

Schedule 4

Officers' Delegation Scheme

1. Introduction

- 1.1 Local authority decisions are made by elected members but in order for the Council to be able to function on a day to day basis the law enables the various executive and non-executive functions to be delegated to Officers. In addition there are some functions which the law says must be exercised by specific officers. These Officers are known as Statutory Officers or Proper Officers. Proper Officer functions are set out at Article 12.06.
- 1.2 This part of the Constitution sets out the ways in which Officers of the Council can make decisions and which decisions they have power to make. The powers in this Scheme are delegated to Officers referred to by title and they therefore apply to whoever holds that post at any time and the powers automatically transfer to any successor officers to the post.
- 1.3 Functions referred to in this Scheme are also to be construed in a broad and inclusive fashion and include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.
- 1.4 References in this Scheme to any legislation shall include a reference to any amendment or re-enactment of such legislation.
- 1.5 To indicate the origin of the delegation to Officers then an asterisk is used against all exclusively non-executive functions.

2. The Statutory Officers

By law, the Council must employ the following persons who are given certain powers and duties by statute.

2.1 **The Head of Paid Service – The Chief Executive Officer**

Functions relating to the grant and supervision of exemptions from political restriction. (s3A Local Government and Housing Act 1989)

Duty to prepare a report regarding proposals as to the co-ordination of the authority's functions and the number and grades, the organisation, and the appointment and proper management of the authority's staff. (s4 Local Government Housing Act 1989)

2.2 **The Monitoring Officer – The Assistant Chief Executive Legal and Democratic Services**

Duty to prepare a report if it appears to them that any proposal, decision or omission has or would give rise to any contravention of law or has caused any maladministration or injustice. (s5 and 5A Local Government and Housing Act 1989)

2.3 **The Chief Financial Officer – Corporate Director of Resources**

- (a) Responsibility for the administration of the authority's financial affairs.
- (b) Duty to prepare a report if it appears to them that any decision will incur unlawful expenditure or any course of action which if pursued to its conclusion would be unlawful and likely to cause a loss or deficiency on the part of the authority.

(s151 Local Government Act 1972)

2.4 **The Director of Children Services – Corporate Director Children and Young People's Service**

- (a) The functions of the authority in its capacity as a local education authority;
- (b) social services functions so far as those functions relate to children;
- (c) the provision of accommodation and advice and assistance to children to under sections 23C to 24D of the Children Act 1989;
- (d) the functions conferred on the authority under sections 10 to 12 and 17 of Children Act 2004 to improve wellbeing and safeguard and promote the welfare of children and to prepare a Children and Young People Plan;
- (e) any functions exercisable by the authority on behalf of an NHS body under arrangements between NHS bodies and local authorities pursuant to section 31 of the Health Act 1999 so far as those functions relate to children.

(s18 Children Act 2004)

2.5 **The Director of Adult Social Services – Corporate Director of Health and Adult Services**

The functions of the local authority set out in Schedule 1 of the Local Authority Social Services Act 1970 other than those for which the authority's Director of Children's Services is responsible under section 18 of the Children Act 2004.

2.6 **The Scrutiny Officer – (Head of Democratic Services and Scrutiny)**

- (a) To promote the role of the authority's Overview and Scrutiny Committee or Committees;
- (b) to provide support to the authority's Overview and Scrutiny Committee or Committees and the members of that Committee or those Committees;
- (c) to provide support and guidance to –
 - (i) Members of the authority,
 - (ii) Members of the Executive of the authority, and
 - (iii) Officers of the authority,

in relation to the functions of the authority's Overview and Scrutiny Committee or Committees.

(Section 9FB Local Government Act 2000)

3. General Notes

- 3.1 Delegated powers to all Officers must be exercised in accordance with:
- (a) Any statutory requirements and restrictions;
 - (b) the budget and policy framework set by Council, and other Council policies;
 - (c) any financial limits and procedures set out in the revenue or capital budgets and Financial, Procurement and Contract and Property Procedure Rules;
 - (d) the Codes of Member and Officer Conduct; and
 - (e) any provision contained in this Constitution.
- 3.2 Any delegation to an Officer does not include:
- (a) any matter specifically reserved to full Council;
 - (b) any matter which by law may not be delegated to an Officer.
- 3.3 Officers must keep Members properly informed of actions taken within the scope of these delegations in accordance with the Protocol for Member/Officer Relations set out in Part 5 of this Constitution.
- 3.4 In exercising delegated powers, Officers shall have regard to any report by the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer under their statutory obligations.
- 3.5 The Chief Executive Officer can at any time exercise the powers delegated to any Officer whether specified in this Scheme or otherwise unless expressly prohibited by law. At any time if the Chief Executive Officer is unavailable or absent then the Officer specified by the Chief Executive Officer can exercise the Chief Executive Officer's powers.

4 Delegation to All Chief Officers

- 4.1 All Chief Officers must manage and promote the services for which they are responsible. This includes taking and implementing decisions which help to maintain the operational effectiveness of the services within their remit and which fall within a policy decision made by the Executive or the Council. It includes all powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation.
- 4.2 These powers are to be exercised:
- (a) in accordance with any instructions given by the Chief Executive Officer;
 - (b) within any budgets or policies approved by the Council, and not committing the Council's budget to growth for future financial years;

- (c) in accordance with the Financial, Procurement and Contract and Property Procedure Rules;
 - (d) having regard to any legal advice from the Assistant Chief Executive Legal and Democratic Services; and
 - (e) in accordance with any legal requirements and restrictions.
- 4.3 It shall always be open to an Officer to consult with the appropriate Executive Member(s) on the exercise of delegated powers, or not to exercise delegated powers but to refer the matter to the Council, Executive or the committee/sub-committee which has the necessary powers.
- 4.4 Subject to complying with the matters set out in paragraph 4.2 above, Chief Officers are authorised to enter into contracts to facilitate service delivery or to procure works, services and supplies which are incidental to service delivery.
- 4.5 The delegation includes authorisation of any document including those which require the common seal of the Council to be affixed.
- 4.6 A delegation to a Chief Officer includes authority for any Officer within their directorate to carry out the delegation of the function on behalf of the Chief Officer. Officers shall devolve responsibilities for service delivery and management to those staff who represent the nearest practicable point of delivery to the service user.
- 4.7 In exercising delegated powers, Chief Officers shall consult with such other Officers as they determine appropriate and shall have regard to any advice given.
- 4.8 The delegated authority includes management of the human, financial and material resources (subject to the Property Procedure Rules) made available for the functions allocated to business units.
- 4.9 Chief Officers are authorised to take any action with respect to the:
- (a) recruitment, appointment, promotion, training, grading, discipline and capability of staff;
 - (b) the authorisation of senior managers to determine appeals against dismissal under the Council's Attendance Management Policy (in consultation with a Member drawn from the Appeals Committee and an HR adviser);
 - (c) the determination of wages and salary scales, determination and application of conditions of service, and determination of the establishment of the Business Unit which they manage, subject to the Corporate Director of Resources being satisfied that adequate provision is made in the budget of the Business Unit and to the Assistant Chief Executive HR and Business Support raising no objection to proposals affecting the grading, determination of wages and salary scales, or determination and application of conditions of service.
- 4.10 To make a formal response on behalf of the Council, following appropriate consultation, to any White Papers, Green Papers, Government Consultation Papers or other consultative document, where it is appropriate that the response should be an Officer response. Chief Officers should firstly consult the relevant Executive Member(s) in order to determine whether an Officer or Member response is most

appropriate. Where there is disagreement for responsibility for responding, the relevant Portfolio Holder(s) shall respond.

- 4.11 To accept the terms and conditions and governance documentation for a partnership agreement in respect of a partnership involving the Council, subject to Rules 29 and 30 of the Financial Procedure Rules and to the implications for the Council of this partnership being consistent with the Budget and Policy Framework.
- 4.12 To accept the terms and conditions of an accountable body agreement in respect of a partnership involving the Council, subject to Rules 29 and 30 of the Financial Procedure Rules and subject to the implications for the Council of this Accountable Body status being consistent with the Budget and Policy Framework.
- 4.13 To agree that the Council shall undertake work on behalf of, and to provide services to, external bodies in accordance with the Council's legal powers and duties.

5. Delegation to the Chief Executive Officer

- 5.1 To exercise the functions of the Head of the Paid Service.
- 5.2 To act as, and exercise the functions of, Electoral Registration Officer under the Representation of the People Act 1983.
- 5.3 To act as, and exercise the functions of, Returning Officer under the Representation of the People Act 1983 and to appoint such Deputy Returning Officers as the Chief Executive Officer requires to enable the proper exercise of their statutory duties as Returning Officer.
- *5.4 To manage and co-ordinate budget processes, strategic planning and information.
- *5.5 To authorise attendance at meetings by Members as an approved duty and the payment of Members' allowances.
- 5.6 To incur expenditure in the event of a civil emergency.
- 5.7 In cases of emergency to take any decision which could be taken by the Council, the Executive or a committee. This includes incurring expenditure from working balances or reserves subject to consultation with the Corporate Director of Resources if the Chief Executive Officer reasonably considers it appropriate and feasible and also to notifying any emergency to the Leader as soon as is reasonably practicable.
- 5.8 To exercise the functions of the Executive for civil aid and emergency planning.
- *5.9 To make payments or provide other benefits in cases of maladministration under Section 92 of the Local Government Act 2000.
- *5.10 To exercise all of the functions in relation to elections listed in Part D of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which are functions of the Council, to the extent that they are not delegated to a committee.
- *5.11 To carry out the Council's functions relating to local government pensions under Regulations under Sections 7, 12 or 24 of the Superannuation Act 1972.

- 5.12 In consultation with the Leader of the Council, the Corporate Director of Resources and the Assistant Chief Executive Legal and Democratic Services, to endorse the payment of indemnity to any Member or Officer, up to a maximum of £50,000, where such indemnity is not covered by insurance. Any sums above £50,000 are to be referred to the Executive.
- 5.13 To approve recommendations from external partnerships in relation to the distribution of funds overseen by those partnerships, in consultation with the relevant Executive Member.
- 5.14 Except in relation to those matters concerning employee terms and conditions which are decided in accordance with the statutory Pay Policy Statement agreed by full Council, the terms of reference of the Chief Officers' Appointments and Disciplinary Committee, and the Staff Employment Procedure Rules or are otherwise decided in accordance with the Constitution, the Chief Executive Officer, in consultation with the Leader of the Council, the appropriate Executive Member(s), the Corporate Director of Resources, the Assistant Chief Executive Legal and Democratic Services, and the Assistant Chief Executive HR and Business Support, shall have authority to agree the terms and conditions of employment of the Council's workforce, and any changes to them.
- 5.15 That the Chief Executive Officer, in consultation with the Leader of the Council, the appropriate Executive Member(s), the Corporate Director of Resources, and the Assistant Chief Executive Legal and Democratic Services, shall have authority to agree operational policies regulating the internal operations and working practices of the Council, which shall include, but not exclusively, policies in relation to health and safety, information governance, and IT policies.
- 5.16 To act as, and exercise all functions of, the Chief Executive Officer of NYC and Group (Shareholder Representative) in relation to the Council's companies and shareholders.
- 5.17 To exercise all functions in connection with the completion of ballot papers on behalf of the Council in relation to any Business Improvement District ballot.
- 5.18 To authorise covert activities by, and provide internal authorisations and renewal authorisations to, all appropriate officers for juvenile Covert Human Intelligence Sources (CHIS) covert investigations under the Regulation for Investigatory Powers Act 2000 (as amended) as required and to represent the Council in respect of such activities and/or authorisations when seeking judicial approval of them before the Magistrates' Court.
- 5.19 To exercise the Council's functions in relation to the issue of closure notices under the Anti-Social Behaviour Crime and Policing Act 2014.

6 Delegation to the Corporate Director Children and Young People's Service

- 6.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Corporate Director Children and Young People's Service is responsible for the exercise of all powers, duties and functions of the authority in relation to the following:
- Adult Education
 - Children and Families

- Inclusion
- Outdoor Education Services
- Schools

6.2 To the extent that any of these delegated functions are executive functions the Corporate Director will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

6.3 Specific Delegations

- (a) To exercise the functions of the Council as Local Education Authority and those functions relating to youth and community services, and sport and recreation policy.
- * (b) To nominate appointments of local education authority school governors to the governing body of any of its maintained schools. The appointment is determined by the governing body.
- (c) To manage the provision of training services in relation to Learning and Skills Council work and vocational education. This power may be exercised in conjunction with the Corporate Director of Health and Adult Services, so far as it relates to adults.
- (d) To exercise the social services functions of the Council as defined in the Local Authority Social Services Act 1970 so far as those functions relate to children including youth justice.
- (e) The provision of accommodation and advice and assistance to children under sections 23C to 24D of the Children Act 1989.
- (f) The functions conferred on the authority under sections 10 to 12 and 17 of the Children Act 2004 to improve wellbeing and safeguard and promote the welfare of children and to prepare a Children and Young People Plan.
- (g) Any functions exercisable by the authority on behalf of an NHS body under arrangements between NHS bodies and local authorities pursuant to section 31 of the Health Act 1999 so far as those functions relate to children.
- (h) To exercise discretion to reopen the adopters' list, as necessary, the action taken to be reported to the Executive.
- (i) To approve, after consultation with the Executive Members for Children's Services with responsibility for children's social care, safeguarding and prevention, any notifications to the Department of Health to pool resources under the Health Act Flexibilities so far as they relate to Children.
- * (j) To make representations under the Licensing Act 2003 and the Gambling Act 2005 to protect children from harm or being exploited by gambling.
- * (k) To appoint local authority Members to the Management Committees of Pupil Referral Units on the nomination of the political group to whom the right of nomination has been allocated.
- (l) To appoint Interim Executive Boards to schools.

- (m) To appoint Members of Shadow Governing Bodies to Schools and to undertake all other functions of the Local Education Authority under the School Governance (Transition from an Interim Executive Board)(England) Regulations 2010.
- (n) To exercise or to delegate to a nominated Officer(s), the specified functions of the Council as set out in the Regional Adoption Agency "One Adoption North and Humber" partnership agreement and associated documents attached to/referenced within the agreement.

6.4 Matters excluded from the delegation

The following matters are excluded from this delegation:

- (a) Major changes in the pattern of provision for meeting special educational needs and/or educational provision for all age groups falling within the Council's statutory duties or permissive powers.
- (b) Making or terminating appointments to governing bodies of outdoor centres and to any outside bodies, except as may be set out elsewhere in this Scheme, unless such power is specifically delegated by the body empowered to make such appointments.
- (c) Responding to invitations to bid for education support grants and other specific external funding which do not comply with existing policy and priorities or which require additional expenditure not budgeted for.
- (d) Determining priorities for the Adult Learning and Skills Service.

7 Delegation to the Corporate Director of Health and Adult Services

7.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Corporate Director of Health and Adult Services is responsible for the exercise of all powers, duties and functions of the authority in relation to the following:

- Adult Social Care
- Public Health
- Prevention and Service Development

7.2 To the extent that any of these delegated functions are executive functions the Corporate Director will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

7.3 Specific Delegations

- (a) To exercise the social services functions of the Council as defined in the Local Authority Social Services Act 1970 other than those for which the authority's Director of Children's Services is responsible under section 18 of the Children Act 2004.
- (b) To exercise the Council's powers and responsibilities relating to public health (other than those public health functions for which the authority's Director of Public Health for North Yorkshire is directly statutorily responsible under the NHS Act 2006, the Health and Social Care Act 2012 and related regulations); and the take up of welfare benefits.

- (c) To approve, after consultation with the Executive Members for Adult Social Services, any notifications to the Department of Health to pool resources under the Health Act Flexibilities other than those for which the authority's Director of Children's Services is responsible under section 18 of the Children Act 2004.
- (d) To act as accountable officer for the Joint Strategic Needs Assessment, pursuant to the Council's responsibilities set out in Section 116 Local Government and Public Involvement in Health Act 2007.
- (e) To authorise deprivation of liberty of a person in any case in which the Council is the supervisory body under the Mental Capacity Act 2005 or any successor legislation.

8 Delegation to the Corporate Director of Environment

8.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or officer, the Corporate Director of Environment is responsible for the exercise of all powers, duties and functions of the authority in relation to the following:

- Allotments
- Bereavement services, crematoria, public and private burials, maintenance of closed churchyards and public health funerals
- Coastal management and protection
- Commons and village greens
- Contaminated land
- Control of pollution and air quality
- Coroners service
- Dog warden services
- Environmental health and protection
- Environmental services including low carbon and natural capital services
- Fleet operation
- Flood management
- Footpaths, Bridleways, Restricted Byways and Byways Open to all Traffic
- Harrogate Borough Council Act 1986 and Harrogate Stray Act 1985
- Harbour services for Scarborough, Whitby and Filey Coble Landing
- Highways, road safety, transportation and traffic regulation including winter maintenance and commercial services with the Highways teckal company
- Integrated Passenger Transport
- Licensing
- Managing economic crime unit
- Markets
- Parking Services including civil parking enforcement, penalty charge notices and permit administration
- Parks, playgrounds, public open spaces and grounds maintenance
- Public rights of way
- Registration of births, deaths and marriages
- Regulatory services (including trading standards, food hygiene, noise protection, pest control)
- Seashores and promenades
- Street Scene including street cleansing and litter
- Provision and cleaning of public conveniences

- Waste Services including collection, disposal, recycling, household waste recycling centres, commercial waste collection and closed landfill sites.
- 8.2 To the extent that any of these delegated functions are executive functions the Corporate Director will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).
- 8.3 Specific Delegations
- (a) Highways and Transportation including Integrated Passenger Transport and Parking Services**
- (i) The exercise of all of the functions of the Council in relation to highways, street works, traffic and vehicle regulation, public transport, car parking, street café licences, pavement licences, and road safety together with any related enforcement action, making and entering into agreements pursuant to the Highways Act 1980 and also including but not limited to those Council functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- (ii) This includes authorising (including where objections have been received from a person entitled under the relevant statute) traffic regulation orders under the Road Traffic Regulation Act 1984 including but not limited to pedestrian crossings, speed limits, waiting and loading restrictions, weight limits, prohibition of driving and one way traffic and the provision of parking places off and on the highway; provided always that where such an objection is received, the Corporate Director of Environment shall take the decision in consultation with the relevant Executive Member(s) and after consultation with the local Member(s) and that the matter be referred to the Executive for determination where there is an outstanding objection which is supported by a local Member(s).
- (iii) Where it is considered by the Corporate Director of Environment in consultation with the relevant Executive Member(s) that a proposed Traffic Regulation Order meets the criteria for having a wide area impact, the Corporate Director of Environment will consult the relevant Area Committee(s) upon the proposed Order.
- (iv) The following matters are excluded from this delegation: where objections have been received from a person entitled under the relevant statute in relation to:
- Stopping up or diversion of highways (excluding public rights of way); and
 - Private street works.
- (b) Physical Environment including Public Rights of Way and Open Spaces**
- (i) The exercise of all of the functions of the Council relating to the physical environment of the Council, rights of way and open spaces including but not limited to the Wildlife and Countryside Act 1981 the Highways Act 1980 the Town and Country Planning Act 1990;
- (ii) The power to make representations to the Secretary of State regarding Definitive Map Modification Orders and Public Path Orders (with the exception of Creation Orders) to which a duly made objection has been received following public advertisement of the Order, subject to consultation with the relevant Executive Member(s) and local Member(s).

***(c) Commons Registration**

To determine all applications and exercise all functions of the Council in its role as Commons Registration Authority under Part 1 of the Commons Act 2006 and associated legislation (and any successor legislation).

(d) Environmental Services including Low Carbon, Natural Capital and Waste Services

- (i) To exercise all functions of the Council in relation to environmental health and protection
- (ii) To exercise the functions of the Council as Waste Collection and Disposal Authority under all legislation relating to waste management.
- *(iii) To exercise all of the functions of the Council under legislation relating to control of pollution and management of air quality (regulatory and licensing functions only).

(e) Flood Management

To exercise all functions of the Council as Lead Local Flood Authority under the Flood and Water Management Act 2010 and the Land Drainage Act 1991, including (but not limited to) the granting (or otherwise) of land drainage consents for ordinary watercourses.

(f) Licensing

- (i) The development of the Council's licensing policies and the management of its licensing functions.
- *(ii) To exercise all powers and functions in relation to licensing and registration including but not limited to those Council functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (including any necessary enforcement action where this is considered expedient). This includes but is not limited to:
 - Betting, lotteries, casinos and amusements;
 - Caravan and camping sites and moveable dwellings;
 - Charitable collections;
 - Cinema, cinema clubs and theatres;
 - Dangerous wild animals;
 - Hackney carriage and private hire vehicles;
 - Health and Safety at work;
 - Licensing of employment of children
 - Market and street trading
 - Meat, fish, dairy and egg product establishments and butchers' shops;
 - Motor salvage operations;
 - Movement and sale of cattle and pigs;
 - Movement and treatment of farm animals and livestock;
 - Night cafes and take-away food shops;
 - Operation of loudspeakers;
 - Performances of hypnotism;
 - Pet shops and the breeding and boarding of dogs or other animals;
 - Pleasure boats and pleasure vessels;

- Premises licences and club premises certificates
 - Premises for the preparation of food;
 - Premises for acupuncture, tattooing, ear piercing and electrolysis;
 - Sale of non-medicinal poisons;
 - Scrap yards;
 - Smoke-free premises and vehicles;
 - Storage of celluloid;
 - Solarium sunbeds
- (iii) To approve all applications for statutory licences and consents falling within the scope of responsibilities of the General Licensing and Registration Committee where no objection has been submitted in writing by a consultee or a Member of the public.
- (iv) In consultation with the Chair or Vice Chair of the General Licensing and Registration Committee, to determine all immediate suspensions/revocations where public safety is deemed to be at risk.
- (v) In consultation with the Chairman or Vice Chairman of the General Licensing & Registration Committee, to end a suspension if it is discovered that an allegation is unfounded and no further formal action is taken by the relevant body, or the matter is successfully appealed at the Magistrates' Court, each case determined on its own merits.
- (vi) To determine applications under the Licensing Act 2003 and Gambling Act 2005 that are not reserved for the Statutory Licensing Sub-committee.

Matters excluded from the delegation:

The following matter is excluded from this delegation:

- (a) the issue of a new safety certificate in respect of a sports ground in North Yorkshire, or the withdrawal of an existing certificate.
- (g) **Harbours**
- (i) To exercise the Council's functions of Harbour Authority and Harbour Management, related to Scarborough Harbour, Whitby Harbour and Filey Coble Landing
- (ii) To appoint and/or remove the Harbour Master.
- (iii) To act as the Council's Duty Holder to ensure compliance with the Port Marine Safety Code, including, but not limited to, the exercise of the following functions:
- maintaining strategic oversight and direction of all aspects of the harbour operation including marine safety;
 - responsibility for the development of policies, plans, systems and procedures for safe navigation;
 - ensuring that assessments and reviews are undertaken as required, maintaining and improving marine safety;
 - ensuring that the Harbour Authority seeks and adopts appropriate powers for the effective enforcement of their regulations, and for setting dues at a level which adequately funds the discharge of all their duties.

The Duty Holder functions may NOT be delegated to another officer.

- (iv) To act in accordance with Harbour Master directions in relation to Scarborough Harbour, Whitby Harbour and Filey Coble Landing.

The following functions are statutory functions which are specifically conferred on the Harbour Master and cannot be exercised by any Officer other than the Harbour Master, Deputy Harbour Master or one of the Harbour Master's appointed assistants. They cannot be withdrawn by the Chief Executive Officer or any other Officer. The functions conferred on the Harbour Master by the local enactments for Scarborough Harbour, the Port and Harbour of Whitby, and Filey Coble Landing, including the Harbours, Docks and Piers Clauses Act 1847 and Harbours Act 1964. These include the power to make directions in relation to:

- 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;
- 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;
- 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;
- removing unserviceable vessels and other obstructions from the harbour, dock, or pier, and keeping the same clear;
- regulating the quantity of ballast or dead weight in the hold of each vessel in or at the harbour, dock, or pier;
- removal of wrecks and obstruction to the harbour, dock or pier and recovery of the costs relating thereto from the vessel owners;
- for removal of unserviceable vessels from the harbour or docks at the expense of the owner.

The Harbour Master may also give directions:

- to moor, unmoor, place or remove vessels within the prescribed limits of the harbour as the Harbour Master 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;
- for dismantling vessels;
- for vessels to have hawsers, towlines or fasts fixed to moorings;
- 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;
- 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;
- 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;
- for removal of combustible matter on the quays to a place of safety;
- 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;

- to enter vessels within the harbour, pier or dock to search for and extinguish fires or lights; to detain vessels of those answerable for damage done by a vessel;
- to erect lighthouses and lay down buoys; and
- to implement such terms and conditions as the Harbour Master thinks fit to regulate the use of services and facilities provided by the Harbour Authority which, in the exercise and performance of statutory powers and duties, they are engaged in improving, maintaining or managing.

(v) In relation to harbour powers and duties **The Assistant Director Regulatory Services, Registration, Bereavement and Coroners** has been appointed to act as the Council's Designated Person under the Port Marine Safety Code, in relation to: Scarborough Harbour, Whitby Harbour and Filey Coble Landing and to exercise the following Designated Person functions including, but not limited to:

- monitoring and auditing the thoroughness of the risk assessment process and the validity of the assessment conclusions;
- monitoring and auditing the thoroughness of the incident investigation process and the validity of the investigation conclusions;
- monitoring the application of lessons learnt from individual and industry experience and incident investigation;
- assessing and auditing the validity and effectiveness of indicators used to measure performance against the requirements and standards in the Port Marine Safety Code;
- assessing the validity and effectiveness of consultation processes used; consulting with external marine consultants to supplement their capabilities and qualities as necessary

***(h) Regulatory Services**

The exercise of all the functions of the Council as weights and measures and food authority and for trading standards and consumer protection, coronavirus, animal health, sports grounds and explosives licensing, including, but not limited to such of those functions as listed in of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the powers under any 'relevant statutory provision' within the meaning of Part 1 of (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974 to the extent that those functions are discharged otherwise than in the Council's capacity as an employer in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, together with the North Yorkshire County Council Act 1991.

(i) Enforcement

- To undertake enforcement activities in respect of all functions within the remit of the Corporate Director of Environment in order to regulate any actual, potential or perceived breach of legislation, authorisation, permit, licence, permission or document of a similar nature. This includes but is not limited to taking the following actions:
 - Carrying out inspections and/or examinations;
 - Exercising any powers of entry;
 - Serving any notice or document including penalty notices;
 - Undertaking any work in default;
 - Seeking a warrant or other order; and/or

- Making test purchases of goods and services.
- (ii) To appoint/authorise any Officer and any person undertaking that task for or on behalf of the Council to be:
- An inspector;
 - An authorised officer; and/or
 - An enforcement officer

This includes power to authorise any such Officer/person to undertake all action relevant to the performance of such a role in relation to any service or function of the Council provided that in all cases the appointment/authorisation relates wholly or partly to any services or function which the Corporate Director of Environment has responsibility for.

- (iii) To authorise covert activities by, and provide internal authorisations and renewal authorisations to, trading standards officers for covert investigations both under the Regulation for Investigatory Powers Act 2000 as amended and outwith that Act, and to represent the Council in respect of such activities and/or authorisations when seeking judicial approval of them before the Magistrates' Court.
- (iv) In consultation with the Assistant Chief Executive Legal and Democratic Services to authorise Officers to prosecute and to appear on the Council's behalf before a Court.

(j) **Registration, Bereavement, Coroners' Service**

- (i) The exercise all of the functions of the Council relating to the Registration of Births, Deaths and Marriages, bereavement services, statutory public health funerals, public and private burials, and cremations and maintenance of closed churchyards.
- (ii) The power to approve premises for the solemnisation of marriages and civil partnerships and to exercise all functions of the Council.

Matters excluded from the delegation:

The following matters are excluded from this delegation:

- Major changes in the pattern of provision for the Registration Service or the Coroners' Service;
- Authorising the making of new byelaws and orders;
- Any other matter which has specifically been delegated for decision by an Area Committee;
- Approval of the consultation draft or final version of the Sub-Regional Investment Plan (SRIP);
- Response to consultations on relevant strategies from partners;
- Approval of capital programme projects;
- Policy and criteria for grant and loan schemes;
- Grants to outside bodies where no scheme is in place;
- Major changes in the pattern of provision for Trading Standards and Regulatory Services.

9 To the Corporate Director of Community Development

9.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Corporate Director of Community Development is responsible for the exercise of all powers, duties and functions of the Council in relation to the following:

- Archives
- Business Improvement Districts
- Building Control
- Conservation and archaeology
- Culture and Arts
- Economic Development, Regeneration and Skills
- Housing
- Key Venues – including Harrogate Convention Centre and Scarborough Open Air Theatre
- Leisure services and community sports facilities
- Libraries
- Local Land Charges
- Museums
- Planning and development
- Protection of hedgerows and preservation of trees
- Street naming & numbering
- Support and hosting the two AONB
- Tourism

9.2 To the extent that any of these delegated functions are executive functions the Corporate Director will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

9.3 Specific Delegations

(a) **Planning**

- (i) The exercise of all functions in relation to town and country planning (including minerals and waste planning) and development control including those Council functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (including any necessary enforcement action where this is considered expedient).
- (ii) The exercise of all functions of the Council in relation to the Planning (Hazardous Substances) Act 1990.
- (iii) To sign, on behalf of the authority, notices regarding periodic reviews of quarries after 15 years of the granting of planning permissions in accordance with Schedule 14 of the Environment Act 1995 (and supporting guidance).
- (iv) Powers relating to the protection of important hedgerows.
- (v) Powers relating to the preservation of trees.
- (vi) Powers relating to complaints about high hedges.

Matters excluded from the delegation:

The following matters are excluded from this delegation:-

- Matters with the remit of the Strategic Planning Committee;
- Planning applications submitted by or on behalf of the Council for development (excluding minor applications relating to schools or the curtilage of a property or external alterations where no significant extensions are proposed);
- Planning applications submitted by a Councillor or their spouse/partner, or on behalf of a Councillor or spouse/partner;
- Planning applications involving land/premises owned or controlled by a Councillor or spouse/partner;
- Where a senior officer (Corporate Director/Assistant Director/Head of Service or equivalent) of the Council has a pecuniary interest in the outcome of a planning application;
- Where the Corporate Director of Community Development considers a planning application to raise significant planning issues or significant planning issues that may affect more than one area committee geography such that it is to be considered by Committee;
- Planning applications required to be accompanied by an Environmental Impact Statement unless recommended for refusal;
- Planning applications on which a Member of the Council has made material planning representations in writing to the Corporate Director of Community Development within the publicity period and in consultation with the Chair the Corporate Director of Community Development is satisfied that it has been demonstrated that it raises significant material planning issues for the application to be considered by Committee.

(b) Local Land Charges

- (i) The exercise of all functions relating to local land charges including but not limited to the maintenance of the local land charges register; and the processing of local authority searches.

(c) Economic Development, Regeneration and Tourism

- (i) The exercise of all functions of the Council in relation to economic development and regeneration.
- (ii) To lead on setting up the infrastructure to support new tourism arrangements across the region including the creation, management and enhancement of visitor attractions and facilities.

(d) **Culture, Arts, Libraries, Museums, Archives, Key Venues and Leisure**

- (i) The exercise of all the functions of the Council, relating to culture, arts, libraries, museums, archives, and leisure including but not limited to:
- The operation, development and management of all leisure services (including leisure contracts with third parties and Council owned entities) and related matters including in consultation with the Corporate Director for Resources concessionary arrangements for the use of the Council's leisure facilities;
 - The operation, development and management of all Council's museums, galleries, public libraries, library services and the County Archives and the provision of schools' library services.
 - The exercise of all the functions of the Council relating to Key Venues.

Matters excluded from the delegation:

The following matters are excluded from this delegation:

- Major changes in the pattern of provision of any of the above services, including permanent closures.

(e) **Housing**

- (i) The development of the Council's Housing policies and management of all matters required to ensure the Council carries out its statutory duties as a local housing authority.
- (ii) In conjunction with the Corporate Director of Resources the maintenance of a Housing Revenue Account in accordance with the Local Government and Housing Act 1989 and any other legislation.
- (iii) The exercise of the Council's functions in respect of the preparation and development of appropriate strategies and plans for the Council's housing stock, including the Housing Investment Programme.
- (iv) The exercise of all functions of the Council relating to social and private housing including but not limited to:
- The provision of services in accordance with the Homeless Reduction Act 2017 and any other legislation relating to homeless prevention and relief of homelessness and the provision of temporary and interim accommodation for homeless people;
 - The discharge of the Council's housing duties through the Council's allocations scheme and nomination arrangements with both social and private sector landlords;
 - Housing enforcement action and regulation in accordance with the various statutory duties on the Council;
 - The licensing of Houses in Multiple Occupation (HMOs);
 - The discretionary licensing of private rented sector dwellings;
 - Enforcement action relating to long term empty dwellings and properties and the security of unoccupied derelict buildings;

- The discharge of the Council's duties associated with housing in relation to statutory nuisance, prevention of damage by pests, and issuing of statutory notices;
- The provision of mandatory Disabled Facilities Grants;
- The provision of discretionary grants to improve housing conditions;
- Actions to enable the provision of affordable and supported housing, including but not limited to; liaison with housing associations, developers, government funders, community organisations and land owners and the provision of grants to enable the provision of affordable housing and supported housing;
- All matters regarding garage tenancies;
- Actions in relation to addressing breach of tenancy conditions in consultation with the Assistant Chief Executive Legal and Democratic Services;
- Exercising the functions of the Council under the Protection from Eviction Act 1977, the Protection from Harassment Act 1997 and all other enabling powers to regulate and control private landlords;
- Taking action to secure the eviction of trespassers.

(v) To approve and refuse housing grants and approve loan applications and payments with consideration to the terms of the Council's Housing Assistance Policy.

(vi) The service of notices, certificates of disrepair.

(f) Enforcement

(i) To undertake enforcement activities in respect of all functions within the remit of the Corporate Director of Community Development in order to regulate any actual, potential or perceived breach of legislation, authorisation, permit, licence, permission or document of a similar nature including but not limited to

- Carrying out inspections and/or examinations;
- Exercising any powers of entry;
- Serving any notice or document;
- Undertaking any work in default; and/or
- Seeking a warrant or other order.

(ii) To appoint/authorise any Officer and any person undertaking that task for or on behalf of the Council to be:

- An inspector;
- An authorised officer; and/or
- An enforcement officer

including power to authorise any such Officer/person to undertake all action relevant to the performance of such a role in relation to any service or function of the Council provided that in all cases the appointment/authorisation relates wholly or partly to any services or function which the Corporate Director of Community Development has responsibility for.

(iii) In consultation with the Assistant Chief Executive Legal and Democratic Services to authorise Officers to prosecute and to appear on the Council's behalf before a Court.

10. Delegation to the Corporate Director of Resources

10.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Corporate Director of Resources is responsible for the exercise of all powers, duties and functions of the Council in relation to the following:

- Commercial activities
- Council tax and business rates
- Customer contact including contact centres and the Council's website
- Data governance and security
- Facilities management
- Financial management
- Grants
- Housing and council tax benefit assessment, fraud and verification
- Procurement
- Property
- Revenue and Benefits
- Technology
- Transformation

10.2 To the extent that any of these delegated functions are executive functions the Corporate Director will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

10.3 Specific Delegations

(a) **Statutory duties**

To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.

(b) **Financial management**

To manage from day to day the:-

- (i) County Fund and all subsidiary accounts.
- (ii) Any earmarked or specific funds established from time to time by the Council.
- (iii) Pension Fund, including:
 - The exercise of the Council's functions as administering authority, subject to any specific instructions that might be given from time to time by the Pension Fund Committee;
 - The power to seek professional advice and to devolve day to day handling of the Pension Fund to professional advisors within the scope of the Pensions Regulations; and
 - To change the mandate of or the monies allocated to a Pension Fund manager, in consultation with the Chairman and at least one other member of the Pension Fund Committee, in circumstances when not to do so would lead to a real or potential, loss in value of the Pension Fund's investments. Any

such action to be reported to the Pension Fund Committee as soon as practicable.

(iv) The administration of revenue, benefits and housing rents including:

- Council tax processing and billing arrangements
- Local council tax support
- National non-domestic rates
- Hardship schemes
- Housing benefits
- Collection of housing rents
- Recovery of any over-payments

NOTE: The Corporate Director of Resources is not empowered to change the investment manager structure of the Pension Fund.

- * (c) To operate the Local Government Pension Scheme Regulations and any other regulations that relate specifically to the Council's responsibility to administer the Scheme, including the exercise of discretions.
- * (d) To implement increase payments under the Pension Increase Acts.
- (e) To implement national and local pay awards.
- * (f) To borrow and lend money in accordance with the Treasury Management Statement and annual Strategy.
- (h) To manage the Housing Loan Scheme.
- (i) To make leasing arrangements.
- (j) To manage all insurance and related risk management issues, including insurance to cover liability under the indemnity policy for Members and officers.
- (k) To administer and oversee compliance with the Financial Procedure Rules.
- * (l) To make in year adjustments to the Special Responsibility Allowances to reflect changes in the numerical strength of the individual groups with effect from the beginning of the month after such a change has taken place.
- (m) Under Regulation 7 of the Local Authorities (Contracts) Regulations 1997 to sign certificates under the Local Government (Contracts) Act 1997 and is indemnified against any liability, claims or costs arising out of the signature of any such contract.
- (n) To exercise the functions of the Council relating to its small holdings estate.
- (o) To authorise the acquisition, disposal or redeployment of property and assets as set out in the Property Procedure Rules and Financial Procedure Rules.
- (p) To authorise the submission of bids for grant or other external funding where the estimated value of the grant is £200,000 to £500,000 (in consultation with the relevant Executive Member(s)), and the acceptance of any grant or other external funding less than £200,000 in accordance with Rule 28 of the Financial Procedure

Rules, and subject to the implications for the Council being consistent with the budget and policy framework.

11 Delegation to the Assistant Chief Executive Legal and Democratic Services

11.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Assistant Chief Executive Legal and Democratic Services is responsible for the exercise of all powers, duties and functions of the Council in relation to the following:

- The Constitution
- Democratic Services
- Ethical and governance frameworks
- Electoral registration and elections
- Legal services

11.2 The Assistant Chief Executive Legal and Democratic Services will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

11.3 Specific Delegations

- (a) To exercise the functions of Monitoring Officer.
- (b) To assist the Chief Executive Officer in delivering local elections and electoral matters.
- (c) To ensure the lawful, effective and sound decision-making and achievement of objectives by the Council and the promotion and maintenance of sound ethical and governance frameworks.
- (d) To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal.
- (e) To authorise officers of the Council to represent the Council before any Court, Tribunal or Inquiry and to instruct Counsel or external legal advisers to undertake legal work, advise or represent the Council.
- (f) To make appointments, on the nomination of political groups, to Valuation Tribunals.
- (g) To maintain the list of politically restricted posts.
- * (h) In relation to allegations made against the Chief Executive Officer relating to capability issues, disciplinary action and proposals for dismissal (for any reason other than redundancy, permanent ill health and, unless its renewal has been promised, failure to renew a fixed term contract).
- (i) To receive, in the first instance, such allegations against the Chief Executive Officer and to decide, in consultation with the Chair of the Chief Officers Appointments and Disciplinary Committee, whether the complaint is such that it should be referred to the Chief Officers Appointments and Disciplinary Committee for consideration;

- (j) Subject always to the legal requirements regarding such suspension, to suspend the Chief Executive Officer immediately in an emergency if an exceptional situation arises whereby such allegations against the Chief Executive Officer are such that their remaining presence at work poses a serious risk to the health and safety of others or to the resources, information or reputation of the Council, and/or where the circumstances are such that the issue of suspension needs to be addressed prior to any scheduled meeting of the Chief Officers Appointments and Disciplinary Committee and will not await the scheduling of a special meeting of that Committee;
- (k) Where the Chief Officers Appointments and Disciplinary Committee so directs, to agree the specific appointment of a named individual as Independent Investigator with the Chief Executive Officer;
- (l) To agree the terms of remuneration and working methods for the Independent Investigator with the individual appointed.
- (m) To exercise all functions in respect of the publication of Standards and Governance Committee Independent Person vacancies in consultation with the Chair of the Standards and Governance Committee.
- (n) To grant dispensations to Members and voting co-opted Members, after consultation with the Independent Person for Standards, where the timescales are such that a Standards and Governance Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards and Governance Committee, all of whom consent to the granting of the dispensation.
- (o) Establish and maintain registers of Members' Interests and Gifts and Hospitality;
- (p) To authorise covert activities by, and provide internal authorisations and renewal authorisations for, covert investigations by Veritau Limited and all directorate departments (with the exception of Trading Standards) both under the Regulation for Investigatory Powers Act 2000 as amended and outwith that Act, and to represent the Council in respect of such activities and/or authorisations when seeking judicial approval of them before the Magistrates' Court.
- (q) Following consultation with the Chair of the Appeals Committee (or another Member of that Committee nominated by the Chair), to appoint independent members to the panels of Members (from which they will be drawn by the Assistant Chief Executive Legal and Democratic Services) to consider appeals against decisions relating to admission of pupils to schools, and to conduct permanent exclusion reviews.
- (r) To take all decisions in relation to the Legal and Democratic Services Alternative Business Structure company, subject to the controls given to the Council by the Shareholders' agreement, and to exercise day to day control of the Alternative Business Structure attached to the company.
- (s) To exercise all necessary powers to implement the Executive's resolutions regarding the governance arrangements for the Council's companies and shareholdings, including reviewing the terms of the Companies governance documents.
- (t) In consultation with the Chief Executive Officer, to dismiss a volunteer or community member of a Council committee, panel or forum, in appropriate circumstances as determined by the Assistant Chief Executive Legal and Democratic Services in consultation with the Chief Executive Officer.

- (u) To determine, in consultation with the Executive Member for Corporate Services, if requests for Community Governance Reviews should be treated as urgent and brought forward to the Standards and Governance Committee to recommend approval of terms of reference to the Council.
- (v) To make temporary appointments to parish and town councils in North Yorkshire under section 91 Local Government Act 1972.

12 Delegation to the Assistant Chief Executive HR and Business Support

12.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Assistant Chief Executive HR and Business Support is responsible for the exercise of all powers, duties and functions of the Council in relation to the following functions:

- Business Support across all directorates
- Directorate HR Teams
- Equality, Diversity & Inclusion for the workforce
- Health & Well Being for the workforce
- HR Shared Service Team
- Industrial relations (including collective bargaining, corporate collective bargaining and consultation structure and arrangements)
- Learning & development
- Organisational Development
- Pay & Reward
- Payroll
- Recruitment/Resourcing

12.2 The Assistant Chief Executive HR and Business Support will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

12.3 Specific Delegations

- (a) To manage the provision of training contracts awarded by the Learning & Development Service and those of a related nature aimed at skilling individuals for employment.
- *(b) To make all appointments to the Chief Officers Disciplinary Panel (the independent panel convened as and when required to consider and advise on proposals to dismiss the Chief Executive Officer, Monitoring Officer or Section 151 Officer).

13 Delegation to the Director of Public Health for North Yorkshire

13.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Director of Public Health for North Yorkshire is responsible for the exercise of all powers, duties and functions of the Council in relation to the following functions:

- (a) The statutory functions of the Director of Public Health in relation to public health, including, but not limited to, those set out in the Public Health (Control of Disease) Act 1984, NHS Act 2006, Health and Social Care Act 2012 and related regulations; including, but not limited to:

- (b) Council health improvement functions under the Health and Social Care Act 2012;
- (c) the exercise by the Council of any public health functions of the Secretary of State which they require the local authority to exercise by regulations under section 6C of the NHS Act 2006 (this relates to functions outside England);
- (d) any public health activity undertaken by the Council in pursuance of arrangements with the Secretary of State;
- (e) Council functions that relate to planning for, or responding to, emergencies involving a risk to public health;
- (f) Council functions under section 325 of the Criminal Justice Act 2003 in relation to co-operating with police, probation and prison services in relation to assessing risks of violent or sexual offenders;
- (g) such other functions relating to public health as may be prescribed for the Director of Public Health by the Secretary of State (including, but not limited to, making representations about the grant of a licence to use premises for the supply of alcohol);
- (h) the provision of an annual report.

14 Delegation to the Assistant Chief Executive Local Engagement

14.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or Officer, the Assistant Chief Executive Local Engagement is responsible for the exercise of all powers, duties and functions of the Council in relation to the following functions:

- Communications
- Community Safety including CCTV
- Corporate policy including the Council Plan, the Sustainable community strategy, Community engagement, Equality and Diversity, the Compact and thriving voluntary and community sector, Localism and Environment sustainability and climate change
- Emergency Planning including emergency planning and service continuity
- Locality structure
- Policy and Performance
- Refugees & Asylum seekers

14.2 The Assistant Chief Executive Local Engagement will agree arrangements for consultation with the relevant Executive Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

14.3 Specific Delegations

(a) **Communications**

The development, implementation and maintenance of a communications strategy for the Council.

(b) **Locality**

- (i) The development, implementation and maintenance of the Council's strategy for Locality working.
- (ii) The promotion and development of collaborative working arrangements with stakeholders and partners in the voluntary sector.
- (iii) The registration and all of the processes for determining the community right to challenge and nominating assets of community value under the Localism Act 2011.
- (c) **Emergency Planning**
 - (i) The provision of support to the Chief Executive Officer in the exercise of civil aid and emergency planning and service continuity management capability functions in accordance with the Civil Contingencies Act 2004 and other relevant legislation.
 - (ii) The development, implementation and maintenance of the Council's Emergency Plan and Business Continuity Plans.
- (d) **Policy and Performance**
 - (i) The development of the Council's policy agenda.
 - (ii) The development of the Council's Council Plan setting out the Council's vision, values and key ambitions.
 - (iii) The development of the Council's use of evidence to generate insight and inform decision making and drive improvements across service delivery.
 - (iv) The development and implementation of the Council's performance framework including service key performance indicators and reporting thereon.
- (f) **Community Safety**
 - (i) All powers and duties conferred by legislation in connection with community safety functions which are not within the purview of any other Director including but not limited to:
 - The management and operation of Closed Circuit Television (CCTV).
 - The functions of the Council relating to anti-social behaviour, harassment and community protection including public spaces protection orders and identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.