

**SCHEME OF SUB-DELEGATION
Growth, Environment and Transport**

Corporate Director: Barbara Cooper

To: Director Highways, Transportation & Waste: Simon Jones

The principles of the operation of this Scheme of Sub-Delegation are set out in Appendix A. Sub-Delegations are categorised as General and Specific delegations below.

1) GENERAL DELEGATIONS

See Appendix B for a summary of the general powers which have been delegated to Officers. These delegations cover Finance, Risk Management and Internal Control, Information Management, Employees, Health & Safety and External Arrangements.

These general delegations are in respect of the following services:

- Highways Asset Management
- Transportation
- Waste & Business Services
- Public Transport

2) SPECIFIC DELEGATIONS

In accordance with the provisions of the Constitution of Kent County Council, I authorise the Director of Highways, Transportation and Waste to undertake the following:

1) Functions delegated to me by the Council

Those powers which have been delegated to me by the Council in Appendix 2 Part 3 of the Constitution of Kent County Council, namely:

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY / DECISION-MAKER
Functions Relating to Highways		
1. The making of agreements for the execution of highway works	Section 38 of the Highways Act 1980	Director of Highways, Transportation and Waste
2. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991	Director of Highways, Transportation and Waste <u>Other Officers - Streetworks Managers</u>
3. Preventing surface water from flowing on to the highway	Section 100 of the Highways Act 1980	Director of Highways, Transportation and Waste
4. Duty to assert and protect the rights of the public to the use of and enjoyment of any highway	Section 130 of the Highways Act 1980	Director of Environment, Planning and Enforcement or Director of Highways, Transportation and Waste
5. Power to permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980	Director of Highways, Transportation and Waste
6. Power to license planting, retention and maintenance of	Section 142 of the Highways Act 1980	Director of Highways, Transportation and Waste

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY / DECISION-MAKER
trees etc. in part of highway		
7. Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980	Director of Highways, Transportation and Waste
8. Power to license works in relation to buildings etc. that obstruct the highway	Section 169 of the Highways Act 1980	Director of Highways, Transportation and Waste
9. Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980	Director of Highways, Transportation and Waste
10. Power to dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980	Director of Highways, Transportation and Waste
11. Power to restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980	Director of Highways, Transportation and Waste
12. Power to consent to construction of cellars etc under street	Section 179 of the Highways Act 1980	Director of Highways, Transportation and Waste
13. Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators	Section 180 of the Highways Act 1980	Director of Highways, Transportation and Waste
14. The adoption of small pieces of highway where the land owner is KCC or unknown or when works have been carried out	Section 228 of the Highways Act 1980	Director of Highways, Transportation and Waste
15. The making of agreements for the execution of highways works	Section 278 of the Highways Act 1980	Director of Environment, Planning and Enforcement or Director of Highways, Transportation and Waste
16. The making of traffic regulation orders to restrict traffic	Road Traffic Regulation Act 1984	Director of Highways, Transportation and Waste and with any with less than 5 objections the Head of Transportation

Other Functions		
17. Power to appoint staff or place them at the disposal of other authorities	Sections 112 and 113 of the Local Government Act 1972	<u>Senior Managers - Personnel Committee or Member Appointment Panel (Sub Committee)</u> <u>Other officers – Senior Managers</u>
18. The appointment (and the revocation of any such appointment) of an individual: (a) to any office other than an office in which he is employed by the authority (b) to any body other than: (i) the authority (ii) a joint committee of two or more authorities (c) to any committee or sub-committee of such a body		<u>All Senior Officers except when the appointment needs to be made by the Leader in connection with the delegation by him of his functions, the list of those appointments to be agreed from time to time by the Selection & Member Services Committee</u>
19. Any function under a local Act		<u>All Senior Officers</u>
20. The determination of an appeal against any decision made by or on behalf of the authority		
21. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities		
22. Legal framework for duty of care for waste, contaminated land and statutory nuisance	Environmental Protection Act (EPA) 1990	Director of Highways, Transportation and Waste

2) Functions delegated to me by the Leader and Cabinet

Those functions delegated to me by the Leader in Appendix 2 Part 4 of the Constitution of Kent County Council through the Executive Scheme of Delegation.

To exercise the relevant functions of the Cabinet Member Environment & Transport in relation to their portfolio including signing off of contracts, agreements and frameworks for externally funded projects.

Signed: 

Date: 04/04/19

Name: Simon Jones
Title: Director Highways, Transportation and Waste

Signed: 

Date: 15/4/19

Name: Barbara Cooper
Title: Corporate Director Growth, Environment and Transport

Lodged with the Monitoring Officer:

Date:

APPENDIX A – BACKGROUND AND GUIDING PRINCIPLES

- 1. Before exercising any authority, Officers must satisfy themselves that they have necessary delegated powers as specified in this Scheme either generally or in relation to their specific role.**
- 2. The powers delegated to officers exclude the authority to take Key Decisions. Constitution, Executive Scheme of Officer Delegation.**
- 3. Decisions which an officer takes under delegated powers must:**
 - implement a policy or decision previously approved or taken by the Cabinet or a Cabinet Member or**
 - facilitate or be conducive or incidental to the implementation of a policy or decision previously taken by the Cabinet or a Cabinet Member or**
 - relate to the management of the human, material and financial resources made available for the functions for which they are responsible****Constitution, Executive Scheme of Officer Delegation.**
- 4. Officers to whom matters have been sub-delegated may escalate the making of those decisions to the relevant Corporate Director, who can then (if appropriate) refer the matter to the Cabinet Member or Cabinet.**
Constitution, Executive Scheme of Officer Delegation.
- 5. Officers must use the authority delegated to them:**
 - a. in the interests of Kent County Council**
 - b. in accordance with the provisions made in relevant revenue and capital budgets, Standing Orders, the Financial Regulations or other Procedure Rules contained in the Constitution; Constitution, Executive scheme of Officer Delegation and**
 - c. in accordance with the overall policies approved by the Council or its Committees****Constitution Appendix 2.**
- 6. In exercising the authority delegated to them, Officers must**
 - a. consult the relevant Corporate Director and/or the Director of Governance & Law in respect of matters which are sensitive or complex, or where legal, administrative, financial or other advice or guidance is necessary;**
 - b. keep the relevant Cabinet Member properly informed of activity arising within the scope of these sub-delegations; and Constitution, Executive Scheme of Officer Delegation.**
 - c. advise local Members on any matter that appears to specifically affect their division or constituency interests. Constitution Appendix 2.**
- 7. Any manager may exercise any power delegated to an officer for whom they have supervisory responsibility. Constitution Appendix 2.**
- 8. Officers are responsible for the management of their services and the implementation of Council and Cabinet policies and Executive Decisions. Constitution, Executive Scheme of Officer Delegation.**
- 9. Senior Managers must record and notify the Monitoring Officer (Director of Governance & Law) of arrangements made by them for the exercise on their behalf of delegated powers granted to them. Sub-delegations should be regularly reviewed and updated if appropriate. Constitution Appendix 2.**

APPENDIX B – GENERAL DELEGATIONS

The general delegations are drawn up with reference to the following Council documents:

- The Constitution of Kent County Council
- KCC Financial Regulations
- Scheme of Delegation
- Staff Terms and Conditions (the Blue Book)

The general delegations are as follows:

FINANCE

- To manage approved revenue budgets in accordance with the Council's Financial Regulations, including regular monitoring and forecasting. Financial Regulations
- Develop capital expenditure proposals that reflect agreed service plans and are approved in line with Capital Procedures. Financial Regulations
- To authorise procurement requisitions and approve invoices for payment in accordance with the Scheme of Delegation and the Council's Financial Regulations. Financial Regulations
- To ensure that best value is obtained from purchases by complying with the Council's code of practice for Tenders and Contracts, 'Spending the Council's Money'. Financial Regulations
- To ensure corporate cards are used only for agreed purposes. Financial Regulations

RISK MANAGEMENT AND INTERNAL CONTROL

- To identify and manage risk within the service area and regularly review the effectiveness of risk management arrangements. Financial Regulations
- Establish sound arrangements for planning, appraising, monitoring and controlling operations in order to achieve an efficient and effective service. Financial Regulations
- Promote an effective system of internal controls. Financial Regulations
- Promote compliance with Council policy, Standing Orders, Financial Regulations and any statutory requirements. Financial Regulations
- Notify the Head of Internal Audit immediately of any suspected fraud, theft, irregularity or improper use or misappropriation of the Council's property or resources. Financial Regulations

INFORMATION MANAGEMENT

- To ensure that staff are aware of their responsibilities under Data Protection and Freedom of Information legislation. Financial Regulations
- Ensuring ensure proper arrangements for the preservation and management of the Council's financial records (including the use of Oracle Financials). Financial Regulations
- To ensure that there is a documented and tested Business Continuity Plan to allow information system information processing to resume quickly in the event of interruption. Financial Regulations

EMPLOYEES

- To make decisions on the management of staff in accordance with the relevant procedures and conditions of employment set out in the Blue Book. Blue Book
- To appoint employees within the approved establishment. Blue Book
- To establish temporary posts, providing that there is adequate funding within the approved budget for the Service concerned. Blue Book
- To make salary awards under TCP scheme, subject to any directions on assessment criteria and to progress the salaries of employees on career grades as part of a competency assessment. Blue Book

- To conduct disciplinary proceedings in respect of employees within the terms of the Council's approved disciplinary procedures and to take decisions, in accordance with the Council's Conditions of Service and any consultations with the Corporate Director of Human Resources, with regard to the dismissal of employees due to gross misconduct. Blue Book
- To authorise employees' attendance at training courses and events within the approved training budget. Blue Book

HEALTH AND SAFETY

- Risk Assessments must be carried out to identify significant risks associated with work, to both staff and others affected by our undertakings. Blue Book
- Risk Assessments cover matters such as: Display Screen Equipment, New and Expectant Mothers, Manual Handling. Guidance is available on Knet and Health and Safety Advisers should be consulted if further guidance is needed. Blue Book

EXTERNAL ARRANGEMENTS

- To ensure that the Council's financial and operational interests are protected when operating in partnership with other bodies and that appropriate financial and legal advice is taken before entering into partnership agreements. Financial Regulations
- To ensure that necessary approvals are obtained before negotiations are concluded in relation to partnership agreements. Financial Regulations
- To seek external funding which supports the Council's service priorities and ensure that all necessary approvals have been obtained before external funding agreements are concluded. Financial Regulations
- Ensure work for third parties or external bodies does not adversely impact the services of the Council and guidance issued by the Corporate Director of Finance and Procurement is complied with. Financial Regulations
- To ensure compliance with the 'Protocol relating to companies in which KCC has an interest'. Financial Regulations