



## Part 3

# RESPONSIBILITIES FOR FUNCTIONS

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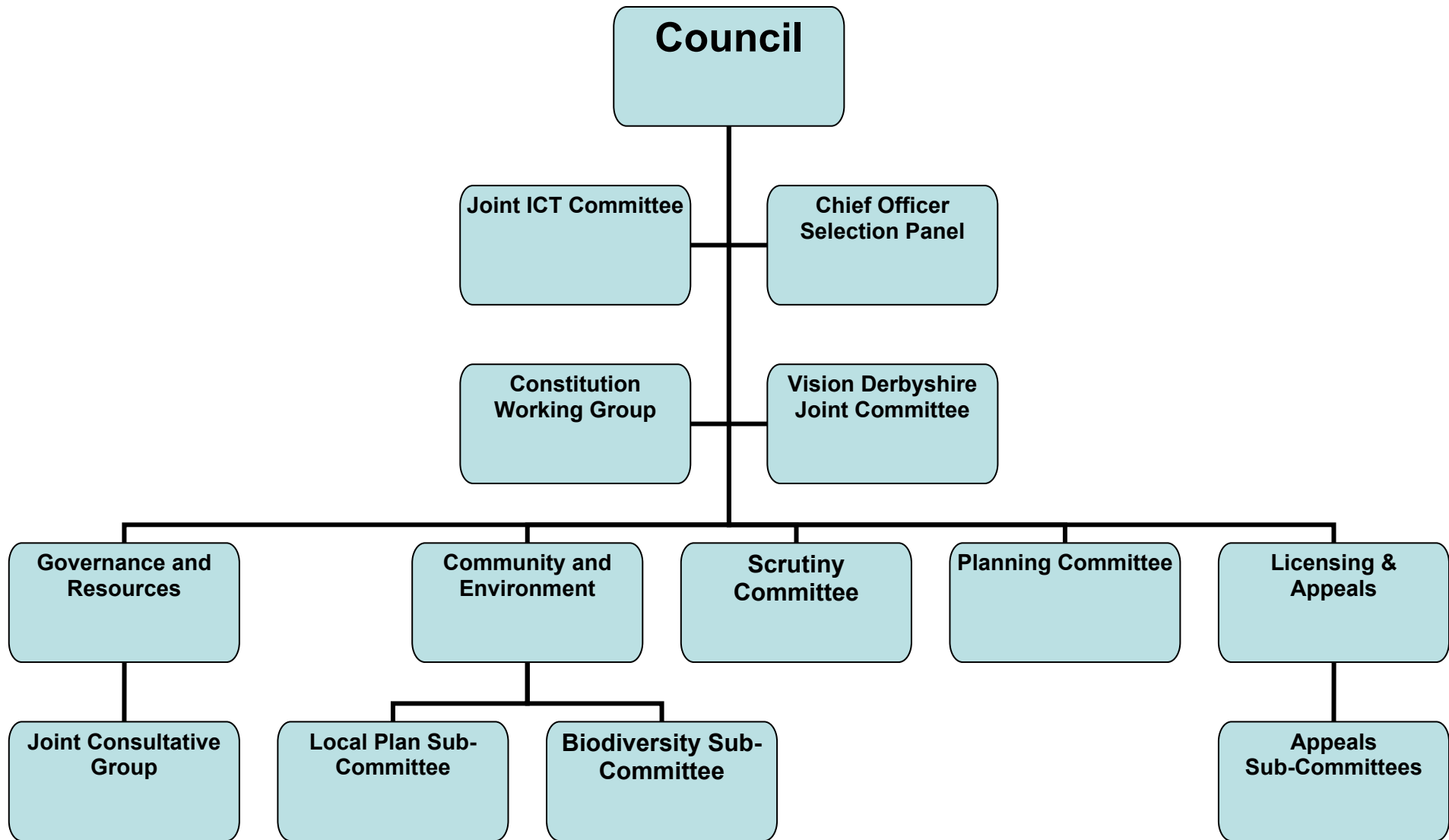
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# DECISION MAKING STRUCTURE OF THE COUNCIL



# COUNCIL – TERMS OF REFERENCE

The Council is responsible for all functions and services administered or delivered in its name.

Some of the Council's functions may only be exercised by meetings of the full assembly of Councillors, whilst authority to deal with others may be delegated to Committees or Officers.

The following table demonstrates how the Council operates in relation to its Committees and the remaining part of this Section describes the functions Council has delegated to its Committees. Such arrangements do not in any way prevent the Council from exercising all or any of the delegated functions provided that the right to withdraw delegations must be subject to any third-party rights consequent upon a Committee's or Sub-Committee's decision.

Council reserves to itself the following powers:

- a) Adopting and changing the Council Constitution, subject to the delegation to the Monitoring Officer to make consequential changes arising from Council decisions, changes in the Management Structure or new or amended legislation;
- b) Approving and adopting the policy framework and strategies set out in Article 4 of the Constitution;
- c) Considering all proposals which seek to establish new strategy or policy, matters which the Council has resolved to itself or any matter which seeks to propose a significant departure from existing policy.
- d) Approving the revenue budget, capital programme, supplementary estimates and revised revenue budget, setting the council tax, approving the local council tax support scheme and authorising the treatment and use of reserves and balances;
- e) Approving or adopting a plan or strategy for the control of borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision;
- f) Agreeing and/or amending terms of reference for committees, sub-committees and forums, deciding on their composition and making appointments to them including the appointment of Chairs and Vice-Chairs;
- g) Approving Membership of, and appointing representatives to, outside bodies and approved conferences
- h) Adopting a scheme for members allowances, following receipt of recommendations from the Independent Remuneration Panel;
- i) Confirming the appointment or dismissal of the Head of Paid Service, Corporate Director, Monitoring Officer or Chief Financial Officer
- j) Making arrangements for the discharge of any of the Council's functions by another local authority or a joint committee with other authorities;
- k) Making, amending revoking, re-enacting or adopting bylaws and promoting or petitioning against any bills in parliament
- l) Approving any proposals relating to local government areas and the transfer, conferment or withdrawal of powers of local authorities;
- m) Matters relating to the variation of parliamentary and local government electoral areas and representation;
- n) Considering petitions where this is required under the Petitions Scheme.
- o) Considering reports of statutory officers i.e. from the Chief Financial Officer or Monitoring Officer.

- p) Considering the reports of the Head of Paid Service in relation to organisational review and resources
- q) Adopting the District Council's Code of Conduct for elected Members

### **Urgent Business Procedure in relation to Council functions**

The Chief Executive, subject to the concurrence of the Leader or, in his/her absence, the Deputy Leader together with the Chair of the Council or, in his/her absence, the Vice-Chair of the Council, may authorise Chief Officers or Directors of Service to perform all functions within the Powers and Duties of the Council in any case of urgency in which the prompt performance of any of the Council's functions is desirable and necessary.

Urgent business is defined as:-

1. The decision cannot reasonably be deferred until it would be possible to convene a meeting of the Council.
2. In considering the above the following factors should be taken into account:
  - the need to respond to adverse naturally occurring events e.g. flood, fire etc;
  - the need to respond to peace-time emergency situations under the Emergency Planning arrangements;
  - the need to respond to or embark upon, a course of action with an externally set deadline which would result in significant or lesser but substantial economic social or environmental benefits or disadvantage accruing to the District.
3. Affected ward members will be given notification of urgent business decisions to be taken and the method of determination

# TERMS OF REFERENCE – POLICY COMMITTEES

All policy committees, other than where specified, will comply with the proportionality rules, as set out in the Local Government and Housing Act 1989.

The Council appoints standing policy committees. Within the remit of each Policy Committee and subject to decisions being

- (i) within the approved Budget,
- (ii) not contrary to the Policy Framework, and
- (iii) in accordance with the priorities detailed in the agreed Corporate Plan, the following matters are reserved to Policy Committees:

## **Service and Financial Planning and Review**

- Agreeing policy issues that are not reserved to full Council
- Approval of the proposed withdrawal or variation of any service where this is outside the scope of an agreed Service Plan and the likely impact on present or future users of the service is considered significant
- Agreeing alterations to Council Services Plans (provided they remain within the constraints of the Budget and Policy Framework)
- Agreeing fees and charges (other than any set by the full Council as part of the budget setting process) in line with the Medium Term Financial Plan and any policies in respect of fees and charges
- Agreeing to policy and performance priorities for the short and medium term, taking into account the needs of the Council as a whole
- Considering reviews of service performance against approved plans.

## **Consultation and Petitions**

- Agreeing the Council's response to consultation by Government or other external agencies where this relates to proposed policy changes where the Chairman of the Committee considers the proposed changes to be significant
- Dealing with petitions in accordance with the Council's scheme

Each Committee shall be comprised of a number of members based on the principles of political proportionality and agreed by the Council.

The Access to Information Act also provides for urgent business to be considered by the Council or any Committee within the legal definition of the Act.

The Policy Committees will take decisions within their remit on any reserved matter. When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality and diversity implications
- Climate Change and Biodiversity

Details of the Policy Committees are set out below:

Community and Environment Committee	<p>To consider specific issues or aspects of policy, procedure or service relating to:</p> <ul style="list-style-type: none"> <li>• Affordable Housing</li> <li>• Anti-Social Behaviour and Community Safety</li> <li>• Car Parking</li> <li>• Climate Change</li> <li>• Community Development</li> <li>• Conservation and Design</li> <li>• Council housing</li> <li>• Countryside Management</li> <li>• Disabled Facility Grants</li> <li>• Dog Warden Service</li> <li>• Economic Development</li> <li>• Economic and Strategic Partnerships</li> <li>• Environmental Crime</li> <li>• Environmental Health</li> <li>• Estate Regeneration</li> <li>• Events</li> <li>• Flooding</li> <li>• Homelessness</li> <li>• Home Options</li> <li>• Housing Strategy</li> <li>• Leisure Services</li> <li>• Markets</li> <li>• Matlock Bath Illuminations</li> <li>• Neighbourhood Plans</li> <li>• Planning Policy</li> <li>• Private Sector Housing</li> <li>• Public Conveniences</li> <li>• Public Health and Safety</li> <li>• Refugees and Asylum seekers</li> <li>• Sports Development</li> <li>• Supplementary Planning Guidance</li> <li>• Transport Operations</li> <li>• Tree Protection</li> <li>• Waste Collection and Recycling</li> </ul>
Governance and Resources Committee	<p>The following corporate responsibilities are within the remit of this Committee:</p> <ul style="list-style-type: none"> <li>• Providing strategic direction to the Council by reviewing progress against priorities within the Corporate Plan and making decisions on cross-cutting policies and practice where such decisions are not reserved to the Council</li> <li>• Responsibility for any issue identified as being of significant strategic importance or financial risk to the Council (which is considered to be by its nature cross-cutting)</li> <li>• Considering reports which an Ombudsman requires to be published by the Council where it is proposed that the Council take the recommended action</li> </ul>

	<ul style="list-style-type: none"> <li>• Considering the overall performance of the Authority and making recommendations to Council where there is a serious performance concern</li> </ul> <p>To consider specific issues or aspects of policy, procedure or service relating to:</p> <ul style="list-style-type: none"> <li>• Asset Management</li> <li>• Central Support Services</li> <li>• Communications and Marketing</li> <li>• Consultation and Engagement</li> <li>• Customer Access and Complaints</li> <li>• Data Protection and Information Governance</li> <li>• Digital Transformation and Business Process Improvement</li> <li>• Electoral Administration and Registration</li> <li>• Equalities and Diversity</li> <li>• Financial Governance</li> <li>• Internal and External Audit</li> <li>• Human Resources</li> <li>• Legal and Corporate Governance</li> <li>• Member Support and Development</li> <li>• Procurement and Contract Management</li> <li>• Revenues and Benefits</li> </ul>
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## ***Provision for urgent business***

In the following circumstances, any Policy Committee may make any decision delegated to any other Policy Committee, relating to urgent business.

Urgent business is defined as:-

1. The decision cannot reasonably be deferred until it would be possible to convene a meeting of the decision making body.
2. In considering the above the following factors should be taken into account:
  - the need to respond to adverse naturally occurring events e.g. flood, fire etc;
  - the need to respond to peace-time emergency situations under the Emergency Planning arrangements;
  - the need to respond to or embark upon, a course of action with an externally set deadline which would result in significant or lesser but substantial economic social or environmental benefits or disadvantage accruing to the District.
3. Where urgent business cannot be deferred until a Policy Committee meets, urgent decisions will be taken by the Chief Executive or Director of Corporate and Customer Services in consultation with:-
  - the Chair of the relevant decision making body;
  - in his/her absence, the Vice-Chair;
  - advice should be obtained on vires from the Monitoring Officer



- advice on financial implications should be sought from the Director of Resources in accordance with Financial Regulations;

Affected ward members will be given notification of urgent business decisions to be taken and the method of determination

# OFFICER DELEGATIONS

## GENERAL DELEGATIONS

1. All matters which have not been reserved to Council or a Committee are delegated to Officers. Delegated decisions are to be taken by Chief Officers (Head of Paid Service, Corporate Director, Section 151 Officer and Monitoring Officer) or Directors of Service. Each Directorate must develop and maintain their own internal scheme of management which will be published on the Council's website, as required by section 100G of The Local Government (Access to Information) Act 1985. Delegated decisions are to be taken in accordance with the relevant internal scheme of management. Officers may take decisions within the responsibilities of their directorate as determined by the Chief Executive, who themselves may take decisions delegated to any Chief Officer or Director of Service.
2. Chief Officers and Directors of Service are authorised to take the necessary action to implement decisions taken by Committees of the Council.
3. The Council may use provisions of the Local Government Act 1972 and the Localism Act 2011 to commission and monitor work for and on behalf of the Council. When services remain the responsibility of the Council, but are delivered by people who are not officers of the authority, Chief Officers may authorise non-Council employees to take delegated decisions, such people will be bound by the Constitution, this scheme, and the obligations contained in it, at all times when engaged on Council business.
4. Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Chairman when the matter falls within the remit of that committee or the Council. Officers shall inform the local Ward Members when they exercise delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this.
5. The Openness of Local Government Bodies Regulations 2014 require every local authority to publish details of certain decisions taken by Officers under delegated authority as soon as practicable. Chief Officers and Directors of Service are responsible for ensuring that decisions taken within their areas of responsibility are recorded in accordance with these regulations.
6. In exercising their delegated powers, Chief Officers and Directors of Service must act within the law and the Council's Procedures, Contract Standing Orders and Financial Regulations, and must follow Council policy and the instructions of Council committees. If, exceptionally, it is necessary to depart from Council policy or Committee instructions, a full report must be submitted to Committee as soon as is practicable.
7. The Chief Executive, subject to the concurrence of the Leader or, in his/her absence, the Deputy Leader together with the Chair or, in his/her absence, the Vice-Chair of the relevant committee, may authorise Chief Officers or Directors of Service to perform all functions within the Powers and Duties of that Committee in any case of urgency in which the prompt performance of any of the Council's functions is desirable and necessary.

8. Where an officer has delegated powers, the Council or relevant Committee can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate.
9. Subject to any matters being expressly reserved to the Council or its Committees, Chief Officers are authorised to take decisions and to act:
  - (a) To discharge the functions allocated to them or dealt with by them or their staff
  - (b) In all matters in which they have managerial or professional authority unless there is a legal or professional impediment
10. Subject to any matters being expressly reserved to the Council or its Committees, Chief Officers or Directors of Service may exercise discretion and use whatever means they consider appropriate to discharge those functions and implement those decisions and to exercise general, specific or special delegated powers, including:
  - (a) Incurring expenditure and collecting income
  - (b) Determining use of land and premises and all other resources within their control
  - (c) Placing contracts and procuring other resources within or outside of the Council
  - (d) Settling claims and disputes
  - (e) Making statutory determinations and orders, granting and refusing permissions, licences and consents, and certificates of all kinds
  - (f) Signing and authenticating documents of all kinds
  - (g) To make representations in respect of applications under the Licensing Act 2003 and Gambling Act 2005
  - (h) To appoint “authorised officers / persons”, “approved officers / persons”, “inspectors” etc to carry out duties and exercise powers within that individual’s area of responsibility, including but not limited to:
    - (i) Entering and inspecting premises;
    - (ii) Taking action under the Scheme of Delegation from Council and committees  
(Chief Officers must keep lists of who they have authorised, for what purpose and what limitations apply.)
  - (i) To authorise the Director of Corporate and Customer Services and the Legal Services Manager to issue and pursue legal proceedings and serve notices in respect of functions
  - (k) To serve statutory notices, issue cautions and take enforcement action (including but not limited to the issue of fixed penalty notices)
  - (l) Submitting a planning application for development linked to their area of responsibility
  - (m) To make decisions in relation to the spend of grant funding received in connection with approved projects or government initiatives
  - (n) To make decisions in relation to the spend of monies allocated to Council approved specific reserves
11. Subject to Officer Employment Procedure Rules, the delegated powers of Chief Officers and Directors of Service include:
  - (a) Power to determine staffing arrangements and structures within approved salary budgets subject to:

- (i) Agreement on grading following Job Evaluation
- (ii) Conformance with approved Council strategies, plans, policies, and procedures; and
- (iii) Chief Executive approval for structural changes establishing or affecting posts beyond the approved budget for the service
- (b) Power to recruit, appoint, agree conditions of service, appraise, develop, manage and reward employees subject to compliance with Council policies and procedures
- (c) Power to suspend, dismiss or take other disciplinary action and to deal with grievance, capability and sickness matters in accordance with the Council's policies and procedures

12. Chief Officers or Directors of Service may enter into contracts, make payments, write off debts etc in accordance with the financial levels of authority set out in Contract Standing Orders and Financial Regulations.

### **SPECIFIC FUNCTIONS AND RESPONSIBILITIES DELEGATED TO OFFICERS**

The following table sets out the specific delegations made to officers in accordance with functions of the District Council in law or specific decisions:

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Article 8 – The Redress Schemes for Lettings Agency Work and Property Management Work	Requirement to Belong to a Scheme etc (England) Order 2014	Issue of notice, issue of final notice and imposition of monetary penalty of £5,000	Director of Regulatory Services, Principal Officer – Environmental Health, all Environmental Health Officer, Environmental Health Manager
Abandoned Vehicles and Refuse	Refuse Disposal (Amenity) Act 1978	To carry out the duties of the Council in accordance with the Act.	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Technician/Environmental Health Manager
	Clean Neighbourhoods & Environment Act 2005 Section 10 & Refuse Disposal (Amenity) Act 1978 Section 2B	Issue of fixed penalty notices for abandoning a vehicle	Environmental Health Officers/Environmental Health Technicians

Subject	Act	Functions Delegated	Officer
	Clean Neighbourhoods & Environment Act 2005 Section 10 & Refuse Disposal (Amenity) Act 1978 Section 2B	Power to require the name and address of a person to whom a fixed penalty notice is to be issued	Environmental Health Officers/Environmental Health Technicians
Abseiling Licences – Council Owned Land	-	That delegated authority be granted to the Director of Corporate and Customer Services, following consultation with appropriate governing bodies and organisations, to agree the detailed wording and subsequent issue of abseiling licences for land in Council's ownership.	Director of Corporate and Customer Services
Access to Information	Local Government (Access to Information) Act 1985	<p>Proper Officer provision</p> <ul style="list-style-type: none"> <li>• Identification and retention of background papers and reports</li> <li>• Identification of exempt information and reasoning of public interest test</li> </ul>	<p>Chief Executive and Directors of Service</p> <p>Monitoring Officer and Chief Financial Officer in relation to their statutory roles</p> <p>Estates and Facilities Manager in relation to role as the Council's valuer.</p>
		To increase charges for the production of background papers, agendas, reports and minutes annually, in line with inflation	Director of Corporate and Customer Services
		In relation to staffing matters	Chief Executive, Director of Corporate and Customer Services, and Human Resources Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Anti-Social Behaviour	Anti-Social Behaviour, Crime and Policing Act 2014 Section 22	To apply for a Criminal Behaviour Order on conviction	Solicitor and/or Legal Assistant in Consultation with the Director of Corporate and Customer Services and/or Legal Services Manager
	Anti-Social Behaviour, Crime and Policing Act 2014 Part I	To apply for a Civil Injunction	Solicitor, Legal Assistant, Revenue Services Manager and/or Community Safety Officer in consultation with the Director of Corporate and Customer Services and/or Legal Services Manager
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 43	To issue a Community Protection Notice	Environmental Health Officers, Community Safety Officer, Clean & Green Manager and Neighbourhoods Manager
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 52	To issue a Fixed Penalty Notice for failing to comply with a Community Protection Notice	Environmental Health Officer, Neighbourhoods Manager Community Safety Officer Any other enforcement officers employed by DDDC
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 48	To instigate legal proceedings for failing to comply with a Community Protection Notice	Solicitor and/or Legal Assistant in consultation Director of Corporate and Customer Services and/or Legal Services Manager
Anti-Social Behaviour	Anti-Social Behaviour, Crime and Policing Act 2014 Section 68	To issue a Fixed Penalty Notice for failing to comply with a Public Spaces Protection Order	Environmental Health Officers, Director of Regulatory Services / Director of Community & Environmental Services, Neighbourhoods and Clean & Green staff and any other enforcement officers employed by DDDC.

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Anti-Social Behaviour	Anti-Social Behaviour, Crime and Policing Act 2014 Section 67	To instigate legal proceedings for failure to comply with a Public Spaces Protection Order	Director of Corporate and Customer Services and/or Legal Services Manager in conjunction with Director of relevant service
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 76	To issue a Closure Notice – 24 Hours	Licensing Manger, Principal Environmental Health Officer  Community Safety Officer/Environmental Health Manager
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 76	To issue a Closure Notice – 48 Hours	Director of Regulatory Services  Director of Community & Environmental Services
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 80	To apply for a Closure Order	Director of Corporate and Customer Services and/or Legal Services Manager in conjunction with Director of relevant service
Approval of Disabled Facilities Grants	Housing Grants, Construction and Regeneration Act 1996	Approve grant assistance	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Regulatory Reform (Housing Assistance)  (England and Wales) Order 2002	Refuse grant assistance	
Arts Development Scheme	-	To determine the distribution of the Arts Development in Derbyshire Dales Fund	

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Assets of Community Value	Localism Act 2011	To determine all nominations for inclusion on the list of Assets of Community Value and initial applications for compensation.	Director of Regulatory Services/ Director of Community and Environmental Services (where primary contact has a conflict of interest)
		To determine requests to review the listing of a Community Asset and compensation decisions	Director of Corporate and Customer Services/ Legal Services Manager (where primary contact has a conflict of interest)
Atmospheric Pollution	Clean Air Act 1993	Determine applications regarding arrestment plant.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
Atmospheric Pollution	Clean Air Act 1993	Institute proceedings.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 70	Withdrawal of alarm notification area designation.	Director of Regulatory Services
Audible Intruder Alarms	Neighbourhoods & Environment Act 2005 Part 7 Chapter 1	Institute proceedings for offences under this Chapter.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 73	Issue of fixed penalty notices for offences under this Chapter.	Environmental Health Officers
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 76	Power to require the name and address of a person to whom a fixed penalty notice is to be issued.	Environmental Health Officers
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 77	Power of entry.	Environmental Health Officers



<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 78	Authority to obtain warrant.	Environmental Health Officers
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 79	Power of Entry: Supplementary	Environmental Health Officers
Authority to Enter Land and Premises		Authority to issue Authority to Enter Premises Notifications for the purposes of pursuing official duties where such provisions exist in law	Chief Executive/ Director of Corporate and Customer Services
Banking		To open bank and investment accounts and to approve changes to the bank mandate	Chief Financial Officer
		To be a signatory on the bank mandate	Director of Resources/ Director of Corporate and Customer Services/ Financial Services Manager
Budget Virements		To approve virements between budget heads of £25,000 or less	Chief Financial Officer
Building Control	Building Regulations 2010, Building (Approved Inspectors etc) Regulations 2010, Building Act 1984	To exercise the powers, including Proper Officer provisions under the relevant legislation	Director of Regulatory Services
Building Regulations	Building Act 1984 S32 and S66	To serve notice that plans have no effect where work to which the plans relate has not commenced within 3 years from their deposit	Director of Regulatory Services
Building Regulations – Charges	Building Regulations (Local Authority Charges) Regulations 2010	To vary the adopted Scheme of Charges where competition for the Building Control service prevails	Director of Regulatory Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Building Regulations – Contraventions	Public Health Act 1936 S287(1)(a)	Authorisation of Officers to enter premises and to institute proceedings against any person who wilfully obstructs any officer in pursuit of their duties	Director of Regulatory Services
Burial/ Cremation (Assisted Burials)	Public Health (Control of Disease) Act 1984	To make such arrangements as are necessary for the burial or cremation of deceased persons where no suitable arrangements have been or are being made	Director of Regulatory Services/ Principal Officer – Environmental Health, Environmental Health Officers/ Environmental Health Manager
Byelaws	Local Government Act 1972 S328	Proper Officer – to certify printed copies of byelaws	Director of Corporate and Customer Services
Car Boot Sales	-	To take action to prevent the establishment of a permanent car boot sale on a commercial basis	Director of Regulatory Services, following consultation with the Chairman of the appropriate Committee
Car Parking Enforcement	Road Traffic Regulations Act 1984 S35A and 112	To carry out prosecutions	Director of Community and Environmental Services/ Director of Corporate and Customer Services/ Legal Services Manager
Car Parking Consent to site Third Party Electric Vehicle Charge Points on District Council land	-	To negotiate and enter into formal agreement for the provision of third party EV charging points on District Council owned car parks	Director of Community and Environmental Services
Carsington Reservoir Fund	-	To approve applications for grant aid	Director of Community and Environmental Services, in consultation with the Ward Member
CCTV	Data Protection Act 2018	Authority to sanction third parties for the usage of public space CCTV, CCTV systems and recordings	Director of Community and Environmental Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
	Data Protection Act 2018 and Local Government Act 2003 S93(1)	Authority to set fees for the usage of public space CCTV, CCTV systems and recordings	Director of Community and Environmental Services
	Data Protection Act 2018	To act as data controller for CCTV systems; and to appoint and train responsible officers; and to make decisions in compliance with legislation relating to CCTV	CCTV Manager
Certified Resolutions	Local Government (Miscellaneous Provisions) Act 1976 s41	Certification of copies of resolutions, minutes and other documents	Director of Corporate and Customer Services
Chief Financial Officer	Local Government Finance Act 1988 S. 112 and Local Government Act 1972 S. 151	Statutory designation	Director of Resources (Deputy – Financial Services Manager)
Churchyards not closed by statute	-	To increase grant levels annually in line with inflation	Director of Corporate and Customer Services
Civil Emergencies		To take any urgent action necessary in the event of a civil emergency and deal with matters relating to civil protection/emergency planning arising from the Council's powers and duties under the appropriate legislation.	Chief Executive
Code of Conduct (Elected members)	Local Government Act 2000	Consequential changes required to Code of Conduct required by legislation	Monitoring Officer
Complaints under the Member Code of Conduct	Localism Act 2011	Proper Officer to receive complaints of failure to comply with Code of Conduct	Monitoring Officer

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Complaints under the Member Code of Conduct – selection of Hearing Panel	Localism Act 2011	To select Members of the Governance and Resources Committee to serve as a Sub-Committee in relation to Hearings required under the procedure for the consideration of complaints	Monitoring Officer, in consultation with the Chairman of the Governance and Resources Committee
Conservation Area and Historic Buildings Grants	-	To approve grants under the Historic Buildings and Conservation Area Enhancement Grants Scheme up to £500 per application	Director of Regulatory Services/ Development Manager
Contaminated Land	Environment Act 1995	Powers to enter premises	Director of Corporate and Customer Services/ Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians/ Environmental Health Manager
	Environmental Protection Act 1990 Part IIA	To determine that land is contaminated; service of urgent remediation notices; authorise urgent remediation work and recover costs; service of remediation notices; publish remediation declarations	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Manager
	Environmental Protection Act 1990 Part IIA	Maintain Remediation Register	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Manager
	Environmental Protection Act 1990 Part IIA	Institute proceedings	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Contracts		Authority to accept alternative tenders in respect of any contract in the event of a withdrawal before the contract is complete.	Chief Executive and Directors of Service
Control of Disease	Public Health (Control of Disease) Act 1984	To appoint authorised officers	Chief Executive/ Director of Regulatory Services
		To act as authorised officers	Environmental Health Officers/ Environmental Health Technicians
Control of Disease	Public Health (Control of Disease) Act 1984	To institute legal proceedings	Director of Regulatory Services, in consultation with the Director of Corporate and Customer Services
		To have power of entry	Environmental Health Officers/ Environmental Health Technicians
		To nominate a GP in respect of infectious persons	Director of Regulatory Services
		Authority to authorise staff to issue fixed penalty notices for offences under this section	Director of Regulatory Services
Council Tax Base	Local Government Finance Act 1992 – S.67	To determine the Council Tax Base	Chief Financial Officer
Council Tax Local Discounts	Local Government Finance Act 1992 S. 13A(1)(c)	To determine applications for such reliefs	Director of Resources Head of Revenues (Chesterfield BC) Revenues & Benefits Manager (Chesterfield BC)
Council Tax and Non-Domestic Rates	Local Government Finance Act 1992 S.14	To institute committal proceedings and to execute warrants of arrest with bail as necessary	Director of Resources

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Council Tax Support Scheme	Local Government Finance Act 1992	The administration of the Council Tax Support Scheme (including decisions on the backdating of claims and determining amounts of Hardship Relief to be awarded under the scheme)	Director of Resources Revenues & Benefits Manager (Chesterfield BC) Benefits Technical Officer (Chesterfield BC)
Councillors	Local Government Act 1972 S83 (1-3)	Proper Officer to witness and receive declarations of acceptance of office made by the Civic Chair of the District and Councillors	Chief Executive or Director of Corporate and Customer Services
	Local Government Act 1972 S84	To receive written notice of resignation from the office of Civic Chair of the District or Councillors	Chief Executive or Director of Corporate and Customer Services
	Local Government Act 1972 S88(2)	To convene a meeting of the Council to fill casual vacancy in the office of Civic Chair of the District	Director of Corporate and Customer Services/ Chief Executive
	Local Government Act 1972 Schedule 12 (4,3)	To receive written notice of a councillor's address	Director of Corporate and Customer Services/ Chief Executive
	Local Government Act 1972 Schedule 12 (42b)	To sign a summons to attend meetings of the Council and its committees	Director of Corporate and Customer Services/ Chief Executive
Councillors – Dispensations	Localism Act	To grant dispensations from the requirement to withdraw from a meeting in circumstances where so many of the councillors on that decision making body have Disclosable Pecuniary Interests (DPI) in a matter that would impede transaction of business	Monitoring Officer

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
County Court Proceedings	-	Authority to represent the Council in hearings at County Court	Head of Revenues/ Business Rates Technical Officer/ Recovery Team Leader/ Operational Revenues Manager/ Senior Legal Assistant (all at Chesterfield BC)
Customer Complaints	-	To determine restrictions to be applied to complaints in accordance with the Persistent and Unreasonable Complaints Policy	Director of Corporate and Customer Services/ Chief Executive (where primary contact has a conflict of interest)
Dangerous Structures	Building Act 1984 S78	Authority to take emergency steps to secure remedial action to remove danger in consultation with Chairman or Vice-Chairman of relevant Committee	Director of Regulatory Services
	-	Recovery of expenses via the courts following Committee approval	Director of Corporate and Customer Services/ Director of Regulatory Services/ Senior Building Control Surveyor
Data Protection	Data Protection Act 2018 General Data Protection Regulations	To ensure compliance with the Data Protection Act and the General Data Protection Regulations and to respond to specific requests for information and the issuing of decision notices	Director of Corporate and Customer Services
		To investigate data protection security breaches and report to the ICO where appropriate	Director of Corporate and Customer Services
Data Protection	Data Protection Act 2018 General Data Protection	To deal with complaints and appeals arising from matters relating to information requests.	Director of Corporate and Customer Services/ Chief Executive

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
	Regulations	Data Protection Officer	Director of Corporate and Customer Services (when absent: Chief Executive)
Defective Premises	Building Act 1984 S76	Service of notices, authority to authorise works in default	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians/ Environmental Health Manager
Drainage	Local Government (Miscellaneous Provisions) Act 1976 S35 and Public Health Act 1961 S17	To issue Notices and carry out necessary works in default.	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Drainage	Public Health Act 1936	Power to enter premises	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental/ Environmental Health Technicians/Environmental Health Manager
Drainage	Building Act 1984	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Drains, Sewers and Culverts	Public Health Act 1936 S.50, S.275 and S.290 Building Act 1984 S59/60	Serving of Statutory Notices indicating nature of remedial work to be completed. Execute works in default and re-claim all necessary expenses.	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Manager
Elections	Local Government Act 1972 (S.41)	Proper Officer to act as Returning Officer for District and Parish Council elections	Chief Executive



<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
	Local Government Act 1972 S89(1B)	Proper Officer for the receipt of written notice of a casual vacancy of Councillor for the District Council	Chief Executive
	Representation of the People Act 1983 S75, 81, 82 and 89	Receipt of returns of election expenses	Chief Executive Deputy – Director of Corporate and Customer Services
	Representation of the People Act 1983 S12B	Publication of Election Petition	Chief Executive Deputy – Director of Corporate and Customer Services
Electoral Registration	Representation of the People Act 1983 S8(2)	Electoral Registration Officer (automatically Acting Returning Officer for UK Parliamentary elections	Director of Corporate and Customer Services Deputy: Chief Executive
Environmental Damage	Environment Act 1995	Environmental Damage (Prevention and Remediation)(England) Regulations 2015	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	To act as authorised officers	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	Service of notices	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	To authorise works in default and recover costs.	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Events	-	Authority to approve applications for events on Council owned land in accordance with the Events Strategy and approved schedule of fees	Director of Community and Environmental Services/ Chief Executive (in the absence of the primary contact or in the event of a conflict of interest)
Fly Tipping	Environmental Protection Act 1990 Section 33 and 33ZA	Service of Fixed Penalty Notices	Environmental Health Officers
Fly Tipping	Environmental Protection Act 1990 Section 33	Institute proceedings for the offence of depositing controlled waste on land	Director of Regulatory Services, in consultation with Director of Corporate and Customer Services
Food	Food Safety Act 1990 (as amended) and all subordinate legislation.	Authority to appoint Authorised Officers as defined by Section 5(6) of the Act and all subordinate legislation and in accordance with current Codes of Practice.  To appoint a Public Analyst	Chief Executive/Director of Regulatory Services  Chief Executive/Director of Regulatory Services
	Food Safety Act 1990 (as amended) and all subordinate legislation	To act as Authorised Officers as defined by Section 5(6) of Act and all subordinate legislation under the Food Safety Act 1990.  To issue Improvement and Emergency Prohibition Notices	Environmental Health Officers/Environmental Health Technicians/ Agency Staff

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
	Food Safety Act 1990 (as amended) and all associated/sub-ordinate legislation	To institute legal proceeding	Director of Regulatory Services, in consultation with Director of Corporate and Customer Services
	Contaminants in Food (England) Regulations 2013	To appoint authorised officers	Director of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute proceedings	Director of Regulatory Services, in consultation with Director of Corporate and Customer Services
Food	Meat (Enhanced Enforcements Powers (England) Regulations 2000	To appoint authorised officers	Director of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
Food	Meat (Enhanced Enforcements Powers (England) Regulations 2000	To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	Transmissible Spongiform Encephalopathies (England) Regulations 2018	To appoint authorised officers	Chief Executive/Director of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
	European Union (Withdrawal) Act 2018 s.1A and s.1B and all subordinate legislation under the European Communities Act 1972	To fulfil the requirements of the Act and of all subordinate legislation	Director of Regulatory Services/ Environmental Health Officers/ Environmental Health Technicians/ Agency staff
	Trade in Animals and Related Product Regulations 2011	To appoint authorised officers	Chief Executive/Director of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Food	Food Safety Act 1990 (as amended) and all associated/ subordinate legislation Food and Environment Protection Act 1985	Institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	Food Safety and Hygiene (England) Regulations 2013	Authority to appoint Authorised Officers	Director of Regulatory Services
		To act as Authorised Officer	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		Regulation 6 – Service of Hygiene Improvement Notice	Environmental Health Officers/Environmental Health Technicians/Agency Staff

Subject	Act	Functions Delegated	Officer
		Regulation 8 – Hygiene Emergency Prohibition Notices and Orders	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		Regulation 9 – Remedial Action Notices and Detention Notices	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		To institute legal proceedings	Director of Regulatory Services, in consultation with Director of Corporate and Customer Services
	The Official Feed and Food Controls (England) Regulations 2009	Authority to appoint Authorised Officers under Regulation 3(3)	Chief Executive/ Director of Regulatory Services
		Regulation 30: Notices in pursuance to Article 19 of Regulation 882/2004	Environmental Health Officers/Environmental Health Technicians/Agency Staff
Food		To institute legal proceedings	Director of Regulatory Services, in consultation with Director of Corporate and Customer Services
Former Council Owned Properties in the Peak District National Park (Derbyshire Clause Policy)	Housing Act 1985 S37 and 157	To determine applications for proposed transactions according to the Derbyshire Clause Policy and Procedure	Director of Housing
		To refer applications to a hearing panel made up of Members of the Licensing and Appeals Committee	Director of Housing
		To make minor amendments to the Derbyshire Clause Policy and Procedure in line with any clarification provided by Members of a hearing panel of the Licensing and Appeals Committee	Director of Housing

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Freedom of Information	Freedom of Information Act 2000	To ensure compliance with the Freedom of Information Act including: <ul style="list-style-type: none"> <li>• Developing, implementing, monitoring and correcting minor errors to the publication scheme required by the Freedom of Information Act 2000</li> <li>• Responding to specific requests for information and issuing decision notices</li> </ul>	Business Support Manager
		To deal with complaints and appeals arising from matters to information requests	Legal Services Manager/ Director of Corporate and Customer Services
Graffiti and Fly-Posting	Anti-Social Behaviour Act 2003	Institute proceedings	Director of Community and Environmental Services, in consultation with the Director of Corporate and Customer Services
		Authority to authorise officers for the purpose of Section 43 of the Act (Fixed Penalty Notices)	Director of Community and Environmental Services/ Neighbourhoods Manager
Head of Paid Service	Local Government and Housing Act 1989 S4	Statutory designation	Chief Executive
Health Protection	Public Health (Control of Disease) Act 1984	To have powers to enter premises to carry out local authority health protection functions	Director of Regulatory Services/Principal Officer – Environmental Health/All Environmental Health Officers/Environmental Health Technicians/Environmental Health Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
		Application for a warrant to enter premises	Director of Corporate and Customer Services /Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
		To nominate a GP in respect of infectious persons.	Director of Regulatory Services
		The authority to authorise staff to issue Fixed Penalty Notices.	Director of Regulatory Services / Environmental Health Manager
Health Protection	Health Protection (Local Authority Powers) Regulations 2010 Regulation 2	Service of notice requiring that a child be kept away from school	Director of Corporate and Customer Services /Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
	Health Protection (Local Authority Powers) Regulations 2010 regulation 3	Service of notice requiring a Head Teacher to provide contact details of children attending school	Director of Corporate and Customer Services/Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
	Health Protection (Local Authority Powers) Regulations 2010 regulation 8	Service of notice requesting co-operation for health protection purposes	Director of Corporate and Customer Services/Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
	Health Protection (Local Authority Powers) Regulations 2010 regulation 9	Service of notice prohibiting contact with a dead body	Director of Regulatory Services/Principal Officer Environmental Health/Environmental Health Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
	Health Protection (Local Authority Powers) Regulations 2010 regulation 10	Service of notice prohibiting any person from entering a room in which a dead body is located	Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
	Health Protection (Local Authority Powers) Regulations 2010 regulation 11	Service of notice requiring the relocation of a dead body	Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
	Health Protection (Local Authority Powers) Regulations 2010	Institute proceedings for failing to comply with a notice served under the Regulations	Director of Regulatory Services/Director of Corporate and Customer Services
Health Protection	Public Health (Control of Disease) Act 1984	Make application to a Justice of the Peace for a Part 2A Order	Director of Regulatory Services/Director of Corporate and Customer Services
		Make application for the variation or revocation of a Part 2A Order	Director of Regulatory Services/Director of Corporate and Customer Services
	Health Protection (Part 2A Orders) Regulations 2010 regulation 3	Service of notice informing of the application for a Part 2A Order	Director of Regulatory Services
		Recovery of costs	Director of Regulatory Services
	Public Health (Control of Disease) Act 1984	Institute proceedings for failing to comply with a Part 2A Order	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Health and Safety	Health and Safety at Work Act 1974 S19	To authorise such officers or technicians or agency staff as deemed appropriate with enforcement powers	Chief Executive/ Director of Regulatory Services
	Health and Safety at Work Act 1974	To authorise persons to enter premises in the company of an inspector	Chief Executive/ Director of Regulatory Services



<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
		To act as inspectors in accordance with the Act	Environmental Health Officers/ Environmental Health Technicians/ Agency Staff
		To indemnify inspectors against any action brought against them arising from carrying out their inspectorial duties	Chief Executive/ Director of Regulatory Services
		To serve improvement/ prohibition notices	All Officers, Technicians and Agency Staff authorised under the Act
Health and Safety	Health and Safety at Work Act 1974 S28(3)l(i)	To act as a proper recipient of information	Chief Executive/ Director of Regulatory Services
	Health and Safety at Work Act 1974 S25	Power to deal with cause of imminent danger	Environmental Health Officers
	Health and Safety at Work Act 1974 and all associated regulations	Institute legal proceedings	All Officers, Technicians and Agency Staff authorised, in consultation with the Director of Corporate and Customer Services
	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013	To act as the enforcing authority in those premises detailed in the Regulations	All Officers, Technicians and Agency Staff authorised under the main Act.
		To institute legal proceedings for an offence contravening the Regulations	All Officers, Technicians and Agency Staff authorised, in consultation with the Director of Corporate and Customer Services
	The Notification of Cooling Towers and Evaporative Condensers Regulations 1992	To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
High Hedges	Anti-Social Behaviour Act 2003	To determine high hedge complaints, including the issue, modification or relaxation of remedial notices	Director of Regulatory Services/ Development Manager/ Principal Planning Officer/ Environmental Health Manager
Highways – Speed limit amendments and temporary closing and de-trunking	-	To respond to proposals from the Highways Authority	Director of Corporate and Customer Services, following consultation with Ward Member(s)
Homelessness	Housing Act 1996 Homelessness Reduction Act 2018	To make any determination and notify as appropriate	Director of Housing, Housing Strategy Officer/ Home Options Officers
Housing Benefit First Tier Tribunals	The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001  Tribunals, Courts & Enforcement Act 2007	Authority to represent the Council in appeal hearings at First Tier Tribunals convened by the Department of Justice	Benefits Manager (Chesterfield BC) Benefits Technical Officer (Chesterfield BC)
Human Resources – Disciplinary Procedure – Formal Warnings	-	To issue formal warnings to employees in accordance with the Disciplinary Procedure	Chief Executive and Directors of Service
Human Resources – Disciplinary Procedure – Dismissal	-	To dismiss employees in accordance with the Disciplinary Procedure	Chief Executive and Directors of Service
Human Resources – Recruitment	-	To fill vacant posts on current establishment with the prior consent of the Chief Executive	Directors of Service
		Authority to sign employment contracts	Human Resources Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Interest in Land	Local Government (Miscellaneous Provisions) Act 1976 S16	To issue Notices requiring information as to a person's interest in land	Director of Corporate and Customer Services/ Licensing Manager/ Director of Regulatory Services/ Principal Officer – Environmental Health/ All Environmental Health Officers/ Environmental Health Technicians
Internal Audit	Accounts and Audit Regulations 2015 & Local Government Finance Act 1982 S23	Responsibility for the maintenance of effective and adequate systems of internal audit	Director of Resources
Land – permission to use for ancillary purposes	-	To determine, in consultation with Ward Member(s), applications to temporarily occupy Council land for ancillary purposes i.e. fairs, circuses, promotional vans and trailers and to set appropriate rental	Director of Resources/ Director of Community and Environmental Services
Land Charges	Local Land Charges Act 1975 S3(3 and S9(4)	Proper Officer to maintain register of Local Land Charges and to issue the certificate of a result of a search	Director of Corporate and Customer Services/ Chief Executive/ Legal Services Manager
Land Drainage	Land Drainage Act 1991	Powers to enter premises to carry out local authority land drainage functions	Director of Regulatory Services/ Principal Officer – Environmental Health/ All Environmental Health Officers/ Environmental Health Technicians/ Environmental Health Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Land Transactions	-	To approve the contractual revision of rents, where new rent of £25,000 per annum or less, and licence fees; to approve lease and licence renewals and amendments to their terms	Estates and Facilities Manager
Land Transactions	-	To grant or enter into licences, periodic tenancies and leases (for less than 10 years) at a fee/rental not exceeding £25,000 per annum	Estates and Facilities Manager
		To grant or obtain or enter into easements, rights of way, rights of light and wayleaves; to consent assignments, sub-lettings and surrenders	Estates and Facilities Manager
		To approve the sale or purchase of land where the estimated value is less than £25,000	Estates and Facilities Manager, subject to notifying the Leader of the Council and Chair of the Governance and Resources Committee and consulting with Ward Member(s) and relevant Parish Council
Legal Proceedings	All relevant	To authorise the institution, defence or participation in any legal proceedings in any case where such action is necessary to give effect to decisions where such action is necessary to protect the Council's interests	Director of Corporate and Customer Services or Legal Services Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Litter	Clean Neighbourhoods and Environment Act 2005 S19 & 24 and Environmental Protection Act 1990 S88	Authority to authorise members of staff to issue fixed penalty notices for dropping litter	Director of Community and Environmental Services/ Neighbourhoods Manager
	Environmental Protection Act 1990 S87 and S88	Institute legal proceedings and institute legal proceedings for failing to provide name and address	Director of Community and Environmental Services, in consultation with the Director of Corporate and Customer Services
	Environmental Protection Act 1990 S88A	Issue of Fixed Penalty Notices for the offence of littering from a motor vehicle	Principal Officer – Environmental Health, all Environmental Health Officers, all Environmental Health Technicians, Environmental Health Manager
	Environmental Protection Act 1990 S93 & 94	Services of street litter control notices	Director of Community and Environmental Services/ Environmental Health Officers/ Neighbourhoods Manager
	Clean Neighbourhoods and Environment Act 2005 S23 and Environmental Protection Act 1990 S94B and Schedule 3A	Issue of consents for the distribution of free printed material	Director of Community and Environmental Services
		Seizure of material where an offence is committed	Director of Community and Environmental Services/ Neighbourhoods Manager
		Authority to authorise members of staff to issue fixed penalty notices for offences under this section	Director of Community and Environmental Services
		Institute legal proceedings under Part 3	Director of Community and Environmental Services, in consultation with the Director of Corporate and Customer Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Local Authority Waste Collection and Disposal	Environmental Protection Act 1990 S47ZA	Issue of fixed penalty notices under S46 and 47	Waste and Recycling Manager/ Waste and Recycling Officer
	Environmental Protection Act 1990 S59 and 59ZA	Service of notices	Environmental Health Officers
	Environmental Protection Act 1990 S33	Institute proceedings for the offence of depositing controlled waste on land	Director of Regulatory Services, in consultation with the Director of Corporate and Customer Services
Magistrates Court	Local Government Act 1972 S223 S1	Proper Officer to prosecute or defend on behalf of the Council in proceedings before Magistrates Courts	Legal Services Manager, Principal Solicitor, Solicitor and Trainee Solicitor Head of Revenues/ Business Rates Technical Officer/ Recovery Team Leader/ Operational Revenues Manager/ Senior Legal Assistant (Chesterfield BC)
Matlock Bath Illuminations	-	The event organiser is given delegated authority to make operational decisions in relation to the staging of the event	Event Organiser, in consultation with the Working Group and the Director of Community and Environmental Services
Means of Escape	Building Act 1984 S72	Service of Notices, authority to authorise works in default	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Manager
	Building Act 1984 S72	Institute proceedings	Director of Regulatory Services, in consultation with the Director of Corporate and Customer Services
Money Laundering	Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017	Money Laundering Reporting Officer	Director of Resources

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Non-Domestic Rates	Local Government Finance Act 1988 S49	Determination of applications for hardship relief	Director of Resources Head of Revenues (Chesterfield BC) Revenues & Benefits Manager (Chesterfield BC)
	Local Government Finance Act 1988 S47	Determination of applications for discretionary rate relief	Director of Resources Head of Revenues (Chesterfield BC) Revenues & Benefits Manager (Chesterfield BC)
		Determination of applications for rate relief under the temporary revaluation relief scheme for business rate revaluation in 2017	Director of Resources Head of Revenues (Chesterfield BC) Revenues & Benefits Manager (Chesterfield BC)
Neighbourhood Planning	Localism Act 2011, Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004, and Neighbourhood Planning (General) Regulations 2012	Designation of an area as a Neighbourhood Area following statutory publicity of the application for Neighbourhood Area designation and where no representations of objection are received during the publicity period.	Planning Policy Manager/ Director of Corporate and Customer Services or Director of Regeneration and Policy in the absence of the Planning Policy Manager
Night Time Noise	Noise Act 1996	Service of warning notices and fixed penalty notices	All Environmental Health Officers
		Institute proceedings	Director of Regulatory Services, in consultation with the Director of Corporate and Customer Services
Noise	Noise Act 1996 S8B	Power to require the name and address of a person to whom a fixed penalty notice is to be issued	Environmental Health Officers

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Noise – Construction Sites	Control of Pollution Act 1974	Power to enter premises	Director of Regulatory Services/ Environmental Health Officers/ Principal Officer – Environmental Health
Noise – Construction Sites	Control of Pollution Act 1974	To determine applications for prior consent	Director of Regulatory Services/ Environmental Health Officers/ Principal Officer – Environmental Health
		Service of notices	Director of Regulatory Services/ Environmental Health Officers/ Principal Officer – Environmental Health
		Institute proceedings	Director of Regulatory Services, in consultation with the Director of Corporate and Customer Services
Non Domestic Rates	Local Government Finance Act 1988  The Non Domestic Rating (Rates Retention) Regulations 2013	The calculation and notification of non-domestic rating income and other amounts	Chief Financial Officer
Nuisance and Abandoned Vehicles	Clean Neighbourhoods and Environment Act 2005 S4 & 6	Issue of fixed penalty notices for repairing vehicles on a road	Environmental Health Officers/ Environmental Health Technicians
	Clean Neighbourhoods and Environment Act 2005 S7	Power to require the name and address of a person to whom a fixed penalty notice for the above mentioned offences is to be issued	Environmental Health Officers/ Environmental Health Technicians
	Clean Neighbourhoods and Environment Act 2005 Part 2	Institute legal proceedings under Part 2	Director of Regulatory Services, in consultation with the Director of Corporate and Customer Services



<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Parish Councils – Appointment of Members	Local Government Act 1972 S91(1)	To appoint, following consultation with Ward Member(s), temporary Members to serve on inquorate parish councils in the district	Director of Corporate and Customer Services
Parish Councils – Reimbursable Expenditure		To determine if a parish will not be eligible for reimbursable expenditure where it has three years precept in its balances, or £50,000, whichever is the lower, unless there are exceptional reasons	Director of Resources
Parish Meetings – Trustee	Local Government Act 1972 S1393)	To act, with the Chairman of the Parish Meeting, as a Trustee as the body corporate of the Parish	Director of Corporate and Customer Services
Performing Animals	Performing Animals (Regulations) Act 1925	Authority to enter premises and examine certificates	Director of Regulatory Services/ Principal Officer – Environmental Health, Environmental Health Officers
Pests – Rats and Mice	Prevention of Damage by Pests Act 1949	Service of Notices on owners or occupiers to secure action to rid premises of pests	All Environmental Health Officers
		Authority to authorise works in default	All Environmental Health Officers
Petitions	-	Petitions Officer	Director of Corporate and Customer Services
		Decisions on ordinary petitions	Chief Executive or Directors of Service, following consultation with the relevant Committee Chairman and relevant Ward Member(s)
		Decisions on whether a petition is vexatious, abusive or otherwise inappropriate	Director of Corporate and Customer Services/Chief Executive

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
		Authority to make minor amendments to the Council's Petitions Policy	Director of Corporate and Customer Services
Planning Applications – Land Acquisition	Town and Country Planning Act 1990	To submit planning applications in relation to the development of Council owned land.	Director of Resources/ Director of Community and Environmental Services
Pollution Prevention and Control	Environment Act 1995	Powers to enter premises	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians/ Environmental Health Manager
Pollution Prevention and Control	Environmental Permitting (England and Wales) Regulations 2016	Granting of Permits  Variation of Permits  Transfer of Permits  Determine applications to surrender permits  Service of request for information notices  Maintain the Public Register  Exclude information from the Public Register	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Pollution Prevention and Control	Environmental Permitting (England and Wales) Regulations 2016	Refusal of Permits  Revocation of Permits  Service of enforcement notices  Service of suspension notices  Exercise power to prevent or remedy pollution	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Pollution Prevention and Control	Environmental Permitting (England and Wales) Regulations 2016	Institute Proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services.
Pollution Prevention and Control	Environmental Protection Act 1990 – section 13	Service of enforcement notices	Environmental Health Officers
Pollution Prevention and Control	Environmental Protection Act 1990 – Section 14	Service of prohibition notices	Environmental Health Officers
Pollution Prevention and Control	Environmental Protection Act 1990 – section 117	Power to deal with cause of imminent danger of damage to the environment	Environmental Health Officers
Private Sector Housing	Housing Act 1985	Institute proceedings.	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services
	Housing Act 1985	Authority to authorise works in default.	Director of Regulatory Services
Private Sector Housing	Housing Act 1985 and Housing Act 2004	Services of Demolition Orders, Overcrowding Notices	Director of Regulatory Services/ Environmental Health Officers

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
	Housing Act 1985	Powers to enter premises for the purpose of survey and examination.	Director of Regulatory Services/ Environmental Health Officers/Environmental Health Technicians
	Housing Act 2004, Sections 11 & 12	Service of improvement notices.	All Environmental Health Officers
	Housing Act 2004, Section 14	Suspension of improvement notices.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 16	Revocation and variation of improvement notices.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 17	Review of suspended improvement notices.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Sections 20 & 21	Making of prohibition orders.	All Environmental Health Officers
	Housing Act 2004, Section 23	Suspension of prohibition orders.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 67	Imposition of conditions on licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
Private Sector Housing	Housing Act 2004, Section 69	Variation of licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
	Housing Act 2004, Section 70	Revocation of licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004	Institute legal proceedings under Part II.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	Housing Act 2004, Section 73	Application for rent repayment order.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 88	Grant and refusal of licence.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 90	Imposition of conditions on licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 92	Variation of licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 93	Revocation of licences	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
Private Sector Housing	Housing Act 2004	Institute legal proceedings under Part III.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services /Environmental Health Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
	Housing Act 2004, Section 96	Application for rent repayment order.	Director of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 102	Application for Interim Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 103	Application for special Interim Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 111	Variation of Interim Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 112	Revocation of Interim Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 113	Making of Final Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 121	Variation of Final Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
Private Sector Housing	Housing Act 2004, Section 122	Revocation of Final Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 131	Power of entry to carry out works.	All Environmental Health Officers and Environmental Health Technicians

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
	Housing Act 2004, Section 133	Application for Interim Empty Dwelling Management Order.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 136	Making of Final Empty Dwelling Management Order.	Director of Regulatory Services
	Housing Act 2004, Section 139	Service of overcrowding notices.	All Environmental Health Officers
	Housing Act 2004, Section 144	Revocation and variation of overcrowding notices.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 235	Power to require information	All Environmental Health Officers
	Housing Act 2004, Section 239	Power of entry.	All Environmental Health Officers and Environmental Health Technicians
	Housing Act 2004, Section 240	Application for warrant.	All Environmental Health Officers
	Housing Act 2004, Section 241	Institution of legal proceedings for obstruction.	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services
Procurement	-	To approve the procurement of goods and services in accordance with Contract Standing Orders and Financial Regulations	Chief Executive and Directors of Service
Protection of Buildings	Local Government (Misc Provisions) Act 1982	Powers to enter premises.	Director of Regulatory Services/Environmental Health Officers/ Environmental Health Technicians

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Protection of Buildings	Local Government (Misc Provisions) Act 1982 Sections 29-32	Service of Notices, authority to authorise works in default.	Director of Regulatory Services/Principal Officer-Environmental Health/All Environmental Health Officers/Environmental Health Manager
Protection of Trees	Town & Country Planning Act 1990	To make and sign provisional Tree Preservation Orders and to confirm or vary unopposed orders.  To approve or refuse applications to lop or fell trees protected by a Tree Preservation Order.  To respond to notifications relating to the felling or pruning of trees in Conservation Areas.	Director of Regulatory Services /Planning Policy Manager/ Development Manager
Provision of sanitary conveniences at places of entertainment etc.	Local Government (Miscellaneous Provisions) Act 1976	Authority to appoint authorised officer	Director of Regulatory Services
		To act as Authorised Officers	All Environmental Health Officers/ Environmental Health Technicians
		To serve occasional or continuous notice	Director of Regulatory Services
		To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Public Health – Filthy and Verminous premises and articles	Public Health Act 1936 Sections 84 and 85	Authority to appoint a proper officer  To exercise the powers under Sections 84 and 85 of the Act as amended by an enactment.	Chief Executive/Director of Corporate and Customer Services/ Director of Regulatory Services  Director of Regulatory Services/ all Environmental Health Officers and Environmental Health Technicians



<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Public Health – Disinfestations of verminous articles offered for sale	Public Health Act 1961 Section 37	Authority to appoint a proper officer.	Chief Executive/Director of Corporate and Customer Services/ Director of Regulatory Services
Public Health Inspector	Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972	Proper Officer – role of Public Health Inspector	Director of Regulatory Services
Public Space Protection Orders	Anti-social Behaviour, Crime and Policing Act 2014	To authorise Officers to undertake associated enforcement duties.	Director of Community & Environmental Services
Register of Members Interests	Localism Act S29 and 30	To establish and maintain a Register of Members' Interests	Monitoring Officer
Re-possession and Rent Arrears	-	To initiate proceedings for re-possession of properties and the recovery of rent arrears, following consultation with the Chairman and Vice-Chairman of the appropriate Committee	Director of Corporate and Customer Services/ Legal Services Manager
Reserves	-	Approval of supplementary estimates (revenue or capital) and use of the general reserve or strategic reserves up to £25,000 per event to deal with emergencies or unforeseen events	Director of Resources
Review Procedure	Housing Act 1996	To carry out requests for reviews either from people who have applied for Council accommodation or appeals against homelessness decisions	Director of Housing/ Housing Strategy Officer

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Rights of Way	Town and Country Planning Act 1990 S259 Highways Act 1980 S118 & 119	To promote and confirm Orders to create, divert or close footpaths following consultation with Ward Members	Director of Corporate and Customer Services/ Director of Regulatory Services
RIPA	Regulation of Investigatory Powers Act 2000	To be designated persons for the granting of authorisations	Director of Community and Environmental Services/ Director of Corporate and Customer Services/ Director of Housing/ Director of Regeneration and Policy/ Director of Regulatory Services
		To act as RIPA Monitoring Officer	Legal Services Manager
		To suspend authority to grant authorisations if training not undertaken	Legal Services Manager
		Authority to appear in the Magistrates Court on behalf of the Council to apply for judicial approval for authorisation to obtain or disclose communications data, to use a covert intelligence source or to conduct directed surveillance	Senior Investigations Officer Investigations Officer
Road Closures	Town Police Clauses Act 1847	To take appropriate steps to temporarily close roads, following consultation with emergency services, Derbyshire County Council and Ward Member	Licensing Manager/ Director of Regulatory services
Ruinous and Dilapidated Buildings	Building Act 1984 S79	Service of notices, authority to authorise works in default	Director of Regulatory Services/ All Environment Health Officers
Non Domestic Rates	Local Government and Rating Act 1997 S1	Authority to grant the extended provisions of the rural rate relief regulations	Director of Resources

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
		Annual Review of the Rural Settlement List	Director of Resources
Sealing of Documents		Proper Officer responsible for the recording and signing documents under the Council's Common Seal	Director of Corporate and Customer Services/ Chief Executive/ Legal Services Manager
Smoke Free Regulations	Health Act 2006 S10	To act as authorised officers	All Environmental Health Officers/ Principal Officer – Environmental Health/ Environmental Health Technicians/ Licensing Manager/ Environmental Health Manager
	Health Act 2006 S9	Issue of penalty notices under Sections 6(5) and 7(2)	All Environmental Health Officers/ Principal Officer – Environmental Health/ Environmental Health Technicians/ Licensing Manager/ Environmental Health Manager
	Health Act 2006	Institute legal proceedings for offences under Part 1 of the Health Act 2006	Director of Regulatory Services in consultation with Director of Corporate and Customer services
Stall Markets	Local Government (Miscellaneous Provisions) Act 1982	To approve Stall Market Licences	Director of Community and Environmental Services/ Community Events Manager
Statutory Nuisances	Environmental Protection Act 1990 Part III	Power to enter premises  To serve Abatement Notices	Director of Regulatory Services/ All Environmental Health Officers/ Environmental Health Technicians  Director of Regulatory Services/ All Environmental Health Officers
	Environmental Protection Act 1990 Part III	To authorise works in default, serve notices of intention to recover	Director of Regulatory Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
	Environmental Protection Act 1990 Part III	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Stray Dogs	Environmental Protection Act 1990 S149	Authorised officer with powers to seize and detain stray dogs	Director of Community and Environmental Services
	Environmental Protection Act 1990 S149	To approve an increase in kennelling fees where	Director of Community and Environmental Services
Street Naming & Numbering	Public Health Act 1925 S17 and S18	To name or rename streets and impose numbering schemes in consultation with Ward Members	Director of Corporate and Customer Services/ Director of Regulatory Services
Street Trading	Local Government (Miscellaneous Provisions) Act 1982	Authority to approve trading on Consent Streets	Director of Regulatory Services/ Licensing Manager
Street Trading Orders		To authorise prosecutions for contraventions of Orders following an unheeded warning letter	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Sunday Trading	Sunday Trading Act 1994	To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Sunday Trading	Sunday Trading Act 1994	To designate area "a loading control area"	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Manager
		Authority to appoint inspectors as detailed in schedule 2 part 1 paragraph 2	Chief Executive/ Director of Regulatory Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Surveyor/ Engineer	Any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972	Proper Officer – role of Surveyor or Engineer	Estates and Facilities Manager
Temporary Road Closures for Events on the Highway	Town Police Clauses Act 1847	To make Road Closure Orders	Licensing Manager/ Director of Regulatory Services
Transport of Waste	Control of Pollution (Amendment) Act 1989 S5	Authority to stop, search and seize vehicles	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Manager
		Power to require the name	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Manager
		Issue of fixed penalty notices for offences under this section	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Manager
		Institute proceedings	Director of Regulatory Services, in consultation with Director of Corporate and Customer Services
Travellers/ Unauthorised Campers	Criminal Justice & Public Order Act 1994 S77, 78 &79	Serving of Notices ordering the removal of persons and vehicles from land.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	Civil Procedures Rules Part 55	Applications for Possession Orders	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Treasurer	Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972	Proper Officer – role of Treasurer	Chief Financial Officer
Valuation Office Agency Hearings	Local Government Finance Act 1992	Authority to represent the Council in hearings at the Valuation Office Agency	Benefits Manager/ Benefits Technical Officer/ Business Rates Technical Officer/ Council Tax Technical Officer/ Revenues Manager (Chesterfield BC)
Valuation Tribunal Hearings	Local Government Finance Act 1992	Authority to represent the Council at hearings of the Valuation Tribunal Service	Benefits Manager/ Benefits Technical Officer/ Business Rates Technical Officer/ Council Tax Technical Officer/ Revenues Manager (Chesterfield BC)
Waste – Commercial	Environmental Protection Act 1990 Section 34A	Issue of fixed penalty notices for offences under Sections 34 & 34A	Director of Community & Environmental Services / Waste & Recycling Manager/ Waste & Recycling Officer
Waste - Deposit and Disposal	Environmental Protection Act 1990 Section 34A	Issue of fixed penalty notices for offences under this section	Environmental Health Officers
	Environmental Protection Act 1990 Section 34B	Authority to stop, search and seize vehicles	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Manager
		Power to require the name and address of a person whose vehicle has been stopped	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Technicians

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
		Institute proceedings	Director of Community & Environmental Services in consultation with Director of Corporate and Customer Services and the Director of Regulatory Services
Waste and Litter	Environment Act 1995	Power to enter premises	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
Waste and Litter	Environmental Protection Act 1990, Section 59	Service of notices, authorisation of works in default, emergency removal of waste	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Waste and Litter	Control of Pollution (Amendment) Act 1989	Powers to stop and search vehicles	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Manager
Waste Contract	-	Authority to appoint consultancy support in procurement of waste contract	Director of Community & Environmental Services in consultation with S151 Officer/Chair & Vice Chair Community & Environment Committee
Water Supplies	Public Health Act 1936	Authority to apply for Court Orders to close a water supply and to implement the Order	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Water Industry Act 1991 Section 77 and 78	To exercise the local authority's duties in relation to public water supplies	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Water Supplies	Water Industry Act 1991 section 84	Powers to enter premises, to carry out such inspections, measurements and tests as appropriate	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
	Water Industry Act 1991 section 80	Service of notices requiring the improvement of private water supplies	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
	Water Industry Act 1991 section 82	Authorisation of works in default	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Water Industry Act 1991 section 85	Service of notices requiring the provision of information	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
	Private Water Supplies (England) Regulations 2016	Granting of authorisations if different standards	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Private Water Supplies (England) Regulations 2016	Service of notices in respect of supplies that constitute a potential risk to human health	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager



<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Water Supplies	Private Water Supplies (England) Regulations 2016	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Write off of Debts		Write off debts of up to £10,000 after due consideration of the circumstances, unless the debt is due to officer error, in which case there shall be no limit	Director of Resources

# LOCAL PLAN SUB-COMMITTEE

## Terms of Reference

1. To undertake work on policies and proposals as part of the Local Plan Review and to prepare options for the Community and Environment to consider according to the following principles:
  - (i) To enable and strengthen flourishing communities within Derbyshire Dales.
  - (ii) To ensure that the housing need in the Local Plan arises from the geographic area it covers, and that the proposed number and type of new housing units reflects a careful consideration of the actual likely needs of local people.
  - (iii) To provide social and affordable housing where it is needed.
  - (iv) To accommodate the requirements of a revised Economic Plan.
  - (v) To ensure a continued improvement in the biodiversity and natural capital of Derbyshire Dales.
  - (vi) To ensure rapid progress towards net zero emissions in the Derbyshire Dales within the scope of the Local Plan.
  - (vii) To ensure the Derbyshire Dales character in its landscape and townscapes is protected.
  - (viii) To ensure the necessary infrastructures (grey, green and blue) and services are available for planned development.
  - (ix) To ensure that the Plan will enable all residents to understand how their communities will change during the period of the Plan.
2. The Local Plan Sub-Committee will comprise 10 members, with the support of such officers as required.

# **BIODIVERSITY SUB-COMMITTEE**

## **Terms of Reference**

1. To undertake work on policies and proposals in respect of biodiversity and meeting the public sector biodiversity duty and to prepare options for the Community and Environment to consider
2. The Biodiversity Sub-Committee will comprise 6 members, with the support of such officers as required

# TERMS OF REFERENCE – SCRUTINY COMMITTEE

A requirement of the Localism Act 2011 (Schedule 2, Chapter 5) is to include a statement to say whether the authority had resolved to have a Scrutiny Committee. Where the authority has so resolved, the Scrutiny Committee must have the powers set out in the 2012 Local Authorities (Committee system) (England) Regulations.

“Committee” means the Scrutiny Committee and “Sub-committee” means a sub-committee of the Committee.

## 1. Purpose of the Scrutiny Committee

1.1 The purpose of the Committee is to carry out the Council’s responsibilities for scrutiny as stated in the Police and Justice Act 2006, the Local Government Act 2000 as amended, the Localism Act 2011 and the subsequent Local Authority (Committee System) (England) Regulations 2012. In particular, its primary purpose is:

- a) To provide an independent review of Council decisions either before or after they have been made;
- b) To provide an independent review of decisions made by certain partner authorities;
- c) To make recommendations regarding the decisions made

1.2 The Scrutiny Committee is not an alternative or additional mechanism to appeals procedures in respect of the decisions of the Council’s regulatory committees.

## 2. Powers

The Committee has the following powers:

2.1 Under the 2012 Local Authorities (Committee System) (England) Regulations:

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the Council;
- (b) to make reports or recommendations to:
  - (i) the Council itself;
  - (ii) any committee or sub-committee of the Council;
  - (iii) any officer of the Council; or
  - (iv) any joint committee on which the Council is represented or any sub-committee of such a committee, with respect to the discharge of any functions of the Council; and
- (c) on matters which affect the Council’s area or the inhabitants of that area, to make reports or recommendations to:
  - (i) the Council;
  - (ii) any committee or sub-committee of the Council;
  - (iii) any officer of the Council; or
  - (iv) any joint committee on which the local authority is represented or any sub-committee of such a committee, on matters which affect the authority’s area or the inhabitants of that area.
- (d) on decisions made but not yet implemented by the Council:
  - (i) to recommend that the decision is reconsidered by the person who has made it,

- (ii) to arrange for its function under (a) above to be undertaken by Council
- (iii) to carry out the actions under (b) above.

2.2 Under the Police and Justice Act 2006 - to carry out the crime and disorder function contained in the Police and Justice Act 2006, the Scrutiny Committee has the following powers:

- (a) to review or scrutinise decisions made or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; (This means that the Council has the power to scrutinise the activities of those responsible for crime and disorder strategies namely the Council and the police)
- (b) to carry out scrutiny reviews on behalf of Standing and Local Committees, the priorities for review to be agreed by the Scrutiny Committee following an annual meeting between the Scrutiny Committee and Policy Committee Chairs and other key partners. Committees will also be able to refer matters for review and investigation to the Scrutiny Committee during the year, which will be considered as resources allow.
- (c) to make reports or recommendations to the local authority with respect to the discharge of those functions.

### **3. Powers in relation to relevant partner authorities**

3.1 A report or recommendations may relate to the functions of a relevant partner authority so far as is exercisable in relation to:

- (a) the authority's area; or
- (b) inhabitants of that area.

3.2 The Committee may, by notice in writing, require that relevant partner authority to have regard to the report or recommendations in the exercise of its functions. The notice must be accompanied by a copy of the report or recommendations. A relevant partner authority must provide to the Committee such information as that Committee may reasonably require to discharge its functions.

3.3 A relevant partner authority may not provide to the Committee:

- (a) information that was obtained by the authority from any other person where the provision of that information to the Committee by the authority would constitute a breach of confidence actionable by any person;
- (b) information the disclosure of which would, or would be likely to, prejudice the exercise of the functions of the authority or the legitimate interests of any person (including the authority holding it);
- (c) personal information within the meaning of the Data Protection Act 1998(9), unless the disclosure is permitted by or under that Act; or
- (d) other information the disclosure of which is prohibited by or under any enactment.

3.4 Where, the disclosure of information would be prohibited by the above, the relevant partner authority must:

- (a) revise it so that the individual concerned cannot be identified; and
- (b) if satisfied that disclosure of the information in that revised form is permitted by or under the Data Protection Act 1998, and is not otherwise prohibited, disclose it.

#### **4. Duties**

- 4.1 The Committee will issue reports and recommendations concerning the matters referred to it in accordance with a reasonable timescale.
- 4.2 The Committee will respond to requests for reports on the progress in reviewing or scrutinising matters referred to it.
- 4.3 If the committee decides not to exercise its powers in relation to a matter referred to it by a member of the Council, it must notify the member of its decision and the reasons for it
- 4.4 If the Committee decides to exercise its powers in relation to a matter referred to it by a member of the Council, the committee must provide the member with a copy of any report or recommendations which it makes.
- 4.5 The Committee will produce an annual report to Council on its work and outcomes during the year.

#### **5. Scope of matters relevant to the Committee**

- 5.1 The following matters are excluded matters not to be reviewed or scrutinised by the Committee:
- (a) a local crime and disorder matter within the meaning of section 19 of the 2006 Act;  
or
  - (b) any matter excluded by guidance issued by the Secretary of State <sup>1</sup>that is current at the time or
  - (c) Planning matters or
  - (d) Licensing and Appeals matters

#### **6. Reference of matters to the Committee**

- 6.1 Reference of a matter to the Committee or a Sub-committee, means that the matter is included in the agenda for, and discussed at, a meeting of the Committee or the Sub-committee.
- 6.2 The following may refer a matter to the Committee or a Sub-committee:
- (a) any member of the Committee may refer any matter which is relevant to the functions of the Committee;
  - (b) any member of a Sub-committee may refer any matter which is relevant to the functions of the Sub-committee; and
  - (c) any member of the Council who is not a member of the Committee may refer any matter which is relevant to the functions of the Committee and is not an excluded matter.
- 6.3 When a matter is referred under (c) above, the Committee may have regard to:

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<sup>1</sup> Issued under section 9FC of the Local Government Act 2000

- (a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the 2007 Act (exercise of functions by local councillors in England); and
- (b) any representations made by the member as to why it would be appropriate for the committee to exercise any of its powers in relation to the matter.

## **7. Form and Composition**

- 7.1 Full Council will appoint at its Annual Meeting a Scrutiny Committee, which will comply with the political proportionality requirements of the Housing and Local Government Act (1989).
- 7.2 Full Council will also appoint at its Annual Meeting a Chair of the Scrutiny Committee.
- 7.3 The Scrutiny Committee will comprise at least one Member and one substitute member from each Group, subject to political balance and seat entitlement requirements.
- 7.4 A member may not sit as a member of the Scrutiny Committee where that Committee is due to consider, or is likely to consider, something that has been determined by a committee of which the Councillor is a member.
- 7.5 The Committee may appoint persons to the Committee or a Sub-committee who are not members of the Council but such co-opted members are not entitled to vote at any meeting of the Committee or Sub-committee.
- 7.6 Procedure Rules for meetings of the Scrutiny Committee are set out in Section 4 of the Constitution.
- 7.7 The Committee may appoint one or more Sub-committees and may arrange for the discharge of any of its functions by any such Sub-committee.

## **8. Voting rights**

- 8.1 Each member, other than a co-opted member, is entitled to vote on matters brought before the Committee or a sub-committee under xxx of the Constitution.

## **9. Attendance**

- 9.1 The Scrutiny Committee may require Council members and officers and other persons to attend meetings of the Committee as reasonably required. It is a duty of any Council member or officer to comply with such a request.
- 9.2 A person is not obliged to answer any question which that person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

## **10. Duty of local authority to respond to overview and scrutiny committee**

- 10.1 The Committee may publish a report or recommendations regarding a matter referred to it.

- 10.2 The Committee must by notice in writing require the Council:
- (a) to consider the report or recommendations;
  - (b) to respond to the Committee indicating what (if any) action the Council proposes to take; and
  - (c) if the Committee has published a report or recommendations, to publish the response.

10.3 The notice served on the Council must require compliance within two months beginning with the date on which the Council received the report or recommendations or (if later) the notice. It is the duty of the Council to comply with the requirements specified in the notice.

## **11. Confidential and exempt information**

11.1 The Committee has obligations regarding confidential and exempt information which are specified in the Annex.

## **12. Annex: Confidential and Exempt Information**

12.1 This annex applies to the publication a report or recommendations of the Committee and any response of a local authority to such a report or recommendations; and the provision of a copy of such a document to a member of the Council; or to a relevant partner authority by the Committee or a local authority.

12.2 The Committee or the Council, in publishing the document or providing a copy of the document to a relevant partner authority:

- (a) must exclude any confidential information; and
- (b) may exclude any relevant exempt information.

12.3 The Committee or the Council, in providing a copy of a document to a member of the Council, may exclude any confidential information or relevant exempt information.

12.4 Where information is excluded, the Committee or the Council, in publishing, or providing a copy of, the document:

- (a) may replace so much of the document as discloses the information with a summary which does not disclose that information; and
- (b) must do so if, in consequence of excluding the information, the document published, or copy provided, would be misleading or not reasonably comprehensible.

12.5 “confidential information” has the meaning given by section 100A(3) of the 1972 Act (6)(admission to meetings of principal councils); “exempt information” has the meaning given by section 100I of that Act(7); and “relevant exempt information” means:

- (a) in relation to a report or recommendations of the Committee, exempt information of a description specified in a resolution of the overview and scrutiny committee under section 100A(4) of the 1972 Act which applied to the proceedings, or part of the proceedings, at any meeting of the overview and scrutiny committee at which the report was, or recommendations were, considered; and
- (b) in relation to a response of the authority, exempt information of a description specified in such a resolution of the authority which applied to the proceedings,



or part of the proceedings, at any meeting of the authority at which the report or response was, or recommendations were, considered.

## **JOINT CONSULTATIVE GROUP**

### Terms of Reference:

1. To provide a forum for consultation and negotiation on matters relating to the workforce that are not reserved for negotiation at national, provincial or other agreed local levels in accordance with the Group's Constitution.
2. To consider reports and recommendations of the Employee Group
3. To consider the findings of the biannual employee survey and resulting draft action plan
4. To have an overview of the make-up of the Council's workforce in terms of its demographics in relation to the Council's duty as an equal opportunities employer.
5. To report to the Governance and Resources Committee

## PLANNING COMMITTEE

The Planning Committee implements planning policy, the development of which is carried out by the Council. It does this through dealing with regulatory business i.e. determining all planning applications.

Meetings are held every four weeks in order to meet the Council's targets for determinations within a set timetable.

1. To act on behalf of the District Council as the Local Planning Authority as prescribed in statute.
2. To determine applications for planning permission and other consents unless delegated to an appropriate officer.
3. To determine applications where development would be a departure from the agreed Local Plan or Local Development Framework.
4. To determine applications where the application is to be referred to the Secretary of State on direction.
5. To determine applications for major development where the District Council is the applicant.
6. To determine applications where the applicant is an employee of the District Council or a member of their household.
7. To determine applications where the applicant is an Elected Member or a member of their household.
8. To comment on planning applications submitted to or by other local Planning Authorities and statutory undertakers.
9. To evoke or modify planning permissions.
10. To designate and amend Conservation Areas.
11. To declare areas of Special Advertisement Control.
12. To authorise agreements under S. 106 of the Town and Country Planning Act 1990.
13. To receive reports relating to action instigated by the local Planning Authority in relation to enforcement action.

## OFFICER DELEGATIONS - PLANNING

Routine business is delegated to officers as shown on the following table.

Local Members are reminded that they will be able to override the power of delegation should they wish a particular planning application (with the exception of prior approval applications as required by the Town and Country Planning (General Permitted Development) Order 1995) or a particular application for a variation to or the recession of an existing planning obligation deed or unilateral undertaking, to go to the Planning Committee for determination.

Notification to the Development Manager, or Case Officer should be made in writing (including email) within 21 days of the relevant weekly list of applications. Such notification should include the reason for the call in. No response by the relevant Ward Member within that 21 day period will constitute agreement to delegation.

The following scheme of delegation is based on the principle that all applications are delegated for approval or refusal by officers with the exception of the following:

- Any application which receives 5 or more unresolved objections.
- Any Environmental Impact Assessment application made under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- The provision of dwelling houses where
  - (a) The number of dwelling houses to be provided is 10 or more in the settlements of Matlock, Ashbourne, Wirksworth and Darley Dale
  - (b) The number of dwelling houses to be provided is 3 or more in all other locations
  - (c) The development is to be carried out on a site having an area of 0.5 hectares or more and it is known whether the development falls within the above bullet)
- The provision of a building or buildings where the floor space to be created by the development is 1000sq metres or more other than buildings provided for agricultural purposes where the decision is delegated to officers
- Development carried out on a site having an area or 1 hectare or more
- Any application which is recommended for approval but amounts to a departure from the development plan
- Any application that the Development Manager considers sensitive and requires Committee consideration
- Any application submitted by or on behalf of the Council for its own development

- Any application (but excluding prior approval applications/notifications as required by the Town and Country Planning (General Permitted Development) Order 1995) which is known to be made by or on behalf of a District Councillor or officer of the Council or a member of their immediate family.

Subject	Act	Functions Delegated	Officer
Advertisements	Town and Country Planning Act 1990 S. 224 and 225	<p>To remove, obliterate or discontinue the display of advertisements displayed in contravention of the Town and Country Planning (Control of Advertisements) Regulations 2007</p> <p>To initiate proceedings up to and including prosecution</p>	<p>Development Manager/ Principal Planner</p> <p>Development Manager in consultation with Ward Member</p>
Dangerous Trees	Local Gov (Misc Provisions) Act 1976 S23(3)	To serve notice requiring owners or occupiers of land on which there is a dangerous tree to make it safe in cases of imminent danger to carry out remedial works and to recover reasonable costs.	Director of Regulatory Services/Development Manager/ Principal Planner
Development Control	Town & Country Planning Act 1990  Planning (Listed Buildings and Conservation Areas) Act 1990	<p>To determine applications of the following types:</p> <ul style="list-style-type: none"> <li>■ Full and Outline planning applications.</li> <li>■ Applications for Approval of Reserved Matters</li> <li>■ Advertisement Consent Applications.</li> <li>■ Listed Building Applications.</li> <li>■ Certificates of Lawful Proposed use or Development.</li> <li>■ Certificate of Lawful Existing Use or Development Prior to Approval</li> <li>■ Agricultural prior</li> </ul>	Development Manager/ Director of Regulatory Services/ Principal Planner/ Senior Planning Officer

Subject	Act	Functions Delegated	Officer
		<p>Notifications.</p> <ul style="list-style-type: none"> <li>■ Circular 18/84 Notifications (development by Government Departments).</li> <li>■ Notifications Under the Electricity Act 1989 (Overhead Lines).</li> <li>■ Hedgerow Notifications.</li> <li>■ Applications for Hazardous Substance Consent.</li> <li>■ Discharge of Condition applications.</li> <li>■ Certificates of Appropriate Alternative Development.</li> <li>■ Ecclesiastical Notifications</li> <li>■ Minor Material Amendments (S.73)</li> <li>■ Extension of Time Limits.</li> <li>■ Where an application has been previously refused and the reasons for refusal have not been satisfactory addressed</li> <li>■ Agricultural Buildings</li> <li>■ Any minor variation or revision to an approved application</li> </ul>	
Development Control	Town & Country Planning Act 1990	<p>In consultation with the appropriate Ward Member(s), to respond to consultations on all types of applications determined by other Planning Authorities.</p> <p>Power to decline to determine applications</p>	Development Manager/ Director of Regulatory Services/Principal Planner

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Development Control	Town and Country Planning (General Permitted Development) (England) Order 2015, Part 5  Town and Country Planning Act 1990	To respond to consultations from exempted organisations relating to the use of land as a caravan site.	Development Manager/ Director of Regulatory Services/Principal Planner
	Town and Country Planning Act 1990	Power to decline to determine applications	Development Manager/ Director of Regulatory Services/Principal Planner/ Senior Planning Officer
Development Control	Town and Country Planning Act 1990	Demolition Notifications Prior	Development Manager/ Director of Regulatory Services/Principal Planning Officer/ Senior Planning Officer
Enforcement	Town & Country Planning Act 1990	To determine applications for non-material amendments (S. 96A) and/or additional details in respect of proposals previously granted planning permission.  To lodge objections to the granting of Vehicle Operators' Licences.  To remove or obliterate illegally displayed advertisement material.  To issue Planning Contravention Notices.  To withdraw Planning Contravention Notices.  To issue Breach of Condition Notices.  To issue Stop Notices.  To withdraw Breach of Condition Notices.	Development Manager/ Director of Regulatory Services/Principal Planning Officer / Enforcement Team Leader / Senior Planning Officer

Subject	Act	Functions Delegated	Officer
		<p>To withdraw Stop Notices.</p> <p>To issue Enforcement Notices</p> <p>To withdraw Enforcement Notices</p>	
Enforcement	S.215	<p>To act as appointed Officer for receiving offers to carry out measures under a Planning Contraventions Notice.</p> <p>To serve Notices requiring the proper maintenance of land.</p> <p>To withdraw Notices requiring the proper maintenance of land.</p>	Development Manager/ Director of Regulatory Services/Principal Planner
	Town and Country Planning Act 1990 And Planning and Compulsory Purchase Act 2004	<p>To issue Temporary Stop Notices</p> <p>To withdraw Temporary Stop Notices</p>	Development Manager/ Director of Regulatory Services/Principal Planner
	Town & Country Planning Act 1990  Planning (Listed Building and Conservation Areas) Act 1990	To initiate proceedings up to and including prosecution	Development Manager/ Principal Planner
	Section 196A and 196B Town & Country Planning Act 1990	To authorise persons to enter any land.	Director of Regulatory Services/Development Manager/Principal Planner
	Section 196A and 196B Town and Country Planning Act 1990	To authorise persons to enter land.	Director of Corporate and Customer Services / Legal Services Manager /Solicitor



<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Enforcement	Town & Country Planning Act 1990 and associated legislation	To authorise any person to exercise powers granted under the Town & Country Planning Act 1990 and associated legislation where such powers are necessary in order to give effect to a decision of the Authority or ensure compliance with the legislation.	Development Manager in consultation with the Director of Corporate and Customer Services
Environmental Statements	Town & Country Planning Act 1990	To determine the need for an environmental statement in respect of any planning application to which Schedule 2 of the Town & Country Planning (Environmental Impact, etc) Regulations 1999 applies.	Development Manager/ Director of Regulatory Services / Principal Planner
General	All Acts	That, in circumstances where Ward Members have a personal and prejudicial interest in a matter or where they cannot be contacted, they either nominate a spokesperson to act on their behalf.	Development Manager/ Director of Regulatory Services
Historic Buildings	Local Gov Act 1972 Schedule 16(28)	Proper Officer to receive lists of buildings of special architectural or historic interest.	Director of Regulatory Services
Legal Proceedings	All relevant	To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Planning Committees or in any case where the Director of Corporate and Customer Services considers that such action is necessary to protect the Council's interests.	Director of Regulatory Services/Director of Corporate and Customer Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Planning	Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972.	Proper Officer - any reference to the Chief Officer responsible for the Council's function as local planning authority which may be construed as a reference to "the Proper Officer".	Development Manager
	Town and Country Planning Acts and subordinate legislation	Proper Officer to issue decision/ enforcement Notices	Development Manager/ Director of Regulatory Services/Principal Planner
Section 106 Obligations	Town & Country Planning Act 1990 S.106A	To determine requests/applications for the modification or discharge of planning obligations.	Development Manager/ Principal Planner
Section 52 Agreements	Town & Country Planning Act 1971 and 1990 S 106A	To determine requests for the modification or discharge of Planning Agreements	Development Manager/ Principal Planner
Self & Custom Build Register	Self-Build & Custom House Building Regulations 2016	To make decisions for applications for the Self & Custom Build Register.	Director of Regeneration & Policy/Policy Manager
	Self-Build & Custom House Building Regulations 2016	To make decisions for appeal applications for the Self & Custom Build Register.	Director of Corporate and Customer Services
	Self-Build & Custom House Building Regulations 2016	To prepare and publish detailed assessment criteria for the financial resources test on the District Council's website.	Director of Regeneration & Policy

# LICENSING AND APPEALS COMMITTEE

## Service Areas within the Committee's remit:

- Animal Welfare Licensing
- Taxi and Private Hire Licensing
- Regulated activities under the Licensing Act 2003 and the Gambling Act 2005
- Determination of quasi-judicial matters in relation to the Committee's wide remit as a service provider and licensing authority.
- Determination of quasi-judicial matters in relation to the Council's role as employer.
- Miscellaneous Licenses and Registrations
- Tree Preservation Orders
- Street Cafes
- Appeals in respect of decisions made under the Derbyshire Clause Policy and Procedure

## Terms of Reference

1. To monitor and review the effectiveness of the Council's Licensing Policies and procedures.
2. To consider applications for licences, and registration covering persons, vehicles, businesses, activities and gambling.
3. To determine whether to revoke, suspend or refuse to renew any licence or registration in accordance with the appropriate statutory provisions.
4. To consider and determine objections made against Tree Preservation orders where it has not been possible to reach agreement between an objector and/or objectors and the authority.
5. To conduct hearings to determine quasi-judicial matters in relation to the Council's role as employer in connection with a dismissal, request for re-grading or complaint under the Council's Grievance Procedure.
6. To determine appeals for National Non Domestic Rates discretionary relief.
7. In relation to Discretionary Housing Payments and in accordance with the provisions of the appropriate statutes, to hear appeals against determinations made by the local authority, and to adjudicate thereon.
8. To determine applications for revocation of certificates of lawful use or development.
9. In terms of the Licensing Act 2003 and the Gambling Act 2005.
  - To determine all applications in the following categories where representations have been received, or where objections from the Police/Commission have been made:

- Personal Licence
  - Premises Licence/Club Premises Certificate
  - Provisional Statement
  - Variation of designated personal licence holder
  - Transfer of Premises Licence
  - Application for interim authority
  - Variation of a Premises Licence
- To determine all matters in the following categories:
    - Personal Licence with unspent convictions
    - Review Premises Licence/Club Premises Certificate
    - Decision to object when Local Authority is a consultee and not the relevant Authority considering the application
    - Police or Environmental Health objection to a temporary event notice
    - Cancellation of club gaming/club machine permits
    - Counter notice to a temporary use notice

## OFFICER DELEGATIONS – LICENSING & APPEALS

Subject	Act	Functions Delegated	Officer
Animal Welfare Licences	Dangerous Wild Animals Act 1976	To authorise Officers, Technicians and other competent persons.  To institute legal proceedings.	Chief Executive/ Director of Regulatory Services
	Dangerous Wild Animals Act 1976	To issue or refuse licences.	Licensing Manager/ Director of Regulatory Services
To seize, restrain, destroy or dispose of any dangerous wild animal which is being kept without the benefit of a licence.		Director of Regulatory Services/ Licensing Manager/ Principal Officer – Environmental Health	
	Zoo Licensing Act 1981	To institute legal proceedings.	Director of Corporate and Customer Services  Services in consultation with Director of Regulatory Services
		To issue, refuse, renew, transfer and alter licences.	Director of Regulatory Services/ Licensing Manager
		To institute legal proceedings.	Director of Corporate and Customer Services  Services in consultation with Director of Regulatory Services
		Power to enter premises	Director of Regulatory Services/ Environmental Health Officers/ Environmental Health Technicians

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Animal Welfare Licences  The Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Sections 23, 25, 26, 27, 53 and Schedule 2 Animal Welfare Act 2006	Powers of entry	Director of Regulatory Services/Licensing Manager/Principal Environmental Health Officer/ Environmental Health Officers/ Environmental Health Technicians/ Licensing Manager
Animal Welfare Licences  The Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Regulation 4(2)(a) Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Authorised officers to inspect establishments	Licensing Manager/Principal Environmental Health Officer/ Environmental Health Officers/ Environmental Health Technicians
	Regulation 4(2)(b) Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Grant of licences	Director of Regulatory Services/Licensing Manager
	Regulation 4(4), 4(5) and 8 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Authority to authorise veterinary surgeons to inspect establishments	Director of Regulatory Services/Licensing Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Animal Welfare Licences  The Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Regulation 4(8) Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Refusal of licences	Director of Regulatory Services/Licensing Manager
	Regulation 5 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Authority to determine licence period	Director of Regulatory Services/Licensing Manager/ Principal Officer Environmental Health
	Regulation 5 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Determine appeals against licence period and/or star rating	Chief Executive/Director of Regulatory Services
	Regulation 6 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Take samples	Director of Regulatory Services/ Licensing Manager, Principal Environmental Health Officer/ Environmental Health Officers/ Environmental Health Technicians

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Animal Welfare Licences  The Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Regulation 9 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Vary licences	Director of Regulatory Services/Licensing Manager
	Regulation 12 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Extend licence period	Director of Regulatory Services/Licensing Manager
	Regulation 15 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Suspend, vary and revoke licences	Director of Regulatory Services/Licensing Manager
	Regulation 16 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Consider and determine representations in respect of suspensions and variations	Chief Executive/Director of Regulatory Services



<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Animal Welfare Licences  The Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Regulation 16(11) Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Reinstate, vary and reinstate, revoke licences	Chief Executive/Director of Regulatory Services
	Regulation 17 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Reinstate licences	Chief Executive/Director of Regulatory Services
	Regulation 20 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	Schedule 1 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Determine whether an operator meets the 'business test'	Director of Regulatory Services/Licensing Manager
Appeals Committees		To select Members to serve on Sub-Committees to determine matters within the Committee's remit	Director of Corporate and Customer Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Application for a Provisional Statement	Gambling Act 2005	Where no representations received/representations have been withdrawn	Director of Regulatory Services/ Licensing Manager
Application for club gaming/club machine permits	Gambling Act 2005	Where no objections have been made/objections have been withdrawn	Director of Regulatory Services/ Licensing Manager
Application for other Permits	Gambling Act 2005	To determine applications for other permits under the Gambling Act 2005	Director of Regulatory Services/ Licensing Manager
Application for Interim Authority	Licensing Act 2003, Sections 47, 48 and 49	Determine application if no police objections are raised	Director of Regulatory Services/ Licensing Manager
Application for Personal Licence	Licensing Act 2003, Section 120	Determine application if no police objections are raised	Director of Regulatory Services/ Licensing Manager
Application for Premises Licence/Club Premises Certificate	Licensing Act 2003, Sections 18 and 72	Determine application if no relevant representations made.	Director of Regulatory Services/ Licensing Manager
Application for Provisional Statement	Licensing Act 2003, Section 31	Determine application if no relevant representations made.	Director of Regulatory Services/ Licensing Manager
Application for transfer of Premises Licence	Licensing Act 2003, Section 44	Determine application if no police objections are raised	Director of Regulatory Services/ Licensing Manager
Application to be removed as Designated "Premises Supervisor"	Licensing Act 2003, Section 41	Determine application	Director of Regulatory Services/ Licensing Manager
Application to transfer a Premises Licence	Gambling Act 2005	Where no representations have been received from the Commission	Director of Regulatory Services/ Licensing Manager
Application to vary a Premises Licence	Gambling Act 2005	Where no representations received/representations have been withdrawn	Director of Regulatory Services/ Licensing Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Application to vary Designated Personal Licence Holder	Licensing Act 2003, Section 39	Determine application if no police objections are raised	Director of Regulatory Services/ Licensing Manager
Application to vary Premises Licence/Club Premises Certificate	Licensing Act 2003, Sections 35 and 85	Determine application if no relevant representations made.	Director of Regulatory Services/ Licensing Manager
Applications for Premises Licences	Gambling Act 2005	Where no representations received/representations have been withdrawn	Director of Regulatory Services/ Licensing Manager
Cancellation of licensed premises gaming machine permits	Gambling Act 2005	Cancellation of licensed premises gaming machine permits	Director of Regulatory Services/ Licensing Manager
Representation	Licensing Act 2003, Sections 18, 52, 72 and 88	Determine whether a representation is irrelevant, frivolous, vexatious or repetitious	Director of Regulatory Services/ Licensing Manager
Caravan Site Licences	Caravan Sites and Control of Development Act 1960 as amended by Local Government  (Miscellaneous Provisions) Act 1982	To instigate legal proceedings  To authorise Officers and Technicians  To issue or refuse licences	Director of Corporate and Customer Services in consultation with Director of Regulatory Services  Director of Regulatory Services  Licensing Manager/ Director of Regulatory Services
Camp Site Licence	Public Health Act 1936 Section 269 (as amended by the Caravan Sites and Control of Development Act 1960)	To issue or refuse licences with or without conditions  To institute legal proceedings	Licensing Manager /Director of Regulatory Services  Director of Corporate and Customer Services in consultation with Director of Regulatory Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Closure of Licensed Premises	Anti-Social Behaviour, Crime and Policing Act 2014 Pt.4 Ch.3	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Consideration of temporary use notice	Gambling Act 2005	Consideration of temporary use notice	Licensing Manager / Director of Regulatory Services
Game	Game Act 1980	To issue licences and to initiate enforcement procedures	Director of Regulatory Services / Licensing Manager
Game	Game Act 1831 S.41	To authorise proceedings for illegal gaming on Council owned land.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Gaming Machine Licences	Gambling Act 2005	Issue of licences for maximum of two machines per establishment	Licensing Manager/Licensing Officer / Director of Regulatory Services
Horse Drawn Vehicles	Town Police Clauses Act 1847	To issue and renew licences. The right to refuse, suspend or revoke being reserved to the Licensing and Appeals Sub-Committee.	Licensing Manager / Director of Regulatory Services
House to House Collections	House to House Collection Act. 1939	To approve applications for house to house collections.	Director of Regulatory Services/Licensing Manager
Initiation of a Review by the Licensing Authority	Gambling Act 2005 (section 200)	To initiate a review of a premises licence under the Gambling Act 2005.	Licensing Manager / Director of Regulatory Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Legal Proceedings	All relevant	To authorise the institution, defence or participation in any legal proceedings in any case where such action is necessary to give effect to decisions of the Licensing and Appeals Committee where such action is necessary to protect the Council's interests.	Director of Corporate and Customer Services
Licensing	Licensing Act 2003	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Making application for reviews of Club Premises Certificates	Licensing Act 2003 Section 5	To act as Responsible Authority on behalf of the Licensing Authority.	Director of Regulatory Services/Licensing Manager
Making application for reviews of Premises Licences	Licensing Act 2003 Section 51	To act as Responsible Authority on behalf of the Licensing Authority.	Director of Regulatory Services/ Licensing Manager
Making representations in respect of Club Premises Certificates	Licensing Act 2003 Section 69	To act as Responsible Authority on behalf of the Licensing Authority.	Director of Regulatory Services/ Licensing Manager
Making representations in respect of Premises Licences	Licensing Act 2003 Section 13	To act as Responsible Authority on behalf of the Licensing Authority.	Director of Regulatory Services/ Licensing Manager
Making representation on behalf of Licensing Authority	Gambling Act 2005 (section 161)	To determine whether the Licensing Authority should make a representation, and the content of it, under the Gambling Act 2005.	Director of Regulatory Services/ Licensing Manager
Minor variation to Club Premises Certificates	Licensing Act 2003 Section 86B	To determine applications for minor variations.	Director of Regulatory Services/ Licensing Manager

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Minor variation to Premises Licences	Licensing Act 2003 Section 41B	To determine applications for minor variations.	Director of Regulatory Services/ Licensing Manager
Pleasure Boats	Public Health Acts Amendment Act 1907	To approve and issue licences to operate Pleasure Boats and Vessel Licences with or without variations to standard conditions where no objections have been received.	Licensing Manager/ Director of Regulatory Services.
Private Hire & Hackney Carriages	Local Government (Miscellaneous Provisions) Act 1976, as amended, all relevant sections.	To suspend a driver or operator licence	Licensing Manager/Director of Regulatory Services
Private Hire & Hackney Carriages	Local Government (Miscellaneous Provisions) Act 1976, all relevant sections.	To suspend vehicle licences forthwith if the vehicle is unfit for use	Licensing Manager/Clean & Green Manager/Director of Regulatory Services
Private Hire & Hackney Carriages	Town Police Clauses Act 1847, sections 37 & 46, and Local Government (Miscellaneous Provisions) Act 1976, as amended, all relevant sections	To issue and renew licences in accordance with the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy.  The right to refuse being reserved to the Licensing and Appeals Sub-Committee	Licensing Manager / Director of Regulatory Services
Private Hire & Hackney Carriages	Town Police Clauses Act 1847, sections 37 & 46, and Local Government	To authorise the institution of proceedings for breach of licence conditions.	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services.

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Private Hire & Hackney Carriages	Town Police Clauses Act 1847, Local Government Miscellaneous Provisions) Act 1976, as amended, all relevant sections	To enforce, and authorise others to enforce, under any of the relevant provisions of both Acts.	Director of Regulatory Services/Licensing Manager
Application for Site or Collector's Licence	Scrap Metal Dealers Act 2013	Approval, Renewal and/or Variation	Director of Regulatory Services / Licensing Manager
Application for Site or Collector's Licence	Scrap Metal Dealers Act 2013	Refusal to grant where applicant has not made representation	Director of Regulatory Services / Licensing Manager
Application for Site or Collector's Licence	Scrap Metal Dealers Act 2013	Refusal (where applicant has made representation) revocation and/or imposition of conditions	Licensing & Appeals Sub-Committee
Powers of Entry and Inspection	Scrap Metal Dealers Act 2013	Powers to enter and inspect premises under Section 16 of the Act	Licensing Manager /All Environmental Health Officers / Environmental Health Technicians
Closure of Unlicensed Sites	Scrap Metal Dealers Act 2013	Service of Closure Notice Section 9 and Schedule 2	Licensing Manager / Director of Regulatory Services / Principal Officer – Environmental Health
Closure of Unlicensed Sites	Scrap Metal Dealers Act 2013	Application to Magistrates' Court for Closure Order	Licensing Manager / Director of Regulatory Services / Principal Officer – Environmental Health / Director of Corporate and Customer Services
Closure of Unlicensed Sites	Scrap Metal Dealers Act 2013	Issue Certificate to terminate Closure Order	Licensing Manager / Director of Regulatory Services / Principal Officer – Environmental Health

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Institute Proceedings	Scrap Metal Dealers Act 2013	Institute proceedings of Offences under the Act	Director of Regulatory Services / Director of Corporate and Customer Services.
Sex Establishments, Acupuncture, Tattooing, Semi Permanent Skin Colouring, Cosmetic Piercing and Electrolysis	Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003  Section 17 and Schedule 3, Paragraph 25 of the Act	Determination of non-contentious applications for licences or registration  Power to enter premises with a Magistrates Court warrant	Licensing Manager/Director of Regulatory Services  Director of Regulatory Services /Environmental Health Officers/ Licensing Manager
Small Society Lotteries	Gambling Act 2005 (sch 11 pt 5)	Authority to grant/cancel registration of a small society lottery. (refusal/revocations – Licensing and Appeals Sub-Committee)	Director of Regulatory Services/Licensing Manager
Street Collections	Police, Factories and Miscellaneous Provisions Act 1916	Issue of permit in accordance with recommendations of Parish Councils	Director of Regulatory Services/Licensing Manager
Suspension of Club Premises Certificates	Licensing Act 2003 Section 92A	To suspend Club Premises Certificates for failing to pay annual fee	Director of Regulatory Services/Licensing Manager
Suspension of Premises Licences	Licensing Act 2003 Section 55A	To suspend Premises Licence for failing to pay annual fee	Director of Regulatory Services/ Licensing Manager
Temporary Use Notice – issue of counter notice	Gambling Act 2005 (Section 218)	Issue of counter notice when criteria for Temporary Use Notice not met	Director of Regulatory Services/ Licensing Manager



<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
To decide whether a representation is irrelevant, or falls within the categories defined within the Act – eg frivolous, vexatious etc	Gambling Act 2005	To decide whether a representation is irrelevant, or falls within the categories defined within the Act – eg frivolous, vexatious etc	Licensing Manager / Director of Regulatory Services
To determine whether a change in premises is	Licensing Act 2003, Section 36 (6)	To determine whether a change in premises is substantial	Director of Regulatory Services/ Licensing Manager
To determine whether a late relevant representation should be allowed to be heard by a Sub-Committee	No specific authority	To determine whether a late relevant representation should be allowed to be heard by a Sub-Committee	Director of Regulatory Services/ Licensing Manager
To determine whether a person is likely to be affected by a licensing application.	Licensing Act 2003, Section 13 (3)	To determine whether a person is likely to be affected by a licensing application.	Director of Regulatory Services/ Licensing Manager
Variation of Premises Licences for Village Halls/Community premises.	Licensing Act 2003, Section 41D	To determine applications for the removal of the requirement for a DPS.	Director of Regulatory Services/ Licensing Manager

# LICENSING AND APPEALS SUB-COMMITTEE

## Terms of Reference

1. In Terms of the Licensing Act 2003 and the Gambling Act 2005 to determine all applications in the following categories where representations have been received, or where objections from the Police/Commission have been made:
  - Personal Licence
  - Premises Licence/Club Premises Certificate
  - Provisional Statement
  - Variation of designated personal licence holder
  - Transfer of Premises Licence
  - Application for interim authority
  - Variation of a Premises Licence
2. To determine all matters in the following categories
  - Personal Licence with unspent convictions
  - Review Premises Licence/Club Premises Certificate
  - Decision to object when Local Authority is a consultee and not the relevant Authority considering the application
  - Police or Environmental Health objection to a temporary event notice
  - Cancellation of club gaming/club machine permits
  - Counter notice to a temporary use notice
3. Employment Appeals
  - To consider appeals against dismissal and as the Final Stage in the District Council's Grievance Policy.
  - To consider initial reports concerning allegations against a Statutory Chief Officer brought on the designated Receiving Officer
  - To agree having received the initial report of the Receiving Officer whether suspension, working from home and some other arrangement is appropriate
  - To agree other appropriate action in relation to the matters raised by the Receiving Officer to include mediation, reconciliation or mutual termination of conduct – subject to Council's satisfaction.
4. TPO and Miscellaneous Appeals
  - Determination of Appeals.
5. Council Tax Discounts
  - Determination of Appeal against decisions of the Director of Resources made in accordance with the Council Tax Discounts Policy
6. Non-Domestic Rates Policy
  - Determination of Appeal against decisions of the Director of Resources made in accordance with the Council Tax Discounts Policy

# **CHIEF OFFICER SELECTION PANEL**

## **Terms of Reference**

To make recommendations to the Council on to appointment of the Head of Paid Service and Chief Officer positions within the Chief Officer Salary grade.

# CONSTITUTION WORKING GROUP

## Terms of Reference

### 1. Role and Function

- 1.1 The Constitution Working Group provides a mechanism by which Council can carry out focused cross-party reviews of the Constitution, of both a general and specific nature to ensure the constitution remains fit for purpose. It will undertake this role by:
- a) Considering any constitutional or procedural matter concerning the Council;
  - b) Undertaking health checks of the Constitution to ensure that the detail of the text remains fit for purpose and put forward appropriate changes;
  - c) Reviewing areas in the Constitution to ensure that it is kept in line with current legislation, local decisions made by the Council and best practice;
  - d) Recommending any proposed changes to the Constitution arising from the above to Council for approval.
- 1.2 The following may request that the Constitution Working Group considers a particular item of work:
- a) Council
  - b) Governance and Resources Committee
  - c) Monitoring Officer
- 1.3 The Group will have no decision making powers other than in advising in relation to the Monitoring Officer's delegated powers in relation to minor or consequential amendments. The group will report to the Council for approval of changes to the Constitution.

### 2. Composition and Membership

- 2.1 The Constitution Working Group shall comprise of 11 Members with cross party representation on a proportional basis.
- 2.2 Members will be appointed to the Constitution Review Working Group at the Annual Council Meeting.
- 2.3 The Chairman of the Constitution Working Group will be elected by the Members of the Group
- 2.4 Meetings will be supported by the Monitoring Officer, Democratic and Electoral Services Manager and any other officer as required.

# **CLIMATE CHANGE WORKING GROUP**

## **Terms of Reference**

To make recommendations to Council addressing the issue of climate change, with the aim of addressing the climate change actions set out in the Corporate Plan 2020-24.

# **ERNEST BAILEY CHARITY COMMITTEE**

## **Terms of Reference**

To discharge on behalf of the Council, its function as Trustee of the Ernest Bailey Charity, Council and the Governing Body.

# JOINT ICT COMMITTEE

## Terms of Reference

1. To oversee the management and future development of the Shared Service initiative between the Service Host and Client authorities.
2. To receive periodic reports of the Shared Service Joint Management Team.
3. To undertake dispute resolution between the constituent authorities in accordance with the Partnership Agreement.
4. To agree the cost structure and manage the financial resources of the shared service(s).
5. To consider any requests to increase funding for the Joint Committee in response to any unforeseen increase in costs.
6. To explore any associated development of joint working between the constituent authorities to other areas of work/service delivery.
7. To consider and formally approve any amendments to the Service Level Agreement and Partnership Agreement.
8. To oversee the management of the joint contracting relationship of the shared service partnership.

# VISION DERBYSHIRE JOINT COMMITTEE

## TERMS OF REFERENCE

### ARTICLES

#### 1. Context

1.1 Vision Derbyshire is a collaborative working model between local authorities across Derbyshire which seeks to improve outcomes for people and place through closer working between those authorities without formal, top-down reorganisation from central government.

1.2 These governance arrangements provide a framework to reach the intended outcome of a model that will enable local authorities in Derbyshire to work collaboratively to deliver efficient and effective services with improved economies as an alternative to a government led reorganisation of local government in the county.

1.3 A joint committee, to be known as the **Vision Derbyshire Joint Committee**, will:-

- Provide collective leadership for Derbyshire
- Progress shared ambitions for the area
- Work together to tackle the issues and challenges outlined in the case for change.
- Enable agile, timely and effective decision making

1.4 The Vision Derbyshire model allows local authorities to blend working at a hyper-local level with a large strategic level. Authorities will collaborate at three levels:

- regional/national
- county-wide or
- local place level,

depending on the nature of the outcome that the authorities are looking to improve. In adopting this way of working, Derbyshire can blend strategic, county-wide and local approaches to tackle outcomes in a multi-faceted way, and maintain focus on people and places, not organisational boundaries.

1.5 To enable the delivery of the above, the Joint Committee will act as the enabling body, through the political leadership of councillors from the participating authorities. Councils within Derbyshire may choose to appoint members to the Joint Committee, but not to delegate any functions. Should any council choose to do this, then they will still be required to agree to the Terms of Reference for the Committee and contribute towards the cost of funding the Committee.



1.6 The authorities in the Vision Derbyshire working model are committed to the provision of improved services. It is considered that this will, in certain instances, be best achieved by the joint provision of services, joint working and / or the development of common standards and protocols. All proposals for the setting up of any new services or the discharge of functions are in the first instance to be subject to an investigation into the suitability of providing such services or discharging such functions, as a joint service for all participating Councils. All participating Councils agree to operate all reviews in an open and transparent manner to support the aims and objectives of Vision Derbyshire. This will include the sharing of all information.

## **2. Membership of the Joint Committee**

2.1 *[named local authorities who are delegating functions]* shall appoint one of their Elected Members to be a member of the Joint Committee and one Member to be a substitute Member.

2.2 All other councils within Derbyshire, whether or not delegating functions to the Joint Committee, will be permitted to appoint one member to the Joint Committee and to nominate one member as a substitute.

2.3 A Substitute Member will have the same rights to receive meeting papers and to access information as the Member for whom s/he is a substitute.

2.4 All appointments as Members or Substitute Members of the Joint Committee shall be for a term of one year, but an individual may be re-appointed to serve as a Member or Substitute Member any number of times.

2.5 All councils shall be entitled at any time to terminate the appointment of a Member or Substitute Member appointed by it and to appoint another of its Elected Members in that person's place. Where a Council exercises this power it shall give written notice of the new appointment and the termination of the previous appointment to the Monitoring Officer responsible for the Joint Committee and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

2.6 A Member or Substitute Member of the Joint Committee who ceases (for whatever reason) to be an Elected Member of the Council that appointed them shall immediately cease to be a Member or Substitute Member of the Joint Committee, and the relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the Joint Committee and appoint another of its Elected Members in that person's place.

2.7 A person may resign as a Member or Substitute Member of the Joint Committee by written notice served on the Proper Officer of the Council that appointed them and the resignation shall take effect on receipt of the notice

by the Proper Officer. The relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the Joint Committee and appoint another of its Elected Members in that person's place.

- 2.8 Where an appointing Council operates executive arrangements (within the meaning of the Local Government Act 2000), the appointment, removal and replacement of Members and Substitute Members of the Joint Committee shall be decided in accordance with the constitutional requirements of that Council, but it is anticipated that all Members and Substitute Members appointed by it shall be Members of its executive and will include its executive leader or elected mayor.
- 2.9 All appointments, removals and replacements of Members and Substitute Members of the Joint Committee by Councils shall be made by notice in writing addressed to the Monitoring Officer responsible for the Joint Committee. Any such notice shall be deemed to have been given when received by the Monitoring Officer.
- 2.10 Any individual council that does not operate executive arrangements and which wishes to co-opt an additional member or members can only do so following consultation with and a majority vote of all voting members of the Joint Committee being supportive of that authority exercising powers of co-option. Such co-optees shall not be Members of the Joint Committee and shall have no voting rights. They shall, however, observe the Code of Conduct for Members set out from whichever authority they serve on. An individual's co-option shall terminate as soon as his/her involvement with the organisation that gave rise to the co-option ceases; and such co-option shall be endorsed annually by the Joint Committee and subsequently confirmed formally by the appointing authority.
- 2.11 All Members of the Joint Committee (including any Substitute Members acting in place of Members of the Joint Committee) will:-
  - (a) (subject to the Joint Committee's voting arrangements) collectively be the ultimate policy makers of the Joint Committee;
  - (b) bring views of their communities into the Joint Committee's decision making process; and
  - (c) maintain the highest standards of conduct and ethics.
- 2.12 Members will at all times observe the Code of Conduct for Members which is in force in their own Council and any breaches will be reported to the Monitoring Officer of their own Council.
- 2.13 No remuneration shall be payable to Joint Committee Members other than allowances for travel and subsistence in accordance with the Members' Allowances Schemes in operation at the participating Councils and non-participating Councils. (It is acknowledged that a participating Council or a non-participating Council may, in accordance with its own procedures, pay a special responsibility allowance to any Elected Member appointed by it to the

Joint Committee in respect of duties and responsibilities undertaken as a Member or Substitute Member of the Joint Committee.)

### **3 Chairing the Joint Committee**

- 3.1 The Chair of the Joint Committee will be appointed by the Committee. The Joint Committee can only be chaired by a Member of the Joint Committee appointed by a Council which has delegated functions to the Joint Committee for the duration of a municipal year.
- 3.2 In the event that there are more than two Members nominated for the role of Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Chair is elected with a majority of votes.
- 3.3 The Joint Committee will appoint a Vice-Chair to deputise for the Chair when they are not present or available. The Vice-Chair must also be from a Council which has delegated functions to the Joint Committee and will be appointed for the duration of a municipal year.
- 3.4 In the event that there are more than two Members nominated for the role of Vice-Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Vice-Chair is elected with a majority of votes.
- 3.5 The Chair or Vice-Chair of the Joint Committee will cease to hold such office when they cease to be a Member of the Joint Committee, in accordance with the provisions set out at paragraph 3.5 above.

### **4. Procedural Arrangements**

- 4.1 The Joint Committee shall meet in accordance with its agreed calendar of meetings throughout a municipal year, but additional meetings may take place should the need arise.
- 4.2 Each Member of the Joint Committee appointed by councils which have delegated functions to the Joint Committee shall have one vote.
- 4.3 Members of the Joint Committee appointed by councils which have not delegated functions to the Joint Committee will not have the right to vote
- 4.4 The proceedings of the Joint Committee shall not be invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

## **5. Records of Proceedings**

- 5.1 The Joint Committee shall make arrangements for the names of Members and Substitute Members present at any meeting to be recorded.
- 5.2 Minutes of the proceedings of a meeting of the Joint Committee, or any sub-committee, shall be kept in such form as the Joint Committee may determine.
- 5.3 Any such minutes are to be agreed as a true record and signed at the same or next suitable meeting of the Joint Committee or sub-committee by the Member chairing that meeting.
- 5.4 A Member of the Joint Committee, or any sub-committee, has the right to have their vote on any matter recorded in the minutes of the meeting at which the vote was cast.

## **6. Sub-Committees**

- 6.1 The Joint Committee may establish such sub-committees as it thinks fit to discharge its functions

## **7. Officers**

- 7.1 The Head of Paid Service (appointed under Section 4 of the Local Government and Housing Act 1989), Section 151 Officer (appointed under Section 73 of the Local Government Act 1975) and Monitoring Officer (appointed under section 5 of the Local Government and Housing Act 1989) of the host authority for the Joint Committee will serve as the statutory officers in support of the Joint Committee.
- 7.2 The Joint Committee may call upon any officer of any of the local authorities who have members on the Joint Committee for advice and assistance, as it considers necessary to carry out its functions.

## **8. Scrutiny of decisions**

- 8.1 Each constituent authority which operates executive arrangements will be able to scrutinise the decisions of the Joint Committee in accordance with that constituent authority's overview and scrutiny arrangements. Any authority that operates a committee system model of governance will have the discretion to scrutinise decisions of the Joint Committee according to its own specific governance arrangements.

## **9 Winding up of the Joint Committee and Cessation of Membership**

- 9.1 The Joint Committee may be wound up immediately by a unanimous vote of all constituent authorities.
- 9.2 Where an authority determines through its own governance arrangements that it no longer wishes to be a member of the Joint Committee, that

authority may cease its membership with effect from the date of its decision. However authorities will remain liable for any previously agreed financial contributions to fund Vision Derbyshire until the end of the financial year for which those contributions have been agreed regardless of any decision to cease membership. Where long term liabilities, such as any Pension Fund shortfall, exists they will be calculated at the point membership ceases and any council exiting the arrangement will pay the host authority an amount to cover their share of that liability.

## **FUNCTIONS AND RESPONSIBILITIES**

- a. The Joint Committee is established pursuant to Section 101(5) of the Local Government Act 1972, which permits local authorities to make arrangements for two or more authorities to discharge functions jointly, so long as it is a function that the law reserves to a specified committee. The Joint Committee is established with the following aims:
- Provide collective leadership for Derbyshire
  - Progress shared ambitions for the area
  - Work together to tackle the issues and challenges outlined in the case for change.
  - Enable agile, timely and effective decision making
- b. The Joint Committee, on behalf of the participating authorities, will be responsible for improving the delivery of functions already within the remit of local authorities through statute or through specific collaborative work to improve the economic, environmental or social wellbeing of the areas within Derbyshire from the following broad definitions:-
- Shared service arrangements
  - Incorporating existing partnership arrangements within the Vision Derbyshire model
  - Areas for collaborative system changes across authorities
  - Specific thematic projects and priorities
- c. Within those broad definitions, the Joint Committee will:-
- (i) Oversee the Vision Derbyshire Delivery Programme
  - (ii) Determine the programme of projects and work streams, how those will be managed and communicated to stakeholders and the public
  - (iii) Monitor and review performance in respect of services delivered through the Vision Derbyshire Joint Committee and authorise the publication of an annual report of performance and outcomes
  - (iv) Commission strategic outline and full business cases for individual councils to consider opportunities for more collaborative working in respect of shared services
  - (v) Approve annual business plans for the delivery of shared services
  - (vi) Provide or assume democratic oversight for existing joint committee and partnership arrangements
  - (vii) Provide a platform for the devolution of powers from Government to authorities in Derbyshire
  - (viii) Determine requests from individual authorities or groups of authorities to work collaboratively on specific projects or work streams
  - (ix) Provide a forum for councils and their representatives to provide challenge to each other with the aim of increasing collaboration to deliver efficient, effective and economic services, which equally improve the offer and outcomes to residents and businesses  
Delegate functions and responsibilities to sub-committees or officers as the Committee deems appropriate.

- d. The functions of the Joint Committee conferred or imposed upon it by any Orders from the Secretary of State and / or the functions of the Joint Committee delegated to it by Orders approved by participating authorities will be set out within these terms of reference.
- e. The Joint Committee will exercise all its powers and duties in accordance with the law and these terms of reference and procedure rules.
- f. The authorities appointing to the Joint Committee are:
- Chesterfield Borough Council
  - Derbyshire County Council
  - Derbyshire Dales District Council
  - High Peak Borough Council
- g. It is a matter for each individual Council to determine which functions and responsibilities it chooses to delegate to the Joint Committee according to its own individual governance arrangements.