

THE CONSTITUTION

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CONSTITUTION - PART 3 - RESPONSIBILITY FOR FUNCTIONS

(Last updated August 2021)

3. Responsibility for Executive functions

(A) CABINET RESPONSIBILITIES

PORTFOLIO: LEADER

Councillor Richard Cooper
Flat 1
107 East Parade
Harrogate HG1 5LR
Member for Harrogate Central Ward

Main role

To provide political leadership on behalf of residents, stakeholders and partners in the co-ordination of Council policies, strategies and service delivery.

To promote the core values and objectives of the Council.

To lead the development of local, regional and sub-regional policy and strategic partnerships.

To develop partnerships with residents and stakeholders to deliver our strategic objectives and provide good quality services.

To chair Cabinet

Duties and responsibilities

1. To be the Cabinet Member having strategic responsibility for decision making in the following areas:-
 - a. Policy initiatives including publication of the Council's Corporate Plan.
 - b. Ensuring value for money and demonstrating that in external and internal assessments.
 - c. Communicating the Council's vision, values and objectives to Councillors, staff and the Unions and to residents and other stakeholders.
 - d. Relevant Local Enterprise Partnerships and other regional and national agencies.

- e. Policy in respect of the Harrogate Convention Centre and the Council's relationship with the Management Board.
 - f. Strategic risk management.
 - g. Political leadership of the Council's own improvement agenda.
2. To take up membership of any appropriate body or organisation whose objectives are considered to be beneficial to the pursuit of the Council's own initiatives.
 3. To be the Cabinet Member with overall responsibility for strategic risk management and decision-making in respect of Executive functions and operational risk management in respect of functions within this portfolio.
 4. Co-ordination of the implementation of policies and strategies especially in relation to cross-cutting issues to achieve a corporate approach.
 5. Implementation of an effective performance management framework including co-ordinating and monitoring the implementation of corporate policies through:
 - a. Strategic monitoring of the content and production of the Corporate Delivery Plan.
 - b. Leading on the setting of corporate objectives and performance indicators.
 - c. Establishing the implementation and monitoring of systems, in liaison with other Cabinet Members, to ensure that management and departmental performance plans are consistent with corporate strategies and policies.
 6. To ensure that systems exist to appraise the performance of senior managers.
 7. To be the Cabinet Member having overall responsibility for operational risk management, procurement and decision-making in the following areas:
 - a. Customer Services.
 - b. Grant funding.
 8. To have overall responsibility, at the political level, for ensuring that financial, staffing and other resources are adequate both in the functions listed at 1 above and generally across the Authority to meet the Council's obligations, aims and objectives.
 9. To ensure that rural interests and concerns are understood and taken into account at all levels in decision making by or on behalf of the Council or Executive.

10. To consider and report to the Council in respect of any Notice of Motion duly referred.
11. To be responsible for preparing budget estimates and a draft capital programme and to set charges for services within the ambit of the portfolio following the parameters of the budget strategy fixed by the Council.

PORTFOLIO: HOUSING & SAFER COMMUNITIES

Councillor Mike Chambers
Kirkdale
Littlethorpe Lane
Ripon
HG4 1UB
Member for Ripon Spa Ward

Main role

Co-ordinating the activities of Council relating to housing management, operational property and safer communities.

Duties and responsibilities

1. To have responsibility for monitoring the implementation of Council objectives relating to housing by:-
 - a. Setting performance targets relating to the objectives.
 - b. Ensuring goals and milestones are met.
 - c. Reviewing relevant areas of service provision.
 - d. Developing new policies and strategies if necessary.
 - e. Assuming responsibility for the achievement of agreed Service Improvement Plans relating to the areas of responsibility included within this portfolio.

2. To be responsible for operational risk management, procurement and decision-making in the following areas:-
 - a. all operational property including housing, both public and private sector, within the Borough including all functions relating to Council Housing Management; homelessness; management of the Housing Revenue Account; and providing political management in respect of affordable housing.
 - b. Environmental Protection including Public Health Complaints, Dog Wardens, Contaminated Land, Industrial Pollution Control and Private Water Supplies.
 - c. Community safety.
 - d. CCTV.
 - e. Food Safety including Infectious Disease Control and Public Water.
 - f. Fixing the maximum hire charges for Hackney Carriage and Private Hire Vehicles.

- g. Fixing of Scrap Metal Dealers licences fees.
 - h. Emergency Planning and Civil Contingencies.
 - i. Any other matters closely related to areas (a) - (h) above not being functions which, by law, are not to be the responsibility of the executive.
3. To be the Council's representative on the North Yorkshire Police and Crime Panel.
 4. To be the Cabinet Member having overall responsibility for Parish, Christmas and decorative lighting.
 5. To work together with other Cabinet Members to achieve the Council's aims and objectives.
 6. To ensure that rural interests and concerns are understood and taken into account at all levels in decision making by or on behalf of the Council or Executive.
 7. To consider and report to the Council in respect of any Notice of Motion duly referred.
 8. To be responsible for authorising the submission of applications for planning permission and other similar applications in relation to housing land of the authority.
 9. To be responsible for preparing budget estimates and draft capital programme and to set charges for services within the ambit of the portfolio following the parameters of the budget strategy fixed by the Council.
 10. See also Local Choice Functions at Section 1.

PORTFOLIO: CULTURE, TOURISM & SPORT

Councillor Stanley Lumley
Lyndene
Bewerley
Pateley Bridge
Harrogate
HG3 5HS

Member for Pateley Bridge and Nidderdale Moors Ward

Main role

Co-ordinating the activities of the Council which contribute toward Corporate objectives in respect of Culture, Tourism, Leisure and Sport.

Duties and responsibilities

1. To be responsible for monitoring the implementation of Council objectives relating to culture, tourism and sports by:
 - a. Setting performance targets relating to the objectives.
 - b. Ensuring goals and milestones are met.
 - c. Reviewing relevant areas of service provision.
 - d. Developing new policies and strategies if necessary.
 - e. Assuming responsibility for the achievement of agreed Service Improvement Plans relating to the areas of responsibility included within this portfolio.
2. To be the Cabinet Member having overall responsibility for operational risk management, procurement and policy issues in decision-making in the following areas:-
 - a. Sport and Leisure (including all facilities and associated projects).
 - b. Museums and Arts.
 - c. Community Centres.
 - d. Business, Holiday and Leisure Tourism.
 - e. Destination Management Organisation
3. To work together with other Cabinet Members to achieve the Council's aims and objectives.
5. To ensure that rural interests and concerns are understood and taken into account at all levels in decision making by or on behalf of the Council or

Executive.

6. To consider and report to the Council in respect of any Notice of Motion duly referred.
7. To be responsible for preparing budget estimates and draft capital programme and to set charges for services within the ambit of the portfolio following the parameters of the budget strategy fixed by the Council.

PORTFOLIO: PLANNING

Councillor Tim Myatt
14 Regent Street
Harrogate
HG1 4BE
Member for Harrogate High Harrogate

Main role

To be the political focus and driving force for the preparation and continual updating of the Development Framework (the “Development Plan”).

To act as guardian of the Development Plan and ensure that it is consistently applied to development control decisions.

To coordinate the Council’s activities towards achieving Council objectives relating to all planning and building control issues.

Duties and Responsibilities

1. To have responsibility for monitoring the implementation of the Council objectives relating to planning issues by:-
 - a. Setting performance targets relating to the objectives.
 - b. Ensuring goals and milestones are met.
 - c. Reviewing relevant areas of service provision.
 - d. Developing new policies and strategies if necessary.
 - e. Assuming responsibility for the achievement of agreed Service Improvement Plans relating to the areas of responsibility included within this portfolio.
2. To be the Cabinet Member having overall responsibility for operational risk management, procurement and policy issues in decision-making for all aspects of Planning including:-

- a. Preparation and formal modification of development plan policies and proposals for approval by Council prior to publication/submission stage and formal adoption by the Council.
 - b. Adoption of Conservation Areas.
 - c. Schemes of grant aid.
 - d. Dangerous buildings and building regulations.
 - e. Areas of special control for advertisements.
 - f. Simplified planning zone schemes.
 - g. Consultations on draft legislation, circulars and planning policy statements, proposals for SSSI's and other national designations and plans of adjacent planning authorities except those forming part of the Development Plan.
 - h. Approval of Development Plan Documents for consultation prior to publication/submission draft stage.
 - i. Authority to amend Statutory Plans in the light of the Secretary of State's response.
 - j. Design guidance – issue for consultation and final approval for publication.
 - k. Approval of Local Development Documents which do not form part of the development plan.
 - l. Management of any issues arising from the Land Charges Register or local searches.
 - m. Approval of Community Infrastructure Levy documents for consultation prior to draft charging schedule stage
3. The Cabinet Member must refer to the Cabinet:-
- a. proposals for the acquisition or disposal of land for planning purposes;
 - b. policies and proposals which form part of the Development Plan including those prepared by other authorities or bodies.
4. To work together with other Cabinet Members to achieve the Council's aims and objectives.
 5. To ensure that rural interests and concerns are understood and taken into account at all levels in decision making by or on behalf of the Council or Executive.
 6. To consider and report to the Council in respect of any Notice of Motion duly referred.
 7. To be responsible for preparing budget estimates and draft capital programme and to set charges for services within the ambit of the portfolio following the parameters of the budget strategy fixed by the Council.
 8. To be responsible for authorising the submission of applications for planning permission and other similar applications except for those involving the Housing Land of the Authority.
 9. See also further delegation under Planning Scheme of Delegation relating to this Cabinet Member.

PORTFOLIO: ENVIRONMENT, WASTE REDUCTION & RECYCLING

Councillor Andrew Paraskos
16 Castle Street
Spofforth
Harrogate HG3 1AP
Member for Spofforth with Lower Wharfedale Ward

Main role

Co-ordinating the activities of the Council which contribute towards the achievement of Council objectives relating to the protection of the environment.

Duties and responsibilities

1. To have responsibility for monitoring the implementation of Council objectives relating to the environment by:-
 - a. Setting performance targets relating to the objectives.
 - b. Ensuring goals and milestones are met.
 - c. Reviewing relevant areas of service provision.
 - d. Developing new policies and strategies if necessary.
 - e. Assuming responsibility for the achievement of agreed Service Improvement Plans relating to the areas of responsibility included within this portfolio.
2. To be the Cabinet Member having overall responsibility for operational risk management, procurement and decision making in the following areas:-
 - a. Waste Management and Recycling.
 - b. Street Cleansing Services and litter save that the designation of litter control areas under Section 90 of the Environmental Protection Act 1990 shall be determined by Cabinet.
 - c. Cemeteries and Crematoria (including closed church yards)
 - d. Bereavement Services
 - e. Outdoor and Farmers Markets
 - f. Parks and Open Spaces, Grounds Maintenance (including woodlands and the Stray)
 - g. Arboriculture

- h Conservation and management of the countryside
 - i Any matters arising under the Harrogate Stray Act 1985 or Harrogate Borough Council Act 1986
3. To manage the Council's relationship with the Nidderdale Area of Outstanding Natural Beauty Joint Advisory Committee and determine Executive matters arising from the existence of the Area of Outstanding Natural Beauty.
 4. Working with colleagues on increasing recycling rates by introducing strategies to incentivise recycling and penalise those who do not recycle where they can.
 4. To work together with other Cabinet Members to achieve the Council's aims and objectives.
 5. To ensure that rural interests and concerns are understood and taken into account at all levels in decision making by or on behalf of the Council or Executive.
 6. To consider and report to the Council in respect of any Notice of Motion duly referred.
 7. To be responsible for preparing budget estimates and draft capital programme and to set changes for services within the ambit of the portfolio following the parameters of the budget strategy fixed by Council.
 8. See also Local Choice functions at Section 1.

PORTFOLIO(S): DEPUTY LEADER AND RESOURCES, ENTERPRISE AND ECONOMIC DEVELOPMENT

Councillor Graham Swift
The Granary
Penny Pot Lane
Harrogate HG3 2SA
Member for Harrogate Duchy Ward

Resources – main role

Co-ordination and planning of corporate resources, especially in relation to cross-cutting issues in order to achieve a corporate approach.

Resources - duties and responsibilities

1. To submit proposals to the Cabinet on the medium term financial strategy, capital programme and annual budget allocations.
2. To have responsibility for resource planning and management including:
 - a. Employee relations and policies relating to staff employment.
 - b. Equal opportunities policies relating to staff employment.
 - c. The Council's contract processes, including changes to procurement policy and the approved list of contractors.
 - d. The strategic implementation of IT.
 - e. Corporate land use and asset management.
 - f. Monitoring expenditure.
 - g. Implementing audit plans.
3. To be the Cabinet Member having overall responsibility for operational risk management, procurement and decision-making in the following areas:
 - a. Information Technology
 - b. Human Resources
 - c. Finance matters
 - d. Legal issues
 - e. Asset Management
 - f. Central Services (excluding Customer Services).

Enterprise and Economic Development - Main role

Coordinating the activities of the Council which contribute towards the achievement of Council objectives relating to the economy and enterprise.

Enterprise and Economic Development - duties and responsibilities

1. To be responsible for monitoring the implementation of Council objectives relating to tourism, economic development and enterprise by:-
 - a. Setting performance targets relating to the objectives.
 - b. Ensuring goals and milestones are met.
 - c. Reviewing relevant areas of service provision.
 - d. Developing new policies and strategies if necessary.
 - e. Assuming responsibility for the achievement of agreed Service Improvement Plans relating to the areas of responsibility included within this portfolio.
2. To be the Cabinet Member having overall responsibility for operational risk management, procurement and decision making in the following areas:-
 - a. Economic development and regeneration.
 - b. Enterprise including the development of an entrepreneurial strategy for the delivery of Council services; and
 - c. The development of income generating activities for the Council.
 - d. The Council's Office Accommodation Project.

Duties and responsibilities common to all roles

1. To work with other Cabinet Members to achieve the Council's objectives.
2. To ensure that rural interests and concerns are understood and taken into account at all levels in decision making by or on behalf of the Council or Executive.
3. To consider and report to the Council in respect of any Notice of Motion duly referred.
4. To be responsible for preparing budget estimates and draft capital programme and to set changes for services within the ambit of the portfolio following the parameters of the budget strategy fixed by Council.

PORTFOLIO: CARBON REDUCTION AND SUSTAINABILITY

Councillor Phil Ireland
47 Farfield Avenue
Knaresborough
HG5 8HD

Member for Knaresborough Aspin and Calcutt Ward

Main role

Co-ordinating the activities of the Council which contribute towards the achievement of corporate objectives relating to carbon reduction and sustainability.

To be the representative of the Council and to lead in developing relationships with agencies, stakeholders and citizens that support the Council's carbon reduction and sustainability plans.

Duties and responsibilities

1. To have responsibility for monitoring the implementation of Council objectives relating to carbon reduction and sustainability by:-
 - a. Setting performance targets relating to the objectives
 - b. Ensuring goals and milestones are met by taking a cross-portfolio view of the council's operations which influence climate change.
 - c. Reviewing relevant areas of service provision.
 - d. Developing new policies and strategies if necessary.
 - e. Assuming responsibility for the achievement of agreed Service Improvement Plans relating to the areas of responsibility included within this portfolio.

2. To be responsible for operational risk management, procurement and decision-making in the following areas:-
 - a. Reduction of carbon emissions as a council and as a district in line with our carbon reduction strategy.
 - b. Parking policy and operations including reduction of petrol and diesel car journeys.
 - c. Promotion of sustainable transport and pedestrian-centred retail centres.
 - d. Working with the Local Enterprise Partnerships and wider region to on reaching the 2038 zero carbon commitment.
 - e. Implementing, reviewing and updating our carbon reduction strategy, ensuring that it is aligned with local, city region and regional commitments on climate change
 - f. Being responsible for the Council's work on improved air quality.
 - g. Working with other organisations on the White Rose Forest Initiative, and on our target of each child planting a tree during their schooling.
 - h. Removing incentives to travel by car for council employees and the general public.

- i. Being responsible for the Council's central transport division and fleet management.
3. The Cabinet Member must refer to the Cabinet proposals for the acquisition or disposal of land for parking purposes.
4. To have responsibility for the Council's Corporate Travel Plan and associated Parking Strategy.
5. To work together with other Cabinet Members to achieve the Council's aims and objectives.
6. To represent the Council at the North Yorkshire Local Transport Board, Harrogate Local Sustainable Transport Steering Group, Harrogate Cycle Forum, Harrogate District Climate Change Coalition and any other relevant body related to sustainable transport and carbon reduction initiatives. (Any cycling responsibilities must be fulfilled in conjunction with the Council's Cycling and Walking Champion.)
7. To be the Cabinet Member responsible for the Council's Cycling Action Plan or any other sustainable transport initiatives arising from the Tour de France Legacy Strategy. (Any cycling responsibilities must be fulfilled in conjunction with the Council's Cycling and Walking Champion.)
8. To undertake any consultation or lobbying regarding strategic transport and carbon reduction matters in so far as it relates to the Council's objectives relating to sustainable transport and carbon reduction.
9. To ensure that rural interests and concerns are understood and taken into account at all levels in decision making by or on behalf of the Council or Executive.
10. To consider and report to the Council in respect of any Notice of Motion duly referred.
11. To be responsible for preparing budget estimates and draft capital programme and to set charges for services within the ambit of the portfolio following the parameters of the budget strategy fixed by the Council.
12. To champion increased carbon literacy for elected members and council officers.
13. To be the lead Cabinet Member on initiatives promoting circular economy principles with partners including the Local Enterprise Partnership.

(B) RESPONSIBILITY FOR EXECUTIVE FUNCTIONS - APPEALS AGAINST EXECUTIVE DECISIONS

Where a right of appeal against an executive decision is vested in the Council either finally or as part of an appeals mechanism, then the appeal lies to an Appeals and Licensing Panel of the Licensing Committee.

The Panel will be composed of three elected Members none of whom will be a Cabinet Member.

(C) PLANNING SCHEME OF DELEGATION

The scheme of delegation for the discharge of planning powers and duties has been prepared in accordance with Council Policy that decisions should be taken at the lowest appropriate level of delegation. This is in order to ensure that decisions are taken with all due speed and efficiency.

The Cabinet Member for Planning is entitled to consult the relevant Committees on the following matters and any other matter the Cabinet Member so decides.

LISTED MATTERS

Planning Committee	Mineral extraction and waste disposal (tipping).
District Development Committee	Statutory local plans not forming part of the development plan of the District. Non statutory plans, policies and guidance promoted by this and other authorities and by Government.

(D) RESPONSIBILITY FOR EXECUTIVE FUNCTIONS GENERAL SCHEME OF DELEGATION TO OFFICERS – EXECUTIVE FUNCTIONS

Pursuant to its powers contained in Section 15 of the Local Government Act 2000, the Cabinet hereby arranges for certain of its functions to be discharged by Officers of the Council in the manner, to the extent and subject to the conditions and reservations set out below. This Scheme became operative on 11 October 2001. The Scheme is without prejudice to any separate arrangements for functions of Council.

Further General Limitations

1. The Executive reserves to itself the right at any time (but without prejudice to any action already taken under these arrangements) to amend or revoke these arrangements.
2. The functions to be discharged by Officers are those set out in Schedule 2. The Officers by whom those functions are to be discharged are those specified in the Schedule. Those Officers may arrange in writing for functions to be discharged by their subordinate staff.
3. An Officer shall not incur, nor commit the authority to, any expenditure for which there is no estimate provision capital, revenue or agency.
4. So far as any function is itself exercisable under an agreement under Section 19 of the Local Government 2000 with another authority (an “agency” agreement) it shall be discharged strictly in accordance with the terms of such agency agreement.
5. Any matter which, in the judgement of the Officer exercising powers under this Scheme, is likely to give rise to unusual difficulty or the circumstances of which are likely to give rise to controversy or other extraordinary consideration, shall be dealt with in consultation with the relevant Cabinet Member; and, if the Cabinet Member so directs, shall be referred to Cabinet for determination or consideration.
6. During the period between the local election and the Annual Meeting, subject to their remaining in office, consultations should be with the relevant Cabinet member or such other Member of the Executive as provided for.

**SCHEDULE 2 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS –
SCHEME OF DELEGATION TO OFFICERS**

THE CHIEF EXECUTIVE

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
1. To do all such things as are necessary in relation to all routine matters of day to day administration, management and control or which are necessary for the proper performance of the terms of appointment.			
2. To do all things necessary to give effect to Financial Regulations and Standing Orders relating to Contracts.			
3. To appoint private consultants in all professional/technical disciplines as required to supplement in-house staff resources to ensure the timely implementation of approved capital works programmes and other major work.			
4. To determine the validity of claims arising from damaged personal property and to approve such claims where appropriate		Director of Corporate Affairs who will seek the approval of the Secretary of State in appropriate cases	
5. To have discretion to approve or disapprove applications for car loans to staff, the amount to be loaned and the period of repayment.			To be reported annually to the appropriate Cabinet Member.
6. Authority to extend sickness payments to those cases described in the policy.			

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
7. To co-ordinate twinning/partnership arrangements with Luchon, France and Barrie, Canada.			
8. To issue to any Director any direction which is considered appropriate in any case where there are reasonable grounds for believing that such Director is so conducting the Council's affairs that there is an actual or prospective breach of Council Policy or that the activities are such that they were likely to embarrass the Council or damage its essential interests.		Leader of the Council and the Chair of the relevant Scrutiny Committee.	
<u>RESIDUAL POWER</u>			
9. In the absence of both a Director and any Officer authorised to act in absence, to exercise any power delegated to that Director.		Such Officers of that Department as are deemed appropriate and subject to such other requirements for consultation as would apply to the appropriate Director in such a case.	
<u>DELEGATION IN ABSENCE</u>			
10. In the absence or unavailability of the Chief Executive, the powers be exercisable by such Officer as the Chief Executive may nominate for the purpose in consultation with whichever other Director is appropriate.			

EXECUTIVE FUNCTIONS DELEGATED BY THE EXECUTIVE TO THE DIRECTOR OF CORPORATE AFFAIRS

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<p>1. To do all such things as are necessary in relation to all routine matters of day to day administration, management and control or which are necessary for the proper performance of the terms of appointment.</p>			
<p>2. To do all things necessary to give effect to Financial Regulations and Standing Orders relating to Contracts.</p>			
<p>3. To appoint private consultants in all professional/technical disciplines as required to supplement in-house staff resources to ensure the timely implementation of approved capital works programmes and other major work.</p>			
<p>4. To determine the validity of claims arising from damaged personal property and to approve such claims where appropriate</p>		<p>Director of Corporate Affairs who will seek the approval of the Secretary of State in appropriate cases</p>	
<p>5. To authorise the refusal of applications for financial assistance in those instances where the Council has an established policy not to award grants or where there is no specific provision within the approved budget for the organisation.</p>			

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
6. To demand, collect and authorise proceedings for the recovery of the Council Tax or any such successor local tax, national non-domestic rate, Community Infrastructure Levy and the miscellaneous income of the Authority.			
7. To impose penalties on behalf of the Authority as appropriate under the provisions of Schedule 3, paragraph 1 of the Local Government Finance Act 1988 and Part 9 of The Community Infrastructure Levy Regulations 2010 (as amended).			
8. To represent the Council before proceedings in the Valuation and Community Charge Tribunals (and its successor body).			
9. To swear affidavits in connection with bankruptcies/liquidations and to represent the Council at creditors meetings where appropriate.			
10. To determine applications for mandatory and discretionary rate relief under the provisions of Sections 43 and 47 of the Local Government Finance Act 1988.	Any appeal against the decision shall be referred to the Licensing Committee.	Cabinet Member Finance and Resources	
10a. To determine applications for discretionary rate relief under the provisions of Section 44A of the Local Government Finance Act 1988.	Any appeal relating to the non-granting of the relief shall be considered by judicial review, in accordance with Section 138 of the Local Government Finance act 1988.	Cabinet Member Finance and Resources if initial officer assessment is challenged resulting in a review by the S151 Officer.	
11. To determine applications for hardship under the provisions of Section 49 of the Local Government Finance Act 1988.	Any appeal against the decision shall be referred to the Licensing Committee.	Cabinet Member Finance and Resources	

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
12. In the case of financial assistance to outside organisations to grant approval to commence works "without prejudice" where deemed necessary.			
13. To calculate under Sections 33 and 34 of the Local Government Finance Act 1992 the amount of the Council Tax base for the whole and parts of the Council's area.			
14. To determine applications for locally defined discounts on Council Tax in accordance with Section 13A of the Local Government Finance Act 1992.	1. Individual or Classes of cases up to £100,000 2. Applications above £100,000 to be submitted to Cabinet	Cabinet Member Finance & Resources	
15. To implement recommendations of properly constituted negotiating bodies recognised by the Council and agreements reached by chief officers who have delegated authority to agree local conditions, which relate to salary and wage levels.			
16. To negotiate with lenders and borrowers and determine amounts, rates of interest and repayment and other terms of long and short term loans.			

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
17. To be responsible for providing an adequate and effective internal audit of the Council's accounting records and of its system of internal control in accordance with proper practices in relation to internal control under Regulation 6 of the Accounts and Audit (England) Regulations 2011.			
18. To be able to access any documents of the Council held by an officer or member, in so far as they relate to the internal audit of the Council, and to receive any information or explanation from any officer or member considered necessary for this purpose in accordance with the 2011 Accounts & Audit (England) Regulations.			
19. To fix the locally determined interest rate for Housing Act Advances under the provisions of the Housing Act 1980.			
20. To implement changes in the Standard National Rate for local authority mortgages as notified under the Housing Act 1985.			
21. The power to "Opt to tax" Council owned property		Director responsible for the Service provided from relevant land or building(s).	
22. To serve any statutory notice of a minor or routine nature which is not already specifically delegated to other Directors.		The relevant Director	
23. To institute, defend and authorise legal proceedings and to settle such proceedings in the best interests of the Council.	Debt recovery and other matters of a minor or routine nature do not require consultation.	The relevant Cabinet Member.	To be reported at discretion of Solicitor to the Council or Head of Legal and Governance

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<p>24. Power to require information as to interests in land (Section 16 of the Local Government (Miscellaneous Provisions) Act 1976).</p>			
<p>25. Where Planning approval to the development of land formerly owned by the Council or any of its predecessor authorities and in respect of which the Council has the benefit of a pre-emption right or a covenant which prevents the land from being used for the purposes for which such approval has been given:-</p> <p>(i) to secure the release of the Covenant for the best obtainable price; or</p> <p>(ii) to take all such steps as may be necessary to enforce it.</p>			
<p>26. That in the event that any notice or any document is required to be signed or certificated urgently and the Officer who is duly authorised in that behalf is unavailable, the Director be empowered to sign any such notice or document on behalf of the Council and certify any document needing certification.</p>			

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<p>27. (a) To apply to the Court for any necessary Order pursuant to Section 77 of the Building Act 1984 where a building is dangerous but immediate action is not required.</p> <p>(b) To take such steps as may be necessary to remove the danger where a building is dangerous and immediate action is necessary.</p>	<p>The service of notice on the owners and occupiers wherever reasonably practicable.</p>	<p>Director of Economy, Environment and Housing</p> <p>Director of Economy, Environment and Housing</p>	
<p>28. In accordance with the agreed criteria to authorise the free letting of Committee Rooms and the Council Chamber to appropriate Professional and other Local Government Organisations together with appropriate hospitality</p>	<p>To be agreed with relevant Cabinet Member.</p>		
<p>29. To make planning and other applications as relevant for small scale development.</p>	<p>For outline planning permission for housing development sites, up to 0.1 hectares, which have been identified and agreed by the Director of Economy, Environment and Housing.</p>	<p>Cabinet Member/Ward Member</p>	

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
30. Authority to administer and make determinations under the provisions of the Housing Benefit and Council Tax Benefit schemes, embodied in Acts, Statutes and Regulations and as amended in future.			
31. Authority to administer and make determinations in respect of Discretionary Housing Payments as embodied in Acts, Statutes and Regulations (Discretionary Financial Assistance Regulations 2001 – SI 2001/1167) and as amended in future.	An appeal against the decision shall be referred to the Cabinet Member (Finance and Resources)		
32. To undertake the initial check on all expressions of interest received under the Localism Act 2011 Community Right to Challenge Process including the power to reject applications which are invalid under the Act.		Leader and either Cabinet Member or Committee Chair as appropriate plus local Ward Member(s) if the proposal affects a particular area.	
33. To undertake the initial validation check on all nominations received under the Localism Act 2011 Assets of Community Value Process including the power to reject nominations which are invalid under the Act and also make the decision to list/not list valid nominations.		Leader	
34. To adjust the price for facilities and activities and within the Control of the Department of Economy, Environment and Housing; provided that there is no anticipated reduction in overall income.		Cabinet Member and Director of Economy, Environment and Housing	
35. To enforce provisions of the Dogs (Fouling of Land) Act 1996,			

	including the issue of fixed penalty notices in connection with land for which the Director is responsible		
36.	To make planning and other applications as relevant for small scale development.	Director for Economy, Environment and Housing	

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<p>30 All the powers and duties conferred on the executive by the following statutes where the relevant section in those statutes relates to a power or duty in connection with public health, health and safety, licensing, environmental protection, Anti-Social Behaviour, food safety, water supply and quality, infectious diseases, waste management and health promotion (including the power to issue and serve notices and the power to appoint authorised Officers, including the Council's servants and agents, to enter land and premises to carry out those powers and duties), excluding those powers and duties specifically delegated to other Directors, be delegated to Director of Corporate Affairs Reference to a statute includes that statute as subsequently amended, all statutory instruments made under the statute and re-enactment of the relevant provisions in the subsequent statute.</p> <p>Appeals: appeals against refusal, revocation, the imposition of a condition or variation of a condition on licences etc. is to be determined by a panel of the Licensing Committee where the appeal lies within the Council.</p>			
List of Relevant Statute			Any Restrictions
Animal Health Act 1981 Animal Welfare Act 2006 Anti-Social Behaviour Act 2003 Anti-Social Behaviour Crime and Policing Act 2014 Building Act 1984 Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2004 Control of Pollution Act 1974 Control of Pollution (Amendment) Act 1989 Crime and Disorder Act 1998 Criminal Justice and Police Act 2001 Criminal Justice and Public Order Act 1994 Dogs (Fouling of Land) Act 1996 Environment Act 1995 Environment and Safety Information Act 1988 Environmental Protection Act 1990 European Union (Withdrawal) Act 2018 Food and Environmental Protection Act 1985 Food Safety Act 1990 Food Standards Act 1999 Gambling Act 2005 Guard Dogs Act 1975 Health Act 2006 House to House Collections Act 1939			

<p>Local Government (Miscellaneous Provision) Act 1976 Local Government (Miscellaneous Provisions) Act 1982 Mobile Homes Act 1975 and 1983 Noise and Statutory Nuisance Act 1993 Policing and Crime Act 2009 Police, Factories etc. (Miscellaneous Provisions) Act 1916 (Street Collections) Pollution Prevention and Control Act 1999 Prevention of Damage by Pests Act 1949 Public Health (Control of Disease) Act 1984 Public Health Act 1936 Public Health Act 1961 Refuse Disposal (Amenity) Act 1978 Regulatory Enforcement and Sanctions Act 2008 Fire Safety & Places of Sport Act 1987 Sunbeds (Regulation) Act 2010 Sunday Entertainments Act 1932 Sunday Observance Act 1780 Sunday Theatre Act 1994 Sunday Trading Act 1994 Video Recordings Act 1984 Water Act 1989 Water Industry Act 1991</p>	
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General condition applying to all the following functions:-

To sign and issue all Notices required to be given and perform such other acts as may be necessary in the exercise of the Executive functions under the following statutory provisions:-

1.	To issue, serve and enforce litter control notices under section 88 and 93 of the Environmental Protection Act 1990		Cabinet Member	
2.	To enforce provisions of the Dogs (Fouling of Land) Act 1996, including the issue of fixed penalty notices in connection with land for which the Director is responsible.			

**EXECUTIVE FUNCTIONS DELEGATED TO THE - DIRECTOR OF ECONOMY,
ENVIRONMENT AND HOUSING**

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
1. To do all such things as are necessary in relation to all routine matters of day to day administration, management and control within the Department or which are necessary for the proper performance of the terms of appointment.			
2. To do all things necessary to give effect to Financial Regulations and Standing Orders relating to Contracts.			
3. To appoint private Consultants in all professional/technical disciplines, as required, to supplement in-house staff resources to ensure the timely implementation of approved Capital Works Programmes and other major work.			
4. To determine the validity of claims arising from damage to personal property and to approve such claims where appropriate.		Director of Corporate Affairs who will seek the approval of the Secretary of State in appropriate cases.	
5. To approve proposals for the introduction of temporary road closures under the Town Police Clauses Act 1847 where either no objection(s) have been received or there are no outstanding objections.	Any outstanding objections to be considered by the relevant Cabinet Member.	The Ward member(s)	

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
6. To agree street names and numbering/renumbering of properties.		The Ward Member(s)	
7. To give notice and undertake works to deal with dangerous excavations pursuant to section 25 Local Government (Miscellaneous Provisions) Act 1976			
8. Building (Local Authority Charges) Regulations 1998 To vary the scale of charges within the Local Government Association Model Scheme.	Variation by up to plus or minus 10% only	Director of Corporate Affairs and the relevant Cabinet Member	
9. Building Control functions: <i>(previously delegated to the Chief Planner prior to July 2016)</i> (a) Service of notices of work in contravention of Building Regulations. (b) To grant or refuse applications for relaxation/dispensation of the Building Regulations. (c) To pass or reject full plans deposited under the Building Regulations. (d) To accept or reject initial notices submitted by approved inspectors/developers. (e) To serve notice under Section 81 of the Building Act 1984 (Power to serve notice about demolition) (f) To issue Completion Certificates in accordance with Regulation 15 of the Building Regulations 1991. (g) To inspect regulated stands in accordance with Section 35 of the Fire safety and Safety of Places of Sport Act 1987.			

<p>(h) Clean Air Act 1993, Section 16 – Power to reject plans where chimney etc will be a nuisance etc.</p> <p>(i) To serve notice under section 78 of the Building Act 1984 (Dangerous Building – Emergency Measures).</p> <p>(j) To issue street/postal numbers in respect of new houses/buildings in accordance with Section 64 of the Towns Improvement Clauses Act 1847 (houses to be numbered and streets named).</p> <p>(k) To issue Regulation Certificates in accordance with Regulation 13A of the Building Regulations 1991.</p> <p>(l) To act as the Council’s “Appointing Officer” to make such appointments as are required under Section 10(8) of the Party Wall etc Act 1996.</p>			
<p>10. To agree local terms and conditions for contracted services managed by the Department.</p>			
<p>11. The authority to set and vary charges (in consultation with the Director of Corporate Affairs) for contracted services managed by the Department.</p>			
<p>12. To implement the Council’s agreed economic strategy.</p>			<p>Periodic report to the appropriate Cabinet Member</p>
<p>13. To approve terms for and to do all things necessary to conclude the sale, lease or disposal of Council owned land and property where the consideration or rental does not exceed £25,000.</p>		<p>The relevant Cabinet Member.</p>	<p>The details of the transactions to be reported to Cabinet Member</p>

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
14. To approve terms for the assignment of leases or parts (save where there is an absolute bar), and to approve licences to assign and for changes of use of Council owned properties.			
15. To accept surrenders of or to acquire land or property the consideration for which does not exceed £20,000.			
16. To take enforcement action under the Clean Neighbourhood and Environment Act 2005.			
17. To adjust the price for facilities and activities and within the control of the Department of Economy, Environment and Housing; provided that there is no anticipated reduction in overall income.		Cabinet Member and Director of Corporate Affairs	
18. To adjust the price and offer promotions for facilities and activities within Culture, Tourism and Sports, provided that there is no anticipated reduction in overall income.		Head of Culture, Tourism and Sports	
19. In the case of financial assistance to voluntary sports organisations, to grant approval to commence works "without prejudice" where deemed necessary.			
20. The determination of grants, awards and prizes within agreed budgets including Centenary grants, arts grants, Starbeck Community Fund, Rural Fund, Sports Grants.			To be reported annually to relevant Cabinet Member
21. Policy aspects of holiday tourism.		(ultimately Cabinet Member and Cabinet as appropriate)	
22. To appoint private consultants in all professional/technical disciplines as required to supplement in-house staff resources to ensure the timely implementation of approved			

	capital works programmes and other major work.			
23.	To determine the validity of claims arising from damage to personal property and to approve such claims where appropriate.		Director of Corporate Affairs who will seek the approval of the Secretary of State in appropriate cases.	
24.	To allocate tenancies in accordance with the Scheme of Allocations, including the signing of relevant tenancy agreements.			
25.	To deal with housing allocation cases not strictly within the scheme of allocation including those which are of a difficult or controversial nature.		To be agreed in conjunction with relevant Cabinet Member.	
26.	To deal with the exclusion of applications from the housing register.	Any appeal against such determination will be referred to the Homelessness Appeal Panel		
27(A)	Housing Act 1996 Part VII - To determine homelessness applications.			
(B)	To determine homelessness reviews in accordance with agreed policy.	Any appeal against determination will be referred to the Housing Options Team Leader, ie not same person taking the original decision		
28.	To award special case priority for re-housing to applicants from the housing register and to disabled applicants from the housing register for suitable accommodation regardless of any age restriction on that property.		Cabinet Member and Local Ward Member	
29.	To administer the Housing and Building Control Act 1984 - Secure Tenancies (Right to Repair) Regulations 1985 and to determine action on individual claims.			
30.	To approve applications by tenants for alteration or addition	Subject to such conditions as the		

to Council properties	Council may legally stipulate		
31(A) To approve applications by tenants moving to smaller accommodation for financial assistance towards removal and associated costs, up to a maximum of £600			
32. To nominate Housing Register applicants to Housing Association stock vacancies.			
33. To give final authority for eviction proceedings.		Cabinet Member	Ward Member
34. To collect and to authorise recovery of housing rents and other miscellaneous charges.			
35. Local Government Act 1972 - Section 223 To authorise individual officers (other than Solicitors) to attend Court in actions relating to areas of responsibility in connection with possession on grounds of rent arrears.			
36 a. In consultation with the Cabinet Member for Housing and Safer Communities, to make possession applications to court, in cases of serious anti-social behaviour, under part 5 of the Anti-Social Behaviour, Crime and Policing Act 2014.		Cabinet Member	
37. To do all things that are necessary in relation to the reactive repair, maintenance and improvement of Council dwellings, to ensure continuity of service to housing tenants and in particular:- (a) where a contractor defaults in a given area, a substitute contractor shall, as an emergency arrangement (not lasting more than 6 months), undertake work of a high priority. For these purposes the substitute shall be appointed from those already contracted to			

	the Council for the same type of work. The emergency substitute shall undertake the work at the prevailing percentage addition to the schedule of rates for the most recent contract area that it has previously been awarded;			
	(b) in the event of a contractor defaulting, the Director of Economy, Environment and Housing may appoint the contractor offering the next lowest tender percentage for the area, providing it has the capacity to undertake the work at that time; and (c) where an appointment under (b) is proposed Standing Order 9.1 with Respect to Contracts be waived.			
38.	To approve applications for the various home repair, improvement, conversion and adaptation that are available under existing legislation in accordance with any further qualifying criteria that have been adopted.	Grants which do not meet the approved criteria and minor variations to the policy in respect of grants for energy efficiency works involving the inclusion of fit dwellings together with home repair assistance applications not involving other elements of disrepair to be agreed with relevant Portfolio Holder.	Relevant Cabinet Member	
39.	To determine requests by lenders for Improvement Grant Waivers	In accordance with the Policy Statement set out in Housing Services Committee Minute No 71(84/85)	Relevant Cabinet Member	
40.	Power to require information as to interests in land (Section 16 of the Local Government (Miscellaneous Provisions) Act			

1976).			
41.	To adjust the price for facilities and activities and within the Control of the Department of Economy, Environment and Housing provided that there is no anticipated reduction in overall income.		Cabinet Member and Director of Corporate Affairs
42.	To determine applications for all entertainment events taking place in Cambridge Street and in the Market Place, Harrogate and the Market Squares at Knaresborough and Ripon (except for Street Collections and "Miles of Pennies")		Relevant Cabinet Member
43.	The determination of grants, for Parish Council Play Equipment within agreed budgets.		To be reported annually to relevant Cabinet Member
44.	Management and operational matters relating to all facilities, projects and activities within the control of the Department of Economy, Environment and Housing including the Stray.		
45.	To register burials and cremations in accordance with the relevant statutes.		
46.	Authority to sign Grant of Exclusive Right of Burial S214 and S216, LGA 1972.		
47.	Authority to sign Grant of Exclusive right to erect a plaque in the Garden of Remembrance, Local Authorities Cemeteries Order 1974.		
48.	All the powers and duties conferred on the executive by the following statutes where the relevant section in those statutes relates to a power or duty in connection with environmental protection, water supply and quality, waste management (including the power to issue and serve notices and the power to appoint authorised Officers, including the Council's servants and agents, to enter land and premises to carry out those powers and duties), excluding those powers and duties specifically delegated to other Directors, be delegated to Director of Economy, Environment and Housing. Reference to a statute includes that statute as subsequently amended, all statutory instruments made under the statute and re-enactment of the relevant provisions in the subsequent statute.		

List of Relevant Statute	Any Restrictions
Building Act 1984 House to House Collections Act 1939 Local Government (Miscellaneous Provision) Act 1976 Regulatory Enforcement and Sanctions Act 2008 Fire Safety & Places of Sport Act 1987 House to House Collections Act 1939 Local Government (Miscellaneous Provision) Act 1976	

General condition applying to all the following functions:-

To sign and issue all Notices required to be given and perform such other acts as may be necessary in the exercise of the Executive functions under the following statutory provisions:-

FUNCTION	REPORT
1. <u>Housing Finance Act 1972</u> Sects 27 - 30 Determination of applications for Qualification Certificates.	At Officer's discretion.
2. <u>Housing Act 1985</u> <u>Part II - Provision of Housing Accommodation</u> Sect 54 Entry for the purposes of survey, examination and measurement. Sect 83 Notices of Intention to Seek Possession.	“ “
<u>Part IX - Slum Clearance</u> Sect 319 Entry for the purposes of survey, examination and measurement.	“
<u>Part X - Overcrowding</u> Sect 326 Certificate relating to space standards. Sect 330 Licence permitting persons in excess of permitted number to sleep in dwelling. Sect 332(3) Statement in writing to landlord or occupier of permitted number. Sect 335 To abate overcrowding. Sect 336 Power to require production of rent book.	” “ “ “ “
Sect 337 & 340 Entry for purposes of survey, examination and measurement. Sect 338 To abate overcrowding.	“ “

& 339 Sect 342	Certificate of suitability of alternative accommodation.	“
<u>Part XI - Houses in Multiple Occupation</u>		
Sect 350	Registration and control schemes.	“
Sect 352,353 398	Requiring execution of works of other descriptions.	“
Sect 354-357	Directions to prevent or reduce overcrowding.	“
Sect 358-364	To prevent overcrowding.	“
Sect 365-368	Requiring means of escape from fire.	“
Sect 372,373	Requiring execution of works to make good neglect.	“
Sect 375	Carrying out works in default.	“
Sect 395	Entry for the purposes of survey, examination and measurement.	“
FUNCTION		REPORT
<u>Part XII - Common Lodging Houses</u>		
Sect 404	Certificate of Registration of premises.	At Officer's discretion
Sect 411	Power to appoint authorised Officers for the purposes of exercising powers of entry.	“
<u>Part XV - Grants for Works of Improvement, Repair and Conversion</u>		
Part XV	(Save for Sections 494 and 496 below) Determination of estimated expense and amount of grant except in case of mixed hereditaments, temporary dwellings and conversion of non dwellings.	“
Sect 494 & 496	Payment of Mandatory Grants respecting houses in multiple occupation.	“
Sect 509	Increases on the grounds of financial hardship in the appropriate % of grant.	“
<u>Part XVI - Assistance for Owners of Defective Housing</u>		
Sect 536	Determination of eligibility for assistance.	“
Sect 537	Determination of form of assistance.	“
Sect 540	Notice of determination.	“
Sect 541	Payment of Grant.	“
Sect 542	Conditions of payment of reinstatement grant.	“
Sect 543	Amount of reinstatement grant.	“
Sect 544	Changes in work of expenditure.	“
Sect 545	Payment of grant by instalments.	“
<u>Part XVII - Compulsory Purchase and Land Compensation</u>		
Sect 600	Entry for the purposes of survey, examination and measurement.	“

<u>Part XVIII - Miscellaneous and General Provisions</u>			
Sect 606	To report on particular houses or areas. Make official representation about unfit housing.		“
Sect 615	Requisition for information as to ownership.		“
Sect 617	Service of Notices.		“
3.	<u>Local Government and Housing Act 1989</u> Accept grant funding from the DoE towards the running costs of the Harrogate Stay Put Scheme.		Report progress update on the Stay Put Scheme as part of the Annual Report on Private Sector Housing Activity.
4.	<u>Regulatory Reform Act 2001</u> To exercise powers available under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002		
5.	To implement measures authorised under Part 6 of the Housing Act 2004 relating to Anti-Social Behaviour and Introductory Tenancies		Leader Cabinet Member for Housing
6.	To implement the remainder of the functions and powers contained in the Housing Act 2004 which in summary are related to:- <ul style="list-style-type: none"> • The Housing, Health and Safety Rating Systems – Part I • The licensing of houses in multiple occupation – Part 2 • The selective licensing of other residential accommodation – Part 3 		

<ul style="list-style-type: none"> • The additional control provisions in relation to residential accommodation – Part 4 • House Information Packs Part 5 • The other powers in relation to housing contained in Part 6 (excluding anti-social behaviour and introductory tenancies) • Supplementary powers in Part 7 which include the requirement to keep a register, enforcement, powers of entry and authorisations 			
<p>7. Authority to determine and impose the monetary penalties for non-compliance with The Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.</p>		<p>Cabinet Member for Housing and Safer Communities</p>	
<p>8. Acquisition of Land Act 1981: Authority to serve a requisition for information about land under s.5A</p>			<p>Report at Officer's discretion</p>

EXECUTIVE FUNCTIONS DELEGATED TO THE DIRECTOR OF HARROGATE CONVENTION CENTRE

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
1. To do all such things as are necessary to give effect to those matters which are described in the Terms of Reference of Harrogate Convention Centre Management Board.		Harrogate Convention Centre Management Board.	To Cabinet Half-yearly or at such other times as the Board or Council deem appropriate.
<u>GENERAL</u>			
2. To do all such things as are necessary in relation to all routine matters of day to day administration, management and control within Harrogate Convention Centre or which are necessary for the proper performance of appointment.			
3. To do all things necessary to give effect to Financial Regulations and Standing Orders relating to Contracts and in particular:-			
(i) exempt provisions of SORC 1.4;		(i) HCC Board	
(ii) Method of Tendering, Open or Selective single tendering and serial tendering (SORC's 5 and 6);	Up to £500,000 In excess of £500,000	HCC Board	Cabinet
(iii) to accept tenders other than the lowest (SORC 9.2).	Up to £500,000 In excess of £500,000	HCC Board	Cabinet

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
4. To appoint private consultants in all professional/technical disciplines as required to supplement in-house staff resources to ensure the timely implementation of approved capital works programmes and other major work.			
5. To determine the validity of claims arising from damage to personal property and to approve such claims where appropriate.		Director of Corporate Affairs who will seek Secretary of State's approval in appropriate cases.	
6. To set and vary charges in respect of all services under Director's control			Annually to HCC Board
7. To promote the resort and entertainment activities of the Council through the media.			
8. Policy aspects of business tourism.		(ultimately Cabinet Member and Cabinet as appropriate)	
9. To make planning and other applications as relevant for small scale development.			