

## **Schedule 3:**

### **SCHEME OF DELEGATION TO OFFICERS**

*(Note \* denotes the exercise of non-executive functions)*

#### **1 OVERALL LIMITATIONS**

1.1 The following functions are delegated to Officers subject to the general restrictions limitations and exclusions set out in Sections 1 and 2 and any specific exclusions, set out in Sections 3-12.

1.2 All decisions or actions taken pursuant to this Scheme of Delegation ("the Scheme") shall be recorded in a manner approved by the Head of Legal and Support Services.

1.3 The Scheme does not delegate to Officers:-

- (i) Any matter reserved to Council;
- (ii) Any matter which, by law, may not be delegated to an Officer;
- (iii) Any matter expressly withdrawn from delegation by the Council;
- (iv) Any matter excluded by this Scheme of Delegation.

1.4 Any exercise of delegated powers shall be subject to, and in accordance with:-

- (i) Any statutory provisions;
- (ii) The Constitution including the Financial and Contract Procedure Rules;
- (iii) Any Policies, Protocols, Codes of Practice or guidelines adopted by the Council;
- (iv) Any Codes of Conduct for Members or Employees adopted by the Council.

1.5 In exercising delegated powers, Officers shall ensure that any spending is within an approved capital or revenue budget.

1.6 In exercising delegated powers, Officers shall have regard to any formal reports or views of the Head of the Paid Service, Monitoring Officer or Section 151 Officer.

1.7 The decision of the Chief Executive will be final on any matter concerning the interpretation of the Scheme.

#### **2 GENERAL PROVISIONS**

2.1 This Scheme delegates to Chief Officers, powers and duties within broad functional descriptions and includes all powers and duties under all legislation present and future within those descriptions and all incidental powers and duties, including:

- (i) appointing and dismissing employees, other than the Chief Executive, Strategic Directors and Heads of Service
- (ii) Authorising the signing and completion of any document including those which require the Common Seal of the Council to be affixed;
- (iii) Taking any action, (including enforcement action), necessary to give effect to any decision of the Council or the Financial and Contract Procedure Rules;
- (iv) Appointing persons to act as authorised officers and inspectors under any relevant legislation with power to institute proceedings and/or take other forms of action authorised by the legislation.

2.2 In civil litigation matters, Strategic Directors, Heads of Service and Service Unit Managers be authorised to sign Statements of Truth on behalf of the Council.

2.3 Strategic Directors and Heads of Service are authorised to tender for and enter into contracts let by public bodies as defined within the Local Authorities (Goods and Services) Act 1970.

2.4 An Officer may consult with the Cabinet, or appropriate Cabinet Member or Chairman of a relevant Committee or Sub-Committee on the exercise of delegated powers, or determine not to exercise a delegated power in any particular case but to refer the matter to the Cabinet or appropriate Cabinet Member or Committee or Sub-Committee.

2.5 This scheme operates under Section 15 of the Local Government Act 2000, Section 101 of the Local Government Act 1972 and all other powers enabling the Council.

2.6 In this Scheme of Delegation:

- (i) 'Strategic Director' includes the Chief Executive and both Strategic Directors and any other Officer authorised in writing by them to carry out the relevant functions in the Strategic Director's name;
- (ii) 'Chief Officer' includes the Chief Executive, both Strategic Directors and the Heads of Service;
- (iii) References to 'the Council' include the Cabinet, Cabinet Members, Committees, Sub-Committees or Officers, as appropriate;
- (iv) Any Chief Officer to whom functions are delegated by the Council may authorise the exercise of those functions by any Officer within his or her Service in the name of the Head of Service, or with the consent of a Strategic Director, the exercise of the functions by any other officer within the Council;

- (v) Any authorisation under para 2.6(iv) shall be in writing and the Chief Officer shall provide a copy to the Head of Legal and Support Services

2.7 This Scheme excludes all actions or decisions which are in the opinion of Strategic Directors:-

- (i) Contrary to existing policies, budgets, programmes, plans, strategies, codes of practice or protocols;
- (ii) Significant changes in the pattern of the provision of any service;
- (iii) Changes to scales of fees and charges approved by Members;
- (iv) Discretionary statutory grants other than Housing related grants;
  
- (v) Approval, monitoring or changes to revenue and capital estimates;
- (vi) Approval of the principle, content and design of capital or revenue schemes or the procuring of or tendering to provide goods and services with an estimated value of £50,000 or more;
- (vii) Formal responses on behalf of the Council to any Government or other consultation document on a significant policy issue;
- (viii) Responses to formal petitions, public consultations or other formal representations;
- (ix) Approval of any approved, restricted or other list of approved tenderers;
- (x) All matters reserved for the decision of the Council, under the Constitution (including the Financial and Contract Procedure Rules).

### 3 **GENERAL DELEGATIONS**

All Heads of Service are authorised:-

(A) In respect of financial matters:

- (i) to incur expenditure.

(B) In respect of contractual matters:

- (i) To engage specialist or consultant services where necessary;
- (ii) To place orders for the supply of goods, services or materials or the execution of work.

\*(C) In respect of personnel matters:

In respect of all employees other than Chief Officers, to take any action with (i) respect to the recruitment, appointment, promotion, training, grading, discipline, determination of wages and salary scales, attendance at seminars, conferences and study courses, determination and application of conditions of service, and determination of the establishment of the Directorate which they

manage, subject to the s151 Officer being satisfied that adequate provision is made in the budget of the Service Area and to the Chief Executive through the Head of Human Resources and Performance raising no objection to proposals affecting the grading, determination of wages and salary scales, or the determination and application of conditions of service;

- (ii) The appointment of work experience students
  - (iii) The appointment of temporary staff, provided that the Head of Human Resources and Performance is consulted prior to any appointments,
  - (iv) The granting of ex gratia leave of absence of up to 6 days per year.
- (D) In respect of general matters:
- (i) To apply for planning permission for development or for building regulation, or other approvals;
  - (ii) To sign, serve, issue and receive Notices, other than legal notices expressly reserved by the Head of Legal and Support Services to him/herself;
  - (iii) To make ex gratia payments up to £2,500;
  - (iv) To provide services and execute works within their functional areas for others as permitted by law;
  - (v) The negotiation of fees and charges outside approved scales for the occasional use of Council facilities and services

#### 4 **THE Chief Executive is authorised:**

- (A) In respect of Corporate Matters:
- (i) to exercise the functions of the Head of Paid Service with overall corporate management and operational responsibility and with authority over all Officers, other than the Monitoring and Section 151 Officers acting as such;
  - (ii) to exercise the functions of Proper Officer of the Council under all legislation in relation to (i) executive or (ii) non-executive functions (\*), except where that legislation or this Scheme confers such functions on another named Officer;
  - (iii) to issue guidance to Members and Officers; (the s151 Officer and Head of Legal and Support Services have a similar delegated power);
  - (iv) In cases of emergency or where time is of the essence to exercise the functions of the Cabinet for civil aid and emergency planning;
  - (v) in cases of emergency or where time is of the essence, to take decisions which would otherwise be taken by the Cabinet, Cabinet Member or Committee;

- (vi) to provide Member services, including authorisation of attendance at meetings by Members as an approved duty and the payment of Members' allowances;
- (vii) to sign on behalf of the Council any document necessary to give effect to any decision of the Council in relation to (i) executive or (ii) non-executive functions (\*); (the Head of Legal and Support Services, the Planning and Litigation Solicitor and the Property and Contracts Solicitor have a similar delegated power);
- (viii) To act as the authorised representative of the Council in respect of its membership of any limited company to give effect to any decision of the Council in relation to executive functions (The Head of Legal and Support Services, the Planning and Litigation Solicitor and the Property and Contracts Solicitor have a similar delegated power);

(B) In respect of Corporate Personnel, Elections & Management matters:

- (i) To have overall responsibility for matters relating to human resources
- (ii) To exercise all the functions in relation to elections listed in Part D of Schedule 1 to the Functions Regulations (as defined in Article 8.02(ii)).

5. **THE section 151 officer is authorised:**

- (i) As Section 151 Officer to provide guidance on financial propriety, probity, policy framework and budgeting issues. (The Head of Legal and Support Services, as Monitoring Officer, has a similar delegated power);
- (ii) To exercise responsibilities delegated to the s151 Officer under the Financial Procedure Rules and Regulations

6. **THE HEAD OF FINANCE AND ASSET MANAGEMENT is authorised**

A Financial Responsibilities

- (i) To be responsible for the day-to-day management of the Council's financial affairs.
- (ii) To exercise the functions of the Council relating to the management of the Council's financial affairs, including:
  - (a) Administration of Benefits;
  - (b) Fraud Prevention and Control;
  - (c) Local Taxation.
  - (d) Exchequer and control
  - (e) **The administration of Council tax mandatory and discretionary relief, within approved Council policy**

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- (f) Administration of Business rates hardship relief, within approved Council policy**
- (g) The allocation of available funds within the Parish Council contingency fund, subject to a maximum allocation of £1000 to a single Parish Council in any one financial year.**

(iii) To exercise the functions of Deputy Section 151 Officer

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B Asset management

(i) The purchase, sale, leasing or grant of tenancies for all non housing land and property belonging to the Council, including;

- (a) relaxation and variation of covenants
- (b) granting concessions and licences;
- (c) management of allotments;
- (d) management of Markets;
- (e) Valuation and estates services
- (f) energy management
- (g) car parking fees strategy

**(ii) Property and Asset Maintenance, including:**

**(i) Property management and maintenance**

**(ii) Minor Building works**

**(iii) Public works and improvements to private roads owned by the Council;**

**(iv) Transport services, including bus shelters and taxi stands;**

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The following matters are excluded from this delegation:

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- (i) Any actions transactions or determinations not in compliance with financial Codes of Practice adopted by the Council.

6.1 The **Corporate Finance Manager**, the **Local Taxation and Recovery Manager** and the **Risk and Investment Manager** may exercise any or all of the functions of the Head of Service, subject to such restrictions as the Head of Service may place upon the exercise of such functions from time to time.

7. **THE HEAD OF TRANSFORMATIONAL MANAGEMENT is authorised:**

**The Head of Transformational Management** is authorised to exercise the functions of the Council relating to:

- (i) Policy development
- (ii) Business transformation

- (iii) Electronic Service Delivery including the management of the Council's ICT Services
- (iv) Communications including internal communications and public relations
- (v) Customer Services, including Customer First
- (vi) the Promotion of the Borough including
  - (a) corporate marketing
  - (b) destination marketing
- (vii) the operation of Tourist Information Centres

7.1 The **Service Transformation Manager, ICT Manager** and **Customer Services Manager** may exercise any or all of the functions of the Head of Service, subject to such restrictions as the Head of Service may place upon the exercise of such functions from time to time.

**8. THE HEAD OF LEGAL AND SUPPORT SERVICES is authorised:**

- \* (i) As Monitoring Officer, to provide guidance on vires, maladministration, financial propriety, probity, policy framework and budget issues. (The Section 151 Officer, has a similar delegated power) and in consultation with the Head of Paid Service to authorise payments or provision of benefits to persons affected by maladministration up to £10,000.
- (ii) To sign on behalf of the Council any document necessary to give effect to any decision of the Council in relation to (i) executive and (ii) non-executive (\*) functions. (The Chief Executive, the Planning and Litigation Solicitor and the Property and Contracts Solicitor have a similar delegated power);
- (iii) To act as the authorised representative of the Council in respect of its membership of any limited company to give effect to any decision of the Council in relation to executive functions (The Chief Executive, the Planning and Litigation Solicitor and the Property and Contracts Solicitor have a similar delegated power);
- (iv) Through the Chief Executive to act as proper officer for the purpose of recording and making executive decisions publicly available.
- (v) To institute, defend, withdraw, participate in or settle any claims or legal proceedings, civil or criminal;
- (vi) To authorise Officers of the Council to represent the Council before any Court, Tribunal or Inquiry;
- (vii) To co-ordinate the approach of the Council to procurement activity
- (viii) To identify:
  - (a) The Officers of the Council who may act as Authorising Officers under s30(1) of the Regulation of Investigatory Powers Act 2000, and
  - (b) an Officer of the Council who will act as the Council's single point of contact for the purpose of the Regulation of Investigatory Powers Act 2000;

- (ix) To oversee compliance of the authority with the Regulation of Investigatory Powers Act 2000;
- (x) To instruct or brief Counsel;
- (xi) To administer Local Land Charges;
- (xii) to make funeral arrangements for destitute persons.

The following matters are excluded from this delegation:

- (i) Claims or legal proceedings involving Members;
- (ii) Claims or legal proceedings which, in the Head of Legal and Support Services' view, are non-routine or have policy, high profile or significant financial implications.

8.1 The **Legal Services Manager**, the **Democratic and Administrative Services Manager** and the **Procurement and Print Manager** may exercise any or all of the functions of the Head of Service, subject to such restrictions as the Head of Service may place upon the exercise of such functions from time to time.

**9. THE LEGAL SERVICES MANAGER is authorised :**

- (i) To exercise the functions of Deputy Monitoring Officer
- (ii) to sign on behalf of the Council any document necessary to give effect to any decision of the Council in relation to (i) executive or (ii) non-executive functions (\*); (the Head of Legal and Support Services and Chief Executive have a similar delegated power);
- (iii) To act as the authorised representative of the Council in respect of its membership of any limited company to give effect to any decision of the Council in relation to executive functions (The Chief Executive and the Head of Legal and Support Services have a similar delegated power);

**11. THE HEAD OF REGENERATION AND PLANNING:**

The Head of Regeneration and Planning is authorised to exercise the following functions of the Council:

**(a) Regeneration:**

- (i) The development of local regeneration strategies;
- (ii) All matters relating to economic development including infrastructure development and business support;
- (iii) Town centre management;
- (iv) Skills development;
- (v) External funding and grants for small businesses;
- (vi) Neighbourhood regeneration

**(b) Engineering, including:**

- (i) Flood and Coastal management;**
- (ii) Structural and Bridge Engineering**

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**In respect of Environment and Transport matters:**

To exercise the following functions of the Council:-

**(A) Engineering, including:**

- (i) Flood and Coastal management;
- (ii) Structural and Bridge Engineering

**(B) Property and Asset Maintenance, including:**

- (i) Property management and maintenance
- (ii) Minor Building works

**(C) Harbour Management, including:**

- (i) Scarborough Harbour
- (ii) Whitby Harbour and
- (iii) Filey Coble Landing

save that the exercise of these functions is restricted to the extent that any Harbour Committee established by the Council may determine that these functions will be exercised by itself or another officer on its behalf from time to time;

**(D) The functions of the Council (whether under agency arrangements with North Yorkshire County Council or otherwise) in relation to Highways and Traffic Management, including:**

- (i) Administration of the Council's Highways Agency functions including management of and the Special Parking Area (decriminalised car parking scheme) the on-street parking facilities;
- (ii) Traffic Management and maintenance of the highway, footpaths and bridleways
- (iii) The grant of permission pursuant to s115 of the Highways Act 1980 for the use of the public highway for amenity purposes
- (iv) The regulation of footpaths, bridleways and highways
- (v) The temporary regulation of traffic, including the making of temporary Orders and traffic management
- (vi) Lighting schemes;
- (vii) Public works and improvements to private

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**(c) The Management of major construction projects, including:**

**(i) Client project management for capital projects,**

**(ii) In association with the Head of Legal and Support Services, the procurement of Construction related services.**

**(d) Strategic Partnerships:**

- (i) The development and monitoring of local strategic partnerships, including Community Planning and Development;

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11.1 The Economic Development Manager may exercise any or all of the functions of the Head of Service in relation to Strategic Partnerships, subject to such restrictions as the Head of Service may place upon the exercise of such functions from time to time.

11.2 The Community Partnerships Co-ordinator may exercise any or all of the functions of the Head of Service in relation to Strategic Partnerships, subject to such restrictions as the Head of Service may place upon the exercise of such functions from time to time.

12. The Planning Manager

The Planning Manager is authorised to exercise the functions of the Council in relation to

- (i) the Council as Local Planning Authority
- (ii) forward planning
- (iii) Development control
- (iv) building standards consultancy
- (v) conservation and historic buildings
- (vi) renaissance
- (vii) local development framework
- (viii) regional planning
- (ix) the Council's functions in relation to neglected and derelict sites and buildings.

\* All planning and similar or related types of applications and prior notifications are delegated to the Planning Manager except for the following categories:

1. Applications submitted by, or on behalf of the Council or on land owned by the Council, except for applications for development within the curtilage of a dwelling house.
2. Applications submitted by or on behalf of Members or employees of the Council or their spouses.
3. The revocation or modification of planning (or similar) permission without compensation by the Council.

4. Applications for planning or related permissions which constitute significant development as defined below:
  - (i) development of 5 or more new build residential units;
  - (ii) the conversion of a residential property or change or use of a non-residential property to 10 or more units;
  - (iii) residential development on a site of 0.5 hectare or more;
  - (iv) any type of non residential development of 1,000 sq m or 3,000 sq m floor space in the case of B1 to B8 (business) uses;
  - (v) applications relating to Grade I or II\* Listed Buildings or the complete demolition of any listed building;
  - (vi) free standing chimneys, towers or masts or similar structures, higher than 15 m.
5. Applications where the recommendation is contrary to the Development Plan.
6. Applications that require referral to the Secretary of State.
7. Applications accompanied by an Environmental Impact Assessment.
8. The confirmation of opposed Tree Preservation Orders.
9. Any application to amend the application or vary conditions previously decided/imposed by Committee, which in the view of the Planning Manager, constitute a major or significant change.
10. Any other application which in the view of the Planning Manager should be considered by Committee.

N.B. "Planning" application mean applications for planning permission, listed building consent, conservation consent, prior notification procedures, advertisement consent, hedgerow regulations, tree preservation orders and similar/related applications.

(Note – This delegation comprises both executive and non-executive (\*) functions – see Article 8 and Part 3 of the Constitution)

\* In respect of Building Control matters

To manage the exercise of the functions of the Council as Building Control Authority through the Building Control Partnership, including Building Regulations, dealing with the Council's functions in relation to neglected and derelict sites and buildings, the numbering of houses and street naming.

The following matters are excluded from this delegation:-

(i) Street naming where an objection has been received.

12.1 The **Area Planning Managers** may exercise any or all of the functions of the Planning Manager, subject to such restrictions as the Planning Manager may place upon the exercise of such functions from time to time.

13. **THE HEAD OF ENVIRONMENTAL SERVICES is authorised:**

To exercise the functions of the Council in connection with Environmental Health, Housing, Licensing, Community Safety and Emergency Planning namely

(A) In respect of Environmental Health matters:

Exercise of the functions of the Council relating to Environmental Health, including:

- (i) Environmental and Public Health protection enforcement and control;
- (ii) Health and Safety at Work enforcement;
- (iii) Food safety and hygiene;
- (iv) Home safety and health education;
- (v) Waste collection, management and recycling;
- (vi) Animal care and dog control;
- (vii) Cemeteries and crematorium administration and;
- (viii) Health liaison;
- (ix) Pest Control.
- (x) Council's functions in relation to neglected and derelict sites and buildings
- (xi) Cleansing services including refuse collection and street cleansing
- (xii) Managing the Council's vehicle fleet
- (xiii) The classification of films
- (xiv) Closed Circuit Television (CCTV)**

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2 To discharge the statutory functions conferred on the Council in relation to the removal to suitable premises of persons in need of care and attention.

3 To administer the Council's Environment and Sustainability Development Strategy.

\* (B) Licensing Act 2003

To exercise all the licensing functions of the Council established under the Licensing Act 2003 excluding the following:-

- (i) determination of application for premises licence where representations have been made (section 18(3))
- (ii) determination of application for provisional statement where representations have been made (section 31(3))
- (iii) determination of application for variation of premises licence where representations have been made (section 35(3))
- (iv) determination of application to vary designated premises supervisor following police objection (section 39(3))
- (v) determination of application for transfer of premises licence following police objection (section 44(5))
- (vi) consideration of police objection made to interim authority notice (section 48(3))
- (vii) determination of application for club premises certificate where representations have been made (section 72(3))
- (viii) determination of application to vary club premises certificate where representations have been made (section 85(3))
- (ix) decision to give counter notice following police objection to temporary event notice (section 105(2))
- (x) determination of application for grant of personal licence following police objection (section 120(7))
- (xi) determination of application for renewal of personal licence following police objection (section 121(6))
- (x) revocation of licence where convictions come to light after grant (section 124(4))determination of application for review of premises licence in a case where relevant representations have been made (section 52)
- (xiv) determination of application for review of club premises certificate in a case where relevant representations have been made (section 88), and
- (xv) review following closure order in a case where relevant representations have been made. (section 167).

\* (C) In respect of the Gambling Act 2005

To exercise all the licensing functions of the Council established under the Gambling Act 2005 excluding the following:-

- (i) determination of application for premises licence where representations have been received and all representations have not been withdrawn
- (ii) determination of application for variation of premises licence where representations have been received and all representations have not been withdrawn
- (iii) determination of application for transfer of premises licence following the receipt of representations from the Gambling Commission

- (iv) the review of a Premises Licence
- (v) determination of application for a Provisional Statement where representations have been received and all representations have not been withdrawn
- (vi) the determination of an application for a premises licence or a provisional statement for a Casino
- (vii) determination of application for Club Gaming or Club Machine Permits where objections have been received and all objections have not been withdrawn

- \* (D) In respect of Hackney Carriage and Private Hire Licensing matters:

To exercise the functions of the Council in relation to licensing Hackney Carriage and Private Hire applications, save that the exercise of such powers shall be qualified as follows:

- (a) Where the Head of Environmental Services, or an officer to whom he has delegated the necessary powers, considers that there are grounds to refuse or suspend a Private Hire and Hackney Carriage driver's licence, but that immediate action is not required, he will refer such decisions to the Licensing sub-committee for determination
- (b) Where The Head of Environmental Services, or an officer to whom he has delegated the necessary powers, considers that there is a need to revoke or suspend a driver's licence without delay, the decision will be made by the officer under delegated powers.

- \* (E) In respect of the classification of films:

To exercise the functions of the Council in relation to the classification or re-classification of films, excluding:

- (a) Classification requests for films that have already been classified by the British Board for Film Classification
- (b) Classification of films that have not been classified by the BBFC, **save that**, the Head of Environmental Services, or an officer to whom he has delegated the necessary powers, may waive the film classification requirements in relation to:
  - (i) foreign or locally made films being shown during a film festival
  - (ii) a one-off screening of a film
  - (iii) a trailer for a film

**Provided that** the exercise of such powers is subject to the following conditions:

- (i) The film/s must not encourage or incite crime, be likely to lead to disorder or stir up hatred against any section of

the public of Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex, or promote sexual humiliation or degradation of or towards women

- (ii) the films must not tend to deprave or corrupt persons who see them
- (iii) the films must not contain a grossly indecent performance thereby outraging the standards of public decency
- (iv) persons under the age of 18 must not be admitted to any film exhibitions.

\* (F) In respect of all other Licensing matters:

To exercise all other licensing and statutory registration functions of the Council,

The following matters are excluded from this delegation:-

- (i) Any application involving matters of principle or policy
- (ii) The grant of permissions pursuant s115 of the Highways Act 1980 to use the Highway
- (iii) Sex establishments
- (iv) Multiple Point Street Collections
- (v) Appeals.

(G) In respect of Housing matters:

1. To exercise the functions of the Council in relation to strategic housing including:

- (i) Housing research;
- (ii) Housing welfare and homelessness;
- (iii) Private sector housing enforcement;
- (iv) Housing related grants;
- (v) Harassment, unlawful eviction and reinstatement of services;
- (vi) Home energy conservation and affordable warmth;
- (vii) Performance monitoring and liaison with Registered Social Landlords.
- (viii) Itinerants living in caravans and temporary structures or occupying public or private land, including temporary provision of sites or taking enforcement action

\* (H) Emergency Planning and Community Safety;  
To exercise the functions of the Council in relation to Emergency Planning and Community Safety

**(I) Maintaining and promoting open spaces, including:**

- (a) Parks**
- (b) countryside services**

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- (c) Community and Highway land**
- (d) Seeking external grant funding to develop capital schemes for parks and open spaces.**

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#### ADDITIONAL DELEGATIONS IN RESPECT OF PUBLIC HEALTH MATTERS

All Consultants in Communicable Disease Control for the time being employed by the North Yorkshire Health Authority (including any person appointed to act in the capacity of a Consultant in Public Health Medicine for the Health Authority) be authorised to act for the Council;

- (i) to discharge the functions previously conferred by statute on the Medical Officer of Health in relation to the removal to suitable premises of persons in need of care and attention, including the making of applications to Court in cases of urgency.
- (ii) in all aspects of communicable disease control.

13.1 The **Environment Manager**, the **Health and Community Safety Manager** and the **Housing Manager** may exercise any or all of the functions of the Head of Service, subject to such restrictions as the Head of Service may place upon the exercise of such functions from time to time.

13.2 The **Licensing Officer** may exercise any or all of the functions of the Head of Service, relating to Licensing Matters subject to such restrictions as the Head of Service may place upon the exercise of such functions from time to time.

14. **THE HEAD of TOURISM AND CULTURE is authorised:**

##### **In respect of Tourism and Culture:**

To exercise the following functions of the Council relating to Tourism and Culture:

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- (A) The development, operation, marketing and management of tourism and cultural services within the Borough, including;
  - (a) operating or promoting the operation of play and community centres, sports centres, swimming pools, bowls, bowling greens, sports areas, open spaces; and playgrounds;
  - (b) operating or promoting the operation of catering, theatres, the performing arts
  - (c) Concessionary arrangements for the use of Tourism and Leisure facilities;
  - (d) operating or promoting Conferences and exhibitions
  - (e) operating public conveniences within the Borough

- (f) Managing the performance of service providers and voluntary bodies that deliver for the Council and the Community at large:
  - a. museums and galleries services
  - b. art and cultural activities
  - c. theatre and performing arts

- (B) Promoting Tourism within and without the Borough, including:
  - (a) monitoring the development of the local tourism economy and undertaking research in relation thereto
  - (b) monitoring Meteorological Stations;
  - (c) liaising with representatives of the local tourism industry,
  - (d) working with partner bodies including the Area Tourism Partnership to promote the region as a destination for Tourism
  - (e) Developing and promoting excellence in Tourism through awards and grant funding
  - (f) Developing and promoting Festivals within the Borough
  - (g) Developing and promoting Public Art
  - (h) Promoting cultural activity within the Borough
  - (i) **Seeking external grant funding to develop capital schemes for public buildings to promote events and to fund initiatives.**

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 (iv) Maintaining and promoting open spaces, including:¶  
 (a) Parks ¶  
 (b) countryside services¶  
 (c) Community and Highway land¶  
 ¶  
 The following matters are excluded from this delegation:¶  
 ¶  
 (i) the operation of Tourist Information Centres¶

**(C) Harbour Management, including:**

- (i) Scarborough Harbour**
- (ii) Whitby Harbour and**
- (iii) Filey Coble Landing**

**save that the exercise of these functions is restricted to the extent that any Harbour Committee established by the Council may determine that these functions will be exercised by itself or another officer on its behalf from time to time;**

- (D) The functions of the Council (whether under agency arrangements with North Yorkshire County Council or otherwise) in relation to:

- (i) **Administration of the Council's Parking Agency functions including management of the Special Parking Area (decriminalised car parking scheme) and on-street parking facilities;**
- (ii) **Lighting schemes;**

**(E) Management of the Council's car parks.**

**Service Delegations:**

**14.1 THE OFFICER FULFILLING THE FUNCTIONS OF THE PARKING SERVICES MANAGER, PARKING SERVICES OFFICER AND REPRESENTATIONS OFFICER are authorised to:**

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- (a) Sign correspondence concerning the issue of Penalty Charge Notices, Notices to Owner and Charge Certificates**
- (b) Cancel Penalty Charge Notices and**
- (c) Cancel Charge Certificates**

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**relating to the Scarborough Borough Special Parking Area (SI 2007 No 1902).**

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**14.2 In accordance with his powers pursuant to the Harbours, Docks and Piers Clauses Act 1847 (as amended by the Harbour Acts 1964) and subject to compliance with Customs Laws and Regulations the Harbour Master may, among other things, give directions:**

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- (a) For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock, or pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein;**
- (b) For regulating the position in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within or on the harbour, dock, or pier;**
- (c) For regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, for the safety of such vessel and for preventing injury to other vessels, the harbour, dock, or pier, and the moorings;**
- (d) For removing unserviceable vessels and other obstructions from the harbour, dock, or pier, and keeping the same clear;**
- (e) For regulating the quantity of ballast or dead weight in the hold of each vessel in or at the harbour, dock, or pier;**
- (f) For removal of wrecks and obstruction to the harbour, dock or pier and recovery of the costs relating thereto from the vessel owners**
- (g) For removal of unserviceable vessels from the harbour or docks at the expense of the owner.**

**14.3 The Harbour Master may also give directions:**

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- (a) to moor, unmoor, place or remove vessels within the prescribed limits of the harbour as he shall think fit or if there is no person on board to attend to such directions, to cause the same to be carried out and to recover the costs thereof from the owner;**
- (b) for dismantling vessels;**
- (c) for vessels to have hawsers, towlines or fasts fixed to moorings;**
- (d) for the removal of vessels for the purpose of repairing, scouring or cleansing the harbour, dock or**

- pier, and to remove the same if the master thereof neglects or refuses so to do;
- (e) for the discharging of cargo and the placing of discharged vessels within the harbour, including the power to remove the same and recover the costs in the event that the direction is not followed;
  - (f) for removal of goods from the quays, in the event that the goods are left lying there longer than allowed by byelaws and to recover the costs thereof;
  - (g) for removal of combustible matter on the quays to a place of safety;
  - (h) for guarding combustible matter during the night on the quays or works connected with the harbour, docks or pier, and recovering the cost of the same from the owner
  - (i) to enter vessels within the harbour, pier or dock to search for and extinguish fires or lights
  - (j) to detain vessels of those answerable for damage done by a vessel, and
  - (k) to erect lighthouses and lay down buoys

14.4 The **Tourism Manager**, the **Leisure and Community Services Manager** and the **Parks and Countryside Manager** may exercise any of the functions of the Head of Service **identified at paragraphs (A) and (B) within the Head of Service delegations**, subject to such restrictions as the Head of Service may place upon the exercise of such functions from time to time.

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## 15. THE HEAD OF HUMAN RESOURCES AND PERFORMANCE is authorised:

(A) To exercise the following functions in respect of human resources issues

- (i) the promotion and monitoring of industrial/employee relations
- (ii) the provision of learning and development for all employees
- (iii) organisational development
- (iv) workforce development
- (v) pay and reward

(B) To exercise the Human Resources function in relation to the following:

- (i) Recruitment retention and Conditions of Service
- (ii) Dismissal, Retirement and Disciplinary Procedures

- (iii) Equal Opportunities (but excluding appeals from staff on any of these matters)
- (iv) Ex gratia leave of absence exceeding 6 days
- (v) To co-ordinate and oversee the Council's responsibilities, as employer, for Health and Safety and welfare matters
- (vi) Training and staff development generally

To exercise the Corporate Performance management function including:

- (j) The achievement of Sustainable Development
- (ii) Preparation for Comprehensive Area Assessment

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Development of the Corporate Plan

15.1 The **Policy and Performance Manager** and the **Principal Human Resources Officer** may exercise any or all of the functions of the Head of Service, subject to such restrictions as the Head of Service may place upon the exercise of such functions from time to time.

**THE FOLLOWING OFFICERS** are authorised in the absence of the relevant Strategic Director or Head of Service to exercise all the functions delegated to the relevant strategic Director or Head of Service in this Constitution (including those which arise as a consequence of any appointment as Proper Officer)

<b>Strategic Director/Head of Service</b>	<b>Deputy/Deputies</b>
Chief Executive	Either Strategic Director
Head of Legal and Support Services	Legal Services Manager
S151 Officer (Head of Finance and Asset Management)	Corporate Finance Manager
Head of Transformational Management	IT Manager/Customer Services Manager
Head of Human Resources and Performance	Human Resources Manager/Policy and Performance Manager
Head of Environmental Services	Environment Manager
Head of Tourism and Culture	Leisure Manager
Head of Planning and Regeneration Services	Economic Development Manager <b><u>Projects and Procurement Manager</u></b>
The Planning Manager	The Area Planning Managers

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**10. THE HEAD OF TECHNICAL SERVICES is authorised:****In respect of Environment and Transport matters:**

To exercise the following functions of the Council:-

- (A) **Engineering**, including:
  - (i) Flood and Coastal management;
  - (ii) Structural and Bridge Engineering
  
- (B) **Property and Asset Maintenance**, including:
  - (i) Property management and maintenance
  - (ii) Minor Building works
  
- (C) **Harbour Management**, including:
  - (i) Scarborough Harbour
  - (ii) Whitby Harbour and
  - (iii) Filey Coble Landing

save that the exercise of these functions is restricted to the extent that any Harbour Committee established by the Council may determine that these functions will be exercised by itself or another officer on its behalf from time to time;

- (D) **The functions of the Council (whether under agency arrangements with North Yorkshire County Council or otherwise) in relation to Highways and Traffic Management, including:**
  - (i) Administration of the Council's Highways Agency functions including management of and the Special Parking Area (decriminalised car parking scheme) the on-street parking facilities;
  - (ii) Traffic Management and maintenance of the highway, footpaths and bridleways
  - (iii) The grant of permission pursuant to s115 of the Highways Act 1980 for the use of the public highway for amenity purposes
  - (iv) The regulation of footpaths, bridleways and highways
  - (v) The temporary regulation of traffic, including the making of temporary Orders and traffic management
  - (vi) Lighting schemes;
  - (vii) Public works and improvements to private roads owned by the Council;
  - (viii) Transport services, including bus shelters and taxi stands;
  - (ix) Closed Circuit Television (CCTV)
  
- (E) **Management of the Council's car parks.**
  
- (F) **Management of major construction projects, including:**

Architectural services  
Client project management for capital projects,  
In association with the Head of Legal and Support Services, the  
procurement of Construction related services

- 10.1 The **Technical Services Manager** and the **Projects and Procurement Manager** may exercise any or all of the functions of the Head of Service, subject to such restrictions as the Head of Service may place upon the exercise of such functions from time to time.
- 10.2 In accordance with his powers pursuant to the Harbours, Docks and Piers Clauses Act 1847 (as amended by the Harbour Acts 1964) and subject to compliance with Customs Laws and Regulations the **Harbour Master** may, among other things, give directions:
- (a) For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock, or pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein;
  - (b) For regulating the position in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within or on the harbour, dock, or pier;
  - (c) For regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, for the safety of such vessel and for preventing injury to other vessels, the harbour, dock, or pier, and the moorings;
  - (d) For removing unserviceable vessels and other obstructions from the harbour, dock, or pier, and keeping the same clear;
  - (e) For regulating the quantity of ballast or dead weight in the hold of each vessel in or at the harbour, dock, or pier;
  - (f) For removal of wrecks and obstruction to the harbour, dock or pier and recovery of the costs relating thereto from the vessel owners
  - (g) For removal of unserviceable vessels from the harbour or docks at the expense of the owner.
- 10.3 The **Harbour Master** may also give directions:
- (a) to moor, unmoor, place or remove vessels within the prescribed limits of the harbour as he shall think fit or if there is no person on board to attend to such directions, to cause the same to be carried out and to recover the costs thereof from the owner;
  - (b) for dismantling vessels;
  - (c) for vessels to have hawsers, towlines or fasts fixed to moorings;
  - (d) for the removal of vessels for the purpose of repairing, scouring or cleansing the harbour, dock or pier, and to remove the same if the master thereof neglects or refuses so to do;

- (e) for the discharging of cargo and the placing of discharged vessels within the harbour, including the power to remove the same and recover the costs in the event that the direction is not followed;
- (f) for removal of goods from the quays, in the event that the goods are left lying there longer than allowed by byelaws and to recover the costs thereof;
- (g) for removal of combustible matter on the quays to a place of safety;
- (h) for guarding combustible matter during the night on the quays or works connected with the harbour, docks or pier, and recovering the cost of the same from the owner
- (i) to enter vessels within the harbour, pier or dock to search for and extinguish fires or lights
- (j) to detain vessels of those answerable for damage done by a vessel, and
- (k) to erect lighthouses and lay down buoys

**10.4 THE TECHNICAL SERVICES MANAGER, PARKING AND CCTV MANAGER, PARKING SERVICES OFFICER AND REPRESENTATIONS OFFICER are authorised to:**

- (a) Sign correspondence concerning the issue of Penalty Charge Notices, Notices to Owner and Charge Certificates
- (b) Cancel Penalty Charge Notices and
- (c) Cancel Charge Certificates

relating to the Scarborough Borough Special Parking Area (SI 2007 No 1902).

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Head of Technical Services			Technical Services Manager/Projects Manager		