

B5. Responsibilities of Senior Officers

1. INTRODUCTION

- 1.1.** Any post referred to in this part shall be deemed to include any successor post or a post which includes within the job description element's relevant to any particular delegate, which were also present in the earlier post and shall include anyone acting up, employed on an interim basis or into such a post.
- 1.2.** The Chief Executive, Directors ~~and~~, Heads of Service and Monitoring Officer will be responsible for the execution of functions and the provision of all the services under their respective headings as set out below, having authority to act on all such matters (including the authorisation of legal proceedings and the issue and service of notices) and deal with staffing matters in their service, subject to:
- 1.2.1. actions being taken being in accordance with the Council's Budget and Policy Framework; and
- 1.2.2. the referral of any required decision or action which is controversial in nature to the appropriate Member decision making body.
- 1.3.** The Head of ~~Planning and Development~~ Management, Head of Legal Partnership, Head of Finance, Head of Housing and Regulatory Services ~~Community Services~~, Head of Audit-Partnership, Head of Human Resources Shared Service, ~~Head of Policy, Communications and Governance~~, Head of Mid Kent ICT Shared Service, Head of Revenues and Benefits Shared Service, Head of Environmental Services and Public Realm, Head of New Business and Housing Development, Head of Spatial Planning and Economic Development and Head of Property and Leisure. ~~and Head of Regeneration and Economic Development~~ are all Heads of Service for the purpose of the Constitution.
- 1.4.** The Chief Executive, Directors and Heads of Service may exercise the following functions:-
- 1.4.1. appointment and dismissal of staff below Chief Executive level;
- 1.4.2. all exercises of discretion under Council policies relating to staff;
- 1.4.3. secondment of staff, including under section 113 Local Government Act 1972;
- 1.4.4. to implement approved schemes and projects and incur expenditure on items approved within the Council's approved

Commented [OP1]: Amended titles to go with the new management structure.

Budget. Each Director is responsible for the supervision of the expenditure of their Directorate and for reporting to the appropriate Committee any proposed expenditure not included, or in excess of, the amount included in their estimate; and

- 1.4.5. deal with everything related to or associated with their designated areas of responsibility, except insofar as such functions are reserved to the Council, Committees or Sub-Committees from time to time.

- 1.5. The Chief Executive, Directors, ~~and~~ Heads of Service **and Monitoring Officer** may authorise any other Officer of the Council to exercise their delegated functions on their behalf. This must be evidenced in writing in an Officer's job description; in a list of delegations to Officers to be maintained by the Monitoring Officer specifically for a particular function; or generally.
- 1.6. All Officers who take **key** delegated decisions shall keep an appropriate record of the date that the decision was taken, the principal considerations involved in reaching the decision and the reasons for the decision. In exercising delegated authority, regard must be had to:
 - 1.6.1. All relevant considerations, disregarding irrelevant considerations, ensuring that the decision is reasonable and proportionate in the circumstances of the case and particularly having regard to the Council's fiduciary duties; duty of best value; equalities duties; human rights impact if any; and other relevant statutory duties (i.e. biodiversity, public health, climate change and crime and disorder reduction).
 - 1.6.2. The lawfulness of the decision in terms of statutory powers and compliance with relevant procedural rules and other legal or procedural requirements.
 - 1.6.3. Acting for a Proper purpose, consistent with the Council's purposes and vision.
 - 1.6.4. Following financial and contract procedure rules, information and advice.
 - 1.6.5. Ensuring high standards of integrity and probity.
- 1.7. Where an Officer considers it appropriate, the Officer shall be entitled to refer matters for decision to a more Senior Officer or to the appropriate Member body.
- 1.8. All Directors and Heads of Service shall be responsible for health and safety at work within their area of responsibility.

2. Action in Response to a Major Emergency:

The most senior Officer of the authority present, or the duty Director in their absence, will have the authority to approve any expenditure in expediting the Council's response to a major emergency affecting the Borough where it is not possible to refer the matter for decision to a more senior Officer of the Council, in consultation with the Leader of the Council, ~~or the Policy and Resources Committee.~~

Commented [OP2]: This has been amended in the current constitution (old Part B5 used here).

3. The Chief Executive

The Chief Executive has direct responsibility for the provision of the following services together with those separately listed which are undertaken in ~~the Sections of his or her Department~~ or other Directorates. The Chief Executive may undertake any decision in respect of these services as required.

- 3.1.** The provision of policy advice to the Council, Committees and Sub-Committees, ensuring that they receive such guidance and advice as will enable them to use the Council's resources to the best advantage in the development of its strategies and policies. Specifically to ensure that the Council has advice on the establishment and structure needed to carry out efficiently the work of the Council.
- 3.2.** The exercise of authority over all other Officers of the Council so far as this is necessary for the efficient management of the Council's functions.
- 3.3.** Supervising, co-ordinating and ensuring the implementation of the Council's decisions. Specifically to lead the Council's Corporate Leadership Team in securing a co-ordinated approach to the affairs of the Council generally.
- 3.4.** Ensuring the propriety of the Council's actions (together with the Monitoring Officer).
- 3.5.** The research and development of corporate policy options for consideration by Members.
- 3.6.** The development of beneficial relations between Members and Officers of the Council.
- 3.7.** The promotion and safeguard of the best interests of the Council locally and nationally. Specifically to liaise with national and local associations, authorities, groups, companies, organisations and individuals to further the policies and objectives of the Council.
- 3.8.** Provision of advice and support on the implementation and delivery of Best Value.

- 3.9.** The preparation and submission of the draft Strategic Plan, ~~Sustainable Community Strategy~~ and any other corporate plans and policies and upon approval by Council, the implementation of the Plans.
- 3.10.** Responsibility for undertaking negotiations and consultation with staff through their trade unions on all matters relating to employment.
- 3.11.** To hear and determine appeals under the Grievance, Capability or Disciplinary (Level 4) Procedures for all categories of employees.
- 3.12.** To take any action necessary in connection with any civil emergency or disaster including response, recovery and business continuity as may be required from time to time.
- 3.13.** To exercise a power delegated to any other Chief Officer of the Council when that Officer is unable or unwilling to act, or to authorise another person to exercise such functions in the absence of that Officer (for example if neither the Monitoring Officer nor the Deputy Monitoring Officer is available and willing to act).
- 3.14.** To submit responses to government and other bodies, consulting on changes to legislation and policy, as considered appropriate, following consultation with the appropriate Chairman and/or Member on the Executive.
- 3.15.** To authorise any action necessary to give effect to any decision to the Council, or any board, Committee, Sub- Committee for involvement in partnerships or outside bodies.
- 3.16.** To be responsible for corporate communications including official publicity, public relations and liaison with the press.
- ~~**3.17.** To be the (Acting) Returning Officer for the election of Members for the Borough, for Parishes within the Borough, Members of Parliament, and any other elections or referendums as required.~~
- ~~**3.18.** To exercise all Electoral Registration and Returning Officer functions, including as to polling stations, or delegate such functions, as required.~~
- ~~**3.19.** To exercise all functions in relation to parishes, parish councils and community governance.~~
- ~~**3.20:**~~**3.17.** To make payments or provide other benefits in case of maladministration etc. up to £10,000.
- 3.18.** To appoint Officers for particular statutory purposes (appointment of "Proper Officers").
- ~~**3.21:**~~

Commented [OP3]: Moved to DSI&G

Commented [OP4]: 3.18 and 3.19 Removed and included in DSI&G

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4. **The Director of Finance, Resources & Business Improvement**

Commented [OP5]: Updated Job Title

The Director has responsibility for the provision of the following services and may exercise any function in respect of these services as required:

4.1. The Director of Finance, Resources and Business Improvement is the Council's Chief Finance Officer, responsible for the proper management of the Council's financial affairs.

~~**4.2.** The Director of Finance and Business Improvement is also the Council's Senior Information Risk Owner.~~

Commented [OP6]: Removed and moved to DSI&G.

4.3-4.2. The provision of financial advice throughout the authority to Officers and Members.

4.4-4.3. The compilation of financial accounts in accordance with statutory requirements.

4.5-4.4. Compilation and submission of grant claims.

4.6-4.5. The provision of general financial advice on the allocation of resources for concurrent functions.

4.7-4.6. To provide through the Property ~~and Procurement~~ and Leisure Section:-

4.7.1-4.6.1. Policy and strategic advice to Members and Council Officers on all property technical and consultancy matters.

4.7.2-4.6.2. The procurement and supervision of a full range of architectural, building and engineering related professional services to ensure the completion of the various Council construction programmes through all work stages from inception/feasibility to completion and final account.

~~**4.7.3-4.6.3.**~~ Collation and holding of professional and trade references.

4.7.4-4.6.4. Conservation and preservation of the Council's stock of civic buildings.

4.7.5-4.6.5. Preparation and holding of archival, historic and statistical information on Council buildings.

4.7.6-4.6.6. Community Projects relating to construction activities. Responsibility for land drainage matters.

4.6.7. Flood plan advice, flood risk management co-operation and liaison with the Environmental Agency on flooding and related matters.

4.7.7-4.7. The provision of procurement advice.

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~~4.7.8. Advice on procurement services.~~

- 4.8.** Acquisition and disposal of land and buildings, including all appropriations between purposes up to a value of £100,000.
- 4.9.** The management and maintenance of all general fund properties and all non-operational properties.
- 4.10.** Responsibility for discharging the functions in Chapter 3 of Part 5 of the Localism Act 2001 (Assets of Community Value) including determining nominations and compensation claims.
- 4.11.** The provision of a valuation service for the Council.

~~4.12.~~ The provision of a property advisory service.~~4.13. Business Transformation and Digital including the intranet and public website, alongside the development and implementation of the Council's Customer Care Strategy.~~~~4.14. The management of the Cobtree Manor Estate Charity and the Estate.~~~~4.15. The management of The Queen's Own Royal West Kent Regiment Museum Trust.~~~~4.16. The management of the Lockmeadow Market.~~~~4.17. Emergency Planning Function and to lead the Council's response.~~~~4.18. Authorise all special categories of sale pursuant to paragraph 6 of the Contract Procedure Rules for Land including right to buy sales; where the Council is mortgagee; non-operational land not exceeding 0.25 hectares etc.~~~~4.12-4.19.~~ Health and Safety and Corporate Manslaughter.~~4.13. Authorise all special categories of sale pursuant to paragraph 6 of the Contract Procedure Rules for Land including right to buy sales; where the Council is mortgagee; non-operational land not exceeding 0.25 hectares etc.~~~~5. Head of Commissioning & Business Improvement~~

~~The Head of Commissioning & Business Improvement is responsible for:~~

~~5.1. The provision of customer services channels including face to face, telephone and website.~~~~5.2. The development and implementation of the Council's Customer Care Strategy.~~

Commented [OP7]: Moved to DSI&G

Commented [OP8]: Moved to DFR&BI

~~5.3. Business transformation.~~

Commented [OP9]: Moved to DFR&BI

6.5. Head of Finance

The Head of Finance is responsible for: -

~~6.1:5.1.~~ The maintenance of corporate financial systems and ensuring the financial integrity of all other systems.

~~6.2:5.2.~~ The provision of corporate financial services.

~~5.3.~~ Operation of the receipt of payments service.

~~5.4. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.~~

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6. Head of Property & Leisure

The Head of Property & Leisure is responsible for :-

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~~6.1. The production and review of the Council's Asset Management Strategy, Policy and associated work programme for operational, corporate and leisure and culture assets.~~

~~6.2. The Council's contribution to the Kent Estates Partnership.~~

~~6.3. The provision of expert advice to support the Councils services and property valuations, including from external sources where required.~~

~~6.4. Leading and directing the asset management of the Council's operational buildings and commercial portfolio.~~

~~6.5. Managing the relevant systems required to support the management of the Council's properties.~~

~~6.6. Managing any other service delivery opportunities identified, including with partnership organisations.~~

~~6.7. The Council's leisure and culture services and facilities, including the associated strategies, policies and development for those services. This includes but is not restricted to: Maidstone Leisure Centre, Lockmeadow Complex, Kent Life, Mote and Cobtree Parks and the Hazlitt Theatre.~~

~~6.8. Property Management, promotion and marketing of Maidstone Museums in conjunction with the Museum Director.~~

~~6.9. Promoting flood resilience within the Council’s property and capital strategies.~~

~~6.10. To be responsible for the Council’s Emergency Response Service.~~

~~6.11. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.~~

~~6.3. —~~

~~7. Head of Policy, Communication’s & Governance~~

~~The Head of Policy, Communication & Governance is responsible for:—~~

~~7.1. To deal with stage 2 complaints.~~

~~7.2. Implementation of the Council’s Performance Management System.~~

~~7.3. The provision of Public Relations Marketing, and Public Consultation Services.~~

~~7.4. Responsibility for a Communication and Engagement Strategy.~~

~~7.5. Corporate Governance.~~

~~7.6. Equalities.~~

~~7.7. Freedom of Information, complaints handling, customer feedback.~~

~~7.8. Organisation of the Mayoral function, Civic matters and Town Hall.~~

~~7.9. The provision of Facilities for Members.~~

~~7.10. The servicing of the Council’s Committees and Sub Committees and the Executive.~~

~~7.11. The production of an annual register of electors and responsibility for the running of elections, electoral boundaries and all parish council matters.~~

~~The provision of a printing service.~~

~~7. Director of Strategy, Insight & Governance~~

~~The Director of Strategy, Insight & Governance has responsibility for the provision of the following services and may undertake any function in response of these services, and those of their managers, as required:—~~

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Commented [OP11]: To cover relevant responsibilities.

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Commented [OP12]: Inclusion of the standard wording used for the other directors, plus the ‘and those of their manager’s to reflect the ability to exercise their functions in a way that the other Directors can with their HoS.

- 7.1. The Director of Strategy, Insight & Governance is also the Council's Senior Information Risk Officer
- 7.2. To be responsible for the development of the Council's Strategic Plan, Corporate Strategy and Policy, engaging with the Council's Officers, Partners, Local community, and other organisations as required.
- 7.3. To identify, lead and support on the development of funding bids designed to achieve the Council's strategic priorities and ambition.
- 7.4. The provision of advice to Members and Officers of the authority in relation to points 7.1 and 7.2 as required, alongside any advice required to achieve good governance across and from the authority.
- 7.5. To exercise all Electoral Registration and Returning Officer Functions, including as to polling stations, annual register, running of elections, electoral boundaries and all parish council matters, or delegate such functions, as required alongside the exercise of all functions related to parishes, parish councils and community governance.
- 7.6. To be the (Acting) Returning Officer for the election of Members for the Borough, for Parishes within the Borough, Members of Parliament, and any other elections or referendums as required.
- 7.7. The servicing of the Council's Committees and Sub-Committees and the Executive.
- 7.8. The provision of facilities for Members.
- 7.9. Organisation of the Mayoral function, Civic Matters and Town Hall
- 7.10. The provision of a corporate printing service
- 7.11. Equalities and inclusion.
- 7.12. Freedom of Information, complaints handling including dealing with Stage 2 complaints and customer feedback.
- 7.13. The provision of customer services channels including face to face, telephone and website.
- 7.14. The Communication and Engagement Strategy
- 7.15. The implementation and management of the Council's Performance Management System.
- 7.16. The provision of Public Relations Marketing, and Public Consultation Services.

Commented [OP13]: Similar to MG's delegation to provide financial advice but for policy advice.

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~~7.17. The development of policies on social inclusion, community development and community planning.~~

Commented [OP14]: Moved to DSI&G (from HoH&RS)

~~7.18. The Visitor Economy Unit and Events.~~

~~7.19. The implementation of the Destination Management Plan, Festival and Events Policy for Maidstone Borough and Public Arts Policy.~~

~~7.20. The relationships and funding with the voluntary and community sector.~~

~~7.21. The various halls used for recreational purposes throughout the Borough.~~

~~7.22. The provision of advice to the Council and other organisations on all matters relating to grants and lottery applications.~~

~~7.23. The provision of advice and taking actions to further the aim of sustainability and tackle climate change both internally within the Council and externally throughout the Borough.~~

~~7.24. To ensure that sustainable development policies and good environmental working practices are widely promoted and integrated into the day to day working practices of the Council and publicised to all sectors of the wider community.~~

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Commented [OP15]: Moved to DSI&G

~~7.25. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.~~

Commented [OP16]: To cover relevant responsibilities.

~~7.12.~~

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8. Director of Regeneration & Place

8.1. The Director of Regeneration and Place has responsibility for the provision of the following services and may undertake any function in respect of these services as required: -

8.2. The Director of Regeneration and Place is the authorised Officer for Responsible Authority Functions under the Gambling Act 2005 and the Licensing Act 2003.

~~**8.3.** Emergency Planning Function and to lead the Council's response.~~

Commented [OP17]: Moved to DFR&BI

~~**8.4.** The operation of the Park and Ride car parks in the Borough.~~

~~**8.5.** Decriminalised Parking service and the provision of off street parking facilities.~~

Commented [OP18]: Removed and moved to HoES&PR

~~8.6. Undertaking consultation concerning and making traffic regulation orders.~~

Commented [OP19]: Moved to HoES&PR

~~8.7. Health and Safety and Corporate Manslaughter.~~

Commented [OP20]: Moved to DFR&BI

~~8.3. Taking action to foster an efficient and attractive public transport network in the Borough, including the development of the Park and Ride service and implementation of the concessionary fares scheme.~~

Commented [OP21]: Amended as advised.

~~8.4. Handling and determination of all applications submitted under the building regulations and enforcement of building regulations.~~

~~8.5. The exercise of control over demolitions and dangerous structures under the Public Health Acts and Building Act.~~

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~~8.6. The exercise of the responsibilities contained within Section 13 of this Part, pending the appointment of the Head of New Business and Housing Development.~~

~~8-8.8.7. The exercise of the responsibilities contained within Section 14 of this Part, where relevant to Economic Development and not included within Section 22, pending the appointment of the Head of Spatial Planning and Economic Development.~~

9. Head of Environmental Services & Public Realm

Commented [OP22]: Amended Job Title.

The Head of Environment & Public Realm is responsible for: -

- 9.1. The development and provision of a cleansing service including street cleansing, refuse collection, public conveniences, and building cleaning, and also including the enforcement of litter and waste control.
- 9.2. The monitoring of Council contracts in respect of all cleansing services.
- 9.3. Co-ordination and implementation of environmental improvement schemes in accordance with the Council's strategy.
- 9.4. Responsibility for the development and provision of a grounds maintenance service including parks and open spaces, horticulture, arboriculture and sports pitches.
- 9.5. Decriminalised Parking service and the provision of off-street parking facilities.
- 9.6. Undertaking consultation concerning and making traffic regulation orders.

~~9.4.~~

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~~9.5-9.7.~~ The responsibility for the Vinters Park Crematorium and Maidstone Cemetery.

~~9.6-9.8.~~ The responsibility for the central purchasing of vehicle and transport supplies.

~~9.7-9.9.~~ The responsibility for running a Direct Services Organisation (DSO).

~~9.8-9.10.~~ Ensuring that the optimum level of the works and services provided by the Council in the areas of Highways and Sewers, Grounds Maintenance, Emergencies and any other areas as determined by the Council are undertaken.

~~9.9.~~ To be responsible for the Council's Emergency Response Service.

Commented [OP23]: Moved to HoP&L

~~9.10.~~ To be responsible for the licensing of caravan sites.

Commented [OP24]: Moved to HoH&RS

9.11. Responsibility for the provision and development of the Borough's parks and open spaces and the monitoring of all contracts in respect of grounds maintenance.

9.12. Inspection of the authority's area to detect any statutory nuisance relating to litter and the service of any abatement notice in respect of a statutory nuisance if appropriate.

9.13. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

Commented [OP25]: To cover relevant responsibilities.

~~9.12.~~

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10. Head of Regeneration & Economic Development

The Head of Regeneration & Economic Development is responsible for:

~~10.1.~~ Implementation of the Economic Development and Housing & Regeneration Strategies for Maidstone Borough.

Commented [OP26]: Split between 13.1 and 14.8

~~10.2.~~ The delivery of initiatives across the Borough to further the Council's corporate priority for Maidstone to have a growing economy.

Commented [OP27]: 10.2- HoSP&ED
10.3 – Moved to DSI&G
10.4 – split between HoSP&ED & DSI&G

~~10.3.~~ Implementation of the Destination Management Plan and Festival and Events Policy for Maidstone Borough.

~~10.4.~~ Implementation of the Council's Public Realm Design Guide and Public Arts Policy.

~~10.5.~~ Identification, development and mobilisation of projects to increase the quantum and resilience of the Council's income from commercial activities and its commercial property portfolio.

~~10.6. International activities and relationships established by the Council.~~

~~10.7. The contract with the external operator for the Hazlitt Theatre.~~

Commented [OP28]: Moved to HoP&L

~~10.8. The Museums in Maidstone Borough and the provision of the various facilities and activities at these sites.~~

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~~10.9. The development and provision of leisure facilities and activities including the contract with the external operator for Maidstone Leisure Centre.~~

Commented [OP29]: Included within 6.7

~~10.10. Entering into arrangements with third parties to enable the delivery of new affordable housing including authorising payments either directly or via government appointed bodies.~~

Commented [OP30]: Moved to new HONB&HD

~~10.11. Development of the Council’s housing enabling role, including liaison with the Homes & Communities Agency and Housing Providers as appropriate.~~

~~10.12. Management of the Cobtree Manor Estate Charity and the Estate.~~

Commented [OP31]: 10.12-10.14 Moved to DFR&BI

~~10.13. Responsibility for the management of The Queen’s Own Royal West Kent Regiment Museum Trust.~~

~~10.14. Management of the Lockmeadow Market.~~

11.10. Head of Housing & Community Regulatory Services

Commented [OP32]: Amend job title.

The Head of Housing & Community Regulatory Services is responsible for: -

Updated copy needed;

~~11.1.10.1. All aspects of community safety and crime and disorder reduction.~~

~~11.2. The provision of a sport play and youth development service.~~

Commented [OP33]: Advised to remove completely as no longer provided.

~~11.3.10.2. Ensure the Council’s duties and obligations in relation to homelessness and the operation of the Council’s allocation scheme are fulfilled. This includes the contracting out of homelessness review functions under Section 202 of the Housing Act 1996 (as amended), reviewing the same and ratifying any arrangements entered into prior to the introduction of this version of the Constitution on 21 May 2022.~~

Commented [OP34]: Already in existing Constitution.

~~10.3. Manage all forms of temporary accommodation in connection with the Council’s homelessness duties including entering into lease agreements and service of any related notices.~~

~~11.4.10.4. Manage all forms of residential accommodation in connect with the Councils management duties including entering into lease agreements and service of any related notices.~~

Commented [OP35]: Advised to Include.

~~11.5. The development of policies on social inclusion, community development and community planning.~~

Commented [OP36]: Moved to DSI&G

~~11.6.10.5.~~ Undertaking any special housing initiatives that might arise.

~~11.7.10.6.~~ Ensuring that private sector housing standards are achieved, in particular as they relate to houses in multiple occupation and unfit dwellings.

~~11.8.10.7.~~ Operation of the grants system for renovating private sector properties.

~~11.9.10.8.~~ Perform the Council's duties and obligations in connection with private sector housing including enforcement measures.

~~10.9.~~ The management of Gypsy and traveller caravan sites.

~~11.10.10.10.~~ The licensing of caravan sites.

~~11.11.10.11.~~ The drafting and implementing of the Council's Housing Strategy, including the preparation of the Housing Investment Programme and its submission to the Secretary of State.

~~11.12.10.12.~~ To liaise and negotiate with government bodies and their appointees, third parties and housing providers in order to promote the priorities identified in the Council's Housing Strategy.

~~11.13. Compact, relationships and funding with the voluntary and community sector.~~

Commented [OP37]: 11.13 and 11.15 Moved to DSI&G.

~~11.14.10.13.~~ The various halls used for recreational purposes throughout the Borough.

~~11.15. Advice to the Council and other organisations on all matters relating to grants and lottery applications.~~

~~11.16. The Sustainable Community Strategy and renewable energy strategy.~~

Commented [OP38]: Advised to Remove completely as no longer a stat requirement.

~~11.17.10.14.~~ All licensing functions (not otherwise delegated or prohibited).

~~11.18.10.15.~~ All gambling functions (not otherwise delegated or prohibited).

~~11.19. To ensure that sustainable development policies and good environmental working practices are widely promoted and integrated into the day to day working practices of the Council and publicised to all sectors of the wider community.~~

Commented [OP39]: Moved to DSI&G

~~11.20.10.16.~~ The hygiene and control of food including the provision of safe food, control of standards, meat inspection and education.

~~11.21.10.17.~~ The control of infectious diseases and the general health and wellbeing of the local population.

~~11.22.10.18.~~ The provision of [the Council's input to the Integrated Health and Care system and provision of a](#) health promotion service, including home and water safety.

~~11.23.10.19.~~ The enforcement of the Sunday Trading Act 1994.

~~11.24.10.20.~~ Road closure orders.

~~11.25.~~ ~~The provision of advice and taking actions to further the aim of sustainability and tackle climate change both internally within the Council and externally throughout the Borough.~~

10.21. [The provision of advice and taking actions to further the aim of sustainability and tackle climate change within the Council's residential properties.](#)

~~11.26.10.22.~~ The inspection of the authority's area to detect any statutory nuisance and the investigation of any complaints as to the existence of a statutory nuisance.

~~11.27.10.23.~~ The enforcement of Street Trading Legislation (including the Maidstone Borough Act 2006 and any other functions arising under the Act).

~~11.28.10.24.~~ The Enforcement of Smoke Free Legislation.

~~11.29.10.25.~~ Pest control service, enforcement against pest concerns and the cleansing of filthy or verminous property.

~~11.30.10.26.~~ Development and provision of animal welfare and dog control including enforcement.

~~11.31.10.27.~~ Inspection of the authority's area to detect any statutory nuisance (including relating to noise in the street ~~and waste~~) and the service of any abatement notice in respect of a statutory nuisance.

~~11.32.10.28.~~ Taking action to remove gypsies and travellers from Council land.

~~11.33.10.29.~~ Promoting Maidstone Borough Council's (MBC) commitment and intent towards its statutory and moral duties to safeguard children and adults who come into contact with its services and activities and ensure that they are protected from harm, exploitation and abuse.

~~11.34.10.30.~~ Enforcement of Health and Safety at work legislation, including the appointment of Inspectors.

~~11.35.10.31.~~ Dealing with issues arising from contaminated land.

Commented [OP40]: Moved to DSI&G

Commented [OP41]: Re-inserted following advice with reference to residential properties.

~~11.36-10.32.~~ The discharge of any function relating to pollution control (including noise, air, land, water and private drainage) and the management of air quality.

~~11.37-10.33.~~ Pollution control including noise, air, land, water and private drainage and the service of any abatement notice in respect of a statutory nuisance.

~~11.38-10.34.~~ Making Community Protection Notices under the Antisocial Behaviour, Crime and Policing Act 2014.

~~11.39-10.35.~~ To make Public Space Protection Orders and Orders under the Antisocial Behaviour Act 2003.

~~10.36.~~ The enforcement of Section 2 of the sunbeds (Regulation) Act 2010, including the appointment of authorised officers.

~~10.37.~~ Development of the Council’s housing enabling role, including liaison with the Homes & Communities Agency and Housing Providers and Housebuilders as appropriate.

~~10.38.~~ Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

~~11.40.~~

~~12.11.~~ Head of ~~Development Management Planning & Development~~

The Head of ~~Planning & Development~~ Development Management is responsible for: -

~~12.1-11.1.~~ Handling and determination of all applications submitted under the Town and Country Planning Acts in accordance with criteria as set out in the Constitution, including the adoption of screening and scoping opinions in relation to Environmental Statements.

~~12.2-11.2.~~ The enforcement of all aspects of planning control, where relevant to the exercise of these delegations and overall achievement of the responsibilities contained within this section.

~~12.3-11.3.~~ Exercising all other functions relating to ~~planning~~ development management, conservation areas, listed buildings and trees.

~~12.4.~~ Taking action to remove gypsies and travellers from non-Council owned land.

~~12.5-11.4.~~ Responsibility for the Council’s local land charges service.

Commented [OP42]: As above question.

Commented [OP43]: To cover relevant responsibilities.

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Commented [OP44]: Title Change.

Commented [OP45]: Removed due to existing 11.3 delegation.

~~12.6-11.5.~~ Providing heritage asset conservation and landscape advice in the determination of planning applications and policy.

~~12.7-11.6.~~ Responsibility for all aspects of heritage asset conservation and Tree Preservation and advice, including: proposing buildings for listing, amendments and Orders within Conservation Areas, making Tree Preservation Orders and determining applications for works to Preserved Trees and section 211 notices on trees in Conservation Areas.

~~12.8-11.7.~~ Responsibility for functions relating to High Hedges legislation.

~~12.9.~~ All aspects of the preparation of statutory and non-statutory spatial planning documents on any relevant matter including planning tariff and infrastructure planning and advice to Council, developers and others on these matters.

Commented [OP46]: Moved to HoSP&ED.

~~12.10-11.8.~~ Procuring and securing of relevant technical and consultancy advice on the matters to the above.

~~12.11-11.9.~~ Authority to liaise with the highways authorities, strategic planning bodies and neighbouring authorities and other bodies on matters relevant to development management coordinated strategic transport and spatial planning.

Commented [OP47]: Removed reference to spatial and strategic planning as this would be in the remit of the new HoS;

~~12.12.~~ Handling and determination of all applications submitted under the building regulations and enforcement of building regulations.

Commented [OP48]: Moved to DR&P

~~12.13.~~ The exercise of control over demolitions and dangerous structures under the Public Health Acts and Building Act.

~~12.14-11.10.~~ Obtaining information under Section 330 of the Town and Country Planning Act 1990.

~~11.11.~~ Policy and strategic advice to Members and Council Officers on all the above.

~~11.12.~~ Managing Community Infrastructure Levy and Section 106 resources, collaborating with other Officers of the Council to support project delivery where required.

~~11.13.~~ Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

Commented [OP49]: To cover relevant responsibilities.

~~12.15.~~

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~~**11.14.** Making representations to Government and other authorities on these matters and any new legislation or policies and guidance impacting on all the above matters for which the Officer has responsibility.~~

Commented [OP50]: Removed and replaced with above for consistency.

12. Head of New Business and Housing Development

This section has been included for information, as the below delegations associated with this position will come into force once the position has been filled; expected 2023.

The responsibilities listed below are currently being exercised by the Director of Regeneration and Place and/or their duly authorised officers. (Section 8)

The Head of New Business and Housing Development is responsible for :-

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- 12.1.** Leading, directing and the delivery of the Housing Development and Regeneration Investment Strategy, working collaboratively with the Council's Officers as required.
- 12.2.** Leading and delivering the Council's Housing Investment Programme and major regeneration projects, working collaboratively with the Council's Officers as required.
- 12.3.** Ensuring that clear scheme development, assessment and implementation arrangements are in place for the delivery of the Council's capital schemes.
- 12.4.** Entering into arrangements with third parties to enable the delivery of new affordable housing including authorising payments either directly or via government appointed bodies.
- 12.5.** The maintenance of the Council's positive working relationships with partnership and external organisations, to achieve the Council's housing and regeneration objectives.
- 12.6.** The undertaking of procurement exercises relating to the contractual and commercial content of development projects, having consulted the Council's Officers and external advisors where necessary.
- 12.7.** Ensuring effective contract management and monitoring.
- 12.8.** Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

Commented [OP51]: To cover relevant responsibilities.

13. Head of Spatial Planning and Economic Development

This section has been included for information, as the below delegations associated with this position will come into force once the position has been filled; expected 2023.

The responsibilities listed below are currently being exercised by either the Director of Regeneration and Place (Section 8) or the Interim Director for the Local Plan and/or their duly authorised officers (Section 22).

The Head of Spatial Planning and Economic Development is responsible for :-

- 13.1.** Leading and directing the production of the Local Plan, Local Plan Reviews and related plan documents, providing advice to Members and Officers on such matters.
- 13.2.** Leading the master planning of major allocated sites within the Council's Local Plan where this has been identified as a requirement.
- 13.3.** The commissioning of master-planning work for opportunity areas, including the production of Supplementary Planning Documents.
- 13.4.** Ensuring the development of spatial planning policy, including the delivery of Neighbourhood and Other Plans as required.
- 13.5.** The overall responsibility for ensuring that the Council's Infrastructure Delivery Strategy and associated Plan is fit for purpose.
- 13.6.** Ensuring that the Council meets its Duty to Co-operate requirements with other Local Planning Authorities.
- 13.7.** The provision of advice throughout the authority to Officers and Members on the technical services associated with Spatial Planning and Economic Development.
- 13.8.** Leading and directing the Economic Development Strategy and Maidstone Town Centre Strategy including the latter's implementation.
- 13.9.** The implementation of the Council's Public Realm Design Guide.
- 13.10.** The delivery of initiatives across the Borough to further the Council's corporate priority for Maidstone to have a growing economy.
- 13.11.** Managing the Business Terrace and Innovation Centre.
- 13.12.** Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the

Commented [OP52]: As this role is vacant at the moment, I've included reference to these under the delegations for the DR&P.

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Commented [OP53]: Section 22 – DLP

14.1, 14.3, 14.4, 14.5, 14.6, 14.7 (Spatial planning only), 14.8 (TC strategy only), 14.9

exercise of the above delegations and overall achievement of these responsibilities.

Commented [OP54]: To cover relevant responsibilities.

~~12.16:~~**13.13.** Undertaking commissioning and procurement exercises to support the delivery of the above responsibilities.

~~13.14.~~ Director of Mid Kent Services

The Director of Mid Kent Services has line management of the following:

~~13.1:~~**14.1.** Head of Audit Partnership

~~13.2:~~**14.2.** Head of Human Resources Shared Service

~~13.3:~~**14.3.** Head of ICT Shared Service

~~13.4:~~**14.4.** Head of Legal Partnership

14.5. Head of Revenues and Benefits Shared Service

~~13.5:~~**14.6.** Mid-Kent Planning Support, including the Council’s Local Land Charges service.

~~14.15.~~ Head of Audit Partnership

The Head of Audit Partnership is responsible for: -

~~14.1:~~**15.1.** The provision of an adequate and effective system of internal audit of the Council’s accounting records and its system of internal control in accordance with the proper practices in relation to internal control as prescribed by the Accounts and Audit Regulations 2015.

~~14.2:~~**15.2.** The maintenance the Council’s Strategic Risk Register and the provision of advice and guidance on the principles and practices of Risk Management and counter-fraud.

15.3. To be the principal point of contact on Public Interest Disclosure Act referrals (Whistleblowing); to arrange for investigation and action as appropriate.

15.4. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

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~~14.3:~~

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~~15.16.~~ Head of Human Resources Shared Service

The Head of Human Resources Shared Service is responsible for: -

~~15.1.16.1.~~ The provision of advice to Members and Officers of the Council on all aspects of personnel policy and issues including employment issues, conditions of service, pay and grading, pensions and superannuation discretion.

~~15.2.16.2.~~ The administration of the Council's scheme of job evaluation for the grading of posts.

~~15.3.16.3.~~ Ensuring that the Council's personnel policies and procedures comply with employment legislation and ~~E~~Crelevant Directives.

~~15.4.16.4.~~ The approval of all staff qualification training ~~and~~ planning and design of in-house training services ~~and co-ordination of the Youth Training Scheme.~~

~~15.5.16.5.~~ Ensuring the payment of salaries, wages and associated employer expenses to employees and Members, and advising on pension matters.

~~15.6.16.6.~~ Ensuring the appropriate development of Members and Officers.

~~16.7.~~ Ensuring that the Council's Health and Safety at Work policies and procedures comply with legislation and ~~E~~Crelevant Directives including Fire Regulations and training.

~~16.8.~~ Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

~~15.7.~~

~~16.17.~~ **Head of ~~ICT Shared Service~~Mid Kent ICT**

The Head of ICT Shared Service is responsible for: -

~~16.1.17.1.~~ The provision of advice on the formulation of the Council's IT Strategy and the facilitation of Corporate IT activities so that they may remain within the corporate IT Strategy.

~~16.2.17.2.~~ The provision of a central purchasing service for all IT related functions including hardware, software and consumables.

~~16.3.17.3.~~ The provision of a strategic input to decisions on matters concerning new technology.

~~17.4.~~ Maintaining all appropriate Data Protection and other registrations with the Information Commissioner's Office.

~~17.5.~~ Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the

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exercise of the above delegations and overall achievement of these responsibilities.

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17.18. Head of Legal Partnership

The Head of Legal Partnership is responsible for: -

- 17.1:18.1.**The provision of advice to Members and Officers of the Council on all legal issues.
- 17.2:18.2.**The provision of a legal service relating to the Council's functions.
- 17.3:18.3.**Provision of advice to Members, the Council and Committees on the operation of the Constitution.
- 17.4:18.4.**Dealing with the Local Government Ombudsman.
- 17.5:18.5.**The authorisation of Council Officers to appear on behalf of the Council in legal proceedings.
- 17.6:18.6.**Obtaining information under Section 330 of the Town and Country Planning Act 1990.
- 17.7:18.7.**The Head of Legal Partnership is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Partnership considers that such action is necessary or appropriate to protect the Council's interests.
- 17.8:18.8.**Where any document is necessary to any legal procedure or proceedings on behalf of the Council it will be signed by the Head of Legal Partnership or other person authorised by him/her unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- 17.9:18.9.**Contracts exceeding the value specified within the Financial Procedure Rules must be made under the common seal of the Council or the mobile seal for remote use attested by the Head of Legal Partnership or other authorised signatory, unless the Head of Legal Partnership considers that certain contracts may be signed rather than sealed.
- 18.10.**The Common Seal of the Council and the mobile seal for remote use will be kept in a safe place in the custody of the Head of Legal Partnership. A decision of the Council or a Committee or Sub-Committee or Officer will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal or mobile seal for remote use will be affixed to those documents which in

the opinion of the Head of Legal Partnership, should be sealed. The affixing of the Common Seal or the mobile seal for remote use will be attested by the Head of Legal Partnership or any other authorised signatory by him/her.

18.11. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

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~~17.10.~~

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18.19. Monitoring Officer

18.1.19.1. The Monitoring Officer has delegated authority to make changes to the Constitution which are necessitated by decisions taken by the Council; which remove inconsistency or ambiguity; which are minor; or to effect changes in the law.

18.2.19.2. All Monitoring Officer duties, including maintaining the registers of Members and Officers interests and gifts and hospitality; granting dispensations to speak and vote at meetings as appropriate; authority to investigate (or arrange for the investigation of) Member misconduct; and to resolve matters informally where he/she considers appropriate after consulting the Independent Person.

19.20. Head of Revenues & Benefits Shared Service

The Head of Revenue & Benefits Shared Service is responsible for: -

19.1.20.1. The administration, collection and recovery of non-domestic rates and Council Tax, including determining any discretionary items in connection with local taxation or national non-domestic rates.

20.2. The determination, administration and making payments including arranging abatements and rebates for Council Tax Benefit and Housing Benefit including determining any discretionary items in connection with Council Tax Benefit and Housing Benefit.

20.3. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

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21. Interim Director for the Local Plan

The responsibilities associated with this position will be transferred to the Head of Spatial Planning and Economic Development once the role has been appointed to; expected 2023.

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21.1. To lead and direct the production of the Local Plan, Local Plan Reviews and related plan documents, providing advice to Members and Officers on such matters.

21.2. The commissioning of master-planning work for opportunity areas, including the production of Supplementary Planning Documents.

21.3. To ensure the development of spatial planning policy, including the delivery of Neighbourhood and Other Plans as required.

21.4. To maintain overall responsibility for ensuring that the Council's Infrastructure Delivery Strategy and associated Plan is fit for purpose.

21.5. To ensure the Council meets its Duty to Co-operate requirements with other Local Planning Authorities.

21.6. To lead and direct the Maidstone Town Centre Strategy.

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21.7. The provision of advice throughout the authority to Officers and Members on the technical services associated with Spatial Planning. This includes the management of Community Infrastructure and Section 106 resources where applicable, collaborating with other Senior Officers of the Council as appropriate.

21.8. Liaising with and making representations to the relevant Local Authorities, bodies and organisations as appropriate in relation to the exercise of the above delegations and overall achievement of these responsibilities.

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~~19.2.~~

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