

**HIGH PEAK BOROUGH COUNCIL**

<b>NON-SCRUTINY COMMITTEES</b>	<b>EXECUTIVE</b>	<b>SELECT COMMITTEES</b>
Appointments and Appeals Panel	Leader of the Council	Corporate
Audit & Regulatory Committee	Regeneration, Tourism and Leisure (Deputy Leader)	Community
Development Control Committee	Housing & Licensing	Economy and Growth
Investigating and Disciplinary Committee	Corporate Services and Finance	
Licensing Committee	Climate Change & Environment	
	Community Safety & Planning	

CHIEF EXECUTIVE (HEAD OF PAID SERVICE)
EXECUTIVE DIRECTOR (GOVERNANCE AND REGULATORY SERVICES) (ALSO MONITORING OFFICER)
EXECUTIVE DIRECTOR (RESOURCES) (ALSO CHIEF FINANCE OFFICER)
EXECUTIVE DIRECTOR (COMMUNITY SERVICES)

Details of Service Management arrangements are set out in Part 7 of the Constitution

## 1.0 CONTENTS AND SUMMARY

This part of the Constitution deals with the division of responsibilities for all the functions of the Council. It is divided into a number of tables:-

Table 1 - Full Council Functions

Table 2 - Council functions that have been delegated showing who is responsible

(There is no Table 3)

Table 4 - Executive functions and the responsibilities of each individual portfolio holder

Table 4a - Delegations to individual members of the Executive

Table 5 - Delegations to the Chief Executive

Table 5a - Delegations common to the Chief Executive and Executive Directors

Table 6 - Delegations to the Executive Director (Resources)

Table 7 - Delegation to the Executive Director (Governance and Regulatory Services)

Table 8 - Delegation to the Executive Director (Community Services)

Table 9 - Joint Arrangements and Partnerships

Table 10 - Statutory Appointment of Officers

The Executive can make changes to Tables 4 - 9.

The Audit and Regulatory Committee can make changes to Tables 2 and 5 - 9 if these do not relate to executive functions.

Changes to Table 1, 8 and 9 require Full Council approval.

The Monitoring Officer can make any changes to this scheme consequential to changes in the law, changes in the management structure or ones that will correct any weakness in the scheme.

## Table 1

### COUNCIL

#### Full Council can:-

1. Adopt and change the Constitution
2. Approve or adopt the policy framework and the budget including the adoption or approval of any Plan or Strategy (whether statutory or non statutory) where Council so decides (See Article 4 for definitions)
3. Authorise the Executive to make an application under sub-section 5 of Section 135 of the Leasehold Reform, Housing and Urban Development Act 1993 (Programme for Disposals) or under section 32 or 43 of the Housing Act 1985 (Consent to Transfer of Housing Land) (Regulation 4 (6))
4. Subject to the urgency procedure in the Access to Information Rules in Part 4 of this Constitution, make decisions about any matter which is an executive function and is covered by the policy framework or the budget, where the decision would be contrary to the policy framework or contrary to, or not wholly in accordance with, the budget (unless authorised under Rule 10 of the Executive Procedure Rules)
5. Appoint and remove the Leader of the Council
6. Agree and/or amend the terms of reference for committees, decide on their composition and make appointments to them
7. Appoint representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council
8. Adopt a Members' Allowances Scheme under Article 2
9. Change the name of an area
10. Confer the title of Freeman of the Borough
11. Confirm the appointment of, and dismiss, the Head of Paid Service, Monitoring Officer and Chief Finance Officer
12. Make, amend, revoke, re-enact or adopt byelaws and promote or oppose the making of local legislation or personal Bills in Parliament
13. Carry out all functions reserved to it in Table 2 and all 'local choice' functions set out in Table 3
14. Adopt or change the Members' Code of Conduct
15. Deal with any other matters which, by law must be reserved to Council

## **Table 2**

Some of these decisions have been delegated to officers as shown in Tables 5-11.

### **APPOINTMENTS AND APPEALS PANEL**

- (i) Terms and Conditions of service of the Chief Executive including, grading and remuneration, carrying out his/her appraisal and making decisions in relation to performance related pay.
- (ii) Recommendation to Council on appointment of Chief Executive (see Employment Procedure Rules in Part 4 of the Constitution)
- (iii) Appointment of members of the Corporate Management Team (see Employment Procedure Rules in Part 4 of the Constitution).
- (iv) Disciplinary action in relation to members of the Corporate Management Team (excluding Chief Executive, Monitoring Officer, Chief Finance Officer (section 151 officer (dealt with by the Investigating and Disciplinary Committee)) (see Employment Procedure Rules in Part 4 of the Constitution).
- (v) Appeals in connection with the Council's disciplinary and dismissal procedure. The purpose of the Panel in relation to the Chief Executive, Section 151 Officer (Executive Director - Transformation) and the Monitoring Officer (Executive Director - People) is to hear appeals against action taken short of dismissal and to take a decision either to confirm the action taken, or to impose no sanction or a lesser sanction.
- (vi) Any other matter involving a regulatory or quasi judicial function which by law cannot be the responsibility of the Executive and for which no other provision is made in the Constitution.

### **INVESTIGATING AND DISCIPLINARY COMMITTEE**

1. The purpose of the Investigating and Disciplinary Committee (IDC) is to consider allegations of conduct or capability in relation to the Chief Executive, Section 151 Officer (Executive Director - Transformation) and the Monitoring Officer (Executive Director - People) and to consider if suspension is appropriate in cases of alleged gross misconduct. The IDC may also be required to meet at short notice to consider allegations. The chair of this committee has the delegated power to suspend the Chief Executive/Statutory Officers in an emergency. The IDC also has an important role to consider the report of an independent investigator.
2. This committee will consist of an equal number of elected members from HPBC and SMDC. This is due to the Chief Executive and the officers with statutory roles being contractually employed by both councils. The IDC must be politically balanced reflecting the respective political representation and shall consist of not more than five members from each council. As the authorities operate a leader/cabinet structure there must be at least one member from each authority's executive.

3. It will be the IDC's responsibility to hear disciplinary cases.

## **AUDIT AND REGULATORY COMMITTEE**

### **Composition**

- 1 The Audit & Regulatory Committee shall consist of the following membership:
  - 9 councillors appointed by the Council for such term of office as determined by the Council.
  - 3 independent non-voting members appointed to attend and participate at committee meetings.
- 2 The Committee shall report direct to Council on the matters contained in its Terms of Reference (below) in accordance with the Council's Constitution and Procedure Rules contained therein.
- 3 The Committee may:
  - appoint a sub-committee of three elected members to deal with urgent and minor matters within the Committee's terms of reference.
  - appoint a special panel of elected members with full delegated powers to take a decision on a planning application made by the Council where the Development Control Committee is minded to refuse it.
  - appoint a sub-committee of six elected members to make recommendations relating to the operation of the Council's Constitution.

### **Statement of Purpose**

- 1 The Audit & Regulatory Committee is a key component of High Peak Borough Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 2 The purpose of the Audit & Regulatory Committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of High Peak Borough Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
- 3 The Committee has responsibility for other matters including elections, the Name and status of areas and individuals, parish/town councils, by-laws and orders and other regulatory issues.

### **Governance, risk and control**

- 1 To review the council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- 2 To review and approve the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
- 3 To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 4 To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- 5 To approve the risk management strategy and monitor the effective development and operation of risk management in the council.

- 6 To monitor progress in addressing risk-related issues reported to the committee.
- 7 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- 8 To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- 9 To approve and monitor the counter-fraud and corruption strategy and whistleblowing policy, actions and resources.
- 10 To approve the Regulation of Investigatory Powers Act 2000 (RIPA) policy and procedures and monitor the Council's use of RIPA powers.
- 11 To recommend to Council the approval of the Annual Treasury Management Strategy and Annual Treasury Management Report and scrutinise all treasury management reports.

### **Internal audit**

- 1 To approve the internal audit charter.
- 2 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- 3 To approve the risk-based internal audit plan, including internal audit's resources requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- 4 To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- 5 To make appropriate enquires of both management and the head of internal audit to determine if there any inappropriate scope or resources limitations.
- 6 To consider reports from the head of internal audit on the internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit.
  - Regular reports on the results of the Quality Assurance and Improvement Programme.
  - Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
- 7 To consider the head of internal audit's annual report:
  - The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
  - The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement.
- 8 To consider summaries of specific internal audit reports as requested.
- 9 To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be

- unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- 10 To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
  - 11 To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.
  - 12 To support the development of effective communication with the head of internal audit.

### **External audit**

- 1 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- 2 To consider specific reports as agreed with the external auditor.
- 3 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 4 To commission work from internal and external audit.
- 5 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### **Financial reporting**

- 1 To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- 2 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- 3 In relation to the approval of the annual statement of accounts, only the elected members of the Council shall be entitled to vote upon any such resolution, in accordance with the relevant statutory provisions concerning the regulation and control of an authority's finances by elected members alone.

### **Accountability arrangements**

- 1 To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
- 2 To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

### **Elections and Parish/Town Councils**

- 1 Duty to appoint an electoral registration officer
- 2 Power to assign officers in relation to requisitions of the registration officer
- 3 Functions in relation to parishes and parish councils
- 4 Power to dissolve parish councils
- 5 Power to make orders for grouping parishes, dissolving groups and separating parishes from groups
- 6 Duty to appoint returning officer for local government elections, referenda and Police Commissioner Elections
- 7 Duty to provide assistance at European Parliamentary elections

- 8 Duty to divide constituency into polling districts
- 9 Power to divide electoral divisions and wards into polling districts at local government elections
- 10 Power to designate polling places
- 11 Powers in respect of holding of elections
- 12 Power to pay expenses properly incurred by electoral registration officers
- 13 Power to fill vacancies in the event of insufficient nominations
- 14 Duty to declare vacancy in office in certain cases
- 15 Duty to give public notice of a casual vacancy
- 16 Power to make temporary appointments to parish councils under Section 91 of the Local Government Act 1972
- 17 Power to determine fees and conditions for supply of copies of, or extracts from, elections documents
- 18 Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000

### **Name and status of areas and individuals**

- 1 Power to change the name of the Borough (recommendation to Full Council)
- 2 Power to change the name of a parish (recommendation to Full Council)
- 3 Power to confer title of honorary freeman (recommendation to Full Council)

### **Byelaws and Orders**

- 1 Power to promote or oppose local or personal Bills and to consider the making of an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption for recommendation to full council for approval.

### **Regulatory Matters**

- 1 Power to make payments or provide other benefits in cases of maladministration etc.
- 2 Power to approve or make recommendations to Full Council with regards to the operation of the Council's Constitution in accordance with Article 14 of the Constitution.
- 3 Any other matter involving a regulatory or quasi judicial, function of the Council which by law cannot be the responsibility of the Executive and for which no other provision is made in the Constitution
- 4 Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer
- 5 All regulatory functions under the Derbyshire Act 1981
- 6 The making and revocation of appointments to outside bodies where the appointments relate to Council functions
- 7 Making recommendations to the Council on the nomination of the Mayor
- 8 Matters relating to civic and ceremonial protocol and the mayoralty

### **DEVELOPMENT CONTROL COMMITTEE**

1. Determination of planning applications in the following categories:-



- (i) Applications for permission to develop in a manner contrary to the current Development Plan Policies
- (ii) Applications for permission to develop in a manner contrary to a Council policy or which raises major policy issues
- (iii) Applications where there is a material conflict of opinion between officers and/or the Highways Authority
- (iv) Applications (excluding reserved matters applications) to carry out major developments including applications for:-
  - Residential development covering 0.5 or more hectares and/or comprising 15 or more dwellings
  - Other development covering 1 hectare or more and/or comprising built development with a floor space of 1,000 square metres or more excluding Class B1, B2 and B8 developments.
  - Development on significant town or village centre sites
  - Development of a significant site in a Conservation Area and/or affecting a significant building in a Conservation Area or a major Listed Building
- (v) Applications subject to a planning obligation (section 106 Agreement) which contains significant resource or policy implications
- (vi) Any application where a written request is made by a councillor to the Head of Development Services within 3 weeks of the date of receipt of the application, for referral of that application to the Committee. Reasons must be given to the satisfaction of the Head of Development Services.
- (vi) Any application made by or on behalf of a Council member or officer
- (vii) Any application that the Head of Development Services considers should be determined by the Committee, subject to consultation with the Chair of Development Control Committee.
- (viii) Power to determine applications to develop land without compliance with conditions previously attached
- (ix) Power to grant planning permission for development already carried out
- (x) Power to decline to determine applications for planning permission
- (xi) Duties relating to the making of determinations of planning applications
- (xii) Power to determine applications for planning permission made by the Council, alone or jointly with another person (subject to Article 8.4 (b) of the Constitution)

- (xiii) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights
- (xiv) Power to enter into agreements regulating development or use of land
- (xv) Power to serve a completion notice
- (xvi) Power to grant consent for the display of advertisements and to require discontinuance
- (xvii) Power to require the discontinuance of a use of land
- (xviii) Power to apply for an injunction restraining a breach of planning control
- (xix) Power to determine applications for hazardous substances consent, and related powers
- (xx) Power to require proper maintenance of land
- (xxi) Power to determine application for listed building consent, and related powers
- (xxii) Power to determine applications for conservation area consent
- (xxiii) Duties relating to applications for listed building consent and conservation area consent
- (xxiv) Power to serve a building preservation notice, and related powers
- (xxv) Power to issue an enforcement notice in relation to demolition of unlisted building in conservation area
- (xxvi) Powers to acquire a listed building in need of repair and to serve a repairs notice
- (xxvii) Power to apply for an injunction in relation to a listed building
- (xxviii) Power to execute urgent works
- (xxix) Powers relating to the preservation of trees and hedgerows
- (xxx) Powers relating to the protection of important hedgerows
- (xxxi) Power to stop up footpaths and bridle ways
- (xxxii) Power to divert footpaths and bridle ways
- (xxxiii) Power to make a public path diversion order
- (xxxiv) Power to extinguish public rights of way over land held for planning purposes

## STANDARDS COMMITTEE

- (i) Promoting and maintaining high standards of conduct by members.
- (ii) Assisting members to observe the Members' Code of Conduct and any protocols.
- (iii) Advising the Council on the adoption or revision of the Members' Code of Conduct and any protocols.
- (iv) Monitoring the operation of the Members' Code of Conduct and any protocols.
- (v) Advising, training or arranging to train members on matters relating to the Members' Code of Conduct and any protocols.
- (vi) Hearing cases referred to it by the Monitoring Officer.
- (vii) Receiving and filtering complaints for investigation.
- (viii) Receiving any reports by the Chief Executive or Monitoring Officer relating to member misconduct and taking any action that may be appropriate to ensure good behaviour and compliance with the Code of Conduct and Protocols.
- (ix) Granting dispensations to Councillors from requirements relating to interests set out in the Members' Code of Conduct.
- (x) Exercise of (i) to (vii) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.
- (xi) Approval of a reason for non-attendance at a meeting for a consecutive period of six months under provisions set out in Section 85 of the Local Government Act 1972.
- (xii) Advising the Council on Members' allowances following a report by the Independent Members' Allowances Panel.
- (xiii) To hear appeals from officers who do not wish to appear as witnesses before a select committee (see Protocol for Officers in Part 4 of the Constitution).
- (xiv) Responsibility for monitoring all complaints received by the Council under the Council's Complaints Procedure and from the Ombudsman and taking any appropriate action including making recommendations to the Executive and to Full Council.
- (xv) Responsibility for the member training programme including evaluating its effectiveness.

## LICENSING COMMITTEE

### Licensing and Registration

The following functions are all delegated to the relevant Executive Director except where objections or an appeal against refusal have been received in which case the matter will be referred to the Committee.

The licensing or registration of:-

- caravan sites (“site licences”)
- moveable dwellings and camping sites
- hackney carriages and private hire vehicles
- drivers of hackney carriages and private hire vehicles
- operators of private hire vehicles
- pool promoters
- track betting licences
- inter-track betting schemes
- permits in respect of premises with amusement machines
- register societies wishing to promote lotteries
- grant permits in respect of premises where amusements with prizes are provided
- sex shops and sex cinemas
- performance of hypnotism
- premises for acupuncture tattooing, ear-piercing and electrolysis
- pleasure boats and pleasure vessels
- market and street trading
- keep list of persons entitled to sell non-medical poisons
- dealers in game and the killing and selling of game
- register and license premises for the preparation of food
- scrap yards
- motor salvage operators
- premises for the breeding of dogs
- pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business
- animal trainers and exhibitors
- zoos
- dangerous wild animals
- knackers’ yards
- persons to collect for charitable and other causes
- grant consent for the operation of a loudspeaker
- movement of pigs
- sale of pigs
- collecting centres for the movement of pigs
- to move cattle from a market
- sanction use of parts of buildings for storage of celluloid
- approve meat product premises
- approve premises for the production of minced meat preparations
- approve dairy establishments
- approve egg product establishments

- issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods
- register food business premises
- issue licenses relating to sale and supply of alcohol regulated entertainment and late night refreshment as set out in the table below:-

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Officers</b>
Application for personal licence	Where Police object	No objections
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	Where relevant representation is made	Where no relevant representation is made
Application for provisional statement	Where relevant representation is made	Where no relevant representation
Application to vary premises licence/club premises certificate	Where relevant representation is made	Where no relevant representation
Application to vary designated premises supervisor	Where Police objection is made	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	Where Police objection is made	All other cases
Application for interim authorities	Where Police objection is made	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police objection to a temporary event notice	All cases	
Power to issue counter notices in respect of a Temporary Event Notice		All cases

- Exercising powers under the Gambling Act 2005, as detailed in the table below

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Licensing Committee</b>	<b>Officers</b>
Final approval of three year licensing policy	x		
Policy not to permit casinos	x		
Fee setting (when appropriate)			x
Application for premises licenses		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of premises licence		x	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	
Applications for other permits		Where the application is for 3 or more gaming	x

Matter to be dealt with	Full Council	Licensing Committee	Officers
		machines in alcohol-licensed premises	
Cancellation of licensed premises gaming machines permits			x
Consideration of temporary use notice			x
Decision of give a counter notice to a temporary use notice		x	
Registration and renewal of small society lotteries			x
Power to remove the right to exempt gaming for 1 or 2 machines		x	

Any other matter involving a regulatory, quasi judicial, quasi judicial or licensing function of the Council which by law cannot be the responsibility of the Executive and for which no other provision is made in the Constitution

## Table 4

### FUNCTIONS THAT ARE THE RESPONSIBILITY OF THE EXECUTIVE

1. In relation to staffing:-

- i) Consultation on the appointment of Chief or Deputy Chief Officers as defined under the Local Government & Housing Act 1989.\*
- ii) Consultation on dismissal, on conduct or performance grounds, of Chief or Deputy Chief Officers as defined under the Local Government & Housing Act 1989.\*

\* Chief Officers are officers who report direct to the Head of the Paid Service and whose duties are not in the nature of secretarial, clerical or support services. Deputy Chief Officers are officers who report direct to a Chief Officer, for other than secretarial, clerical or support services.

2. Executive functions may be discharged by:

- (a) The Leader
- (b) The Executive as a body
- (c) A Committee of The Executive
- (d) An individual Councillor of The Executive
- (e) An Officer
- (f) Joint arrangements, partnership boards and other such bodies
- (g) Another local authority
- (h) Area Committees

3. The Council has adopted the strong leader model. It is the Leader's responsibility to appoint no fewer than 2 and no more than 10 members of The Executive and to define their respective portfolio of responsibilities.

The Leader shall deliver to the Chief Executive and present to the Annual Meeting of the Council a statement confirming:

- (a) The names of the councillors whom he/she has appointed as Members of the Executive.
- (b) The name of the councillor whom he/she has appointed as Deputy Leader.
- (c) The portfolios and areas of responsibility of each Executive Councillor.



4. Full details of the current composition of the Executive, together with details of their portfolios and areas of responsibility are contained on the Council's website.

#### **Table 4a**

### **DELEGATIONS TO EXECUTIVE MEMBERS**

#### **A. All Executive Members may:-**

1. \*Take decisions on any matter within their portfolio that, after written consultation with the Leader (or Deputy if they are not available), is deemed sufficiently urgent that a decision cannot reasonably be deferred until the next meeting of the Executive (subject to the provisions of the Access to Information Rules)
2. \*Take any decision that may be necessary to give effect to a decision of the Executive
3. Grant licences for the use of land within their portfolio (subject to consultation with ward members)
4. Make minor and consequential amendments to any Policy, Plan or Strategy within their portfolio for recommendation to Council where necessary
5. Make amendments, additions or revisions to the approved Budget or the Capital Programme within their portfolio area (including virement of funds) providing this complies with Rule 9 of the Executive Procedure Rules in Part 4 of the Constitution.
6. Authorise the settlement of claims by or against the Council
7. \*Take decisions relating to procurement and contractual matters as set out in the Financial Regulations and Procurement Policy and Contract Procedure Rules

#### **B. The Leader may:-**

1. In their absence, at their request, or where a disclosable pecuniary interest has been declared, take decisions on any matter delegated to another portfolio holder.
2. Make appointments and amendments to outside bodies and joint committees.

#### **C. The Deputy Leader may:-**

1. In their absence, at their request, or where a disclosable pecuniary interest has been declared, take decisions on any matter within the Leader's portfolio

#### **D. The Corporate Services and Finance Portfolio Holder may:-**

1. Approve write-offs of irrecoverable debts (including council tax, national non-domestic rates, mortgage arrears, sundry debtor and housing rent

debts) to a value as given in the Council's Financial Regulations and Procedure Rules.

2. \* Approve staffing decisions that are executive functions referred by the Chief Executive where there are implications for the budget (within Executive spend limits set out in the Executive Procedure Rules).
3. Approve or refuse applications for reductions on business rates due to hardship.
4. Take decisions to sell/purchase/lease or otherwise deal with land (subject to consultation with the Ward member/s).
5. Allocate community fund grants
6. Take decisions in accordance with government regulations on whether assets can be included in a list of assets of community value.
7. Approve terms and conditions of allotment agreements including rentals

**E. The Regeneration, Tourism and Leisure Portfolio Holder may:-**

1. Approve applications for regeneration grants

**F. Housing and Licensing**

1. Set the level of hackney carriage and private hire fees within agreed budgetary policy
  2. Set the table of hackney carriage fares
  3. Decide on the location of hackney carriage ranks and make any alterations (subject to consultation with ward members)
4. Name and number streets (subject to consultation with ward members)

Note:

With the exception of any of the above next to which an asterisk (\*) appears, all the above decisions must be taken within budget unless corresponding savings are clearly identified and the resource implications must not exceed £25,000 if revenue or £50,000 if capital in any event.

Any delegations of less than 6 months duration will not be included in this scheme.

The Executive, collectively, has the power to amend this scheme at any time.

It is the portfolio holder's responsibility to consult any other member or members of the Executive where the decision to be taken is of a cross-cutting nature.

It is the portfolio holder's responsibility to consult and take advice from the Chief Executive, Executive Director, Monitoring Officer or Chief Finance Officer as appropriate.

Any member of the Executive may refer any matter delegated to him or her to the Executive for a collective decision.

In accordance with Rule 22.3 of the Access to Information Procedure Rules a written record will be kept of all individual Executive Member decisions.

## DELEGATIONS TO THE CHIEF EXECUTIVE & EXECUTIVE DIRECTORS

### INTRODUCTION TO TABLES 5 – 9

1. This Scheme is to be interpreted in accordance with the Constitution.
2. This Scheme records delegations to the Chief Executive and the Executive Directors who may in turn delegate their power to act to other officers as appropriate. Where this has taken place the Chief Executive or Executive Director will note in writing the delegation to that officer including whether or not that officer may also delegate the power to other officers for whom they have management responsibility. Where that occurs, it shall also be noted in writing. Individual service schemes are available on request and may be amended at any time by the Chief Executive, Executive Director or other officer responsible.
3. In the event of a conflict of interest or in the absence of the Chief Executive or any of the Executive Directors, each may exercise the functions of any other.
4. Any officer to whom a function is delegated may waive his/her power to exercise that function and refer the matter to the Executive, portfolio holder or to the appropriate committee or panel as the case may be.
5. Any officer exercising a function under delegated powers shall only do so in accordance with the policies and procedures of the Council.
6. Where an officer exercises a delegated function that is an essential step in any legal proceedings, he/she shall record the action in writing.
7. Delegation to the Chief Executive or to an Executive Director does not include:-
  - (a) Any matter reserved to the full Council.
  - (b) Any matter which by law may not be delegated to an officer.
  - (c) Any matter reserved to the Executive or a committee or panel.
  - (d) Any matter which constitutes a key decision in accordance with Article 12 of this Constitution (with the exception of decisions taken under Table 5a paragraph C3). If it appears that a decision may be “key” then, except in cases of urgency, the Chief Executive or the Executive Director will waive the delegation and refer the decision to the Executive or Executive member.
8. It is the duty of any officer to whom the exercise of powers is delegated, to keep members (including ward members) properly informed of activity arising within the scope of the delegated powers given to him/her.
9. In exercising delegated powers it is the duty of an officer to consult such other officers and/or the Chief Executive, the Executive Directors or the Monitoring Officer and the Deputy Director and Head of Finance, as may be appropriate in the circumstances and shall have regard to any advice given by them.

10. If, an officer proposing to exercise a delegated power, has a doubt as to whether it would be contrary to the policy or budget framework of the Council, then the advice of the Head of Legal and Election Services and Deputy Director and Head of Finance must first be sought.
11. Any consultation required under Table 5a paragraph C3 (Urgency) shall be in writing and the decision/conclusion recorded in such manner as the Executive Director and Monitoring Officer may require.
12.
  - (i) Any scheme under paragraph 2 shall be in writing.
  - (ii) Notwithstanding any such scheme, the Chief Executive or Executive Director shall remain accountable to the Executive or committee (as the case may be) for the exercise of any powers or responsibilities so delegated.
  - (iii) It shall remain the responsibility of the Chief Executive or Executive Director, notwithstanding any such scheme, to ensure that the requirements of any of these restrictions and conditions on delegated powers are complied with.
13. The Chief Executive and each Executive Director shall be responsible for securing compliance with the requirements of the Data Protection Act 1998 and of the Freedom of Information Act 2000 in relation to the data and information held within his/her service and shall make all necessary arrangements for that purpose.
14. Any delegation under this part of the Scheme is subject to any more specific provision relating to the Chief Executive, a particular Executive Director and the Chief Executive in the following tables.
15. Where powers are delegated to specific officers or officers are authorised to act on behalf of the Chief Executive or an Executive Director the same powers shall be exercised by any subsequent post that incorporates the relevant duties. This provision shall also apply to the individual service schemes.
16. The delegations to officers include any officers and officer roles employed by another authority including, in particular the Council's strategic partner, Staffordshire Moorlands District Council.

## **Table 5**

### **DELEGATION TO THE CHIEF EXECUTIVE**

A reference to any legislation shall be deemed to include a reference to any subsequent legislation which may be supplementary to or amend or replace it and to any byelaws, regulations, orders, directions, rules or other legislative instruments made under such legislation.

#### **A. STAFFING**

1. Taking disciplinary action in relation to Executive Directors.
2. Adjustments to staffing levels, including early retirements and redundancies, where the revenue or capital costs will be self-financing within a period of five years.
3. Responsibility for developing and implementing the Pay and Workforce Development Strategy, personnel practice and policy and staffing structure to make sure they are suitable and sufficient for the Council's needs.
4. Conducting appraisals and making decisions relating to the terms and conditions (including performance related pay) of the Executive Directors.
5. Implementation of national, provincial and local agreements concerning pay and conditions of service.
6. Granting consent, where required, for an employee to take on a job outside the Council
7. Implementing ill-health retirements
8. Approving and implementing the Staff Development programme
9. Extension of payments beyond those prescribed by National/Local Agreement in the event of exceptional hardship

#### **B. INFORMATION AND COMMUNICATIONS TECHNOLOGY**

1. The management and development of the Council's information Technology Strategy and resources
2. Management of information security relating to electronic data records held by the Council
3. Making data available in response to a subject request under the Data Protection Act 1998.

4. Compliance with the Privacy and Electronic Communications (EC Directive) Regulations 2003

#### **D. GENERAL**

1. Making minor alterations to polling district boundaries
2. Designating polling places
3. Completion and sealing of any legal document necessary to give effect to a decision of the Council, a Committee, Sub-Committee, the Executive or an Officer exercising a delegated function
4. Anti-Social Behaviour, Crime and Policing Act 2014 - delegated authority to issue a Closure Notice for a period of up to 48 hours under Part 4 (Chapter 3) of the Act.

#### **E. HEALTH & SAFETY**

1. Responsibility for ensuring the maintenance and implementation of satisfactory Health and Safety policies and arrangements across the Council
2. Health and Safety responsibilities as they apply to the Council as employer and owner of land and premises
3. Exercise of the Council's functions under the Civil Contingencies Act 2004 and any other emergency planning powers and to implement and take any necessary action under the Council's Emergency Plan including the authorisation of expenditure

#### **F. ECONOMIC REGENERATION AND TOURISM**

1. Implementation of the Council's policy on Economic Development
2. The management of multi-agency programmes
3. Development of multi-agency partnerships for the purposes of producing a variety of documents including the Community Strategy
4. The development of tourism strategies including working in partnership with both the public and private sector
5. The arrangement and publication of tourist and conference promotion material, including advertisements

6. Attending conferences, trade fairs and exhibitions within the UK in connection with the promotion of tourism.

**G. MARKETS**

1. Managing the Council's markets

**I. GENERAL**

1. Authorising and arranging Borough Council-sponsored entertainments
2. Any action required to implement the Council's powers and duties under the Criminal Justice and Public Order Act 1994



## **TABLE 5a**

### **DELEGATIONS TO THE CHIEF EXECUTIVE & EXECUTIVE DIRECTORS**

A reference to any legislation shall be deemed to include a reference to any subsequent legislation which may be supplementary to or amend or replace it and to any byelaws, regulations, orders, directions, rules or other legislative instruments made under such legislation.

#### **A. COMMUNICATIONS AND PUBLICITY**

1. Authority to issue press releases/statements
2. Publication and placing of legal and other public notices where the primary purpose is the giving of information

#### **B. CONTRACTS**

1. Incurring routine expenditure
2. Accepting a tender or quotation
3. Appointing professional advisors or consultants
4. Acting as Supervising Chief Officer in relation to the Council
5. Appointing any officer under their control as Supervising Chief Officer
6. Authorising any goods services or other expenditure which is lawfully rechargeable to another person
7. Completion of any legal document or entry into any contract necessary to give effect to a decision of the Council, a committee, the Executive or an officer exercising a delegated function
8. Entering into any arrangements with other local authorities for the supply of goods or services
9. Accepting the lowest competitive tender for leasing requirements and signing all documentation
10. All the above are subject to the decisions being taken within the Council's Procurement Procedure Rules

#### **C. GENERAL**

1. Any action within their terms of reference required to give effect to a decision of the Council, one of its committees or the Executive

2. Implementation of the Council's key strategies including the Community Strategy, Corporate and Performance Improvement Plan
3. Notwithstanding any other provision of this Constitution, the Chief Executive and Executive Directors shall have power, after consulting, if practicable, the Leader, relevant portfolio holder or Chairman of the committee to take such action as he/she deems necessary and expedient in matters requiring urgent consideration and which cannot, because of the time scale involved and the need to safeguard the interests of the Council, reasonably wait for a Member decision.
4. The delegation of any of their powers to other officers
5. Authorisation of any officer or other employee of the Council, or of any agent or contractor of the Council, or of any other person to do anything which the Council may authorise such a person to do, such authority to be in writing
6. To implement any decisions of the Glossop Vision Board including those relating to expenditure providing this is within budget
7. Authority to apply for grants and other funding for any Council sponsored project
8. Ensuring the safety of cash in custody
9. Exercise of the Council's functions under the Civil Contingencies Act 2004 and any other emergency planning powers and to implement and take any necessary action under the Council's Emergency Plan including the authorisation of expenditure
10. Representation of the Council on external bodies
11. Responding to consultation papers on behalf of the Council
12. Ensure compliance with the Council's responsibilities under section 17 of the Crime and Disorder Act 1998
13. Conduct the exercise of the Council's wellbeing powers under the Local Government Act 2000

14. Deal with all matters relating to the implementation of Best Value within the Council
15. Implementation of the Council's Equalities and Diversity policies
16. Exercise of the Council's powers under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (lost and uncollected property)
17. Making data available in response to a subject request under the Data Protection Act 1998, Freedom of Information Act 2000 and the Environmental Information Regulations 2004
18. Calling and making arrangements for meetings of the Council, its Executive and Statutory Committees and such other Committees, panels or working group as may exist from time to time
19. Authorising the provision of member support services including authorising approved duties for travelling and subsistence allowances, increasing mileage and subsistence allowances and authorising conference expenses
20. Approving attendance of members at conferences, seminars and similar events
21. Supporting the Mayoralty and making arrangements for Civic and twinning functions and other hospitality
22. Approval of grants for twinning events

#### **D. LAND**

1. Authorisation of the renewal or assignment of any lease or tenancy of land within their control
2. Authorising and serving Requisitions for Information as to interests in land under any statutory power
3. The authorisation of any officer or agent of the Council to enter land under any statutory power
4. Authorising the use of land and premises for exhibitions, meetings or other social or community events

## **E. STAFF**

1. Appointment of staff to established posts, in accordance with corporate policies and procedures and in consultation with the Head of Organisational Development and Transformation.
2. Temporary appointment of staff where appropriate provision is made.
3. Consultee in respect of Elected Member appointment of Executive Director.
4. Appointment or authorisation of any employee or agent of the Council to or for any statutory purpose to which the Council has appointed a Director and, in particular, to authorise entry onto land or premises.
5. Dealing with all matters relating to discipline, capability, ill-health and grievances, in accordance with corporate policies and procedures and in consultation with the Head of Organisational Development and Transformation.
6. In accordance with corporate policies and procedures, and in consultation with the Head of Organisational Development and Transformation, as appropriate, all staffing matters including:
  - Filling of vacancies
  - Designation of politically restricted posts
  - Authorisation of Criminal Records Bureau checks
  - Starting salary
  - Performance-related payments including withholding of increment / accelerated increment following appraisal
  - Grading / job evaluation
  - Car allowances / car loans
  - Overtime
  - Honoraria
  - Granting of annual leave
  - Granting of compassionate leave
  - Granting of unpaid leave
  - Attendance at meetings, conferences and similar events and authorisation to attend training and study courses and participate in other learning and development activities
  - Employment beyond 65

## **Table 6**

### **DELEGATIONS TO THE EXECUTIVE DIRECTOR (RESOURCES)**

A reference to any legislation shall be deemed to include a reference to any subsequent legislation which may be supplementary to or amend or replace it and to any byelaws, regulations, orders, directions, rules or other legislative instruments made under such legislation.

#### **A. FINANCE**

1. Raising and repaying loans including bank overdrafts to meet the capital requirements of the Council on such term as he/she considers necessary
2. Paying sums due from the Council
3. Fixing and varying rates of interest under Section 1 and Schedule 6 of the Local Government Planning and Land Act 1980
4. Writing off obsolete stores and equipment
5. Managing the Council's loan and investment portfolio in the light of the Council's borrowing strategy
6. Fixing and varying rates of interest on loans for the purchase or improvement of dwellings
7. Approval of transfer of mortgages or legal charges
8. Banking arrangements
9. Managing the Collection Fund
10. Writing off irrecoverable debts in accordance with the Council's Financial Regulations and Procedure Rules.
11. Ensuring the safety of cash in transit
12. Granting authority to represent the Council in the Magistrates Court and Valuation Tribunal
13. Calculation of the Council Tax base
14. Taking all necessary steps for the collection and recovery of Council tax (including court proceedings) and issuing all necessary notices, statements and other documents including proposals, notices and reports to the valuation officer/listing officer and the issuing of instructions to bailiffs on behalf of the Council

15. Taking all necessary steps relating to the collection and recovery of National non-domestic rates, including the issuing of Completion Notices, Court Proceedings and the issuing of instructions to bailiffs
16. Responsibility for compliance with Money Laundering legislation
17. The granting of discretionary relief under the provisions of the Local Government Finance Act 1988 as amended and any Regulations made thereunder

## **B. BENEFITS**

1. Appointment of the Council's Inspectors under the Social Security Administration (Fraud) Act 1997 shall determine
2. Determination of housing benefits made under the provision of the Social Security Contributions and Benefits Act 1992, the Social Security Administration Act 1992 in accordance with the Housing Benefit Regulations (as amended from time to time) ensuring that benefits are paid and that any overpayments are recovered as provided for in the Regulations
3. Determination of Council Tax benefits made under the provisions of the Social Security Contributions and Benefits Act 1992, the Social Security Administration Act 1992 and the Local Government Finance Act 1992, in accordance with the Council Tax Benefit Regulations (as amended from time to time) ensuring that benefits are paid and that any overpayments are recovered as provided for in the Regulations
4. The application of the provisions of the Discretionary Financial Assistance Regulations 2001
5. Authorising penalties and cautions as an alternative to prosecution under the Social Security Administration Act 1992, and the Social Security Administration (Fraud) Act 1997
6. The exercise of powers conferred in the Social Security Administration (Fraud) Act 1997 in relation to information required from landowners and the recovery of overpayments to landlords.
7. The exercise of the powers conferred by Section 110A of the Social Security Act 1992 in relation to information required from employers, as far as they relate to Housing Benefit and Council Tax Benefit
8. The exercise of powers conferred by Section 110A of the Social Security Administration Act 1992 in relation to information required relating to Council Tax Benefit and Housing Benefit

## **C. AUDIT**

1. Making insurance arrangements
2. Ensuring the internal audit functions of the Council are properly carried out
3. The exercise of powers under the Regulation of Investigatory Powers Act 2000

## **D. LAND AND ASSETS**

1. To be the Council's Corporate Property Officer
2. The day-to-day management of the Council's buildings including routine repairs and minor improvements and energy conservation measures (excluding dwellings)
3. Management of the mineral water undertaking under Section 15 of the Derbyshire Act 1981
4. Authorisation of the making of advance payments under the Land Compensation Act 1973

## **E. ESTATES**

1. In consultation and agreement with the relevant Executive Member and ward councillors, to enter into negotiations for land and property transactions including leaseholds, tenancies and licences together with freehold disposals to a value not exceeding £25,000 (classed as minor disposals) and complete as appropriate.
2. The grant or renewal of a simple licence or way leave, including the installation of statutory undertakers of apparatus
3. The granting of consents or approvals (including assignments, sub-lettings, terminations, alterations, extensions and other variations to agreements) under the terms of any covenant, lease, licence or tenancy, except where an Executive Director or Head of Service is referred to as having the power to grant such consents or approvals
4. The day to day management of the Council's commercial property, shops (other than in the Pavilion Gardens and those contained within the Council's housing estates), garage sites (other than those comprised in the Council's housing estates) and non operational land, including the negotiation and agreement of lease renewals and rent reviews in respect of properties held on any lease, licence or tenancy from or by the Council.
5. Granting tenancies of garages or garage sites

6. Authorising the sale of areas of amenity land to people who have previously purchased a Council dwelling (or their successors)
7. Renewal or assignment of any lease or tenancy
8. To contract out of leases (and licences where appropriate) tenants' rights to renewal of a lease under the Landlord and Tenant Act 1954
9. Authorising notices under Section 21 of the Derbyshire Acts 1981 (preventing horse-riding, motor vehicles etc on land maintained by the Council)
10. Taking whatever action may be appropriate for the protection of the Council's land and property
11. To make all applications for planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992 for development of land in the Council's ownership
12. Carrying out the following functions of the Council in relation to highways:
  - The siting and maintenance of existing bus shelters
  - The positioning of traffic information and town and village entry signs

#### **F. CAR PARKS**

1. The collection of car parking fees and the imposition of fixed penalties for contravention of the Council's off-street parking orders
2. The management of the Council's car parks including the making of minor amendments to the car parking orders
3. Managing the day to day activities of contractors employed by Derbyshire County Council in order to provide civil parking enforcement for the Council
4. Representing the Council on the Derbyshire Parking Board and making such decisions as are necessary for the on-going operation of civil parking enforcement in Derbyshire



**Table 7**

**DELEGATIONS TO THE EXECUTIVE DIRECTOR (GOVERNANCE AND REGULATORY SERVICES)**

A reference to any legislation shall be deemed to include a reference to any subsequent legislation which may be supplementary to or amend or replace it and to any byelaws, regulations, orders, directions, rules or other legislative instruments made under such legislation.

**A. LEGAL**

1. Authority to take legal proceedings on behalf of the Council
2. Authority to defend or settle legal proceedings
3. Authority to represent the Council in proceedings
4. Authority to settle any claim of up to £500 where there is no legal liability to do so (see Financial Regulations in Part 4 of the Constitution)
5. Authority to serve any notice or other process on behalf of the Council and to make any Order
6. Publication and placing of legal and other public notices except where this is delegated to another officer
7. Authority to settle any complaint of maladministration under Section 92 of the Local Government Act 2000 other than on the recommendation of the Local Commissioner, up to a value of £1000
8. Authority to approve contributions not exceeding £250 towards the cost of litigation involving another authority, of general importance, and the seeking of such contributions on behalf of the Council
9. Completion and sealing of any legal document necessary to give effect to a decision of the Council, a Committee, Sub-Committee, the Executive or an Officer exercising a delegated function
10. Appointment of any officer or other employee of the Council or of any agent or contractor of the Council or of any other person as “proper officer” or to any other statutory post
11. Authorisation of the signature of documents under Section 49 (3)(b) of the Food Safety Act 1990
12. Determination under Section 22 of the Environmental Protection Act 1990 (confidentiality of information)
13. Redemption of loans for home purchase or improvement

14. Approval of transfer of mortgages or legal charges
15. Authorising the terms of sale or leasing of Council owned dwellings under the right to buy
16. Power to make and implement revisions to the policy and procedures under the Regulation of Investigatory Powers Act 2000
17. Power to authorise surveillance and the use of covert human intelligence sources in accordance with the relevant Home Office codes of practice
18. Authorising any vesting by assent, declaration or deed poll
19. Authorisation of any proceedings under the Highways Act 1980
20. Making data available in response to a subject request under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
21. Authority to determine fees for searches
22. Authorisation of orders under Sections 21 and 22 Town Police Clauses Act 1847 for the temporary closure of streets etc
23. Delegated authority under the Anti-Social Behaviour, Crime and Policing Act 2014 to:
  - apply for Injunctions to Prevent Nuisance and Annoyance;
  - apply for Criminal Behaviour Orders;
  - issue Community Protection Notices and take action in relation to failure to comply with such Notices;
  - take action in respect of failure to comply with a Public Space Protection Order;
  - issue a closure notice for a period of up to 24 hours;
  - apply to the Court for a Closure Order and to take all associated action including enforcing orders, accessing premises and recovering costs; and
  - authorise Derbyshire Constabulary's police constables and Police Community Support Officers to use the local authority's fixed penalty notice booklets for the purposes of issuing fixed penalties for failure to comply with a Community Protection Notice, a Public Space Protection Order, a littering offence under the Environmental Protection Act 1990, or failure to comply with a Dog Control Order introduced under the Clean Neighbourhoods and Environment Act 1990.

## **B. DEMOCRATIC SERVICES**

1. Calling and making arrangements for meetings of the Council, its Executive and Statutory Committees and such other Committees, panels or working groups as may exist from time to time
2. Authorising the provision of member support services including authorising approved duties for travelling and subsistence allowances, increasing mileage and subsistence allowances and authorising conference expenses
3. Approving attendance of members at conferences, seminars and similar events
4. Supporting the Mayoralty and making arrangements for Civic and twinning functions and other hospitality
5. Approval of grants for twinning events

## **C. ANIMAL AND PEST CONTROL**

1. Section 74 of the Public Health Act 1961 (Reducing bird population in built up areas)
2. Granting and renewing licences and registrations under the following legislation and any extensions or amendments thereto and any regulations made under it:-
  - Pet Animals Act 1951 (Licences)
  - Animal Boarding Establishments Act 1963 (Licences)
  - Riding Establishments Acts 1964 and 1970 (Licences)
  - Breeding and Sale of Dogs (Welfare) Act 1999 (Licences)
  - Dangerous Wild Animals Act 1976
  - Zoo Licensing Act 1981
3. Exercising the Council's powers under the Prevention of Damage by Pests Act 1949
4. Appointing and authorising a veterinary surgeon, veterinary practitioner or other person to inspect land or premises for the purposes of any legislation that is the responsibility of the Council
5. Exercising the Council's powers and duties under Section 13 of the Animal Health Act 1981, Section 149 of the Environmental Protection Act 1990 and the Dangerous Dogs Act 1991 (Stray Dogs etc), Animal Health and Welfare Act 1984

6. Exercising the Council's powers and duties under the Dogs (Fouling of Land) Act 1996 including section 4 (power to serve fixed penalty notices in respect of dog fouling)
6. Powers and duties under the Clean Neighbourhoods and Environment Act 2005 including enforcement of dog control orders and issuing fixed penalty notices
7. Power to issue licences and enforce the provisions of the Animal Welfare Act 2006 and any regulations made thereunder

#### **D. DRAINAGE AND SEWERAGE**

1. Authorising the testing and examination of drains etc under Section 48 Public Health Act 1936
2. Authorising and serving a notice under Section 50 of the Public Health Act 1936 (Overflowing and leaking cesspools)
3. Authorising the service of a notice under Section 17 of the Public Health Act 1961, the carrying out of any works and the recovery of costs (repair of drains etc)
4. Exercising the Council's powers under Section 35 of the Local Government (Miscellaneous Provisions) Act 1976 (Obstructions in Private Sewers)
5. Adopting sewers under Section 17 of the Public Health Act 1936
6. Authorising an agreement with the Highway Authority for the use of highway drains for sewerage purposes under Section 21 of the Public Health Act 1936
7. Approval of culverts under Section 263 of the Public Health Act 1936
8. Authorising and serving any notice under Section 264 of the Public Health Act 1936 (Repair etc of Culverts) and Section 25 of the Land Drainage Act 1991 (Monitoring Flow of Water Courses)

#### **E. FOOD AND WATER INSPECTION AND CONTROL**

1. Granting and renewing licences and registrations under the following legislation, any extension or amendments thereto and any regulations made under it:-
  - Section 16 Food Safety Act 1990 (Registration of Milk and Dairy Premises)

- Section 19 Food Safety Act 1990 (Registration of Food Premises, Licensing of Vehicles, Stalls etc Registration of Food Hawkers and Premises)
  - Slaughterhouses Act 1974 (Licences for Slaughterhouses, Knackers Yards and Slaughtermen)
2. Signing of all documents authorised or required by or under the Food Safety Act 1990 pursuant to Section 5 of the Act
  3. Authorising, varying and serving any notice under Sections 67 and 77 – 85 of the Water Industry Act 1991
  4. Determining the apportionment of charges under Regulation 20 (3) of the Private Water Supplies Regulations 1991
  5. Making arrangements for the sampling and analysis of water under Regulation 21 of the Private Water Supplies Regulations 1991
  6. Exercising the Council's powers in relation to the approving of meat products premises under Regulation 4 of the Meat Products (Hygiene) Regulations 1994
  7. Exercising the Council's power under the Dairy Products (Hygiene) Regulations 1995
  8. Authorisation of the signature of documents under Section 49 (3) (b) of the Food Safety Act 1990
  9. Issuing and revoking butchers' shop licences under the Food Safety (General Food Hygiene) (Butchers' Shops) Amendment Regulations 2000
  10. Exercising the Council's powers in relation to the Meat (Enhanced Enforcement Powers) (England) Regulations 2000
  11. Exercising the Council's powers in relation to the Minced Meat and Meat Preparations (Hygiene) Regulations 1995
  12. Exercising the Council's powers in relation to the Products of Animal Origin (Import and Export) Regulations 1996
  13. Authorisation of enforcement action under Regulations relating to food safety and animal feed made under the European Communities Act 1972

## **F. HEALTH AND SAFETY**

1. Authorising and issuing Certificates of Exemption under Section 46 of the Offices, Shops and Railway Premises Act 1963

2. Appointing and terminating the appointment of inspectors under Section 19 of the Health and Safety at Work (etc) Act 1974 and any amendment to it and any regulations made under it
3. Authorising under Section 20 of the Health and Safety at Work (etc) Act 1974 any person to accompany an inspector onto premises
4. Endorsing any transfers or assignments of enforcement responsibility under the Health and Safety (Enforcing Authority) Regulations 1989
5. Instituting proceedings for an offence under the Health and Safety at Work (etc) Act 1974, any amendments to it and any regulations made under it
6. Powers and duties under the Shops Act 1950 and the Sunday Trading Act 1994

## **G. HEALTH INSPECTION AND CONTROL**

1. Granting and renewing licences and registrations under the following legislation and any extension or amendments thereto and any regulations made under it:-
  - Game Act 1831 (Game Dealers Licences)
  - Game Licences Act 1860
  - Public Health Act 1936 Section 269 (Licences of Tents, Vans and Sheds)
  - Rag, Flock and other Filling Materials Act 1951 (Registrations)
  - Caravan Sites and Control of Development Act 1960 (Licences)
  - Scrap Metal Dealers Act 1964 (Registrations)
  - Late Night Refreshment Houses Act 1969 (Licences)
  - Local Government (Miscellaneous Provisions) Act 1982 (Street Trading Consent)
  - Sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 (Tattooing and Acupuncture)
  - The Motor Salvage Operators Regulations 2002

## **H. INFECTIOUS DISEASES**

1. Exercising the Council's powers under Public Health (Control of Disease) Act 1984 other than Sections 63 – 67
2. Exercising the Council's powers to deal with and prevent outbreaks of infectious disease, including the appointment of proper officers for the purposes of Section 47 of the National Assistance Act 1948 and the Public Health (Control of Disease) Act 1984

3. Appointing the proper officer for the purposes of Section 47 of the National Assistance Act 1948 and the Public Health (Control of Disease) Act 1984

## **I. NOISE AND STATUTORY NUISANCE**

1. Authorising and taking any steps to secure the abatement of a nuisance under Section 79 of the Environmental Protection Act 1990
2. Exercising the Council's powers to consent to the operation of loudspeakers on streets or roads and the setting of a reasonable fee under Section 8 and Schedule 2 of the Noise and Statutory Nuisance Act 1993
3. Serving notices and entering or removing vehicles, machinery or equipment and executing works and the authorisation of officers to do any or all of these things, under Section 4 of the Noise and Statutory Nuisance Act 1993 which amends Section 81 of the Environmental Protection Act 1990
4. Serving notices and the recovery of expenses and the authorisation of officers to do either or both of these things under Section 10 of the Noise and Statutory Nuisance Act 1993 which amends Sections 79 and 81 of the Environmental Protection Act 1990
5. Authorising sound proofing works under the Land Compensation Act 1973
6. Implementing the Council's powers under the Noise Act 1996 Section 8 fixed penalty notices
7. Implementing the Council's powers under the Anti Social Behaviour Act 2003 including the issuing of fixed penalty notices to close noisy premises
8. Powers and duties under the Clean Neighbourhoods and Environment Act 2005 including power to require name and address, power to issue fixed penalty notices and of entry to premises
9. Exercising the Council's powers under Section 36 of the Local Government (Miscellaneous Provisions) Act 1982 (Removal of Fly Posting) and section 31 of the Clean Neighbourhood and Environment Act (powers to remove graffiti, placards and posters)

## **J. POLLUTION CONTROL**

1. Authorising and serving notice under Section 12 of the Clean Air Act 1993 (Information as to Furnaces and Fuel)
2. Approving smoke control appliances for grant purposes

3. Approving or exempting arrestment plant under Sections 6 and 7 of the Clean Air Act 1993
4. Approving the height of a chimney under Section 14 and 15 of the Clean Air Act 1993
5. Authorising and serving or issuing any notice or consent under Parts II, III, V, VI and VII of the Clean Air Act 1993 and Part III of the Environmental Protection Act 1990
6. Authorising and serving any notice under Section 93 of the Control of Pollution Act 1974 (Disclosure of Information)
7. Commenting to the Environment Agency on applications for licences for the disposal of controlled waste
8. Exercising the Council's powers and duties under the following provisions of the Environmental Protection Act 1990:-
  - Sections 6 – 12 inclusive – where no objections or representations have been received (authorisations)
  - Section 16 (6) (To appoint or terminate the appointment of inspectors)
  - Sections 17 and 18 (Authority to inspect and deal with imminent danger etc)
  - Section 19 (Obtaining information)
  - Sections 20 – 22 inclusive – other than the determination of whether or not information is confidential (maintaining the Public Register etc)
  - Sections 6 – 12 inclusive (where objections or representations have been received)
  - Section 13 (Enforcement Notices)
  - Section 14 (Prohibition Notices)
  - Section 52 (Power to adjust payment)
  - Section 59 (Power to require removal of waste and power to serve notice)
  - Section 60 (Power to consent)
  - Sections 64 and 143 (Duty to keep public registers)
  - Section 65 (Duty to notify Secretary of State)
  - Section 66 (Duty to exclude information)
9. Exercising the Council's powers and duties under regulations made under Section 2 of the Pollution Prevention and Control Act 1999 and the Pollution Prevention Control (England and Wales) Regulations 2000 (SI 2000 No. 1973)
10. Exercising the Council's powers and duties under Part IIA of the Environment Act 1995:-



- Section 78B Identification of contaminated land
  - Section 78C Identification and designation of special sites
  - Section 78E Duty of enforcing authority to require remediation of contaminated land
11. Exercising the Council's powers and duties under the Derbyshire Act 1981
  12. Exercising the Council's powers under the Environmental Damage (Prevention and Remedies) Regulations 2009.

## **K. PREMISES**

1. Authorising and serving any notice relating to filthy or verminous premises or articles and verminous persons under Sections 83 – 86 of the Public Health Act 1936 and to undertake works or other action and recover the costs thereof
2. Authorising any action under Section 78 of the Public Health Act 1936 (Cleaning of courts and passages)
3. Exercising all functions of the Council under Sections 59 – 67 of the Building Act 1984
4. Authorising and serving and abatement or prohibition notice or any other notice intended to deal with matters that are prejudicial to health or a nuisance
5. Authorising and serving an abatement notice under Section 80 of the Environmental Protection Act 1990
6. Authorising persons under Section 91 of the Control of Pollution Act 1974 (Rights of Entry etc)
7. Authorising and serving notice of a proposal to make an order under Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (Restricting Opening Hours of Takeaway Food Shops)
8. Exercising the Council's powers under Sections 4 and 5 of the Local Government (Miscellaneous Provisions) Act 1982
9. Appointment of inspectors under paragraph 2 of Schedule 2 of the Sunday Trading Act 1994 to exercise the powers referred to in paragraph 3 of the same Schedule
10. Exercising the Council's duty to maintain a register of shops intending to trade on a Sunday under paragraph 5 of Schedule 1 of the Sunday Trading Act 1994

11. Exercising the Council's power under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (Dangerous and Unoccupied Buildings)

**L. HEALTH**

1. Making objections or comments in relation to any matter concerning the delivery of health services where appropriate in the Borough
2. Authorising and serving notices under Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (Sanitary Conveniences in Places of Public Entertainment).
3. Authorisation of enforcement action under the Health Act 2006 relating to smoking in a public place

**M. LICENSING**

1. Approving the grant transfer renewal variation of any licence under the Licensing Act 2003 and to exercise powers under Sections 48, 90, 105, 107 and 167 under the same Act as follows:

<b>Matter to be dealt With</b>	<b>Officer</b>	<b>Committee</b>
Application for personal licence	No objections	Where Police object
Application for personal licence with unspent convictions		All cases
Application for premises licence/club premises certificate	Where no relevant representation is made	Where relevant representation is made
Application for provisional statement	Where no relevant representation	Where relevant representation is made
Application for Minor Variation of premises licence/club certificate	All cases provided is a minor variation according to the DCMS Guidance	
Application to vary premises licence/club premises certificate	Where no relevant representation	Where relevant representation is made
Application to vary designated premises supervisor	All other cases	Where Police objection is made
Request to be removed as designated premises supervisor	All cases	
Application for transfer	All other cases	Where Police objection

<b>Matter to be dealt With</b>	<b>Officer</b>	<b>Committee</b>
of premises licence		is made
Application for interim authorities	All other cases	Where Police objection is made
Application to review premises licence/club premises certificate		All cases
Decision on whether a complaint is irrelevant frivolous vexatious etc	All cases	
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases
Determination of a Police objection to a temporary event notice		All cases
Power to issue counter notices in respect of a Temporary Event Notice	All cases	

Exercising powers under the Gambling Act 2005, as detailed in the table below:

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Licensing Committee</b>	<b>Officers</b>
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a		Where	Where no

transfer of a licence		representations have been received from the Commission	representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of premises licence		x	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	
Applications for other permits		Where the application is for 3 or more gaming machines in alcohol-licensed premises	X
Cancellation of licensed premises gaming machines permits			X
Consideration of temporary use notice			X
Decision of give a counter notice to a temporary use notice		x	
Registration and renewal of small society lotteries			X

2. Making objections to any applications for the grant or variation of Goods Vehicle Operator Licences
3. \*Authorisation of exhibitions of hypnotism subject to conditions if appropriate under Section 2 Hypnotism Act 1952

4. Approving or refusing the grant of a House to House Collection Permit under the House to House Collection Act 1939
5. Approving or refusing the grant of a Street Collection Permit under the Police, Factories etc (Miscellaneous Provisions) Act 1916
6. \*Approving the grant, renewal and transfer of a Hackney Carriage Vehicle Licence under the Local Government (Miscellaneous Provisions) Act 1976, and the Town Police Clauses Act 1847
7. \*Approving the grant, renewal and transfer of a Private Hire Vehicle Licence under the Local Government (Miscellaneous Provisions) Act 1976
8. \*Approving the grant and renewal of a Taxi Drivers Licence under the Town Police Clauses Act 1847
9. \*Approving the grant and renewal of a Private Hire Drivers Licence under the Local Government (Miscellaneous Provisions) Act 1976
10. \*Approving the grant and renewal of Private Hire Operators Licence under the Local Government (Miscellaneous Provisions) Act 1976
11. Suspending any Taxi or Private Hire Licence for a period of up to and including 7 days
12. \*Granting premises licences, variations, transfers provisional statements, club gaming/club machine permits, any other permits under the Gambling Act 2005
13. \*Cancellation of licensed premises gaming machines under the Gambling Act 2005
14. \*Consideration of temporary use notice under the Gambling Act 2005
15. \*Registration and renewal of small society lotteries under the Gambling Act 2005
16. To exercise the powers under sections 29, 30, 162, 304, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 317, 318 and 346 of the Gambling Act 2005
17. To make representations to the Council's Licensing Committee where the Council is able to make representations as a consultee
18. To request the Licensing Committee to carry out a review of a premises licence (eg if the conditions of the licence are not being complied with)
19. To exercise functions relating to the registration of small society lotteries

NB All those functions marked with an asterisk – if objections/representations are received and not withdrawn the matter will be referred to the Licensing Committee

20. Considering and dealing with applications for Street Trading Consents made under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 as follows:

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Officer</b>
First application by any trader for Street Trading Consent in Consent Street	All cases (except for less than 7 days)	Less than 7 days
Application for Street Trading Consent in Consent where trader has traded in the same location in the previous 12 months	Where objection by an officer or where there have been complaints in the last 12 months by neighbouring traders or consultees or if a trader has had consent revoked in last 12 months from any site	All other cases
Application for Street Trading Consent in Consent Street where trader has not traded from that location in previous 12 months	All cases	
First application by any trader for Street Trader Consent in lay-by		All cases unless at officer's discretion Committee is considered appropriate
Application for Street Trading Consent in lay-by where trader has traded in the same location in the previous 12 months	Where objection by an officer or where there have been complaints in the last 12 months by neighbouring traders or consultees or if trader has had consent revoked in last 12 months from any site	All other cases
Application for Street Trading Consent in lay-by where trader has not traded from that location in previous 12 months	Where objection by an officer or where there have been complaints in the last 12 months by neighbouring traders or consultees or if trader has had consent revoked in last 12 months from any site	All other cases

## **N. CONSERVATION AND LISTED BUILDINGS**

1. Authorisation and issue of listed building notices under Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990
2. Making relevant applications to the Secretary of State for listed building consent or for planning permission
3. Determining applications for grants under Sections 57 and 77 of the Planning (Conservation Areas and Listed Buildings) Act 1990
4. Power to approve routine grant applications of up to £6,000 per property over a three year cycle, under the various Conservation Area Schemes, provided they fully meet the normal requirements of the scheme and subject to the following conditions;
  - that the relevant Select Committee be informed of decisions made at least once every two years;
  - that officers continue to write reports for the application file;

Note: any applications recommended for refusal; any application where the applicant is either the Council, a member or an officer of the Council or where there is a conflict of interest will be referred to the relevant HERS Committee

## **O. DEVELOPMENT PLAN**

1. To take whatever operational decisions and procedural steps that may be required to put in place, keep under review and implement the Council's Development Plan.

## **P. DEVELOPMENT MANAGEMENT**

1. The processing of applications for Planning Approval, Conservation Area Consent, Listed Building Consent and certificates of lawful use or development
2. Consideration of planning applications submitted to another Local Planning Authority and referred to the Borough Council for comment will also be decided in accordance with the scheme set out above
3. Determination of all applications for planning approval, conservation area consent listed building consent and certificates of lawful use or development, other than those listed in Table 2 of Part 3 of the Constitution under the heading Development Control Committee.
4. Refusal of applications for developments that are clearly contrary to Development Plan and/or Council policies

5. Refusal of applications subject to a direction of refusal by the Highways Agency
6. Requiring further details on an outline planning application, pursuant to Regulation 3 of the General Development Order 1995, or making a direction under Regulation 4 of the Town and Country Planning (Application) Regulations 1998
7. Requiring the submission of an Environmental Statement pursuant to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, as amended or any other submissions material to the determination of the application.
8. Approving the detailed wording of conditions on planning permissions or on reasons for refusal and Section 106 obligations under the Town and Country Planning Act 1990
9. The determination of applications for consent under regulations under Sections 220 and 221 of the Town and Country Planning Act 1990 (relating to the control of advertisements) and enforcement
10. Authorising any officer or agent of the Council to enter land under Sections 196 and 324 of the Town and Country Planning Act 1990
11. Authorising and serving requisitions for information as to interests in land under Section 330 of the Town and Country Planning Act 1990
12. Power to oppose a purchase notice, listed building purchase notice, blight notice or other similar process
13. Resolving to seek permission to carry out developments under the Town and Country Planning General Regulations 1992
14. Determining applications to erect overhead wires or to place structures or apparatus on or under the highway
15. Power in consultation with the Chairman of Development Control Committee to vary/amend section 106 agreements under the Town and Country Planning Act 1990 (as amended) provided it remains within the terms of the section 106 as originally agreed by Development Control Committee
16. Power in consultation with the Chairman of Development Control Committee to execute works in default and exercise associated powers in accordance with section 178 of the Town and Country Planning Act 1990 (as amended)
17. Determinations under Section 64 of the Town and Country Planning Act 1990 as to whether operations or change of use constitute development requiring planning permission



18. Authorising any officer or agent of the Council to enter land under Sections 196 and 324 of the Town and Country Planning Act 1990
19. Authorising and serving requisitions for information as to interests in land under Section 330 of the Town and Country Planning Act 1990

**Q. BUILDING CONTROL**

1. Determining applications under Part I of the Building Act 1984 and the Building Regulations 2000 and any amendment or addition thereto, or any legislation incorporating the Building Act 1984
2. Exercising the Council's powers and duties under the Building Act 1984 unless otherwise specifically delegated
3. Authorising and serving any notice or requirement under Section 36 of the Building Act 1984 (Removal or Alteration of Works)
4. Authorising and serving in conjunction with the Executive Director any notice or requirement under Section 35 of the Building Act 1984 (Penalty for Contravention)
5. All the functions of the Council under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and Sections 77,78,80,81 and 82 of the Building Act 1984 (Dangerous and Unoccupied Buildings and Demolitions)
6. Authorising any officer or agent of the Council to enter land under Section 95 of the Building Act 1984
7. Exercising the Council's powers under Sections 25 and 26 of the Local Government (Miscellaneous Provisions) Act 1976 (Dangerous Excavations)
8. Authorising in consultation with the relevant Executive Member, the alteration and setting of both the Building Control Charges Scheme and fees within the scheme
9. Exercising the Council's powers under Section 10 (8) of the Party Wall etc Act 1996 in relation to the resolution of disputes between parties

**R. ARBORICULTURE**

1. Exercising the Council's powers under Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976 (Dangerous Trees)
2. Authorisation and making of provisional Tree Preservation Orders under Part VIII of the Town and Country Planning Act 1990

3. Determination of applications for consent under Sections 198 and 211 of the Town and Country Planning Act 1990, for the cutting down, topping, lopping or destruction of trees
4. The compilation of records as required by Regulation 10 of the Hedgerows Regulations 1997
5. The Council's powers and duties under the Anti Social Behaviour Act 2003 Part 8 – High Hedges including enforcement

**S. GENERAL**

1. Management of the publicity account under Section 5 of the Local Government Act 1986
2. To act as or appoint the Council's Transport Officer
3. Authority to dispose of vehicles and plant
4. Authority to write-off obsolete stock items to an amount in accordance with the Council's Financial Regulations and Procedure Rules.

## Table 8

### **DELEGATIONS TO THE EXECUTIVE DIRECTOR (COMMUNITY SERVICES)**

A reference to any legislation shall be deemed to include a reference to any subsequent legislation which may be supplementary to or amend or replace it and to any byelaws, regulations, orders, directions, rules or other legislative instruments made under such legislation.

#### **A. COMMUNITY SAFETY AND ENFORCEMENT**

1. Exercising the Council's powers and duties under the Anti-Social Behaviour Act 2003
2. Exercising the Council's powers and duties under the Clean Neighbourhoods and Environment Act 2005 including:-
  - Section 6 (Nuisance parking offences)
  - Section 10 (Abandoned vehicles)
  - Section 19 (Littering offences)
  - Section 24 (Fixed Penalty Notices Common provision)
  - Section 55 (implementing and enforcing dog control orders)
3. Exercising the Council's powers and duties under the Anti-Social Behaviour Act 2004 including section 43 (power to serve fixed penalty notices in respect of fly posting and graffiti)
4. Authorising Police Authorities to allow Police Community Support Officers to operate the powers contained in Part 1, Schedule 4 to the Police Reform Act 2002 (as amended)
5. Making applications for the removal of unlawfully parked caravans and their occupants under Section 11 of the Caravan Sites Act 1968
6. Authorising any officer or agent of the Council to enter land under any statutory power
7. Authorising and serving requisitions for information as to interests in land under any statutory power
8. Authorisation and issue of planning contravention, enforcement and temporary stop notices, stop notices and injunctions breach of condition notices under Part VII of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991
9. Authorising and serving notices under Section 79 of the Building Act 1984 or 215 of the Town and Country Planning Act (untidy and neglected sites and buildings)

10. Power to seek removal of unauthorised advertisements under Sections 220, 224 and 225 of the Town and Country Planning Act 1990.
11. Anti-Social Behaviour, Crime and Policing Act 2014 - authority to authorise Council officers to issue fixed penalty notices for failure to comply with a Public Space Protection Order.

## **B. HOUSING**

1. The allocation and letting of dwellings
2. The allocation of dwellings to Council employees
3. Granting or refusing permission to tenants to mutually exchange dwellings with other tenants of the Council, other councils or private landlords
4. Determining applications made under the National Mobility Scheme and entering into reciprocal re-housing agreements with other councils
5. Granting, with or without conditions, or refusing permission for the transfer of tenancies between spouses or persons living as spouses and for the conversion of tenancies from joint to sole tenants and vice versa
6. Determining applications for re-housing under the Rent (Agriculture) Act 1976 in accordance with advice received from the Agricultural Dwelling House Advisory Committee
7. The allocation and letting of garages or garage sites held for the purposes of the Housing Act 1985
8. Authority to evict tenants
9. Exercising the Council's responsibilities under the Housing (Homeless Persons) Act 1977
10. Conduct of disabled adaptations, responsive repairs, cyclical and planned maintenance
11. Granting consent to tenants for minor alterations, garden sheds and television aerials at Council dwellings
12. Granting permission for the parking or storage of motor vehicles and caravans at Council dwellings
13. Authorising the maintenance of Council dwellings and of gardens occupied by the elderly and infirm

14. Taking all necessary steps, including eviction, for the demand, collection and recovery of rents or other breaches of tenancy (including Court proceedings) and to issue and sign all necessary notices, statements and other documents on behalf of the Council
15. Determining written requests from tenants under the Access to Personal Files (Housing) Regulations 1989
16. Authorising the modification of any Council dwelling to cater for a chronically sick or disabled person
17. Authorising the terms of sale or lease of Council owned dwellings under 'Right to Buy'

### **C. PRIVATE SECTOR HOUSING**

1. The Council's powers and duties under the Housing Act 2004 including the power to take action against landlords and others for harassing tenants or unlawfully evicting them or attempting to under the Protection from Harassment Act 1997
2. Authorising and serving notices and otherwise exercising the Council's powers under the following provisions of the Housing Act 1985:
  - Sections 189, 190 and 20J (Repairs Notices)
  - Section 193 (Execution of Works)
  - Section 264 (Power to accept Undertakings)
  - Sections 270 – 274, 276 and 218 (Compliance with Demolition and Closing Orders)
  - Sections 335 – 337, 357 and 363 (Requisition of Information)
  - Section 338 (Notice to Abate Overcrowding)
  - Section 352 (Improvements to Houses in Multiple Occupation)
  - Sections 354 and 357 (Limit to Number of Occupants)
  - Sections 358 and 363 (Abatement of Overcrowding)
  - Section 370 (Application of Houses in Multiple Occupation Management Code)
  - Sections 372 – 374 (Enforcing Management of Houses in Multiple Occupation)
  - Section 375 (Execution of Works)
3. Approving and refusing grants for the improvement, repair of and providing disabled access to dwellings under Part VIII Local Government and Housing Act 1989
4. Determining applications for discretionary grants for smoke control appliances
5. Authorisation of home loss payments under Section 29 Land Compensation Act 1973

6. Authorising and making variations to Closing and Demolition Orders under Sections 264, 265, 275 and 276 of the Housing Act 1985
7. The grant and redemption of loans for home purchase or improvement
8. Evicting travellers under the Caravan Sites Act 1968 and serving notices under Section 11 (3) of the Act
9. Exercising the Council's powers under Sections 77 – 80 of the Criminal Justice and Public Order Act 1994

#### **D. STRATEGIC HOUSING FUNCTION**

1. All operational decisions in relation to the Strategic Housing Function
2. Instructing a bailiff regarding tenants of Council property (other than dwellings) in arrears with rent

#### **E. PARKS AND OPEN SPACES**

1. Managing and making improvements to the Council's parks including arranging for the maintenance of parks, recreation grounds, open spaces and other areas of amenity and the approval of amendments to the Council's specification for their maintenance
2. Managing and letting the Council's sports pitches and recreation grounds, allotments and other facilities, including varying programmes, prices charged and opening hours to meet local circumstances
3. Authorising the use of land for circuses, fairs and other events

#### **F. REFUSE COLLECTION AND DISPOSAL**

1. Arranging for the collection of domestic and commercial refuse
2. Agreeing commercial trade refuse collection charges
3. Disposal of commercial trade refuse in accordance with Hazardous Waste (England and Wales) Regulations 2005
4. Exercising the Council's powers under Sections 46 and 47 of the Environmental Protection Act 1990 (Powers regarding receptacles for waste)
5. Authorising and taking any action for the removal and disposal of abandoned vehicles under Sections 3, 4 and 5 of the Refuse Disposal (Amenity) Act 1978 and Section 10, 11 and 12 of Clean Neighbourhoods and Environment Act 2005

6. Authorising and taking any action for the removal and disposal of refuse under Section 6 of the Refuse Disposal (Amenity) Act 1978

## **G. CLEAN NEIGHBOURHOODS**

1. Exercising the Council's powers and duties under the Environmental Protection Act 1990
2. Making amendments to the Council's Enforcement Policy as and when required
3. Arranging for the cleaning of highways and other public areas including the approval of amendments to the Council's specification for environmental cleaning

## **H. CULTURAL AND LEISURE SERVICES**

1. The operational management of all the Council's leisure facilities whether directly or through a management agreement with an external provider
2. Authorising grants, loans or guarantees to voluntary organisations or non-profit making organisations up to a limit of £500

## **I. CEMETERIES**

1. Managing the Council's cemeteries and closed churchyards including:-
  - Making arrangements for interments
  - Granting exclusive rights of burial
  - Approving head stones and memorials
  - Arranging for the burial or cremation of the dead under Section 198 of the Public Health Act 1936 or Section 46 of the Public Health (Control of Disease) Act 1984

**Table 9**

**JOINT ARRANGEMENTS**

**(a) The Crescent Joint Advisory Committee**

1. Members	- 3 Members of the Borough Council - 3 Members of Derbyshire County Council - 1 Member of English Heritage
2. Terms of Reference	Advising the Executive on all matters relating to the Crescent, Natural Baths and Pump Room
3. Delegated Powers	None

**HIGH PEAK BOROUGH COUNCIL SIGNIFICANT PARTNERSHIPS**

Significant partnerships are those, which largely meet the criteria as defined in the Council's Partnership Protocol / Policy.

Significant partnerships have been identified by the Council's Select Committees, using the above criteria.

The Partnership Register is available for inspection on the Council's intranet and website.

The performance of the Council's significant partnerships is reviewed annually by the Council's Select Committees.



**Table 10**

**STATUTORY APPOINTMENT OF OFFICERS**

<b>Officer</b>	<b>Position</b>	<b>Legislation</b>
<b>CHIEF EXECUTIVE</b>		
	Head of the Council's Paid Services	S.4 Local Government and Housing Act, 1989
	Receipt from Returning Officer of the names of persons elected to the Council	Local Elections (Principal Areas) Rules 1986 Rule 44
	Receipt from Returning Officer of Election documents	Rule 46
	Retention of Election documents and making them available for public inspection	Rule 47 and 48
	Any proper officer function not dealt with elsewhere for the purposes of any statutory provision, whether existing or future, in respect of which no express proper officer appointment has for the time being been made	
<b>Elections</b>	Returning Officer for the election of Borough and Parish Councillors	S.35 Representation of the People Act, 1983
<b>EXECUTIVE DIRECTOR &amp; MONITORING OFFICER</b>		
<b>Elections</b>	To be Acting Returning Officer for the conduct of Parliamentary Elections	Section 28
	Proper Officer	S.89 Local Government Act 1972 (Notice of Casual Vacancy)
	Receipt of Notice from	Local Elections (Parish and

<b>Officer</b>	<b>Position</b>	<b>Legislation</b>
	a Parish/Town Council that a casual vacancy exists Calculating the time within which a request for an election shall be made by 10 local electors Receiving notice from electors that an election is required	Communities) Rules 1986 Rule 8
	Declaration as to election expenses to be made in the presence of	RPA 1983 section 82(2)
	Proper Officer	S.83 and 84 Local Government Act, 1972 (receipt of Declaration of Acceptance of Office and Resignation from office)
<b>Electoral Registration</b>	Electoral Registration Officer	Sections 8 and 52 RPA 1983
	To publish the verification number of local government electors for the purposes of petitions	Regulation 4 Local Authorities (Referendums)(Petitions and Directions)(England) Regulations 2000 as amended
	To determine the validity of petitions	Regulation 7
	All other matters under these Regulations	
	Proper Officer, where so construed to any reference in legislation to Town Clerk or Clerk of a Council	All legislation prior to 1 April 1972
<b>Meetings, Proceedings and Access to Information</b>	Proper Officer	S.88 Local Government Act, 1972 (Convening a meeting for election of Mayor/Chairman)
	Proper Officer	S.99 Local Government Act, 1972 and Schedule 12 (Meetings and Proceedings signature of Summons, receipt of notices of address to which summons to be sent etc)

<b>Officer</b>	<b>Position</b>	<b>Legislation</b>
	To keep the roll of honorary freemen of the Borough	Section 248 LGA 1972
	Proper Officer	Part VA section 100 Local Government Act, 1972 (Access to Information)
	Proper Officer	Local Authorities (Access to Information)(England) Regulations 2000 and any amendments
<b>Signing Certifying and Depositing Documents</b>	Proper Officer	Local Government (Miscellaneous Provisions) Act 1976 section 41 Certification of copy resolutions, minutes and other documents
	Proper Officer	Sections 234, 229, 236, 238, 225 and 204 Local Government Act 1972 authentication of documents, certification of byelaws, deposit of documents, receipt of notices of applications for justices' licences
	Proper Officer	S.41 Local Government (Miscellaneous Provisions) Act 1976 (Authentication of Documents)
	Proper Officer	S.93 Building Act 1984 (Authentication of Documents etc)
<b>Charities</b>	Appointment as a Parish trustee	Section 13(3) LGA 1972
	Proper Officer	S.210 Local Government Act, 1972 (Charities)
<b>Political Groups</b>	Proper Officer	S.19 Local Government and Housing Act, 1989
	Proper Officer	Local Government (Committees and Political Groups) Regulations 1990 receipt of notices from political groups on the Council
<b>General</b>	Proper Officer	Local Authorities (Members'

<b>Officer</b>	<b>Position</b>	<b>Legislation</b>
		Allowances) Regulations 2003 Receipt of notice that a member wishes to forgo their allowance
	Proper Officer	Local Authorities (Standing Orders) (England) Regulations 2001, appointment of Senior Officers
	Proper Officer	Section 30(5) Local Government Act 1974 give notice that copies of Ombudsman reports are available
	Person designated	Sections 28,29 and 30 of the Regulation of Investigatory Powers Act 2000
	Reserve Proper Officer after the Chief Executive for all proper officer functions not otherwise expressly designated	
	Proper Officer	Data Protection Act 1998
	Proper Officer	Freedom of Information Act
<b>Regulatory</b>		
	Proper Officer in relation to any reference to Health Inspector or Public Health Inspector	All legislation prior to 1 April, 1972
	Authorised Person	Public Health Act, 1936
	Authorised Officer	Caravan Sites and Control of Development Act, 1960
	Authorised Officer	S.88 Environmental Protection Act, 1990 (Power to serve fixed penalty notices)
	Authorised Person	S.20 Local Government (Miscellaneous Provisions) Act, 1976
	Authorised Officer	Part 1 and Schedule 1 Local Government (Miscellaneous Provisions) Act, 1976

<b>Officer</b>	<b>Position</b>	<b>Legislation</b>
	Authorised Officer	Hypnotism Act, 1952
	Authorised Officer	S.5 Cinematography (Amendment) Act, 1982
	Authorised Officer	Food Safety Act, 1990
	Authorised Officer	S.20 Slaughterhouses Act, 1974
	Appointed Officer	S.42 Slaughterhouses Act, 1974
	Person Designated	Water Industry Act, 1991
	Authorised Officer	Meat Products (Hygiene) Regulations 1994
	Authorised Officer	Dairy Products (Hygiene) Regulations 1995
	Inspector	Bovine & Bovine Products (Despatch etc) Regulations 1997
	Authorised Officer	Beef Bones Regulations 1997
	Inspector with power to appoint others for all purposes of the Health & Safety at Work (etc) Act, 1974 and any amendment or Regulations relating to it.	S.19 Health & Safety at Work (etc) Act, 1974
	Inspector with power to appoint others	S.52 Offices, Shops and Railway Premises Act, 1963
	Inspector with power to appoint others	Shops Act, 1950
	Authorised Officer	Local Government (Miscellaneous Provisions) Act, 1982
	A Person Authorised	S.19 Food and Environmental Protection Act, 1985

<b>Officer</b>	<b>Position</b>	<b>Legislation</b>
	Authorised Officer	Public Health (Control of Diseases) Act, 1984
	Authorised Officer	Public Health Act, 1936
	Authorised Officer	Rag, Flock and Other Filling Materials Act, 1951
	Authorised Officer	Caravan Sites and Control of Development Act, 1960
	Authorised Officer	Scrap Metal Dealers Act, 1964
	Inspector	Environmental Protection Act, 1990
	Person Authorised	Control of Pollution Act, 1974
	Authorised Person	S.24 Local Government (Miscellaneous Provisions) Act, 1976
	Authorised Officer	Local Government (Miscellaneous Provisions) Act, 1982
	Inspector	Sunday Trading Act, 1994
	Person Authorised	Prevention of Damage By Pests Act, 1949 Pet Animals Act, 1951
	Authorised Officer	Animal Boarding Establishments Act, 1963
	Authorised Officer	Riding Establishments Acts, 1964 – 1970
	Authorised Officer	Breeding of Dogs Act, 1963
	Inspector	Dangerous Wild Animals Act, 1976
	Inspector	Zoo Licensing Act, 1981
	Authorised Officer	S19 Food and Environment Protection Act, 1985
	Relevant Officer	S.149 Environmental

<b>Officer</b>	<b>Position</b>	<b>Legislation</b>
		Protection Act, 1990
	Authorised Officer	Dangerous Dogs Act, 1991
	Authorised Officer	Clean Air Act, 1956
	Authorised Person	Control of Pollution Act, 1974
	Authorised Person	Clean Air Act, 1993
	Person designated	Ss 28,29 and 30 Regulation of Investigatory Powers Act 2000
	Authorised Person	Ss.197, 260, 319, 395, 411 and 600 Housing Act, 1985
	Authorised Person	S.97 Local Government and Housing Act, 1989
	Proper Officer	National Assistance Act 1948 (Moving People in need of care)
	Authorised Officer	S.8 Refuse Disposal (Amenity) Act 1978
	Proper Officer	S.54 Housing Act, 1985
	Person designated	Ss. 28,29 and 30 Regulation of Investigatory Powers Act 2000
	Authorised person	Section 304(2) Gambling Act 2005
	Authorised person	Section 13(2) Licensing Act 2003
<b>EXECUTIVE DIRECTOR &amp; CHIEF FINANCE OFFICER</b>	Proper Officer	S.49(3)(a) of the Food Safety Act, 1990
	Officer responsible for the administration of the financial affairs of the Council	S.151 Local Government Act, 1972
	Proper Officer, where so construed in relation to any reference in legislation to Treasurer or Borough Treasurer	All legislation prior to 1 April, 1972

<b>Officer</b>	<b>Position</b>	<b>Legislation</b>
	Proper Officer	S.115 Local Government Act 1972 receipt of money due from officers
	Proper Officer	S.146 Local Government Act 1972 declarations and certificates with regard to securities
	Proper Officer	Section 228 Local Government Act 1972 To keep accounts open for inspection by any member of the authority
	Officer responsible for administration of the Council's financial affairs	S. 6 Local Government and Housing Act 1989
	Proper Officer	Section 7 Rates Act 1984 notice to ratepayers that the rate complies with any maximum set
	Proper Officer	Regulation 1 Local Authorities (Stocks and Bonds) Regulations 1974 person appointed to act as registrar
	Chief Finance Officer	S.88 (8) Environmental Protection Act, 1990 (Certificates for fixed penalties)
	Person designated	Ss. 28,29 and 30 Regulation of Investigatory Powers Act 2000
<b>HEAD OF ORGANISATIONAL DEVELOPMENT AND TRANSFORMATION</b>		
	Proper Officer	S.2 Local Government and Housing Act, 1989 to keep a list of Politically Restricted Posts
	Proper Officer	The Local Authorities (Standing Orders)(England) Regulations 2001 Appointment and dismissal procedures for certain posts
	Person designated	Ss. 28,29 and 30 Regulation of Investigatory Powers Act 2000
<b>EXECUTIVE DIRECTOR</b>		
	Proper Officer in relation to references	All legislation prior to 1 April, 1972



<b>Officer</b>	<b>Position</b>	<b>Legislation</b>
	to Borough Surveyor or Surveyor	
	Authorised Person	Ss. 289, 291, 293, 294 Highways Act, 1980 (maintenance/protection of the highway)
	Proper Officer	Section 191 Local Government Act 1972 functions with respect to assistance with marking out of boundaries etc Ordnance Survey Act 1841
	Authorised Person	Land Drainage Act, 1991
	Authorised Person	Local Government (Miscellaneous Provisions) Act, 1976
	Authorised Officer	Building Act 1984 all purposes including authentication of documents, power of entry, drainage, water supply, sanitary accommodation
	Authorised Person	Safety of Sports Grounds Act, 1975 and Fire Safety and Safety of Places of Sport Act, 1987
	Authorised Officer	Hedgerows Regulations 1997 (Regulations 12, 13 & 14)
	Appointing Officer	Party Wall etc Act 1996
	Proper Officer	Sections 88, 88A and 88B Listed Buildings Act 1990
	Person designated	ss. 28, 29 and 30 Regulation of Investigatory Powers Act 2000
<b>SPECIALIST IN COMMUNITY MEDICINE</b>		
	Proper Officer	Infectious Disease and Food Poisoning Control
	Proper Officer	S.47 National Assistance Act,

Officer	Position	Legislation
		1948
	Proper Officer	S.11 Public Health (Control of Disease) Act, 1984 (Reporting of Notifiable Diseases)
	Proper Officer	S.18 Public Health (Control of Diseases) Act, 1984 (Power to seek information)
	Proper Officer	S.20 Public Health (Control of Diseases) Act, 1984 (Power to discontinue work)
	Proper Officer	S.31 Public Health (Control of Diseases) Act, 1984 (Disinfection of premises)
	Proper Officer	S.36 Public Health (Control of Diseases) Act, 1984 (Medical Examination)
	Proper Officer	S.40 Public Health (Control of Diseases) Act, 1984 (Lodging Homes)
	Proper Officer	S.43 Public Health (Control of Diseases) Act, 1984 (Persons dying in Hospital)