




**RECORD OF POWERS DELEGATED BY
THE EXECUTIVE DIRECTOR FOR PUBLIC HEALTH & CORPORATE RESOURCES
Scheme of Delegation for Culture and Tourism**

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DELEGATED POWERS

Purpose

To set out the delegations from the Executive Director for Public Health and Corporate Resources in accordance with the requirements of Part 3.7, paragraph 6 of Section F of the Council's Constitution.

Related Policies & Documents

- **Council Constitution - Part 2 - Decision making by officers (Article 13.6)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-2.pdf>
- **Council constitution - Part 3 – Responsibility for functions (Section F)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-37.pdf>
- **Council Constitution - Part 4 - Financial Procedure Rules (Part 4.6)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-46.pdf>

Key Statutes/Legislation

The following pieces of legislation are applied in the delegated decisions specified in this document:

Dewsbury Improvement Act 1884 Dewsbury Corporation Act 1933 Food Act 1984 Huddersfield Waterworks and Improvement Act 1876	Huddersfield Improvement Act 1880 Local Government Act 1972 The General Data Protection Regulation 2018 Tribunals, Courts and Enforcement Act 2007
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Who is governed by this policy?

The scheme of delegations will apply to all permanent, contract and temporary officers working for the Council.

Summary

The Council's Constitution requires that each Executive Director will prepare service schemes of delegation which set out how decisions will be made in each of the Services for which they are responsible. Such schemes should clearly identify which officers have been authorised to make decisions under the delegated powers of the Executive Director. All schemes of delegation will be lodged with the Council's Monitoring Officer and made available to the public on request.

Each Service Director or Monitoring Officer has the authority to make amendments to the Scheme of Delegation necessitated by legislative changes as and when appropriate.

Officers may only exercise the powers delegated to them in accordance with all relevant statutory requirements, the provisions of the Council's Constitution, the revenue and capital budgets of the Council, its Procurement Code, Financial Regulations and other relevant policies and procedures.

Delegation is simply a way of allocating matters to the levels appropriate to ensure that the Directorate's business is dealt with in the most efficient way possible. Delegated power will normally be exercised at the lowest level to which it has been given. However, all such powers will also be held by the Executive Director.

Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.

In exercising the powers delegated to them officers must observe any additional procedural requirements that apply within their services e.g. any requirement to consult local ward councillors, cabinet members and/or the leader. It is also good practice to keep local ward councillors informed of decisions made and implemented under delegated powers that significantly affect members of the community in their ward.

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Authority to manage any disputes, disciplinary and grievance procedures in relation to the enforcement of licence conditions⁴ and to take action as follows:							
Authority to give verbal warning for non-compliance with daily licence – terms and conditions of letting ⁵	A2 only	✓	✓			✓	✓
Authority to give written warning for failure to comply with a verbal warning and/or a serious offence within the licence conditions ⁶	A2 only	✓	✓			✓	✓
Authority to give final written warning for failure to comply with a written warning ⁷	A2 only	✓	✓			✓	✓
Authority to impose a suspension of up to 3 market days for failure to comply with a final written warning and/or a very serious offence within the licence conditions ⁸			✓			✓	
Authority to terminate all open market stall(s)/pitch(es) licences at all Kirklees markets for repeat of very serious offence following suspension or continuation of successive offences or an extreme case of misconduct ⁹			✓			✓	✓
Dewsbury Improvement Act 1884							
Power to continue and establish markets, fairs, and slaughterhouses Section 121 DIA 1884			✓			✓	✓
Power to take possession of stalls etc for non-payment of rent etc Section 125 DIA 1884		✓	✓			✓	✓
Licence for sale out of markets Section 131 DIA 1884	A2 only	✓	✓			✓	✓
Forfeiture of articles left in markets Section 133 DIA 1884	A2 only	✓	✓			✓	✓
Dewsbury Corporation Act 1933							
Power to erect/provide offices, shops, stores, warehouses etc for purposes of or in connection with any markets Section 9 DCA 1933			✓			✓	✓
Disposal Of Land – Section 111, 123 Local Government Act 1972							

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Approving terms for new lettings of shops and stalls in Huddersfield Market Cleckheaton Market Arcade, Dewsbury Market Hall and enclosed stalls on Dewsbury Open Market ¹			✓			✓	✓
Approving applications for assignment of leases for shops and stalls in Huddersfield Market, Cleckheaton Market Arcade, Dewsbury Market Hall and enclosed stalls on Dewsbury Open Market		✓	✓			✓	✓
Approving changes of terms to existing documentation ²		✓	✓			✓	✓
Approving the surrender of documentation		✓	✓			✓	✓
Authority to instruct the Service Director – Legal, Governance & Commissioning to complete all documentation necessary to give effect to the above approvals		✓	✓			✓	✓
Food Act 1984							
Authority to establish a market or acquire by agreement the whole/part of an existing market within the area Section 50 FA 1984			✓			✓	✓
Authority to appoint the days/hours for markets to be held Section 52 FA 1984			✓			✓	✓
Authority to demand charges in respect of markets Section 53 FA 1984	A1 & A2	✓	✓			✓	✓
Designated authorised market officers with power to demand the payment of charges Section 54 FA 1984	A1 & A2	✓	✓			✓	✓
Designated authorised market officers with power to levy unpaid charges by distress and/or to seek to recover by legal action Section 55 FA 1984		✓	✓			✓	✓
Authority to instruct the Service Director –Governance & Commissioning to commence legal action in relation to prohibited sales in market hours Section 56 FA 1984		✓	✓			✓	✓
Authority to provide weighing machines for animals and to appoint officers to attend to the weighing Section 57 FA 1984						✓	✓
Authority to provide a cold air store or refrigerator						✓	✓

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Section 57A FA 1984							
Designated authorised market officer with power to require information from persons bringing animals, articles for sale in the market Section 59 FA 1984	A2 only	✓	✓			✓	✓
Huddersfield Waterworks and Improvement Act 1876							
Penalties for holding fairs or markets without licence Section 38 HWIA 1876	A2 only	✓	✓			✓	✓
Licence for sale out of market Section 46 HWIA 1876	A2 only	✓	✓			✓	✓
Penalties for unlicensed sales Section 47 HWIA 1876	A2 only	✓	✓			✓	✓
Power to forfeit articles left in market Section 58 HWIA 1876	A2 only	✓	✓			✓	✓
Huddersfield Improvement Act 1880							
Power to provide a dead meat market Section 53 HIA 1880	A2 only	✓	✓			✓	✓
Power to take possession of stalls etc for non-payment of rent Section 58 HIA 1880	A2 only	✓	✓			✓	✓
Tribunals, Courts and Enforcement Act 2007							
Power to authorise action under Schedule 12 (Taking control of goods) to recover rent payable under a lease Section 72 TCEA 2007 (please note that this is NOT YET IN FORCE)		✓	✓			✓	✓
Responsibility							
The management and maintenance of facilities, equipment, museum objects and works of art for the provision of the following services: - Museums and Galleries - Country Parks This includes the commissioning of organisations to undertake these activities on the Council's behalf. To approve the use of such premises for other purposes and the agreement of terms for the commercial or other use of those premises by third parties.				✓		✓	

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
To arrange opening hours and holiday closing of premises associated with these services and make decisions on the display of literature and publicity at associated venues.							
To determine fees, charges and ticket prices for e.g. events, exhibitions, performances, concessions and activities related to: <ul style="list-style-type: none"> - Museums and Galleries - Arts, events, and creative industries 				✓	✓		
To accept donations or loans of museum objects and works of art and to agree non-permanent loans of museum objects and works of art to other organisations. To decide upon applications to reproduce museum objects, photographs, books, works of art etc. and to license or offer such reproductions for sale.				✓		✓	
To transfer museum objects and works of art of less than £200 in value to other accredited museums or educational handling collections. To discard or sell museum specimens and works of art of less than £200 in value with any income being used for the direct benefit of the museum collections.						✓	✓
All matters related to the provision, support, and development of: <ul style="list-style-type: none"> - Arts, Events and Creative Industries - Local Heritage and Museums Including supporting related organisations to access sources of funding, providing programme support, and allocating grants of up to £15,000. Allocating grants of up to £40,000 and the approval of loans up to £1,000.				✓	✓		
To organise lectures, exhibitions, workshops and recreational, community and artistic events and activities and all matters related to their provision including engaging performers and contractors, arranging hospitality, negotiating with firms to sponsor performances and events and the engagement of such services necessary to facilitate events.				✓	✓		

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Undertake community engagement, consultation, and planning activities to identify and meet the needs of communities, address problems and meet priorities including influencing and shaping cultural services provided.				✓	✓	✓	
To act as authorised representative of the Council where the Council has a Funding or Commissioning Agreement with a third party and in respect of that third party: <ul style="list-style-type: none"> - Attend Board meetings - Review financial and operational performance - Approve any subcontracting arrangements - Resolve disputes and complaints - Determine responses to requests made under the Freedom of Information Act 2000 and Environmental Information Regulations 2004. 					✓	✓	
To determine the content of disclosures following applications made under the Data Protection Act 1998.						✓	✓
To make decisions regarding all aspects of the awarding of commissions and contracts, including the design of the specification, setting of evaluation criteria and choice of procurement method and selection of supplier in compliance with the Council's Contract Procedure Rules.				✓	✓	✓	✓
To make decisions regarding the waiving of charges to hire town centre outdoor spaces.						✓	
To incur expenditure and to generate and collect income in line with Financial Regulations, Contracts Procedure Rules and within approved revenue and capital estimates.			✓	✓	✓	✓	✓
To apply for/receive grant funding from external funders, in line with Financial Regulations, Contracts Procedure Rules and within approved revenue and capital estimates.				✓	✓	✓	✓

Key to authorised officers:

Responsibility	Post Title/Section
Officer A1	Market Officers & Assistant Market Officers
Officer A2	Senior Markets Officer
Officer B	Assistant Markets Manager
Officer C	Markets Manager
Officer D	Museums and Galleries Manager
Officer E	Cultural Development Manager (Creative Economy)
Head of Service	Head of Culture and Tourism
Service Director	Service Director, Culture and Visitor Economy

¹ In liaison with the Corporate Landlord as to the amount of rent payable and variations to the agreed terms of occupation

² Provided those terms are not prejudicial to other policies or objectives of the Council or the interests of other tenants

⁴ In accordance with the approved Disciplinary Procedures

⁵ Appeals dealt with by Senior Markets Officer

⁶ Appeals dealt with by Senior Markets Officer

⁷ Appeals dealt with by Operations Manager

⁸ Appeals dealt with by Markets Manager

⁹ Appeals dealt with by Head of Service