

Hambleton District Council

Report To: Council
Date: 18 May 2021
From: Chief Executive
Subject: **Cabinet Members and Delegation of Functions**
Wards Affected: All Wards

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 appointments to 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 Cabinet portfolios at the Annual Meeting.

3.0 Delegation

3.1 The Scheme of Officer Delegation is required to be approved by Annual Council.

3.2 Attached at Annex A is a copy of the Scheme of Delegation for Officers for approval.

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.

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Chief Executive

Background papers: None
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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, Deputy Chief Executive and all the 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.
- i) To set fees and charges in consultation with the relevant Portfolio Holder.

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;
- iii. To make (in consultation with the Leader of the Council) commercial investment decisions up to a value of £5,000,000;
- iv. To withdraw a club premises certificate in instances where the club ceases to be a qualifying club by virtue of its failure to satisfy the qualification criteria;
- v. To revoke or refuse to renew a hackney carriage and private hire driver's licence for any reasonable cause;
- vi. To revoke a hackney carriage or private hire vehicle licence where, after a period of two months following the suspension of a licence, the Council is not satisfied as to the mechanical fitness of the vehicle; and
- vii. To revoke a gambling premises licence where the annual fee has not been paid in accordance with the relevant regulations.
- viii. In cases of emergency authority is delegated to the Chief Executive, and in the event that the Chief Executive is unavailable (or declares an interest in any decision to be made) to the Deputy Chief Executive, to take any executive decision that could be taken by the Cabinet.
- ix. In cases of emergency authority is delegated to the Chief Executive, and in the event that the Chief Executive is unavailable (or declares an interest in any decision to be made) to the Deputy Chief Executive, to take any decision that would otherwise have been decided at a meeting of Council. As far as emergency situations allow the Leader of the Council will be consulted before any decision is taken under this delegated authority.

- x. In cases of emergency authority is delegated to the Chief Executive and in the event that the Chief Executive is unavailable (or declares an interest in any decision to be made) to the Deputy Chief Executive (or to any other officer authorised in writing by the Chief Executive or Deputy Chief Executive) to determine any matter that would otherwise have been decided at a meeting of the Planning Committee. As far as emergency situations allow the Chairman of the Planning Committee, or in their absence the Vice-Chairman, will be consulted before any decision is taken under this delegated authority.
- xi. In cases of emergency authority is delegated to the Chief Executive and in the event that the Chief Executive is unavailable (or declares an interest in any decision to be made) to the Deputy Chief Executive (or to any other officer authorised in writing by the Chief Executive or Deputy Chief Executive) to determine any matter that would otherwise have been decided at a meeting of the Licensing and Appeals Hearings Panel, unless specifically prohibited by law. As far as emergency situations allow the Chairman of the Licensing Committee, or in their absence the Vice-Chairman, will be consulted before any decision is taken under this delegated authority.
- xii. In cases of emergency authority is delegated to the Chief Executive and in the event that the Chief Executive is unavailable (or declares an interest in any decision to be made) to the Deputy Chief Executive (or to any other officer authorised in writing by the Chief Executive or Deputy Chief Executive) to approve the annual internal audit plan. As far as emergency situations allow the Chairman of the Audit Governance and Standards Committee, or in their absence the Vice-Chairman, will be consulted before any decision is taken under this delegated authority.
- xiii. The Chief Executive in consultation with the Leader shall keep under review the exercise these emergency powers (set out at 4.03 viii – xii above) and shall terminate their use as soon as reasonably practicable.

Strategy and Policy: (Director of Finance and Commercial - S151 Officer)

- 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.

Business Support: (Director of Finance and Commercial - S151 Officer)

- i. To provide all central administrative and clerical support.
- ii. To be responsible for the Council's insurances.
- iii. To administer the creditors system.

Communications: (Director of Finance and Commercial – S151 Officer)

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

Customer Services: (Director of Finance and Commercial – S151 Officer)

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

Financial Matters: (Director of Finance and Commercial - S151 Officer)

- i. To undertake financial functions including:-
 - accountancy matters;
 - investments;
 - bank accounts and banking arrangements;
 - Treasury Management;
 - Internal Audit;
 - to deal with payroll and pensions matters.

Information and Communications Technology: (Director of Finance and Commercial – S151 Officer)

- 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.

Revenues and Benefits: (Director of Finance and Commercial - S151 Officer)

- 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: (Director of Law and Governance)

- 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: (Director of Law and Governance)

- 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: (Director of Law and Governance)

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

Legal and Procurement: (Director of Law and Governance)

- 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.

Licensing: (Director of Law and Governance)

- i. To discharge all functions in respect of:-
 - premises licensing;
 - including the power to withdraw a club premises certificate in instances where the club ceases to be a qualifying club by virtue of its failure to satisfy the qualification criteria
 - hackney carriage and private hire licensing;
 - including the power to revoke or refuse to renew a hackney carriage and private hire driver's licence for any reasonable cause; and
 - to revoke a hackney carriage or private hire vehicle licence where, after a period of two months following the suspension of a licence, the Council is not satisfied as to the mechanical fitness of the vehicle
 - charitable collections;
 - gambling;
 - including the power to revoke a gambling premises licence where the annual fee has not been paid in accordance with the relevant regulations
 - lotteries;
 - any other licensing or registration.

Personnel: (Director of Law and Governance)

- i. To formulate employment policies, practices and procedures.

Deputy Chief Executive

- i. To withdraw a club premises certificate in instances where the club ceases to be a qualifying club by virtue of its failure to satisfy the qualification criteria;
- ii. To revoke or refuse to renew a hackney carriage and private hire driver's licence for any reasonable cause;
- iii. To revoke a hackney carriage or private hire vehicle licence where, after a period of two months following the suspension of a licence, the Council is not satisfied as to the mechanical fitness of the vehicle;
- iv. To revoke a gambling premises licence where the annual fee has not been paid in accordance with the relevant regulations
- v. In cases of emergency, and in the event that the Chief Executive is unavailable (or declares an interest in any decision to be made), authority is delegated to the Deputy Chief Executive to take any executive decision that could be taken by the Cabinet.
- vi. In cases of emergency, and in the event that the Chief Executive is unavailable (or declares an interest in any decision to be made), authority is delegated to the Deputy Chief Executive (or to any other officer authorised in writing by the Deputy Chief Executive) to determine any matter that would otherwise have been decided at a meeting of the Planning Committee. As far as emergency situations allow the Chairman of the Planning Committee, or in their absence the Vice-Chairman, will be consulted before any decision is taken under this delegated authority.
- vii. In cases of emergency, and in the event that the Chief Executive is unavailable (or declares an interest in any decision to be made), authority is delegated to the Deputy Chief Executive (or to any other officer authorised in writing by the Deputy Chief Executive) to determine any matter that would otherwise have been decided at a meeting of the Licensing and Appeals Hearings Panel, unless specifically prohibited by law. As far as emergency situations allow the Chairman of the Licensing Committee, or in their absence the Vice-Chairman, will be consulted before any decision is taken under this delegated authority.
- viii. In cases of emergency, and in the event that the Chief Executive is unavailable (or declares an interest in any decision to be made), authority is delegated to the Deputy Chief Executive (or to any other officer authorised in writing by the Deputy Chief Executive) to approve the annual internal audit plan. As far as emergency situations allow the Chairman of the Audit Governance and Standards Committee, or in their absence the Vice-Chairman, will be consulted before any decision is taken under this delegated authority.

- ix. Those functions set out below which are delegated to the Director of Economy and Planning, the Director of Environment and the Director of Leisure and Communities can also be exercised by the Deputy Chief Executive who has overall delegated authority for these functions.

Further specific Delegation to Specified Officers

Building Control: (Director of Economy and Planning)

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

Data Management and Local Land Charges: (Director of Economy and Planning)

- 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.

Design and Maintenance: (Director of Economy and Planning)

- 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;

Development Management: (Director of Economy and Planning)

- i. To undertake all functions in respect of:-
- Development Management;
 - Environmental Impact Assessments;
 - Hazardous Substances;
 - National Parks;
 - Hedgerows;
 - High Hedges.

Economic Development and Tourism: (Director of Economy and Planning)

- 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.

Housing Matters: (Director of Economy and Planning)

- i. To undertake all functions in respect of Housing including:-
 - facilitating the provision of housing;
 - homelessness;
 - harassment/unlawful eviction;
 - standards in private housing.

Planning Policy: (Director of Economy and Planning)

- 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.

Emergency Planning: (Director of Environment)

- i. Emergency Planning and Business Continuity.

Environmental Services: (Director of Environment)

- i. To undertake all functions relating to Environmental Health including:-
 - Public Health;
 - Food Sales, Safety and Standards;
 - Caravan Sites and Licensing;
 - Health and Safety at Work;
 - Pollution Control;
 - Pest Control;
 - Shops and Sunday Trading;
 - Animals and Licensing;
 - 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;

Waste and Street Scene Services: (Director of Environment)

- i. To undertake all functions in connection with:-
 - Recycling;
 - Waste Collection and Disposal;
 - Street Cleaning;
 - Litter;
 - Dogs;
 - Graffiti, fly tipping and abandoned vehicles

Community/Partnerships: (Director of Leisure and Communities)

- i. To undertake all functions in connection with:-
 - producing and implementing the Community Plan;
 - community grants;
 - community engagement and partnerships;
 - assets of community value.

Community Safety: (Director of Leisure and Communities)

- i. To undertake all functions in respect of Community Safety.
- ii. To exercise any appropriate Local Authority Power to deal with Anti-Social Behaviour in accordance with any relevant legislation and where appropriate in liaison with the Police.
- iii. To issue Exclusion Orders where appropriate in liaison with the Police.
- iv. To manage CCTV functions.

Leisure: (Director of Leisure and Communities)

- 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.

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 Deputy Chief Executive, or other duly authorised officer, 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 Deputy Chief Executive 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 Deputy Chief Executive.
- iv. Proposals which would have a significant impact on the environment in the opinion of the Deputy Chief Executive.
- 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 Deputy Chief Executive, or other duly authorised officer, 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 will be presented to the Licensing and Appeals Hearings Panel for determination.
- ii. If consideration is being given to the revocation of any Licence, Registration or Permit then this will usually be referred to the Licensing and Appeals Hearings Panel for determination, save and except where an urgent decision is required and which warrants the exercise of the powers delegated to the Chief Executive, Deputy Chief Executive, and Director of Law and Governance.

Personnel Protocol

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