HAMBLETON DISTRICT COUNCIL

Report To: Annual Council
17 May 2016

From: Chief Executive

Subject: **CABINET MEMBERS AND DELEGATION OF FUNCTIONS**

1.0 PURPOSE AND BACKGROUND:

1.1 The Council's Constitution requires that the Leader of the Council informs the Council at the Annual Meeting of any proposals for Cabinet in the following year. It is also necessary to set out proposals for delegation of functions in the following year. This report deals with both matters.

2.0 CABINET:

2.1 The Leader will announce the appointments to the portfolios.

3.0 DELEGATION:

3.1 The Scheme of Officer Delegation needs to be approved by Annual Council. Attached as Annex 'A' is a copy of the Scheme of Delegation for Officers.

4.0 RECOMMENDATIONS:

4.1 Council is recommended to:-

(1) note the appointments to Cabinet by the Leader; and

(2) approve the Scheme of Delegation for Officers.

JUSTIN IVES

Background papers: None

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Annex

SCHEME OF OFFICER DELEGATION

4.0 SCHEME OF OFFICER DELEGATION

4.01 GENERAL CONDITIONS APPLYING TO ALL DELEGATED POWERS:

a) All delegated powers shall be exercised in accordance with:-

i. the Constitution of the Council;
ii. any relevant policies of the Council;
iii. approved budgets;
iv. decisions of the Cabinet/Council/Committees;
v. decisions of the Chief Executive, Management Team (MT) and/or Management Boards appointed by the Chief Executive or MT.

b) Officers shall undertake delegated powers in accordance with any specific instructions of the Chief Executive.

c) An officer need not exercise his delegated power and shall not do so if in his opinion the matter involves questions of policy not yet determined by the Council.

d) Unless prohibited by statute an officer may delegate any power to another officer and authorise other officers by designation to exercise defined powers.

e) Delegated powers shall include the carrying out of all duties and powers covered by the function including administrative and procedural acts, the exercising of discretion and the making of determinations.

4.02 GENERAL POWERS DELEGATED TO CHIEF EXECUTIVE AND ALL EXECUTIVE DIRECTORS

a) To undertake the day-to-day management of the services for which they are responsible, including the deployment of personnel, premises, vehicles, plant, equipment and other resources under their control.

b) Within the approved establishment to recruit, manage and, where necessary, dismiss staff under their control and in particular:-

- to authorise pay and conditions (including honoraria);
- to undertake disciplinary proceedings;
- to defend and, if necessary, settle any claims made against the Council;
- to be responsible for the health and safety at work of staff;
- to implement all employment policies, practices and procedures;
- to operate the Council's Grievance Procedure.

c) To acquire, dispose of, grant and obtain rights in land, premises vehicles and other equipment and property on such terms and conditions as considered appropriate.

d) To provide and commission goods and services and to undertake and commission works.

e) To provide grants and other financial assistance.

f) After consultation with the Leader (or in his/her absence the Deputy Leader of the Council) to authorise urgent action not covered by the Council's Scheme of Delegation and which requires an urgent decision.

g) To sign any contract or agreement on behalf of the Council.

h) To issue any Notice or make any Order in connection with the service for which they are responsible.

4.03 FUNCTIONS DELEGATED TO SPECIFIC OFFICERS

CHIEF EXECUTIVE

i. To act as Head of Paid Service for the Council and in particular to have authority over all other officers;

ii. To act as Electoral Registration Officer and Returning Officer

Strategy and Policy: (Head of Resources)

i. To formulate and co-ordinate advice on strategic and corporate policy and Best Value issues.

ii. To develop and implement performance management systems.

iii. To undertake strategic risk management functions.

Design and Maintenance: (Head of Resources)

i. To undertake all functions in connection with:-

- public lighting;
- the provision, maintenance and management of car parks;
- the management, construction, maintenance and operation of the Council's land, buildings, property, vehicles and plant which is not part of the operational responsibility of another Director;
- land drainage;
- markets;

Business Support: (Head of Resources)

i. To provide all central administrative and clerical support.

ii. To be responsible for the Council's insurances.

iii. To administer the creditors system.

Financial Matters: (Head of Resources)

i. To undertake financial functions including:-

- accountancy matters;
- investments;
- bank accounts and banking arrangements;
- Treasury Management;
- Internal Audit

Revenues and Benefits: (Head of Resources)

i. To undertake all functions in respect of Housing and Council Tax Benefits and the Local Council Tax Reduction Scheme.

ii. To undertake all functions in respect of Council Tax and National Non-Domestic Rates and other revenues.

Democratic Services: (Head of Legal and Information Services)

i. To undertake all administrative functions of the Council relating to meetings of the Council, Cabinet, Committees and Panels.

ii. To undertake all functions relating to Member support and development.

iii. To undertake all functions relating to Civic Matters.

Electoral Services: (Head of Legal and Information Services)

i To undertake all functions relating to electoral registration matters and the conduct of elections.

ii To undertake all functions relating to community governance by Parish and Town Councils and Parish Meetings.

Information Governance: (Head of Legal and Information Services)

i. To co-ordinate the response to complaints and Freedom of Information requests.

Legal and Procurement: (Head of Legal and Information Services)

i To undertake all legal functions including:-

- governance;
- the commencement, defence and settlement of any legal proceedings;
- the issue and/or service of any Notice or Order not the responsibility of another Chief Officer.

ii. To maintain property ownership records for all land and premises.

iii. To undertake all functions relating to strategy on efficiency and procurement.

Personnel: (Head of Legal and Information Services)

i. To formulate employment policies, practices and procedures.

ii To deal with payroll and pensions matters.

EXECUTIVE DIRECTOR responsible for Customer and Leisure Services

Customer Services: (Head of Customer and Economy Services)

i. To undertake all functions in connection with the Council's initial point of contact with customers.

Economic Development and Tourism: (Head of Customer and Economy Services)

i. To undertake all functions in respect of Economic Development and Tourism including:-

- developing business parks;
- developing and managing business units;
- providing advice and assistance;
- financial assistance.

ii. To undertake all functions in connection with climate change and sustainability.

iii. To undertake all functions in respect of support for public transport.

Communications: (Head of Customer and Economy Services)

i. To undertake all functions relating to communications and public relations.

Community Safety: (Head of Customer and Economy Services)

i. To undertake all functions in respect of Community Safety.

ii. To issue Anti-Social Behaviour Orders where appropriate in liaison with the Police.

iii. To issue Exclusion Orders where appropriate in liaison with the Police.

iv. To manage CCTV functions.

Information and Communications Technology: (Head of Customer and Economy Services)

i. To provide all strategic ICT functions including:-

- determination of corporate standards;
- determination of operating platforms;
- determination of software applications;
- determination of information management systems.

ii. To provide all support functions for ICT.

Leisure: (Head of Leisure and Community Services)

i. To undertake all functions in respect of Leisure Services including:-

- providing and operating indoor and outdoor leisure facilities;
- providing leisure courses;
- facilitating the provision of leisure facilities;
- financial assistance;
- all functions in respect of museums.

ii. To undertake all functions in respect of provision of and support for the arts.

iii. To undertake all functions in connection with co-ordinating services for young persons.

iv. To undertake all functions relating to public health.

Community/Partnerships: (Head of Leisure and Community Services)

i. To undertake all functions in connection with:-

- producing and implementing the Community Plan;
- community grants;
- community engagement and partnerships.

Emergency Planning: (Head of Leisure and Community Services)

i. Emergency Planning and Business Continuity.

EXECUTIVE DIRECTOR responsible for Environmental and Planning Services

Development Management: (Head of Planning and Housing)

i. To undertake all functions in respect of:-

- Development Management;
- Hazardous Substances;
- National Parks;
- Hedgerows;
- High Hedges.

Planning Policy: (Head of Planning and Housing)

i. To undertake all functions in respect of the Local Development Framework and Supplementary Planning Documents.

ii. To undertake all non-development management functions in connection with Conservation Areas, Listed Buildings and the built heritage.

Housing Matters: (Head of Planning and Housing)

i. To undertake all functions in respect of Housing including:-

- facilitating the provision of housing;
- homelessness;
- harassment/unlawful eviction;
- standards in private housing.

Data Management and Local Land Charges: (Head of Planning and Housing)

i. To carry out all functions in connection with development data (including street naming and numbering).

ii. To undertake all functions relating to data management (including GIS).

iii. To undertake and/or co-ordinate all functions relating to Local Land Charges/Enquiries

Building Control: (Head of Planning and Housing)

i. To carry out all functions in connection with the North Yorkshire Building Control Partnership.

Waste and Street Scene Services: (Head of Environmental Services)

i. To undertake all functions in connection with:-

- Recycling;
- Waste Collection and Disposal;
- Street Cleaning;
- Litter;
- Dogs;
- Graffiti, fly tipping and abandoned vehicles

Environmental Services: (Head of Environmental Services)

i. To undertake all functions relating to Environmental Health including:-

- Public Health;
- Food Sales, Safety and Standards;
- Caravan Sites;
- Health and Safety at Work;
- Pollution Control;
- Pest Control;
- Shops and Sunday Trading;
- Animals;
- Home Safety;
- Water Supply, Standards and Safety;
- Housing Conditions, Standards and Safety;
- Housing Improvement and Renovation;
- Public Nuisance;
- Private Drainage and Sewers;
- Smoking in public places;

Licensing: (Head of Environmental Services)

i. To discharge all functions in respect of:-

- animal licensing;
- caravan site licensing;
- premises licensing;
- hackney carriage and private hire licensing;
- charitable collections;
- gambling;
- lotteries;
- any other licensing or registration.

4.04 **OFFICER SCHEME OF DELEGATION PROTOCOLS:**

Introduction

Under the Council's Scheme of Delegation most operational and administrative matters are delegated to Officers. These Protocols set out how the Officers propose to exercise these powers with a view to ensuring that Members still have adequate opportunity to comment on and be involved in the decision making process as appropriate.

DEVELOPMENT MANAGEMENT PROTOCOL

a) Planning and Related Applications

Listed below are the circumstances where any planning or related application would be presented to the Planning Committee for decision. The Executive Director will determine all other planning and related applications, unless any Member of the Council requests, in writing, that an application be presented to the Planning Committee. Such a request should be made to the Executive Director within 28 days of the validation of the application.

Matters to be presented to Planning Committee:-

i. Proposals which are contrary to the provisions of an approved or draft development plan, and which are recommended for approval.

ii. Proposals which are contrary to approved Council development control policies, standards or guidance and which are recommended for approval.

iii. Proposals which are potentially controversial or likely to be of significant public interest in the opinion of the Executive Director.

iv. Proposals which would have a significant impact on the environment in the opinion of the Executive Director.

v. Proposals submitted by or on behalf of the Council for its own developments, or on Council owned land, except for the approval of routine, minor developments to which no objection has been received.

vi. Proposals submitted by or on behalf of a Member of the Council (or a relative) or by any employee of the Council (or a relative).

b) Enforcement

Listed below are the circumstances where enforcement matters will be presented to the Planning Committee. All other matters will be dealt with by the Executive Director unless any Member of the Council has requested, in writing, that a decision on an enforcement matter be made by the Planning Committee.

i. Where the case involves a Member of the Council (or a relative) or any employee of the Council (or a relative).

ii. Where there is a contravention of planning control involving the Council's own development that is unresolved through the planning system.

iii. Issues of significant public interest.

BUDGETARY CONTROL AND FINANCIAL SERVICES PROTOCOL

Matters to be presented to Cabinet:

i. Quarterly revenue budget monitoring statements for determination.

ii. Quarterly capital programme monitoring statements for determination.

iii. Quarterly statements showing utilisation of reserves for determination.

iv. Biannual reports on the performance of the Council's fund management for information.

INFORMATION AND COMMUNICATION TECHNOLOGY PROTOCOL

Cost benefit analysis of proposals for new systems will be presented to the Cabinet for determination.

PROTOCOL FOR PROPERTY MATTERS

i. Acquisitions/disposals of property will only be undertaken after receiving advice from a fully qualified valuer.

ii. Where practicable the principle of acquiring land will be reported to the Cabinet for determination. Details of all acquisitions/disposals of land will be reported to the Cabinet for information.

PLANNING POLICY PROTOCOL

a) Planning Policy Consultation Documents

i. Consultation on the Local Transport Plan and some Government planning policy documents will be reported to the Cabinet for determination.

ii. The relevant Cabinet Portfolio Holder will be consulted on responses to policy documents of neighbouring Authorities.

b) Powers to Secure Repairs to Listed Buildings

These powers will be exercised in consultation with the relevant Cabinet Portfolio Holder.

ECONOMIC DEVELOPMENT PROTOCOL

a) Partnership Arrangements for Funding of Economic Development Projects

These will be reported to the Cabinet for determination.

b) Economic Development Grant Schemes

i. Grants over £5,000 will be made in consultation with the Ward Member and the relevant Cabinet Portfolio Holder.

ii. Annual grants exceeding £5,000 will be reported to the Cabinet for information.

iii. All applications by Members and officers will be reported to the Cabinet for determination.

c) Responses to Consultation Documents

The Cabinet will be asked to determine responses to the County Council's Economic Development Strategy.

PARTNERSHIPS PROTOCOL

a) Responses on Consultation Documents

The Cabinet will be asked to determine responses to consultations relating to sustainable development and Community Planning issues which have significant implications for the District.

b) Community Grant Schemes

i. Grants over £5,000 will be made in consultation with the relevant Cabinet Portfolio Holder.

Ii Annual grants exceeding £5,000 will be reported to the Cabinet for information.

iii. Applications by Members and officers will be reported to Cabinet for determination.

LICENSING PROTOCOL

i. Where an objection is lodged to a Licence the matter would be presented to the Licensing Hearings Panel for determination.

ii. If consideration is being given to the revocation of any Licence, Registration or Permit then this would be referred to the Licensing Hearings Panel for determination.

PERSONNEL PROTOCOL

All proposals to alter the Council's staffing establishment which will involve increased expenditure will be presented to the Cabinet for determination.