committee Officers
Paragraph 15	Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn) Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received	Licensing Sub-Committee Officers
Paragraph 21	Cancellation of Club Gaming Permit and Club Registration Permit	Licensing Sub-Committee
Paragraph 22	Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee	Officers
Schedule 13		
Paragraphs 4, 15 and 19	Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit	Officers (Refusal and limitation on number of machines only in consultation with Chair or Vice-Chair of the Licensing Committee Licensing
Paragraph 16	Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn)	Sub-Committee
Paragraph 17	Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee	Officers Officers
Schedule 14		
Paragraphs 9 and 18	Determination of application for Prize Gaming Permit and application for renewal of Permit	Officers (Refusal only in consultation with
Paragraph 15	Determination that Prize Gaming Permit has lapsed	Chair or Vice-Chair of Licensing Committee) Officers

APPENDIX 4 TO TABLE 4 - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

Matters to be dealt with	Full Committee	Sub-Committee	Officers
Application for a Drivers Licence where there are no concerns over their fitness and propriety			X
Application for a Drivers Licence where doubts on fitness and propriety are minor traffic offences			X
Application for a Drivers Licence where there is a lapse of time or circumstances for convictions fall outside of the Policy		X	
Application for a Drivers Licence where there is any other doubt on suitability		X	
Revocation of Driver or Operator Licence		X	
Revocation of Vehicle Licence			X
Suspension of Licences			X
Suspension or Revocation of Driver or Operator Licence with immediate effect on the grounds of public safety.			X

APPENDIX 5 TO TABLE 4 – MISCELLANEOUS FUNCTIONS

16. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46).
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).
23. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); sections 2 to 16 of the Game Licensing Act 1860 (c. 90), section 4 of the Customs and Inland Revenue Act 1883 (c. 10), sections 12(3) and 27 of the Local Government Act 1874 (c. 73), and section 213 of the Local Government Act 1972 (c. 70).
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 2013 (c. 69).
40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).
60. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).
62. Power to approve fish products	Regulation 24 of the Food Safety (Fishery

premises.	Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
63. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
20. Power to license market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c. xii).

APPENDIX 6 TO TABLE 4

Electrical Safety Standards in the Private Rented Sector (England) 2020
 Energy Act 2011
 Energy and Regulatory Reform Act 2013
 Energy Efficiency (Private Rented Property) Regulations 2015 amended 2019
 Homelessness Act 2002
 Housing Act 1985, 1988, 1996 and 2004
 Housing and Planning Act 2016
 Housing Grants Construction and Regeneration Act 1996
 Housing Regeneration Act 2008
 Landlord and Tenant Act 1985
 Leasehold Reform Housing and Urban Development Act 1993
 Local Democracy, Economic Development and Construction Act 2009
 Local Government and Housing Act 1989
 Mobile Homes Act 2013
 Protection from Eviction Act 1977
 Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
 Road Traffic Regulation Act 1984
 Smoke and Carbon Monoxide Alarm (England) Regulations 2015 & Amendment Regulations 2022
 Supported Housing (Regulatory Oversight) Act – 2023
 Warm Homes and Energy Conservation Act 2003

JOINT ARRANGEMENTS

EXERCISE OF FUNCTIONS OF THE COUNCIL BY JOINT ARRANGEMENTS

1. Introduction

There are a number of circumstances where the Council or the Cabinet is entitled to carry out certain functions jointly with another local authority.

2. Joint Arrangements

- 2.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 2.2 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities. Except as set out below, or as permitted or required by Law, the Cabinet may only appoint Cabinet Members to such joint committees and those Members need not reflect the political composition of the Council as a whole.
- 2.3 The Cabinet may appoint members to a Joint Committee from outside the Cabinet where the Joint Committee has functions for only part of the area of the Council and that area is smaller than two fifths of that local authority, by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is member for a ward contained within the area. Political balance requirements do not apply to such appointments.

3. Access to Information

- 3.1 The Access to Information Procedure Rules apply.
- 3.2 If all the Members of a Joint Committee are Members of the Cabinet in each of the participating authorities, then its access to information regime is the same as that applied to the Cabinet.
- 3.3 If the Joint Committee contains members who are not on the Cabinet of any participating authority, then the Access to Information Rules in part VA of the Local Government Act 1972 (as amended) will apply.

4. Delegation to and from Other Local Authorities

- 4.1 The Council can delegate non-executive functions to another local authority or, where those functions are the responsibility of the executive of another local authority, to that executive.
- 4.2 The Cabinet can delegate executive functions to another local authority or the Executive of another local authority in certain circumstances.
- 4.3 The decision whether or not to accept such a delegation from another local authority is reserved to Full Council.

5. Contracting Out

The Council (in respect of non-executive functions) and the Cabinet (in respect of executive functions) may contract out to another body or organisation functions:-

- 5.1 which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994; or
- 5.2 under contracting arrangements where the Contractor acts as the Council's Agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

6. Mid Kent Services (MKS)

MKS is a partnership between the four district councils in the Mid-Kent area namely - Tunbridge Wells, Maidstone, Swale and Ashford Borough Councils. MKIP looks at opportunities for sharing services between the four councils, for further details refer to the individual service areas.