CHESTERFIELD BOROUGH COUNCIL

Part 3
Responsibility for Functions

CONTENTS

Warning - it is often quicker to search for particular words and phrases rather than rely on these contents pages, which may not be comprehensive or current due to formatting issues

1 INTRODUCTION **11**
1.1 Local Choice Functions **11**
1.2 Delegations to Officers **11**
1.2.1 Listing Delegations **11**
1.2.2 Consulting Other Officers **11**
1.2.3 Administrative Functions not requiring delegated authority **11**
1.2.4 Acts or decisions by officers other than the Chief Executive, Executive Directors and Service Directors **11**
1.2.5 Referring Decisions to Members **12**
1.2.6 Officers' Conflicts of Interest - Procedures **12**
1.2.7 Officers' Conflicts of Interest - Identification **12**
1.2.8 Joint Working and Delivery of Services by Partnerships **13**
1.3 Council Committees Passing Decision Making to the Full Council **13**
1.4 Definitions and Interpretation **13**
1.5 Abbreviations **16**

2 RESPONSIBILITY FOR COUNCIL NON-EXECUTIVE FUNCTIONS 17

2.1 PLANNING COMMITTEE 17
2.1.1 MEMBERSHIP OF THE PLANNING COMMITTEE **17**
2.1.2 FUNCTIONS OF THE PLANNING COMMITTEE **17**
CONFLICTS OF INTEREST **18**
Planning and Other Applications **18**
Applications for Planning Permission on Behalf of the Council **21**
Hazardous Substances **22**
Listed Buildings and Conservation Areas **22**
Planning Obligations **23**
Enforcement **24**
Prosecutions **26**
Trees and Tree Preservation Orders **26**
Hedgerows **26**
High Hedges **27**
Appeals **27**
Environmental Impact **28**
Consultations **28**
Ombudsman **29**
Footpaths **29**
Building Regulations **29**

Contravening Building Works and Dangerous Buildings and Structures 30
Highways Agency Functions 30
Non-Agency Highways Functions 31

2.2 EMPLOYMENT AND GENERAL COMMITTEE 33
2.2.1 MEMBERSHIP OF EMPLOYMENT & GENERAL COMMITTEE . 33
2.2.2 FUNCTIONS OF EMPLOYMENT & GENERAL COMMITTEE..... 33
General 33
Designation of and Resources for Statutory Officers..... 34
Proper Officers 34
Corporate Terms and Conditions and Organisational Reviews 34
Conditions of Service including Flexible Retirement..... 34
Training and Equalities..... 35
Outcome of Consultation and Negotiation..... 36
Political Restriction 36
Job Evaluation..... 36
HEAD OF PAID SERVICE, DEPUTY CHIEF EXECUTIVE (CHIEF OFFICERS) AND SERVICE DIRECTORS (DEPUTY CHIEF OFFICERS) (PERMANENT OR FIXED-TERM CONTRACT POSTS)..... 36
Appointments 36
Temporary (Acting) Appointments..... 37
DISCIPLINARY ACTION: DEPUTY CHIEF EXECUTIVE AND MEMBERS OF THE CORPORATE LEADERSHIP TEAM (other than the Head of Paid Service, Chief Financial Officer and Monitoring Officer)..... 37
DISCIPLINARY ACTION: HEAD OF PAID SERVICE, CHIEF FINANCIAL OFFICER AND MONITORING OFFICER..... 38
DISMISSAL OF HEAD OF PAID SERVICE, DEPUTY CHIEF EXECUTIVE AND SERVICE DIRECTORS 38
ALL OTHER EMPLOYEES 39
RECRUITMENT 40
Appointments and Regradings..... 40
CONDITIONS OF SERVICE..... 40
Starting Salary 40
Payments for Additional Duties 40
Payments for Overtime 40
OFFICER DELEGATIONS: to THE HEAD OF PAID SERVICE, THE DEPUTY CHIEF EXECUTIVE OR SERVICE DIRECTOR, TIER FOUR / TIER FIVE MANAGERS FOR THE STAFF FOR WHOM THEY ARE RESPECTIVELY DIRECTLY RESPONSIBLE 41
OTHER CONDITIONS OF SERVICE 41
Membership of Professional Bodies..... 41
Service Tenancies..... 41
Leave 41
Special Leave - Career Break 41
Special Leave - Compassionate and Paternity/Adoption 41
Carry Over of Annual Leave..... 41
Occupational Health Assessment of Employees..... 41
Discipline and Grievance..... 42
Flexible and Early Retirement 42
First Aid Allowances..... 42

TERMINATION OF EMPLOYMENT **42**
Waiver of Notice **42**
Dismissal **42**
Special Severance Payments **43**
Special Severance Payments to Head of Paid Service **43**
GENERAL FUNCTIONS OF EMPLOYMENT & GENERAL CTTEE **43**
ELECTIONS ELECTORAL REGISTRATION & PARISH COUNCILS **43**
Electoral Registration **43**
Functions in relation to Parishes and Parish Councils **43**
Elections and Casual Vacancies **44**
COUNCIL TAX AND BUSINESS RATES **45**
2.3.1 The Licensing Committee **46**
2.3.2 Membership **46**
2.3.3 Chair and Vice-Chair of the Committee **46**
2.3.4 Political Balance **46**
2.3.5 Planning Committee **46**
2.3.6 Sub-Committees **46**
2.3.7 Quorum **46**
2.3.8 Voting **46**
2.3.9 Convening Hearings **47**

2.3 FUNCTIONS OF THE JOINT CABINET AND EMPLOYEMENT AND GENERAL COMMITTEE **47**

2.4 FUNCTIONS OF THE LICENSING COMMITTEE 47
2.4 GENERAL **47**
PROCEDURES, TRAINING AND ONWARD DELEGATION **47**
RESPONDING TO LEGAL CHALLENGES **47**
CONFLICTS OF INTEREST **47**
LICENSING FUNCTIONS **48**
ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT LICENSING **49**
Introduction **49**
Related Functions **49**
Relevant Representations **49**
Register of Licences, Certificates, Notices etc **49**
Premises Licences **50**
Club Premises Certificates **50**
Permitted Temporary Activities **51**
Personal Licences **51**
Authorised Persons **51**
Prosecutions **52**
Consultations **52**
Theft and Loss of Licences, Certificates and Notices **52**
Updating and Amending Licences and Certificates **52**
Notifying Freeholders etc of Licensing Matters **52**
Provision of Information **53**
GAMING, BETTING AND LOTTERY LICENSING **53**
Procedures, Training and Onward Delegation **53**
Gaming, Betting and Lottery Licensing Functions - Introduction **53**
Related Functions **54**

Register of Licences, Notices etc **54**
Premises Licences **54**

Power to make a determination without a hearing **55**
Change of Circumstances **55**
Temporary Use Notices **55**
Society Lotteries **55**
Club Gaming Permits and Club Machine Permits **56**
Licensed Premises Gaming Machine Permits **57**
Prize Gaming Permits **57**
Fees **57**
Authorised Persons **57**
Prosecutions **57**
Consultations **58**
Provision of Information **58**

2.4 APPEALS AND REGULATORY COMMITTEE 59
GENERAL **59**
APPEALS AND REVIEWS **60**
Housing Appeals… **60**
Benefits and Local Taxation **61**
Employment **61**
Miscellaneous **61**
Residual and General **61**
REVIEWS **62**
Taxi Licensing Reviews **62**
REGULATORY FUNCTIONS **62**
Pleasure Boats and their Navigators **63**
Street Collections **63**
Animals **63**
Wild Animals **63**
Shops, Trade, and Premises **64**
HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING **65**
FOOD PREMISES **66**
HEALTH AND SAFETY AT WORK **67**
INTEGRATED POLLUTION CONTROL **67**
Pollution by Contamination of Land and Abandoned Mines **69**
NUISANCES **69**
Loudspeakers **69**
Derbyshire Act 1981 ..... **70**

3 RESPONSIBILITY FOR CABINET (EXECUTIVE) FUNCTIONS 72
3.1 INTRODUCTION **72**
3.1.1 Cabinet **72**
3.1.2 Portfolios **72**
3.1.3 Cabinet Members' Responsibility for Land and Property **80**
3.1.4 Decision Making **80**
3.1.5 Delegation under Executive Arrangements and the Leader **81**
3.2 EXECUTIVE FUNCTIONS **81**
3.3 FUNCTIONS OF ANY CABINET MEMBER **82**
URGENT MATTERS **82**
Appointment of Sub-Committees **82**
FINANCE **82**

Spending **82**
Capital Programme **82**
Writing-Off/Disposal of Surplus Material **83**
COUNCIL LAND **84**
Management of Land, VAT and Repairs **84**
Applications for Planning and Building Regulation Approval **84**
Trespass to Council Land **85**
Competing Uses for Council Land **85**
ACQUISITION AND DISPOSAL OF LAND **85**
Finance and Performance Board and Land Disposal Group **85**
Disposal of Certain Industrial and Retail Property **86**
Leases and Licences **86**
Disposal Terms **86**
Obtaining Information about Land **87**
COMPENSATION **87**
MISCELLANEOUS **87**
Attendance at conferences, courses etc **88**
Partnership Schemes (PFI etc.) **88**
Sponsorship **88**
External Advice **88**
Ombudsman **88**
COMPETITION, TENDERS AND CONTRACTS **89**
Suspension of Competition Requirements **89**
Client Functions **89**
Acceptance of Tenders **89**
Acceptance of Grants **90**
DSOs **90**
External Provision **91**
CHESTERFIELD MARKET FESTIVAL **91**
PERFORMANCE MANAGEMENT **91**

3.4 THE LEADER OF THE COUNCIL'S PORTFOLIO 92
Plans and Strategies **93**
PARTNERSHIPS **93**
JOINT BOARD - JOINT WORKING **93**
ANNUAL BUDGET SETTING PROCESS **94**
COMMUNICATIONS AND CONSULTATIONS **95**
"Your Chesterfield" Council Newspaper **95**
NOMINATIONS TO AND MEMBERSHIP OF OUTSIDE BODIES **95**
LIAISON MEETINGS **95**
STRATEGIC LAND TRANSACTIONS **95**

3.5 THE DEPUTY LEADER OF THE COUNCIL 96
OVERALL RESPONSIBILITIES: **96**
Plans and Strategies **96**
POLICY DEVELOPMENT **97**
COUNCIL PLAN **97**

3.6 CABINET MEMBER FOR ECONOMIC GROWTH 98
OVERALL RESPONSIBILITIES: **98**

ECONOMIC GROWTH **99**
Help for Business **99**
Employment **99**
Industrial Units **100**
Starter Units and Innovation Centres **100**
EXTERNAL FUNDING AND POLICY DOCUMENTS **100**
ASSET MANAGEMENT **100**
Land and Property Review **100**
Commercial and Industrial Properties and Town Centre **100**

3.7 CABINET MEMBER FINANCE AND ASSET MANAGEMENT 102
OVERALL RESPONSIBILITIES: **102**
Plans and Strategies **102**
MEDIUM TERM FINANCIAL PLANNING **103**
TREASURY MANAGEMENT **103**
Operating and Finance Leasing **103**
Financial Strategies **104**
FACILITIES MAINTENANCE **104**
Town Hall, Revenues Hall and their Car Parks **104**
Transport **104**
PROCUREMENT AND CONTRACTS MANAGEMENT **105**

3.8 CABINET MEMBER FOR CLIMATE CHANGE, PLANNING AND ENVIRONMENT 106
OVERALL RESPONSIBILITIES: **106**
Plans and Strategies **106**
CLIMATE CHANGE **107**
BIODIVERSITY **107**
Energy Conservation **107**
STREET SCENE, LITTER, FLY-POSTING & GRAFFITI **107**
WASTE COLLECTION AND RECYCLING **108**
Recycling **109**
GROUNDS MAINTENANCE **109**
LOCAL DEVELOPMENT FRAMEWORK, DEVELOPMENT CONTROL AND CONSERVATION **109**
Responses to Consultations: Minerals, Waste and Mining **109**
Designation of Conservation Areas **110**
Town and Country Planning Matters **110**
DERBYSHIRE BUILDING CONTROL PARTNERSHIP **110**
FACILITIES MANAGEMENT **110**
Sewerage and Drainage **111**
Highways **111**
Street Naming and Numbering **112**
Street Furniture **112**
BEREAVEMENT SERVICES **112**
Crematorium **112**

3.9 CABINET MEMBER TOWN CENTRES & VISITOR ECONOMY 113
OVERALL RESPONSIBILITIES **114**
Plans and Strategies **115**

Town Centre Masterplan **115**
PARTNERSHIPS **115**
VISITOR ECONOMY **115**
TOWN CENTRE MANAGEMENT **116**
MARKETS **116**
FESTIVALS AND EVENTS **117**
CULTURAL FACILITIES AND ARTS DEVELOPMENT **117**
Overview **117**
Cultural and Community Facilities **117**
Cultural Activities Grants **117**
Lectures etc **117**
Circuses and Fairs **117**
Museum **117**
PARKING **117**

3.8 CABINET MEMBER FOR HEALTH AND WELLBEING 119
OVERALL RESPONSIBILITIES: **119**
Plans, and Strategies **120**
Sunday Trading **120**
OUTDOOR LEISURE MANAGEMENT **121**
Parks **121**
Fixing Charges and Hire of Facilities **121**
Allotments **121**
PARKS AND OPEN SPACES STRATEGY **121**
PLAY STRATEGY **122**
ENVIRONMENTAL PROTECTION **122**
Nuisances **122**
Pest Control **122**
Private Sewers **122**
Premises Where Drugs are Being Used Unlawfully **123**
INTEGRATED POLLUTION CONTROL **123**
Liaison Meetings **123**
Noise Pollution **123**
Closure of Noisy Licensed Premises **123**
Water Quality and Water Pollution **124**
Pollution by Contamination of Land and Abandoned Mines **124**
Public Health (Miscellaneous) **124**
PERSONAL HEALTH, SAFETY AND WELFARE **125**
Control of Disease **125**
Public Toilets **126**
Mortuaries **126**
Travellers Unauthorised Encampments and Assemblies etc **126**
Dogs **127**
Enforcement Prosecutions and Legal Proceedings **128**
FOOD SAFETY **128**
Pollution by Contamination of Food **128**
HEALTH AND SAFETY AT WORK **128**
LICENSING **129**
General **129**
Goods Vehicles Operator's Licences **129**

COMMUNITY SAFETY **129**
Crime and Disorder **129**
Crime Prevention **130**
CCTV **131**
LEISURE FACILITIES **131**
SPORTS DEVELOPMENT **131**
IMPROVING HEALTH & REDUCING INEQUALITIES IN HEALTH **131**
Health Promotion and Personal Welfare **131**
GRANTS TO VOLUNTARY ORGANISATIONS ETC **132**
Major Grants **132**
General Grants **132**
HEALTH & WELLBEING PARTNERSHIP / COMMUNITY GRANTS **132**
ADVICE SERVICES **132**

3.9 CABINET MEMBER FOR HOUSING 133
Plans and Strategies **134**
HOUSING (STRATEGY) **134**
Housing Stock Options **134**
Housing Finance **134**
Provision of Public Sector Housing **135**
Acquisition of Land and Property **135**
Disposal of Land and Accommodation **136**
General **136**
Large Scale Disposals **136**
Anti-social Behaviour **136**
Landlord's policies and procedures **136**
HOUSING (OPERATIONS) AND HOUSING SOLUTIONS CENTRE **137**
Right to Buy **137**
Enabling **138**
General Housing Management **138**
Housing Register, Allocations, Transfers and Exchanges **139**
Registration and Allocation - General **139**
Successions and Second Successions **140**
Transfers and Exchanges **140**
Ending Tenancies and Licences **141**
Notices **141**
Legal Proceedings **141**
Abandonment **142**
Repairs/improvements/adaptations/compensation **142**
Repairs **142**
Improvements **142**
Compensation for Redevelopment etc **143**
HOMELESSNESS **143**
SERVICES FOR VULNERABLE PEOPLE **143**
Emergency Alarms **143**
PRIVATE SECTOR HOUSING **143**
Loans **143**
Housing Grants **144**
Applications for relief from Repayment **145**
Housing Unfit Insanitary or in a State of Disrepair **146**

Houses in Multiple Occupation **147**
Protection of Private Tenants Restoration of Gas & Electricity Supply **147**
EMPTY HOMES **148**
REPORTS & RECOMMENDATIONS *HOUSING ADVISORY BODY*. **148**

3.10 CABINET MEMBER FOR GOVERNANCE 149
Plans and Strategies **150**
GENERAL **150**
MEMBER SUPPORT AND DEVELOPMENT **150**
Failure to Attend Meetings **151**
LEGAL SERVICES **151**
Local Land Charges **151**
Civic and Ceremonial **151**
Twinning **151**
SERVICING OF COUNCIL MEETINGS **152**
Services to outside Bodies **152**
AUDIT AND STANDARDS **152**
Constitutional Issues **152**
Corporate Governance **152**
Ethical Framework **152**
OVERVIEW AND SCRUTINY **152**
ELECTIONS AND ELECTORAL REGISTRATION **153**
EMERGENCY PLANNING & BUSINESS CONTINUITY PLANNING. **153**
RISK MANAGEMENT **153**
Risk Management **153**
Insurance **154**
CORPORATE HEALTH AND SAFETY **154**
EQUALITIES AND COMMUNITY COHESION **154**

3.11 CABINET MEMBER FOR CUSTOMERS AND BUSINESS TRANSFORMATION 156
PARTNERSHIPS **156**
SHARED SERVICES **156**
TOWN HALL AND DEPOT REFURBISHMENT ICT STRATEGY AND TRANSFORMATION PROJECTS **157**
INVESTORS IN PEOPLE (IIP) **157**
ICT AND E-GOVERNMENT **157**
Sale of Spare IT Capacity **158**
CORPORATE PERFORMANCE AND IMPROVEMENT **158**
EFFICIENCY **158**
VALUE FOR MONEY COMMISSIONS **158**
REVENUES AND BENEFITS **158**
Local Taxation **158**
General **158**
Non Domestic Rates **159**
Discretionary Reliefs **159**
Mandatory Reliefs **159**
Council Tax **160**
Benefits **160**
Penalties **161**

Housing Benefits **161**
Debt Collection **162**
Public Private Partnerships **162**
CUSTOMER SERVICES **163**
QUALITY SYSTEMS **163**
HUMAN RESOURCES AND PAYROLL **163**
Creation of New Posts **163**
Employment Creation Schemes **163**
National Pay and Conditions **163**
Employee Development **163**
SUPPORT SERVICES **163**

APPENDICES

APPENDIX 1 – REPORTING OFFICER DELEGATED DECISIONS…….. 174
APPENDIX 2 - PROPER OFFICER PROVISIONS……..……... 175

1 INTRODUCTION

1.1 Local Choice Functions[1]

These are certain functions which involve a combination of delivery and implementation of the local authority's policy, direct regulation of persons (with substantial discretion as to the regulatory action) and policy and strategy development. An example is pollution control or nuisance abatement, which may involve decisions about resources and overall policy, as well as regulation and enforcement in individual cases. In some cases, responsibility for these functions is divided between the Cabinet and the Council and its Regulatory Committees, according to which aspect of the function is to be dealt with. Local Choice Functions are identified below under each relevant function.

1.2 Delegations to Officers

1.2.1 Listing Delegations

This Scheme defines the functions which are delegated to officers. These officers' powers have to be listed by law. The functions are set out as "Officer Delegations" under headings for each function below. The system of reporting/recording Officers' delegated decisions is set out in the **Appendix** to this Part of the Constitution.

1.2.2 Consulting Other Officers

Where any decision is delegated to an officer, any officer wishing to exercise that delegated power must if necessary consult any other officer with appropriate professional or technical expertise. In case of doubt about this, the Chief Executive shall decide the issue.

1.2.3 Administrative Functions not requiring formal delegated authority

Formal amendments to the record of officer delegations in this Part will **not** be needed for officers to carry out any **administrative** task, that is one which does not involve the exercise of any legal discretion[2] (such as representing the Council at a meeting, or implementing a member level decision already made under this Scheme). However any new formal delegations of legal functions will need to be recorded in this Part, as a requirement of the Access to Information Act (for non-executive functions) or the Access to Information Regulations 2000 (for Cabinet functions).

1.2.4 Acts or decisions by officers other than the Chief Executive, Deputy Chief Executive and Service Directors

Delegations to the Chief Executive, Deputy Chief Executive , Service Directors or other specified officers, whether of executive or non-executive functions, may be exercised by superior or subordinate officers determined by the

Chief Executive or by the Deputy Chief Executive , Service Directors or other specified officers under recorded administrative procedures, except in the following cases:

- statutory (and any internal) rules about the separation of tendering and tender evaluation functions under Best Value competition arrangements;
- requirements for any initial internal review of an officer's determination to be carried out by another officer who took no part in that determination (e.g. housing benefits and homelessness decisions);
- where stated otherwise in this Scheme.

1.2.5 Referring Decisions to Members

In the case of any function which is shown in Part 3 as delegated to an officer, that officer may require the appropriate Committee or full Council (in the case of non-executive functions) or the appropriate Cabinet Member (in the case of Cabinet functions) to exercise that function instead of the officer.

But officers may NOT refer to the Employment and General Committee (or to any member) decisions about the appointment, dismissal or initial disciplinary action of staff below second tier level, because regulations say that these functions **must** be carried out by the Head of Paid Service or their nominee.[3]. This does not prevent members of Appeals and Regulatory Committee from hearing appeals or grievances.

1.2.6 Officers' Conflicts of Interest - Procedures

Where a conflict of interest or other disability would prevent any officer from properly exercising any delegated function:

For **executive** functions, the exercise of that function shall be delegated by the appropriate Cabinet Member to another suitable officer or the function shall be exercised directly by the appropriate Cabinet Member him or her self, or passed to the Cabinet. (see Cabinet Procedure Rules).

For **non-executive** functions the exercise of that function shall either be:

- delegated to another officer by the appropriate committee or subcommittee (or by the full Council in the case of a delegation to an officer direct from the Council) or
- the function shall be exercised directly by the appropriate Committee or sub-committee, or in the case of a delegation to an officer direct from the Council, by the full Council.

1.2.7 Officers' Conflicts of Interest - Identification

Officers should regard themselves as having a conflict of interest or being subject to a disability where any of the following are likely:

- a breach of the employees' code of conduct (see Part 5 of this Constitution), or
- a breach of any rule of law or
- a breach of this Constitution (including the Codes and Protocols at Part 5)

Officers should also not exercise any delegated power where they could reasonably be considered to have a "disclosable pecuniary interest" under the members Code of Conduct if they were members.

1.2.8 Joint Working and Delivery of Services by Partnerships

Under arrangements set out in Part 2 Article 11 of this Constitution, and in agreements, the council has arranged with other councils for certain of its functions to be carried out by joint arrangements. The following consequential amendments therefore apply to some of the Officer Delegations in this Part 3 and elsewhere in this Constitution

References to the

Head of Internal Audit shall be read as references to the Head of the Internal Audit Consortium, being an Officer of Chesterfield Borough Council acting within arrangements set out in an agreement for a shared internal audit service

The law prevents delegation of discharge of functions (with some exceptions) to a contractor. Where the Council has entered into a contract with e.g. a private sector partner to provide some of its services, relevant functions are delegated to an appropriate Council officer in this Part 3, exercised where necessary after consultation with the contractor (referred to as “”).

1.3 Council Committees Passing Decision Making to the Full Council

Any Council Committee **may** instead of exercising a delegated function pass back the exercise of that function to the full Council subject to the law and any express or implied restriction in this Constitution. In the case of the Council's Licensing Committee functions under the Licensing Act 2003, when committee members are disqualified from dealing with a matter under the 2003 Licensing Act, the matter **must** be referred to the full council (see Part 2 Article 4 above).

1.4 Definitions and Interpretation

Reference to:

an Act

- includes reference to any re-enactment or amendment of it and any regulations made under it.

Regulations

- includes reference to any re-enactment or amendment of them.

Service or Issue of a Notice

- includes receiving and considering representations on it, and where necessary withdrawing, revoking, amending or re-serving it, taking legal proceedings to enforce it and carrying out work or other acts in default of compliance with it (including the seeking and acceptance of tenders) and recovery of the costs of so doing. In relation to a function delegated to the Council, the Cabinet or a Committee, reference to service or issue of a notice includes the authorisation of the appropriate officers to implement the decision and to take any of the steps referred to in this paragraph.

- Authority for a Service Director to issue a notice includes authority for them to authorise an officer to issue such a notice.

Making or Obtaining an Order or Scheme

- includes where necessary (and except in the case of the preparation or approval of plans forming part of the Budget and Policy framework) withdrawing, revoking, varying, confirming and enforcing, it, or taking steps necessary for its confirmation by another. In relation to a function delegated to the Council, the Cabinet or a Committee, reference to making an order includes the authorisation of the appropriate officers to implement the decision and to take any of the steps referred to in this paragraph.

Housing Land

- means Land (as defined in this section) which is either held by the Council for statutory housing purposes or which is not so held, but which is suitable for public sector housing development.

Operational Land

- means Land (as defined in this section) which is used by the Council to provide services.

Investment Land

- means Land (as defined in this section) which is owned by the Council and let to a third party for investment purposes.

Prosecutions and Taking Legal Proceedings

- includes reference both to the decision to prosecute or to take or defend proceedings and to the taking of legal proceedings before any Court, tribunal or other judicial or quasi-judicial body and includes full power to institute, compromise and conduct proceedings; to issue cautions; to appeal or further appeal against or apply for judicial review of any judgement or decision; to defend any legal action; to apply for and deal with any question of costs; to appear in proceedings either personally or by any employee of the Council or by agents or by Counsel; and to serve any notice or other process or take any other steps whether of a preliminary, final or provisional nature.

Determination of an Application (including a Planning Application) or of an Issue

- (unless otherwise expressly stated) includes consideration of representations and objections, decisions to approve or refuse, to impose conditions, to withdraw or to modify any approval or refusal in appropriate circumstances, together with the issue or service of any document required to communicate the decision.

Functions

- includes statutory and common law functions, implied and incidental powers and duties.

Land

- except where the context indicates otherwise, includes vacant land and land with buildings or other structures or property on below or above its surface and includes airspace and includes any estate right or interest in land.

Short-term Letting

- means any fixed-term lease for three years or less or, in the case of non-housing land, 5 years or less[4].

Lease

- includes tenancy or licence.

Local Choice Regulatory Function

- means, in relation to any function, the following functions or actions where the function or action involves

  - determining an application from a person for a licence, approval, consent, permission or registration; or
  - direct regulation of a person (with substantial discretion as to the regulatory action); or
  - enforcement of any such licence approval, consent, permission or direct regulation.

1.5 Abbreviations

1936 Act:	the Public Health Act 1936
1972 Act:	the Local Government Act 1972
1973 Act:	the Land Compensation Act 1973
1974 Act:	the Control of Pollution Act 1974
1976 Act:	the Local Government (Miscellaneous Provisions) Act 1976
1980 Act:	the Highways Act 1980
1982 Act:	the Local Government (Miscellaneous Provisions) Act 1982
1985 Act:	the Housing Act 1985
1988 Act:	the Local Government (Finance) Act 1988
1989 Act:	the Local Government and Housing Act 1989
1990 Act:	the Town and Country Planning Act 1990
1992 Act:	the Local Government Finance Act 1992
1993 Act:	the Leasehold Reform Housing and Urban Development Act, 1993
1996 Act:	the Housing 1996
CAA:	the Clean Air Act 1993
COAR 1992	TCP (Control of Advertisements) Regulations 1992
DCC:	Derbyshire County Council
DSO:	Direct Service Organisation
EPA:	the Environmental Protection Act 1990
GPDO 1995	TCP General Permitted Development Order 1995
GR 1992	TCP (General) Regulations 1992
HGCR Act:	the Housing Grants, Construction and Regeneration Act 1996
HSW ACT:	the Health and Safety at Work etc. Act 1974
LBA:	the Planning (Listed Buildings and Conservation Areas) Act, 1990.
PCA:	the Planning and Compensation Act 1991
RTB:	the right to buy
RTR Act:	the Road Traffic Regulation Act, 1984
TIC Act:	Towns Improvement Clauses Act 1847
TCP:	Town and Country Planning

2 RESPONSIBILITY FOR COUNCIL (NON-EXECUTIVE) FUNCTIONS

2.1 PLANNING COMMITTEE

2.1.1 MEMBERSHIP OF THE PLANNING COMMITTEE

The Planning Committee comprises 13 members of the authority.

The names of these members are shown in Part 8 of this Constitution.

The Planning Committee is politically balanced.

The Planning Committee shall include the Cabinet Member with responsibility for the Development Plan (The Cabinet Member for Climate change, planning and environment). He/she shall not be the Chair of the Planning Committee. [5].

2.1.2 FUNCTIONS OF THE PLANNING COMMITTEE

GENERAL

P000 To exercise all the non-executive functions of the Council relating to town and country planning, and development control[6] (except those functions which are reserved to the full council)

AND

all non-executive highways functions which the Derbyshire County Council may from time to time have arranged for the Borough Council to carry out

including those set out in the following paragraphs

These functions include the functions relating to town and country planning and development control of:

1 (a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted

(b) determining any other terms to which any such approval, consent, licence, or permission is subject,

2 The function of determining whether, and in what manner, to enforce -

(a) any failure to comply with an approval, consent, licence, or permission;

(b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, or permission is subject; or

(c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, or permission would not be the responsibility of an executive of the authority.

3 The function of -

(a) amending, modifying or varying any such approval, consent, licence, or permission, or any condition, limitation or term to which it is subject; or

(b) revoking any such approval, consent, licence, permission or registration,

P010 To delegate to the officer or officers shown below the functions or parts of functions which are listed below as officer delegations.

P020 To constitute sub-committees and to delegate to them such functions within the Planning Committee's Terms of Reference as the Planning Committee considers necessary.

CONFLICTS OF INTEREST

P030 Where conflicts of interest would prevent the Committee from properly exercising its functions, and the obtaining of dispensations is not practicable, to commission independent adjudication by other person(s) (whether those other persons are members of the Council or of another local authority or not) where this is legally allowed.

P040 Where a conflict of interest or other disability would prevent any officer from properly exercising any delegated function under these terms of reference, to delegate the exercise of that function to another officer or to any other person (where this is legally allowed). (see also introduction to Part 3 - officer delegations)

Planning and Other Applications

P050 To determine applications for planning permission[7] (Sections 70(1)(a) and (b), and 72 of the 1990 Act)

P060 To determine applications to develop land without compliance with conditions previously attached. (Section 73 of the 1990 Act)

P070 To determine applications for planning permission for development already carried out (Section 73A of the 1990 Act)

P080 To decline to determine applications for planning permission (Section 70A of the 1990 Act)

P090 To determine applications for planning permission made by a local authority (either alone or jointly with another person) (Section 316 of the 1990 Act and the GR 1992

P100 To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights (Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the GPDO 1995

P110 Power to issue a certificate of existing or proposed lawful use or development. (Sections 191(4) and 192(2) of the 1990 Act)

P120 To determine applications for consent for the display of advertisements. (Section 220 of the 1990 Act and the COAR 1992)

P130 To determine applications for telecommunications development (Part 24 of the GPDO 1995)

OFFICER DELEGATIONS: to the Development Management and Conservation Manager (or in their absence, by the Service Director - Economic Growth or by the Principal Planner

P140D To determine all applications for planning permission in accordance with the National Scheme of Delegation as set out below

National Scheme of Delegation

Schedule 1 Functions

Schedule 1 of the Regulations sets out all the functions which **must be delegated to officers** for a decision (unless it is an own-interest application). These include a number of categories of applications for planning permission for:

- Householder development (ad defined in the Town and Country Planning (Development Management Procedure)(England)Order 2015)

- Minor commercial development (as defined in the Town and Country Planning (Development Management Procedure)(England) Order 2015)

- Minor residential development which is defined in the Regulations as:

- Development that includes only dwellings and development for the purposes incidental to the enjoyment of dwellings, comprises at least one but not more than nine dwellings, and is to be carried out on a site having an area smaller than 0.5 hectares

- Development of a building containing flats, or development within the curtilage of such a building, for any purpose incidental to the enjoyment of the flats or any of them but excludes development in respect of a building containing flats, or development within the curtilage of such a building, that involves either or both of a change of use or change to the number of flats

- An application for any consent, agreement or approval required by or under a planning permission, development order or local development order for development within paragraph (a) and (b)

- To develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 1 planning permission (applications under section 73(1) of the Town and Country Planning Act 1990)

- Reserved matters approval in respect of an outline planning permission other than a large outline phase permission (i.e. one which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more) (applications under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- Discharge of conditions (applications under Article 27 (1) of Town and County Planning (Development Management Procedure)(England) Order 2015

- Prior approval for permitted development rights (applications under Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015
- Permission in principle (as referred to in section 58A of the Town and Country Planning Act

1990)

- Where a local planning authority considers a planning obligation is connected to a Schedule 1 application, requests to agree to modify or discharge a planning obligation (under section106A(1)(a) of the Town and Country Planning Act 1990

- Where a local planning authority considers a planning obligation is connected to a Schedule 1 application, modification or discharge of a planning obligation (applications under section 106A(3) of the Town and Country Planning Act 1990)

- Non-material changes to planning permission in principle (applications under section 96A(4)

  of the Town and Country Planning Act 1990)

- Certificates of lawfulness of existing use or development (under section 191(1) of the Town and Country Planning Act 1990

- Certificates of lawfulness of proposed use or development (under section 192(2) of the Town and Country Planning Act 1990)

- Certificates of lawfulness for proposed works to listed buildings (under section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990)

- Biodiversity gain plan (duty to approve under paragraph 14 of Schedule 7A to the Town and Country Planning Act 1990)

- Certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)

Applications which would otherwise fall under Schedule 1, will fall with Schedule 2 where:

- A local authority considers that the application for planning permission is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent

- the application is made under section 73A of the Town and Country Planning Act 1990

Schedule 2 functions

The functions which fall within Schedule 2 of the Regulations with a **presumed officer delegation** are:

- applications for planning permission which are not householder, minor commercial or minor residential applications

- applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent

- applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission (under section 73(1) of the Town and Country Planning Act 1990)

- applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990)

- where it is related to a large outline planning permission, applications for reserved maters approvals (under Article 6 of the Town and Country Planning (Development Management Procedure)(England)Order 2015)

- where a local planning authority considers a planning obligation is connected to a Schedule 2 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)

- where a local planning authority considers a planning obligation is connected to a Schedule 2 application, application for modification or discharge of a planning obligation (under section106A(3) of the Town and Country Planning Act 1990)

- applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990)

- applications for the variation or discharge of conditions of listed building consent (under

  section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990)

- applications for advertisement consent (under regulation 9 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007

- applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012)

- applications which the tests set out above in Schedule 1 functions apply

The overriding presumption is that the applications listed in Schedule 2 will be delegated to officers. An application can be referred under Regulation 5 to a committee or sub-committee only where:

- at least one of the criteria in regulation 5(3) is met OR it is an own-interest application

(regulation 6); AND
- the nominated officer and nominated member of the planning committee agree to the referral

Regulation 5 Criteria

In determining whether a referral under regulation 5 is made, the presumption should be that decisions are delegated to officers and only exceptionally be referred to committee. At a minimum, at least one of the following statutory criteria must be met for a referral to committee to be considered to meet that threshold:

A. where the application raises and economic, social or environmental issue of significance to the local area
B. where the application raises a significant planning matter having regard to the development plan and any other material considerations

Applications for development which do not raise a significant planning matter can only be referred to the committee under criterion A if they raise a significant economic, social or environmental issue for the local area. It is for the nominated officer and member to assess whether the development proposal raises any such issue, providing an opportunity for local democratic oversight where necessary. What constitutes 'significant' will vary depending on the local area but examples could include:

- an application for outline planning permission for a large multi-phase residential development allocated in the local plan
- an application for planning permission for change of use of a community shop in a rural area
- an application for planning permission or listed building consent for changes to a notable listed building in a town centre

For the purposes of criterion B, the following circumstances are unlikely to raise a significant planning matter:

- where the application for development broadly complies with a detailed site allocation and other relevant policies set out in local or neighbourhood plan and national decision making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application.

- Where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise).

P150D To carry out the Council's functions under Schedule 2 (Part 6) Class A and B of the GPDO 1995 including deciding whether or not the prior approval of the Council should be required for certain types of proposed agricultural development, and if so, to approve or refuse the proposals.

P160D To carry out the Council's functions under Schedule 2 (Part 31) of the GPDO 1995 including deciding whether or not the prior approval of the Council should be required for proposals for certain types of demolition and site restoration, and if so, to approve or refuse the proposals.

P170D To determine applications for certificates of lawful use or development and certificates of proposed lawful use or development (Sections 191(4) and 192(2) of the 1990 Act)

OFFICER DELEGATIONS: to the Development Management and Conservation Manager, or in their absence, to the Principal Planner

P175D To determine applications for Permission in Principle and for Technical Details Consent (Sections 58A and 70(2ZZA) to (2ZZC) of the 1990 Act and relevant regulations).

DELEGATIONS: to the PLANNING COMMITTEE:

P180.... To exercise the functions at Reference P090 (telecommunications developments) in cases where objection(s) have been received, and where a decision on the application is urgently required.

P190.... To determine any application for any minor variation of any planning permission where objection(s) to the variation have been received.

OFFICER DELEGATIONS: to the Development Management and Conservation Manager

P200D To determine any application for any minor variation of any planning permission where no objection has been received.

Applications for Planning Permission on Behalf of the Council

OFFICER DELEGATIONS: to the Development Management and Conservation Manager

Where the Borough Council applies for planning permission under Regulation 3 of the TCP (General) Regulations 1992 or where it applies for listed building consent for Council-owned property:

*P210D On behalf of the Council as local planning authority) to **approve** any application for any class of development which the Development Management and Conservation Manager would have been able to determine if the application had not been submitted by the Council.*

Hazardous Substances

P220 To carry out all non-executive functions of the authority as Hazardous Substances Authority under the Planning (Hazardous Substances) Act 1990, including the determination of applications for hazardous substances consent. (Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990)

OFFICER DELEGATIONS: to the Development Management and Conservation Manager

*P230D After consultation with the Service Director - Leisure, Culture and Community Wellbeing, to determine claims for Deemed Hazardous Substances Consent.(*Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990)

Listed Buildings and Conservation Areas

P240 All functions relating to Listed Buildings and Conservation Areas[10] including:

P250 To determine application for listed building consent, and related powers. (Sections 16(1) and (2), 17, 27(2) and 33(1) of LBA

P260 Power to determine applications for conservation area consent. Section 16(1) of the LBA, as applied by section 74(3) of the LBA

P270 Duties relating to applications for listed building consent and conservation area consent. (Sections 13(1) of the LBA and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990)

P280 Power to serve a building preservation notice, and related powers. Sections 3(1) and 4(1) of the LBA).

P290 Power to issue enforcement notice in relation to demolition of unlisted building in conservation area. (Section 38 of the LBA).

P300 Powers to acquire a listed building in need of repair and to serve a repairs notice. (Sections 47 and 48 of the LBA).

P310 Power to apply for an injunction in relation to a listed building. (Section 44A of the LBA)

P320 Power to execute urgent works to listed buildings (Section 54 of the LBA).

In line with the National Scheme of Delegation See P140D (page21)

OFFICER DELEGATIONS: to the Development Management and Conservation Manager

P330D To carry out all functions of the Council in relation to listed building applications which are not in the Development Management and Conservation Manager's opinion opposed.

Planning Obligations

P340 Power to enter into an agreement regulating the development or use of land and to exercise all the Council's functions as local planning authority in relation to planning obligations and their modification and discharge, works in default and recovery of costs. (Section 106 and Section 106A of the 1990 Act)

OFFICER DELEGATION: to the Development Management and Conservation Manager (or in their absence, by the Service Director - Economic Growth or by the Principal Planner) :

P345D To authorise agreements under Section 106 (and any associated agreements) arising from applications determined by an officer under P140D, provided that no additional material issues arise which would make the matter one or more of the excepted categories under that delegation.

OFFICER DELEGATION: to the Development Management and Conservation Manager:

P350D In consultation with the Director of Governance and the Chair (or Vice Chair) of Planning Committee to end negotiations on any draft Planning Obligation which has not been concluded within 6 months of the date of its authorisation, and to treat the relevant planning application as finally disposed of.

P355D In consultation with the Director of Governance to make modifications to a planning obligation which are not materially significant to the principal terms of the deed.

OFFICER DELEGATIONS: to the Director of Governance:

P360D In consultation with the Development Management and Conservation Manager to include in planning obligation agreements any necessary ancillary and incidental provisions.

DELEGATION: to the PLANNING COMMITTEE:

P370 (After consulting Ward Members, developers, relevant Cabinet Members) to approve 'per cent for art' schemes.

Community Infrastructure Levy (CIL)

P375 To decide applications for CIL exceptional circumstances relief.

Enforcement[11]

P380 Power to serve a planning contravention notice. (Section 171C of the 1990 ACT)

P390 Power to serve a breach of condition notice. (Section 187A of the 1990 ACT)

P400 Power to serve a stop notice or temporary stop notice. (Section 183(1) or Section 171E of the 1990 ACT)

P410 Power to issue an enforcement notice. (Section 172 of the 1990 ACT)

P420 Power to apply for an injunction restraining a breach of planning control. (Section 187B of the 1990 ACT)

P430 Power to require the discontinuance of a use of land or alteration or removal of buildings or works. (Section 102 of the 1990 ACT)

P440 Power to serve a completion notice. (Section 94(2) of the 1990 ACT)

P450 Power to require proper maintenance of land. (Section 215(1) of the 1990 ACT).

P460 Power to authorise entry onto land for enforcement purposes. (Section 196A of the 1990 ACT)

OFFICER DELEGATIONS: to the Development Management and Conservation Manager

P470D To decide whether development requiring planning permission has occurred

P480D To resolve the unauthorised use of land or development where the matter is not appropriate for formal enforcement action

P490D To resolve development which is not in accordance with approved plans where the difference is insignificant, no application is made to vary the approved plans and enforcement action is not appropriate

P500D To require discontinuance of an advertisement or advertisement site.[12]

OFFICER DELEGATION: to the Development Management and Conservation Manager in consultation with the Director of Governance

P510D Power to require proper maintenance of land. (Section 215(1) of the 1990 ACT).[13]

OFFICER DELEGATIONS: to the Development Management and Conservation Manager

P520D To authorise entry onto land for enforcement purposes, and in consultation with the Director of Governance to apply for, and to execute warrants of entry

OFFICER DELEGATIONS: to the Director of Governance:

In consultation with the Development Management and Conservation Manager to ***issue and serve****:*

P530D Notices under Section 330 of the 1990 Act and Section 16 of the 1976 Act requiring information about land;

P540D Breach of Condition Notices under the 1990 Act;

P550D Planning Contravention Notices under Section 171C of the 1990 Act;

P560D Where the Development Management and Conservation Manager, in consultation with the Director of Governance considers the case is urgent, to issue and serve Enforcement or Stop Notices or Temporary Stop Notices under the 1990 Act or Listed Building Enforcement Notices under the LBA.

P570 To serve notices under Regulation 4 of the TCP (Environmental Assessment and Unauthorised Development) Regulations 1995 where developments may be the subject of enforcement notices, may have significant effects on the environment and are of types specified in the TCP (Assessment of Environmental Effects) Regulations 1988

OFFICER DELEGATIONS: to the Director of Governance:
In line with the National Scheme of Delegation See P140D (page21)

P580D After consulting the Development Management and Conservation Manager, to exercise the function at Reference P570 where in the Development Management and Conservation Manager's opinion urgent action is necessary.

Prosecutions

OFFICER DELEGATIONS: to the Director of Governance:

P590D In consultation with the Development Management and Conservation Manager's, to prosecute for any offence under the 1990 Act, the LBA, the Hazardous Substances Act, 1990 the TCP (Control of Advertisements) Regulations 2007 or the Management of Hedgerows(England) Regulations 2024.

Trees and Tree Preservation Orders

P600 All functions relating to Tree Preservation Orders and Notices under Part Eight of the 1990 Act) (Sections 197 to 214D of the 1990 Act and the Trees Regulations 1999)

OFFICER DELEGATIONS: to the Director of Governance:

*P610D To **confirm** tree preservation orders where **no** objections have been received (see also P740 below).*

OFFICER DELEGATIONS: to the Development Management and Conservation Manager

*P620D To **determine** applications to cut down, top, lop, prune and remove trees (including trees within tree preservation orders).*

*P630D To **respond to** notifications about trees in conservation areas under Section 211 of the 1990 Act.*

P640D To give instructions as to the planting of replacement trees

P650D To inform Ward Members of the removal of trees and the reasons for this.

P660D (In consultation with the Cabinet Member for Economic Growth and the Director of Governance) in cases of urgency to make Tree Preservation Orders

DELEGATION: to the PLANNING COMMITTEE:

P670 To make Tree Preservation Orders under Part Seven of the 1990 Act, in line with the National Scheme of Delegation See P140D (page21)

Hedgerows

P680 Powers relating to the protection of important hedgerows *the Management of Hedgerows(England) Regulations 2024*

OFFICER DELEGATIONS: to the Development Management and Conservation Manager in line with the National Scheme of Delegation See P140D (page21)

P690D to issue hedgerow retention notices

High Hedges

P700 Functions under Part 8 of the Anti-social Behaviour Act 2003 (high hedges).

P710 The setting of fees to be charged under Part 8

OFFICER DELEGATIONS: to the Development Management and Conservation Manager:

P720D Under Part 8 of the Anti-Social Behaviour Act 2003 (high hedges), to exercise the Council's functions in sections 65 to 84, and all functions under the High Hedges (Appeals) (England) Regulations 2005 including to:

- *Receive complaints*
- *Receive fees and decide whether they should be refunded in any particular case*
- *Consider the matters in section 68(2) and decide whether the complaint should be proceeded with*
- *Decide whether the height of the hedge is adversely affecting the complainant's reasonable enjoyment of the property and what action if any should be taken (s. 68(3))*
- *Issue remedial and other notices under section 68 and withdraw, waive or relax their requirements under section 69*
- *Deal with any appeal to the Secretary of State*
- *Exercise any power of entry and authorise any person to enter land and take samples (section 74)*
- *Authorise any person to enter land to take remedial action*
- *Recover expenses*

In line with the National Scheme of Delegation See P140D (page21)

DELEGATIONS: to the PLANNING COMMITTEE:

P730 To issue hedgerow removal notices

Appeals

OFFICER DELEGATIONS: to the Director of Governance:

P740D Where the Director of Governance considers that legal representation is required, to represent the Council and conduct proceedings in any statutory appeal against any determination of any planning application and against any other determination made under these terms of reference.

OFFICER DELEGATIONS: to the Development Management and Conservation Manager

P750D Where the Director of Governance considers that legal representation is not required, to represent the Council and conduct proceedings in any statutory appeal referred to in P740D above.

Environmental Impact

OFFICER DELEGATIONS: to the Development Management and Conservation Manager

P760D In connection with any application for planning permission, to carry out any function of the Council as local planning authority under the TCP (Environmental Impact Assessment) (England and Wales) Regulations 1999, including

- *determining whether any development is Environmental Impact Assessment development;*
- *requiring an Environmental Statement.*

Consultations

P770 To comment on any Development Plan while policy is being formulated

P780 To comment on any development proposed by anyone outside but next to the Borough boundary which would have required the making of a planning application for determination by the Planning Committee if the development had been proposed inside the Borough boundary;

P790 To comment on any development proposed by any Government Department or by DCC which would have required the making of a planning application for determination by the Planning Committee if that development not been proposed by a Government Department or by DCC.

OFFICER DELEGATIONS: to the Development Management and Conservation Manager

To comment on any development proposed:

P800D by DCC which would have required the submission of a planning application for determination by the Development Management and Conservation Manager if that development had not been proposed by the DCC;

P810D by anyone outside but next to the Borough boundary which would have required the submission of a planning application for determination by the Development Management and Conservation Manager if the development had been proposed inside the Borough boundary.

P820D To approve any development proposed by any Government Department under the arrangements in Circular 18/84, where a planning application for the development would have been approved by the Development Management and Conservation Manager if that development had not been proposed by a Government Department.

P830 To respond to any consultation by the Minerals Planning Authority

Ombudsman

P840 To consider appropriate cases referred to the Local Government Ombudsman involving functions delegated to the Planning Committee and to decide whether to reach local settlements or to take any other action following the Ombudsman referral, except for Ombudsman complaints involving members' conduct which are in the terms of reference of the Standards and Audit Committee.

Footpaths

P850 To make orders under the 1990 Act to close, divert or create footpaths or bridleways (including the provision of alternatives) and to apply to the Secretary of State for such orders relating to vehicular highways, following consultation with ward Members.

OFFICER DELEGATIONS: to the Director of Governance

P860D To confirm (with or without approved modifications) those footpath and bridleway orders referred to at P850 which are unopposed.

Building Regulations

P870 All non-executive regulatory functions of the Council relating to the Building Regulations. (Building Act, 1984)

OFFICER DELEGATIONS: to the Service Director – Economic Growth in consultation with Derbyshire Building Control Partnership Limited:

*To **determine** applications for:*

P880D building regulation consent

P890D the relaxation of building regulations

P900D consents to build over sewers

OFFICER DELEGATIONS: to the Director of Governance :

P910D In consultation with the Service Director – Economic Growth to prosecute for breaches of the building regulations under Section 35 of the Building Act, 1984.

Contravening Building Works and Dangerous Buildings and Structures

OFFICER DELEGATIONS: to the Service Director – Economic Growth in consultation with Derbyshire Building Control Partnership Limited:

P920D To take any steps under Section 36 of the Building Act 1984 to secure the removal of any work contravening building regulations

P920D To authorise the demolition of dangerous buildings on Council land

P930D In consultation with the Director of Governance , to take any steps under Section 77 of the Building Act, 1984 (Dangerous Buildings) and under Section 78 of the Building Act, 1984 (Dangerous Buildings – Emergency Measures)

P940D To issue and serve notices under Section 79 of the Building Act 1984 (Ruinous and Dilapidated Buildings and Neglected Sites)

Highways Agency Functions

P950 All non-executive highways functions which the Derbyshire County Council may from time to time have arranged for the Borough Council to carry out, including the functions listed below (followed by the relevant section of the Highways Act 1980)[14]

Creation of footpaths/bridleways

Power to create footpath or bridleway by agreement. 25.
Power to create footpaths and bridleways. 26
Duty to keep register of information with respect to maps, statements and declarations. 31A.

Stopping up and diversion of footpaths/bridleways

Power to stop up footpaths and bridleways 118
Power to divert footpaths and bridleways. 119.
Power to determine application for public path extinguishment order. 118ZA and 118C(2)

Other orders/agreements/applications

Power to make a rail crossing extinguishment order. 118A.
Power to make a special extinguishment order. 118B.
Power to make a public path diversion order. 119ZA and 119C(4)

Power to make a rail crossing diversion order. 119A
Power to make a special diversion order. 119B
Power to require applicant for order to enter into agreement.119C(3)
Power to make an SSSI diversion order 119D
Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980. 121B
Power to decline to determine certain applications.121C

Cycle Tracks

Power to designate footpath as cycle track. Section 3 of the Cycle Tracks Act 1984

OFFICER DELEGATIONS: to the Director of Governance:

P960D after consulting appropriate officers, to serve any statutory notice, take any prosecution, carry out any default work or issue any licence relating to any of the following functions which the Derbyshire County Council may from time to time have arranged for the Borough Council to carry out:

Duty to assert and protect the rights of the public to use and enjoyment of highways. 130
Duty to serve notice of proposed action in relation to obstruction 130A
Power to apply for variation of order 130B(7)
Power to authorise temporary disturbance of surface of footpath or bridleway 135
Power temporarily to divert footpath or bridleway. 135A.
Functions relating to the making good of damage and the removal of obstructions 135B
Power to permit deposit of builder's skip on highway 139
Power to license planting, retention and maintenance of trees etc. in part of highway. 142.
Power to authorise erection of stiles etc. on footpaths or bridleways. 147
Powers relating to the removal of things so deposited on highways as to be a nuisance 149
Power to license works in relation to buildings etc. which obstruct the highway.169
Power to consent to temporary deposits or excavations in streets.171
Power to dispense with obligation to erect hoarding or fence. 172.
Power to restrict the placing of rails, beams etc. over highways. 178.
Power to consent to construction of cellars etc. under street 179.
Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.180.

Non-Agency Highways Functions

P970 All non-executive functions relating to highways or rights of way which are exercisable by the Borough Council as a district council and which are not delegated elsewhere in this scheme.

OFFICER DELEGATION: to the Director of Governance

P980D after consulting appropriate officers and ward councillor to make (and revoke where appropriate) orders under Section 21 of the Town Police Clauses Act 1847 as amended (power to make order affecting a street when there is public thronging etc)

2.2 EMPLOYMENT AND GENERAL COMMITTEE

2.2.1 MEMBERSHIP OF THE EMPLOYMENT AND GENERAL COMMITTEE

The Employment and General Committee comprises 6 members of the authority. It shall include:

- the Cabinet Member for Governance

The Committee shall be politically balanced.

The Committee shall not include any member of the Appeals and Regulatory Committee.

The names of the members of this Committee are shown in Part 8 of this Constitution.

2.2.2 FUNCTIONS OF THE EMPLOYMENT AND GENERAL COMMITTEE

General

EC000 To exercise all the council's functions to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal) under Section 112 of the Local Government Act 1972, and all functions incidental to section 112, except those functions which are to be exercised by the full council or by officers and subject to the terms of reference of the Appeals and Regulatory Committee in relation to grievance and disciplinary appeals.

EC010 To exercise the council's functions in relation to Elections and Electoral Registration and any other non-executive functions which are not reserved to the full council or delegated to any other committee or officer.

EC020 To delegate to officers such of its functions as the Committee may from time to time decide, where this is permitted or required by law.

EC030 To co-opt Cabinet Member(s) of the Cabinet as appropriate for its functions relating to the appointment, discipline, conditions of service and dismissal of the Senior Officers, and in such cases to co-opt other members so as to retain political balance.

EC040 To establish at the appropriate time sub-committees of members to act as appointment panels for the appointment of the Head of Paid Service, Chief Executive, Deputy Chief Executive (non-statutory chief officers) and Service Directors (Deputy Chief Officers) and to co-opt appropriate Cabinet or non-Cabinet members to those panels.

EC050 To determine which posts within the authority are non-statutory chief officer and deputy chief officer (Service Director) posts within the statutory definitions set out in the Employment Procedure Rules.

Designation of and Resources for Statutory Officers

EC060 To designate an officer as the head of the authority's paid service (Section 4(1) of the Local Government and Housing Act 1989.

EC070 To designate an officer as the monitoring officer, (Section 5(1) of the Local Government and Housing Act 1989).

EC080 To secure that one of the council's officers (Chief Finance Officer) has responsibility for the administration of the Council's financial affairs (Section 151 of the 1972 Act)[15].

EC090 To provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such staff as are in their opinion sufficient to allow their statutory duties to be performed.

Proper Officers

EC100 To appoint officers for particular purposes (appointment of "proper officers"). (Section 270(3) of the Local Government Act 1972).

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

EC110D To appoint the proper officer for the control of communicable disease and food poisoning, and for the purposes of the National Assistance Act 1948 (as amended) who shall have the functions referred to at reference HW710D (Part 3 of this Constitution)

*EC120D To appoint **Alternative** Proper Officers to carry out the same functions as in reference HW710D.*

Corporate Terms and Conditions and Organisational Reviews

EC130 To determine collective and corporate terms and conditions of employees, and the employment status and corporate terms and conditions of agency staff casual labour and other non-standard terms and conditions.

EC140 To consider Departmental Staffing and Organisational Reviews from the point of view of its general functions under EC000.

Conditions of Service including Flexible Retirement

EC150 The Council's functions relating to Conditions of Service of Employees including redundancy, retirement and superannuation, subject to those delegated to officers below, and those to be exercised by the full council

EC160 Without affecting the generality of EC150 to decide the following matters in relation to staff at Service Director level or above:

- Requests to reduce hours or grade
- Requests for release of pension benefits under the flexible retirement LGPS rules, within the council's policy, and
- Applications for the waiver of actuarial reductions under the flexible retirement LGPS rules, within the council's policy
- Early retirement applications under Regulation 31 of the LGPS, within the council's policy. [16]

OFFICER DELEGATIONS: to the Chief Executive, Deputy Chief Executive and to each Service Director for the staff for whom they are respectively directly responsible

EC170D Determination of requests for early retirement.

Training and Equalities

EC180 To monitor, develop and update human resources, equalities and training policies and practices in relation to the Committee's general functions at EC000.

OFFICER DELEGATIONS: to the Chief Executiveand Deputy Chief Executive :

EC190DTo approve the attendance of Officers on full-time courses of study for appropriate qualifications and the payment of course fees and other expenses under arrangements approved by the Council (including authorisation of employees attending courses or meetings which do not meet any one or more of the conditions under EC210D).

OFFICER DELEGATIONS: to the Chief Executive,Deputy Chief Executive and to each Service Director for the staff for whom they are respectively directly responsible

*EC200D To authorise **qualification** training and associated financial assistance in accordance with the principles laid down by the Council.*

EC210D To authorise the attendance of any employee at any course or meeting which:

- *is concerned with matters within the scope of the employee's responsibilities; and*
- *is of a professional, technical or administrative nature; and*
- *is **not** primarily concerned with matters of policy and which is open to members of local authorities; and*

- *does **not** involve the employee's absence for more than two weeks; and*
- *does not cost more than £5,000 (including fees and all expenses).*

Outcome of Consultation and Negotiation

EC220 To receive reports on, and make decisions on the outcome of, consultation and negotiation with employees and their representatives on **general** human resources and **general** health and safety matters affecting conditions of service and to receive the minutes of Health and Safety Committee.

EC230 To receive any reports on Single Status.

EC240 To receive and report on the minutes of the Employer / Trade Union Committee.

Political Restriction

EC250 The Council's functions as to politically restricted posts and the determination of any issue as to politically restricted posts under the 1989 Act.

OFFICER DELEGATIONS: to the Head of HR

EC260D To maintain the list of politically restricted posts required by Section 2(2) of the 1989 Act.

Job Evaluation

EC270 To matters of policy in relation to the Job Evaluation Scheme.

HEAD OF PAID SERVICE, DEPUTY CHIEF EXECUTIVE (CHIEF OFFICERS) AND SERVICE DIRECTORS (DEPUTY CHIEF OFFICERS) (PERMANENT OR FIXED-TERM CONTRACT POSTS)

Appointments

To carry out the following functions under the Employment Procedure Rules in Part Four of this Constitution:

EC280 To approve the Job Description and Person Specification

EC290 To shortlist and interview candidates

EC300 To notify the proper officer of the name and any other relevant particulars of the person to whom the committee wishes to offer the post

EC310 To decide whether any objection received by the proper officer from the Leader is material or well-founded. In making such a decision, the

Committee or Panel shall comply with the Council's employment and equal opportunities policies, and with employment law.

EC320 In the absence of any objection being notified to the Committee by the Director of Governance and Monitoring Officer (or the Deputy Chief Executive in the case of a proposed appointment of Director of Governance and Monitoring Officer), or if the Committee decides that any such objection is not material or well-founded, to appoint the Deputy Chief Executive, Director of Governance and Monitoring Officer, S151 Officer or Service Director or to recommend to the full council the appointment of a Head of Paid Service or Acting Head of Paid Service.

EC330 To authorise the re-advertisement of the post where no suitable candidate is found and to authorise the re-advertisement of the post or selection of an alternative candidate where the committee decides that any such objection is material or well-founded.

OFFICER DELEGATIONS: to the Chief Executive or the Deputy Chief Executive (as appropriate):

EC340D To advertise the post in appropriate ways, send out information packs and receive completed application forms in accordance with the Employment Procedure Rules.

OFFICER DELEGATIONS: to the Director of Governance and Monitoring Officer

EC350D As proper officer, to notify every member of the Cabinet of the name and any other relevant particulars of the person to whom the committee wishes to offer the post, and the period within which any objection is to be made to the Director of Governance and Monitoring Officer by the Leader on behalf of the Cabinet.

EC360D To notify the Employment and General Committee of any such objection, or that no such objection has been received within the period specified.

Temporary (Acting) Appointments

EC370 To approve the temporary appointment of an acting Deputy Chief Executive, Director of Governance Officer and Monitoring Officer, S151 Officer or Service Director.

OFFICER DELEGATIONS: to the Head of Paid Service (Chief Executive)

EC375D To approve the temporary appointment of the Deputy Chief

Executive or
Service Director for a period of up to 12 months.

DISCIPLINARY ACTION: DEPUTY CHIEF EXECUTIVE AND MEMBERS OF THE CORPORATE LEADERSHIP TEAM (other than the Head of Paid Service,

Chief Financial Officer and Monitoring Officer)

OFFICER DELEGATIONS: to the Head of Paid Service (Chief Executive)

EC380D To investigate any allegation of misconduct made against an Deputy Chief Executive , suspend on such terms as they think fit and take any action of a disciplinary nature under the Council's disciplinary procedures, other than dismissal.

OFFICER DELEGATIONS: to the Chief Executive or Deputy Chief Executive (as the case may be) in respect of any Service Director for whom the Chief Executive or Deputy Chief Executive is responsible

EC390D To investigate any allegation of misconduct made against any Corporate Management Team member, suspend on such terms as they think fit and take any action of a disciplinary nature under the Council's disciplinary procedures, other than dismissal.

DISCIPLINARY ACTION: HEAD OF PAID SERVICE, CHIEF FINANCIAL OFFICER AND MONITORING OFFICER

EC400 To decide whether an allegation of misconduct by the head of the authority's paid service, its monitoring officer, or its chief finance officer, as the case may be, ("the relevant officer"), requires to be investigated.

EC410 To suspend on full pay any relevant officer for any period up to two months, and to review and extend such suspension for further period(s) of two months, for the purpose of investigating such alleged misconduct, under Employment Procedure Rule 5 (Part 4 of this Constitution).

EC420 To take any disciplinary action in respect of a relevant officer which would not be recorded on the relevant officer's personal file according to the usual practice of the authority.

EC430 To appoint a panel ("the Statutory Officers Disciplinary Panel") in accordance with Employment Procedure Rule 5 (Part 4 of this Constitution).

EC440 To consider the report of the Statutory Officers Disciplinary Panel, under Procedure Rule 5.

EC450 To take any disciplinary action in accordance with such report.

DISMISSAL OF HEAD OF PAID SERVICE, DEPUTY CHIEF EXECUTIVE AND SERVICE DIRECTORS

EC460 To notify the proper officer of the name and any other relevant particulars of the person to whom the committee wishes to dismiss.

EC470 To decide whether any objection received by the proper officer from the Leader is material or well-founded. In making such a decision, the Committee or Panel shall comply with the Council's employment and equal opportunities policies, and with employment law.

EC480 In the absence of any objection being notified to the Committee by the Director of Governance and Monitoring Officer or Deputy Chief Executive (as appropriate), or if the Committee decides that any such objection is not material or well-founded, to dismiss the Deputy Chief Executive or Service Director or to recommend to the full council the dismissal of a Head of Paid Service.

OFFICER DELEGATIONS: to the Director of Governance and Monitoring Officer:

EC490D As proper officer, to notify every member of the Cabinet of the name of the person whom the committee wishes to dismiss, any other relevant particulars relevant to the dismissal and the period within which any objection is to be made to the Director of Governance and Monitoring Officer by the Leader on behalf of the Cabinet.

EC500D To notify the Employment and General Committee of any such objection, or that no such objection has been received within the period specified.

OFFICER DELEGATIONS: to the Deputy Chief Executive

EC510D As proper officer, to notify every member of the Cabinet of the name of the person whom the committee wishes to dismiss (where that person is the Director of Governance and Monitoring Officer), any other relevant particulars relevant to the dismissal and the period within which any objection is to be made to the Deputy Chief Executive by the Leader on behalf of the Cabinet.

EC520D To notify the Employment and General Committee of any such objection, or that no such objection has been received within the period specified.

ALL OTHER EMPLOYEES

OFFICER DELEGATIONS: to The Head of Paid Service (Chief Executive), Deputy Chief Executive or each Service Director:

EC530D Within Council approved policy and budgets, and on behalf of the Council to appoint dismiss take disciplinary action against and deal with the terms and conditions of any employee of the Council subject to:

- *the rules about specified officers in the Employment Procedure Rules and in this Part, and*
- *the terms of reference of the Appeals and Regulatory Committee in relation to grievance and disciplinary appeals, and*

- *the nomination of other officers to carry out such of those functions as are set out below*

EC540D To nominate other officers to carry out such of their functions as they may from time to time decide.

RECRUITMENT:

OFFICER DELEGATIONS: to THE DEPUTY CHIEF EXECUTIVE OR DIRECTOR OR TIER FOUR / TIER FIVE MANAGERS OF THE STAFF FOR WHOM THEY ARE RESPECTIVELY DIRECTLY RESPONSIBLE:

Appointments and Regradings

SUBJECT TO consultation with the Head of HR:

EC550D Within authorised establishment and gradings, to appoint people to posts.

EC560D To appoint and decide terms and conditions of the following types of ***temporary employee****:*

- *students on work experience;*
- *Government Training Scheme Trainees;*
- *temporary replacements for permanent employees who are absent for at least four weeks; and*
- *employees for up to one year for peak workloads and specific projects.*

CONDITIONS OF SERVICE

OFFICER DELEGATIONS: to THE HEAD OF PAID SERVICE, THE DEPUTY CHIEF EXECUTIVE OR SERVICE DIRECTOR FOR THE STAFF FOR WHOM THEY ARE RESPECTIVELY DIRECTLY RESPONSIBLE:

Starting Salary

EC570D To determine starting salaries at any point within the grade of the post having regard to qualifications and experience and any approved career grading scheme.

Payments for Additional Duties

EC580D with the Deputy Chief Executive ’s approval, and under the appropriate Scheme of Conditions of Service, to authorise payment to officers temporarily undertaking additional duties.

Payments for Overtime

OFFICER DELEGATIONS: to THE HEAD OF PAID SERVICE, THE DEPUTY CHIEF EXECUTIVE OR SERVICE DIRECTOR, TIER FOUR / TIER FIVE MANAGERS FOR THE STAFF FOR WHOM THEY ARE RESPECTIVELY DIRECTLY RESPONSIBLE:

EC590D To authorise payments for overtime, including planned overtime, in accordance with the Scheme.

OTHER CONDITIONS OF SERVICE

OFFICER DELEGATIONS: to ANY MANAGER WHO IS A BUDGET HOLDER FOR THE STAFF FOR WHOM THEY ARE DIRECTLY RESPONSIBLE:

Membership of Professional Bodies

EC600D To authorise payments for employee membership of professional bodies.

Service Tenancies

EC610D To authorise service tenancies.

Leave

Special Leave - Career Break

EC620D To grant unpaid leave of absence for up to three months or up to twelve months under the Career Break Scheme.

OFFICER DELEGATIONS: to ANY TIER FOUR / FIVE MANAGER WHO IS A BUDGET HOLDER FOR THE STAFF FOR WHOM THEY ARE DIRECTLY RESPONSIBLE:

Special Leave - Compassionate and Paternity/Adoption

EC630D To grant paid leave of absence for compassionate leave or parental leave in accordance with council policy or guidelines and subject to current employment rights legislation.

Carry Over of Annual Leave

EC640D To authorise employees to carry over up to and including five days annual leave from one leave year to the first three months of the next, there being exceptional circumstances, in accordance with the National Conditions of Service.

Occupational Health Assessment of Employees

EC650D To authorise occupational health assessment of employees for the purposes of:

- *determining capability for the performance of duties for which such an employee was appointed; or*
- *re-entry into the Pension Scheme; or*
- *ill-health retirement in accordance with council policy and the Pension Scheme Regulations.*

Discipline and Grievance

EC660D Subject to the functions of the Appeals and Regulatory Committee, to exercise the powers given to 'Chief Officers' (Deputy Chief Executive and Service Directors) under Conditions of Service in accordance with the Council's disciplinary and grievance procedures.

Flexible and Early Retirement

E670D Where appropriate and with the Service Director's approval (and after consultation with the Head of HR) to determine, for all staff below Service Director level:

- *Requests for release of pension benefits under the flexible retirement LGPS rules, within the council's policy, and*
- *Applications for the waiver of actuarial reductions under the flexible retirement LGPS rules, within the council's policy*
- *Early retirement applications under Regulation 31 of the LGPS, within the council's policy.* [17]

OFFICER DELEGATIONS: to THE STRATEGIC HEALTH, SAFETY AND RISK MANAGER:

First Aid Allowances

EC680D To approve the payment of first aid allowances

TERMINATION OF EMPLOYMENT:

OFFICER DELEGATIONS: to THE DEPUTY CHIEF EXECUTIVE , SERVICE HEAD TIER FOUR / FIVE MANAGERS FOR THE STAFF FOR WHOM THEY ARE RESPECTIVELY DIRECTLY RESPONSIBLE:

Waiver of Notice

EC690D To waive any part of the notice required to be given by an employee to terminate their employment.

Dismissal

OFFICER DELEGATIONS: to EACH SERVICE DIRECTOR:

EC700D After consultation with the Head of HR, to dismiss employees on the grounds of misconduct, incapability, ill health or redundancy, with any associated payments and benefits.

Special Severance Payments

OFFICER DELEGATIONS: TO THE HEAD OF PAID SERVICE IN PERSON:

EC710D Where it is proposed that any special severance payment (as defined in statutory guidance for the time being18) is to be made to a member of staff of a value of £20,000 and above, and subject to the requirement for any payment of £100,000 and above to be approved by Full Council19, to approve such payment after consultation with, and agreement of, the Leader,

Special Severance Payments to Head of Paid Service

EC720 When sitting with at least two Independent Persons[20], to consider any special severance payment (as defined in statutory guidance for the time being[21]) proposed to be made to the Head of Paid Service.

GENERAL FUNCTIONS OF THE EMPLOYMENT AND GENERAL COMMITTEE

ELECTIONS ELECTORAL REGISTRATION AND PARISH COUNCILS

EC730 To carry out the functions of the Council under the 1972 Act and under the Representation of the People Acts as to parishes and electoral arrangements:

Electoral Registration

EC740 The duty to appoint electoral registration officers (Section 8(2) of the Representation of the People Act 1983)

OFFICER DELEGATIONS: to the Chief Executive:

EC750D The power to assign officers to assist the registration officer (Section 52(4) of the Representation of the People Act 1983).

EC760D The power to pay expenses properly incurred by electoral registration officers under Section 54 of the Representation of the People Act 1983.

Functions in relation to Parishes and Parish Councils

EC770 The functions of the Council under Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part (Reviews of and recommendations for creation, abolition, and boundary changes for parishes, petitions etc.)

EC780 Power to dissolve small parish councils under Section 10 of the 1972 Act and to make orders for grouping parishes, dissolving groups and separating parishes from groups under Section 11 of the 1972 Act.

OFFICER DELEGATIONS: to the Chief Executive:

EC790D Power to fill vacancies on Parish Councils in the event of insufficient nominations (Section 21 of the Representation of the People Act 1985).

EC800D Power to make temporary appointments to parish councils where there are so many vacancies in the office of parish councillor that the parish or community council are unable to act. (Section 91 of the Local Government Act 1972).

EC810D Powers to make appointments, direct elections etc. in case of any difficulty arising with respect to a parish election etc. (Section 39(4) of the Representation of the People Act 1983).

Elections and Casual Vacancies

EC820 The duty to divide the constituency into polling districts. (Section 18 of the Representation of the People Act 1983).

EC830 The duty to appoint a returning officer for local government elections (Section 35 of the Representation of the People Act 1983).

EC840 The 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. (Section 10 of the Representation of the People Act 2000)

OFFICER DELEGATIONS: to the Chief Executive:

EC850D The duty to declare a vacancy in office where a councillor ceases to be qualified, is disqualified or ceases to be a member by reason of failure to attend meetings of the authority (Section 86 of the 1972 Act).[22]

EC860D To give public notice of a casual vacancy under Section 87 of the 1972 Act

EC870D The power to determine fees and conditions for supply of copies of, or extracts from, elections documents under Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).

EC880D To approve increases in the scale of election fees where they are in line with annual pay awards.

COUNCIL TAX AND BUSINESS RATES

EC890 The function of approving the calculation of the Council Tax Base (i.e. the calculations set out in sub-section 2A of section 67 of the Local Government Finance Act 1992).[23]

EC900 To consider any reports on calculation of National Non-Domestic Rates estimates (i.e calculation of tax base pursuant to The Local Authorities (Calculation of Business Rates 'Tax Base') Regulations 1992 (as amended)

2.3. FUNCTIONS OF THE JOINT CABINET AND EMPLOYMENT AND GENERAL COMMITTEE

JCEC1 To approve the introduction of new senior roles, or the revision of existing senior roles, where the salary package exceeds £100,000 per annum.

2.4 LICENSING COMMITTEE

2.4.1 The Licensing Committee

The Licensing Act 2003 ("the 2003 Act") requires the Council as the Licensing Authority ("the Authority") to create a Licensing Committee ("the Committee") to carry out the licensing functions under the 2003 Act ("the licensing functions"). The full Council meeting will confirm the establishment of the Committee, whose membership is shown at Part 8 of this Constitution.

2.4.2 Membership

The Committee shall consist of 14[24] members of the Authority. Groups of Members within the overall membership will deal with the work of the Committee (however any Member of the Committee is entitled to attend any meeting of the Committee).

2.4.3 Chair and Vice-Chair of the Committee

The Council shall appoint a Chair and Vice-Chair.

2.4.4 Political Balance

The Committee shall be politically balanced by local choice

2.4.5 Planning Committee

The Committee shall not include any member of the Planning Committee.[25]

2.4.6 Sub-Committees

The Committee may appoint one or more Licensing Sub-Committees to carry out the licensing functions. A Sub-Committee (or, if more than one, each Sub-Committee) shall consist of 3 members of the Committee. Sub-Committees will appoint their own Chairs and Vice-Chairs.

2.4.7 Quorum

Unless prescribed by Regulations made by the Secretary of State under the 2003 Act, the quorum for a meeting of the Committee shall be 3 members and the quorum for a Sub-Committee shall be 2 members.

2.4.8 Voting

Voting will be taken by shows of hands. The Chair of the Committee (or any Sub-Committee) has a casting vote.

2.4.9 **Convening Hearings**

The Chief Executive, Deputy Chief Executive and the Monitoring Officer are each authorised to convene hearings of the Committee and any Sub-Committee.

2.4.10 **FUNCTIONS OF THE LICENSING COMMITTEE (including those of any Sub-Committee)**

2.4.11 **GENERAL**

LC000 To exercise the licensing and functions of the Licensing Authority (except those functions reserved for exercise by the full Council and except those functions delegated to another body or officer under this Constitution).

PROCEDURES, TRAINING AND ONWARD DELEGATION

LC010 To approve procedures for hearings[26].

LC020 To approve training programmes for its members in licensing procedures.

LC030 If necessary to appoint one or more Sub-Committees and to determine their terms of reference and delegated powers (subject to the 2003 Act).

LC040 To delegate to officers such of its functions as the Committee may from time to time decide, where this is permitted by law.

RESPONDING TO LEGAL CHALLENGES

LC050 Unless it considers such action not to be in the public interest, to uphold its licensing decisions in any legal proceedings provided that the decision whether or not to uphold any such decision shall be made by different members from those who made the original decision.

OFFICER DELEGATIONS: to the Director of Governance :

LC060D After consulting the relevant officers, to take all necessary legal proceedings in relation to any judicial review, further appeal to a court or tribunal or other legal challenge to any Licensing Committee decision, subject to the requirement for officers to report to the Committee on the progress and outcome of any such proceedings.

CONFLICTS OF INTEREST

LC070 Where conflicts of interest would prevent the Committee from properly exercising its functions, and the obtaining of dispensations is not practicable, to commission independent adjudication by other person(s)

(whether those other persons are members of the Licensing Authority or of another local authority or not) where this is legally allowed.

In the case of functions under the 2003 Act, the full Council as the Licensing Authority must discharge any function of the Licensing Committee under the 2003 Act where the Licensing Committee is unable to discharge any function delegated to it in accordance with section 7 of the 2003 Act because of the number of the Licensing Committee's members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.[27] (see Council function 4.2.27 in Article 4 of Part 2 above).

LC080 Where a conflict of interest or other disability would prevent any officer from properly exercising any delegated function under these terms of reference, to delegate the exercise of that function to another officer or to any other person (where this is legally allowed).

LICENSING FUNCTIONS

LC090 Where a licensing function is specified in these terms of reference, the Committee's functions (or those of any Sub-Committee or officer to whom the whole or part of a function is delegated) shall, where it is in accordance with the law to do so, include (except where otherwise indicated) all of the following aspects of that function.

1. Imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted and determining any other terms to which any such approval, consent, licence, permission or registration is subject;

2. Determining whether, and in what manner, to enforce:

   (a) any failure to comply with an approval, consent, licence, permission or registration granted as mentioned above

   (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject; or

   (c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of an executive of the authority,

3. Amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned above, or any condition, limitation or term to which it is subject

4. Revoking or suspending any such approval, consent, licence, permission or registration.

5. Determining whether a charge should be made for any such approval, consent, licence, permit or registration and, where a charge is made, determining the amount of the charge.

LC100 Where a function has been delegated to an Officer, that Officer may authorise in writing any other Officer to exercise that function.

ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT LICENSING

Introduction

LC110 When exercising any of its licensing functions, the Committee (including the Sub-Committee or any officer to whom the whole or part of a function is delegated) shall do so with a view to promoting the licensing objectives which are:

(a) the prevention of crime and disorder;
(b) public safety;
(c) the prevention of public nuisance; and
(d) the protection of children from harm.

and with regard to the Council's Statement of Licensing Policy and any guidance issued by the Secretary of State for the Department of Culture, Media and Sport under Section 182 of the 2003 Act.

LC120 The Committee's functions (or those of any Sub-Committee or officer to whom the whole or part of a function is delegated) shall include (except where otherwise indicated) all of the powers and duties vested in the Committee by virtue of the 2003 Act.[28]

Related Functions

LC130 The Committee may discharge (whether by itself or by delegation to a sub-committee or to officers) any function of the Council which is not a function under the 2003 Act but which relates to any such function.

Relevant Representations

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing :

LC140D To decide whether any representation made by an interested party[29] under the 2003 Act is irrelevant, frivolous, vexatious or repetitious.

Register of Licences, Certificates, Notices etc

LC150 To set the fees for the supply of copies of information contained in the register.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC160D All registration functions (except for the function mentioned in LC150).

Premises Licences

LC170 To determine applications for the **grant** of a premises licence where relevant representations[30] have been made.

LC180 To determine applications for the **variation** of a premises licence where relevant representations have been made.

LC190 To determine applications for the **transfer** of a premises licence where the police have made an objection.

LC200 To determine applications for a **review** of a premises licence.

LC210 To determine applications for a **provisional statement** (where premises are being or are about to be constructed, extended or altered) where relevant representations have been made.

LC220 To determine applications to vary the **designated premises supervisor** where the police have made an objection.

LC230 To determine applications for **interim authorities** where the police have made an objection.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing: :

LC240D To exercise those functions mentioned in references LC170, LC180, LC190, LC210, LC220 and LC230 where no relevant representations or objections have been made[31].

LC250D To determine requests to be removed as the designated premises supervisor.

Club Premises Certificates

LC260 To determine **applications** for the grant of a club premises certificate where relevant representations have been made.

LC270 To determine applications for the **variation** of a club premises certificate where relevant representations have been made.

LC280 To determine applications for the **review** of a club premises certificate.

LC290 To decide whether or not to **withdraw** a club premises certificate where it appears to the Committee that the club has ceased to be a qualifying club.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC300D To exercise those functions mentioned in references LC260 and LC270 where no relevant representations have been made.[32]

Permitted Temporary Activities

LC310 Subject to LC335D, to determine police objections to a temporary event notice.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC320D To issue counter-notices where he considers that the permitted limits have been exceeded.

LC330D To acknowledge receipt of temporary event notices.

LC335D To determine a police objection to a temporary event notice for premises licensed under the 2003 Act where the objection seeks consistency with existing premise licence conditions for the same premises[33]

Personal Licences

LC340 To determine applications for the **grant or renewal** of personal licences where the police have made an objection.

LC350 To **revoke** personal licences where a conviction has come to light after grant or renewal and where the police have made an objection.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

*LC360D To exercise those functions mentioned in reference LC340 where the police **have not** made an objection.*[34]

Authorised Persons

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC370D To designate officers as "authorised persons or officers" for the purposes of the 2003 Act.

LC380D To carry out inspections of premises and clubs.

Prosecutions

OFFICER DELEGATIONS: to the Director of Governance :

LC390D To receive and consider any reports from the police, the Service Director - Leisure, Culture and Community Wellbeing and any member of the public about any alleged breach of the criminal law in relation to the 2003 Act.

LC400D To decide whether or not to prosecute or to take legal proceedings for offences or breaches of the law in relation to the 2003 Act.

Consultations

LC410 Except in the case of the Council's first Statement of Licensing Policy, to consider the Council's Statement of Licensing Policy (including any revisions) before it is determined or reviewed by the Council.

LC420 To decide whether or not to object when the Council is a consultee and not the relevant authority considering the application.

Theft and Loss of Licences, Certificates and Notices

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC430D To issue the holder of a licence, certificate or temporary event notice with a copy of the licence, certificate or summary where the Service Director - Leisure, Culture and Community Wellbeing is satisfied that the document has been lost, stolen, damaged or destroyed and, where it has been lost or stolen, the holder has reported the matter to the police.

Updating and Amending Licences and Certificates

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC440D All functions relating to updating and amending licences and certificates.

Notifying Freeholders etc of Licensing Matters

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC450D In accordance with Section 178 of the 2003 Act, to notify freeholders etc of licensing matters relating to premises where the freeholder etc has a property interest.

Provision of Information

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC460D Where it appears necessary for the purpose of facilitating the exercise of another licensing authority's functions, or the functions of a responsible authority, to supply information to that authority where it is lawful to do so.

GAMING, BETTING AND LOTTERY LICENSING

Procedures, Training and Onward Delegation

LC470 To approve procedures for the hearing of applications for licences etc and reviews (subject to the Gambling Act 2005 Act ("the 2005 Act") and any Regulations made thereunder).

LC480 To approve training programmes for its members in gaming, betting and lottery licensing.

LC490 If necessary to appoint sub-committees to deal with particular functions and to determine their terms of reference and delegated powers.

LC500 To delegate to officers such of its functions as the Committee may from time to time decide except any function mentioned in Section 154(4)of the 2005 Act[35].

Gaming, Betting and Lottery Licensing Functions - Introduction

When exercising any of its licensing functions, the Committee (including the Sub-Committee) (or any officer to whom the whole or part of a function is delegated) shall aim to permit[36] the use of premises for gambling in so far as the authority think it -

(a) in accordance with any relevant code of practice under section 24 of the 2005 Act;

(b) in accordance with any relevant guidance issued by the Gambling Commission under section 25 of the 2005 Act;

(c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and

(d) in accordance with the statement published by the authority under section 349 of the 2005 Act (subject to paragraphs (a) to (c)).

The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Committee's functions (or those of any sub-committee or officer to whom the whole or part of a function is delegated) shall include (except where otherwise indicated) all of the powers and duties vested in the Committee by virtue of the 2005 Act.[37]

Related Functions

LC510 The Committee may discharge (whether by itself or by delegation to a sub-committee or to officers) any function of the Council which is not a function under the 2005 Act but which relates to any such function.

Register of Licences, Notices etc

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC520D All registration functions.

Premises Licences[38]

LC530 To determine applications for the grant of a premises licence where representations have been made[39] and have not been withdrawn, or where the authority proposes to attach a condition under section 169(1)(a) of the 2005 Act, or where the authority proposes to exclude a condition under section 169(1)(b) which would otherwise be attached under Section 168 of the 2005 Act.

LC540 To determine applications for the variation of a premises licence where representations have been made and have not been withdrawn.

LC550 To determine applications for the transfer of a premises licence where representations have been made by any of the Responsible Authorities[40] and have not been withdrawn .

LC560 To determine applications for a review of a premises licence.

LC570 To decide whether or not to initiate a review of a premises licence.

LC580 To determine applications for a provisional statement (where premises are being or are about to be constructed, altered or where the applicant

expects to acquire a right to occupy) where representations have been made and have not been withdrawn.

LC590 To determine applications for the reinstatement of a premises licence where representations have been made by any of the Responsible Authorities[41] and have not been withdrawn.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC600D To exercise those functions mentioned in references LC530 to LC590 inclusive where no representations have been made (or where representations have been made but have subsequently been withdrawn).

Power to make a determination without a hearing

LC610 In any case where it is permitted to do so under the 2005 Act to determine an application without a hearing if all necessary consents have been given.

Change of Circumstances

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC620D To exercise the functions under the 2005 Act regarding change of circumstances.

LC630D To exercise the functions under the 2005 Act regarding the provision of copies of licences, permits etc.

Temporary Use Notices

LC640 To determine applications for temporary use notices where the Gambling Commission, or the Police or Customs and Excise have made an objection which has not been withdrawn.

OFFICER DELEGATIONS: to the Leisure, Culture and Community Wellbeing:

LC650D To exercise the function mentioned in reference LC640 where no objections have been made (or where objections have been made but have subsequently been withdrawn).

Society Lotteries

LC660 To determine whether or not to refuse applications for registration under paragraphs 47 and 48 of Part 5 of Schedule 11 to the 2005 Act.

LC670 To determine whether or not to revoke a registration under paragraph 50 of Part 5 of Schedule 11 to the 2005 Act.

OFFICER DELEGATIONS: to the Service Director – Leisure, Culture and Community Wellbeing:

LC680D To grant applications for registration where no issues arise under paragraphs 47 and 48 of Part 5 of Schedule 11 to the 2005 Act.

Club Gaming Permits and Club Machine Permits

LC690 To determine applications (including applications for renewal) for club gaming permits and club machine permits where objections have been made by the Gambling Commission or the Police and have not been withdrawn.

LC700 To determine applications for variation of club gaming permits and club machine permits where one or more of the matters set out in paragraph 6(1) of Schedule 12 to the 2005 Act may apply.

LC710 To determine whether or not to refuse applications (including variation applications and applications for renewal) for club gaming permits and club machine permits under the fast-track procedure in paragraph 10 of Schedule 12 to the 2005 Act where one or more of the matters set out in paragraph 10(3) of Schedule 12 to the 2005 Act may apply.

LC720 To determine whether or not to cancel permits under paragraph 21 of Schedule 12 to the 2005 Act.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC730D To grant applications (including applications for renewal) for club gaming permits and club machine permits where no objections have been made (or where objections have been made but have subsequently been withdrawn).

LC740D To grant applications for variation of club gaming permits and club machine permits where no issues arise under paragraph 6(1) of Schedule 12 to the 2005.

LC750D To grant applications (including variation applications and applications for renewal) for club gaming permits and club machine permits under the fast-track procedure in paragraph 10 of Schedule 12 to the 2005 Act where no issues arise under paragraph 10(3) of Schedule 12 to the 2005 Act.

LC760D To cancel permits under paragraph 22 of Schedule 12 to the 2005 act where the holder of the permit has failed to pay the annual fee and such failure is not attributable to an administrative error.

Licensed Premises Gaming Machine Permits

LC770 To determine applications (including variation applications and transfer applications) for licensed premises gaming machine permits.

LC780 To determine whether or not to cancel or vary licensed premises gaming machine permits under paragraph 16 of Schedule 13 to the 2005 Act.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC790D To cancel permits under paragraph 17 of Schedule 13 to the 2005 act where the holder of the permit has failed to pay the annual fee and such failure is not attributable to an administrative error.

Prize Gaming Permits

LC800 To determine applications (including applications for renewal) for prize gaming permits.

Fees

LC810 In any case where it is permitted to do so under the 2005 Act to determine fees.

Authorised Persons

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC820D To designate officers as "authorised persons" for the purposes of the 2005 Act.

LC830D To permit authorised persons to carry out inspections of premises and use other enforcement powers (so far as those powers are vested in authorised officers by virtue of any provision contained in the 2005 Act).

Prosecutions

OFFICER DELEGATIONS: to the Director of Governance

LC840D To decide whether or not to prosecute or to take legal proceedings for offences or breaches the law in relation to the 2005 Act but in so far as prosecution proceedings are concerned no prosecution may be instituted unless the offence is one to which section 346 of the 2005 Act applies.

Consultations

LC850 To consider the Council's Statement of Licensing Policy (including any revisions) before it is determined or reviewed by the Council.

LC860 To decide whether or not to object when the Council is a consultee and not the relevant authority considering the application.

Provision of Information

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

LC870D To respond to requests for information made by the Gambling Commission.

LC880D To exchange information in accordance with sections 30 and 350 of the 2005 Act.

2.5 APPEALS AND REGULATORY COMMITTEE

2.5.1 MEMBERSHIP OF THE APPEALS AND REGULATORY COMMITTEE

The Appeals and Regulatory Committee ("the Committee") shall comprise 14[42] members of the authority. Groups of Members within the overall membership will deal with the work of the committee.

The Committee must, by law, be politically balanced.

The Committee shall not include any member of the Employment and General Committee.

The names of the members of this Committee are shown in Part 8 of this Constitution.

The Committee shall have the power to appoint one or more Sub-Committees.

2.5.2 FUNCTIONS OF THE APPEALS AND REGULATORY COMMITTEE (including those of any Sub-Committee)

GENERAL

A000 To exercise the regulatory, judicial and non-executive functions of the authority (except those functions reserved for exercise by the full Council and except those functions delegated to another body or officer under this Constitution):-

PROCEDURES, TRAINING AND ONWARD DELEGATION

A010 To approve procedures for the hearing of applications, appeals and reviews, (subject to consultation and agreement with employee representatives in the case of employment appeals).

A020 To approve training programmes for its members in and regulatory and judicial procedures.

A030 If necessary to appoint Sub-Committees to deal with particular types of applications, appeals and reviews and to determine their terms of reference and delegated powers.

A040 To delegate to officers such of its functions as the Committee may from time to time decide, where this is permitted by law.

RESPONDING TO LEGAL CHALLENGES

A050 Unless it considers such action not to be in the public interest, to uphold its decisions in any legal proceedings provided that the decision whether

or not to uphold any such decision shall be made by different members from those who made the original decision.

OFFICER DELEGATIONS: to the Director of Governance :

A060D After consulting the relevant officers, to take all necessary legal proceedings in relation to any judicial review, further appeal to a court or tribunal or other legal challenge to any Committee decision, subject to the requirement for officers to report to the Committee on the progress and outcome of any such proceedings.

CONFLICTS OF INTEREST

A070 Where conflicts of interest would prevent the Committee from properly exercising its functions, and the obtaining of dispensations is not practicable, to commission independent adjudication by other person(s) (whether those other persons are members of the Council or of another local authority or not) where this is legally allowed.

A080 Where a conflict of interest or other disability would prevent any officer from properly exercising any delegated function under these terms of reference, to delegate the exercise of that function to another officer or to any other person (where this is legally allowed).

APPEALS AND REVIEWS

In accordance with this Constitution and in particular the rules on Decision-making and Human Rights at Article 13 of this Constitution (13.8) to hear and determine appeals and reviews in connection with the following functions of the Council:

Housing Appeals

A090 To review decisions to seek possession of introductory tenancies. (LOCAL CHOICE FUNCTION) (subject to A120D).

A100 To review decisions to extend the period of introductory tenancies (subject to A120D).

A110 To review decisions to seek possession of demoted tenancies (subject to A120D)

A120 To review decisions made under the homelessness provisions of the Housing Act 1996. (LOCAL CHOICE FUNCTION)

A125 (when the Service Director – Housing refers a matter to the committee for consideration under HO240D) the power to conduct reviews and to make decisions pursuant to the Absolute Ground for Possession for Anti-social Behaviour (Review Procedure) (England) Regulations 2014

OFFICER DELEGATIONS: to the Service Director - Housing:

A130D *Subject to Scheme Reference A160D[43], to exercise the function under Scheme Reference A090[44] by way of written representations and in accordance with the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999[45].[46]*

A140 To review adverse decisions made against persons in respect of the housing register. (LOCAL CHOICE FUNCTION) (subject to A160D)

A150 Under Council policy, to determine appeals and reviews of decisions of officers in relation to secure tenancies, second successions and allocations. (LOCAL CHOICE FUNCTION) (subject to A160D)

OFFICER DELEGATION: to the Service Director - Housing in person:

A160D *In consultation with the Cabinet Member for Housing to exercise any function under Scheme Reference A080, A081, A085, A110 or A115 in relation to a person who is a sex offender or a serious offender (LOCAL CHOICE FUNCTION).*

Benefits and Local Taxation

A170 To review decisions of the Business Transformation Manager with regard to the making, cancellation or recovery of discretionary housing payments, pursuant to the provisions of the Child Support, Pensions and Social Security Act 2000, in such circumstances as the Committee considers appropriate (LOCAL CHOICE FUNCTION).

A180 To determine appeals from decisions of the Business Transformation Manager on the imposition of penalties under the 1992 Act (see Ref. J590D) (LOCAL CHOICE FUNCTION).

Employment

A190 To determine appeals from Council employees under the Council's agreed procedures for disciplinary matters and grievances.

Miscellaneous

A200 To determine appeals from market traders whose licences are to be terminated or suspended or who are to be the subject of other disciplinary action (LOCAL CHOICE FUNCTION).

Residual and General

A220 To exercise any other non-executive function required to be carried out by the Council which is in the opinion of the Director of Governance of a judicial nature and similar in character to the functions listed above and

which may be required to be carried out as a result of any current or future legislation or legal rule.

REVIEWS

In accordance with this Constitution and in particular the rules on Decision-making and Human Rights at Article 13 of this Constitution (13.8) to hear and determine reviews in connection with the following functions of the Council:

Taxi Licensing Reviews

A230 To review the licences of private hire vehicles, hackney carriages, private hire vehicle drivers, hackney carriage drivers and private hire vehicle operators on any one or more of the grounds specified in sections 60(1), 61(1) and 62(1) of the Local Government (Miscellaneous Provisions) Act 1976 and, if considered appropriate, to exercise the power contained in those sections to revoke or suspend any such licence.

REGULATORY FUNCTIONS

Where a regulatory function is specified in these terms of reference, the Committee's functions (or those of any officer to whom the whole or part of a function is delegated) shall, where it is in accordance with the law to do so, include (except where otherwise indicated) all of the following aspects of that function.

1. Imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted and determining any other terms to which any such approval, consent, licence, permission or registration is subject;

2. Determining whether, and in what manner, to enforce:

   (a) any failure to comply with an approval, consent, licence, permission or registration granted as mentioned above

   (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject; or

   (c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of an executive of the authority,

3. Amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned above, or any condition, limitation or term to which it is subject

4. Revoking any such approval, consent, licence, permission or registration.

5. Determining whether a charge should be made for any such approval, consent, licence, permit or registration and, where a charge is made, determining the amount of the charge.

Pleasure Boats and their Navigators

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A240D To determine applications for licences for pleasure boats and their navigators.

Street Collections

A250 To approve an annual programme of flag days/street collections (including those requested as part of the street entertainments programme) and to determine applications for house to house and for street collections.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A260D To issue permits for house to house collections and to determine "one-off" requests for flag/street collections outside the annual programme.

Animals

A270 To carry out the licensing functions under the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964, the Pet Animals Act 1951, the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.[47]

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A280D All licensing functions.

Wild Animals

A290 To carry out the Council's licensing functions under the Dangerous Wild Animals Act 1976[48]

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A300D To issue licences for the keeping of wild animals under the Dangerous Wild Animals Act 1976.[49]

A310D To carry out the Council's licensing functions under the Zoo Licensing Act 1981.

Shops, Trade, and Premises

A320 The Council's licensing functions under the Scrap Metal Dealers Act 1964.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A330D All licensing functions.

A340 Licensing functions under the 1982 Act relating to sex establishments and sexual entertainment venues.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A350D To vary any condition of the licence of a sex shop relating to the opening hours of that shop.

A355D To determine sexual entertainment venue applications where no representations are made or, in the case of renewal applications, where no new representations are made

A360 The Council's licensing functions under sections 14, 15, 16 and 17 of the 1982 Act and byelaws all relating to acupuncture, tattooing, ear-piercing, electrolysis, cosmetic piercing and skin colouring

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A370D To register practitioners under sections 14, 15, 16 and 17 of the 1982 Act for acupuncture, tattooing, ear-piercing, electrolysis cosmetic piercing and skin colouring.

A380 The Council's licensing functions relating to the use of land for caravan sites under the Caravan Sites and Control of Development Act 1960 and to licence the use of land for other moveable dwellings (including tents) under section 269 of the 1936 Act.[50]

A390 To carry out the Council's non-executive functions relating to street trading under Part 3 of and schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

OFFICER DELEGATION: To the Director of Governance :

A400D To prosecute for offences relating to street trading under resolutions of the Council made under the 1982 Act.

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING

A410 The Council's licensing functions in relation to hackney carriages, private hire vehicles and other forms of transport, including matters relating to the provision of accessible taxis in the Borough.

Operators and Drivers of Hackney Carriages and Private Hire Vehicles

OFFICER DELEGATIONS: to the Chief Executive and other designated officers:

A420D To check for criminal convictions and other relevant information relating to licensees or applicants for licences, under Disclosure Service arrangements on behalf of the Council as a registered member of the Criminal Records Bureau. The following officers are designated under those arrangements as follows:

Lead counter-signatory and management responsibility for use of the Disclosure Service: The Chief Executive

Additional counter-signatories for relevant disclosure applications: The Senior Licensing Officer, the Licensing Officer and the Licensing Assistant

Private Hire Vehicle Licences (Operators, Drivers and Vehicles)

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A430D To issue and renew private hire vehicle drivers' licences provided that the applicant satisfies Council policy criteria relating to the issue of being a fit and proper person;

A440D To issue and renew private hire vehicle licences;

A450D To issue private hire vehicle operators licences (if no objections are received after consulting Ward Members

A460D To renew (after consulting Ward Members and the Cultural & Visitor Services Manager) private hire vehicle operators licences;

A470D To suspend the licences of private hire vehicles which are declared unfit after being re-examined; and

A480D To suspend private hire vehicle drivers' licences for 14 days or until the reasons for the suspension have been considered by the Committee, whichever is the sooner, where the Service Director - Leisure, Culture and Community Wellbeing considers there is serious doubt as to a driver's fitness and/or suitability to hold a licence.

Hackney Carriage Licences (Drivers and Vehicles)

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A490D The issue, renewal and substitution of hackney carriage licences (including hackney carriage licences for wheelchair accessible vehicles no older than three years old at the time of presentation minute 1178);

A500D The suspension of the licences of hackney carriages which are declared unfit after being re-examined;

A510D To suspend hackney carriage drivers' licences for 14 days or until the reasons for the suspension have been considered by the Committee, whichever is the sooner, where the Service Director - Leisure, Culture and Community Wellbeing considers there is serious doubt as to a driver's fitness and/or suitability to hold a licence;

A520D To determine applications for commercial advertising on hackney carriage vehicles.

A530D To issue and renew hackney carriage drivers' licences provided that the applicant satisfies Council policy criteria relating to the issue of being a fit and proper person.

FOOD PREMISES

A540 To approve premises for food of animal origin meeting the approval criteria for premises of food hygiene regulation (EC) 854/2004 where the borough council is the Competent Authority.

A550 To keep a register of food business premises and to register food business premises pursuant to the Food Premises (Registration) Regulations 1991.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A560D The functions contained in A550.

A570 To licence knackers' yards under the Slaughterhouses Act 1974.

TRANSMISSIBLE SPONGIFORM ENCEPHALOPHATHIES

A580 All functions under The Transmissible Spongiform Encephalophathies (No. 2) Regulations 2006 (SI 1228/2006) including, but not limited to, the grant of authorisations to, and registrations of, butchers shops.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A590D The functions contained in A580

HEALTH AND SAFETY AT WORK

A600 The Council's functions under any of the relevant statutory provisions within the meaning of Part I of the HSW Act excluding those functions which are discharged by the authority in its capacity as an employer.[51]

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A610D To transfer responsibility for enforcement of any statutory provision to or from the Council by agreement with any other enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1989;

A620D To receive information under section 28(3)(c)(i) of the HSW Act; and

A630D In appropriate circumstances, to waive the 28 days notification of an employer's intention to do work involving certain types of asbestos material required under regulation 5 (1) of the Asbestos (Licensing) Regulations 1983 and regulation 6 (2) of the Control of Asbestos at Work Regulations 1987.

A640D To appoint as inspectors under section 19(1) of the HSW Act such persons having suitable qualifications necessary for carrying into effect the relevant statutory provisions within the Council's field of responsibility.[52]

A650D Under section 19(2) of the HSW Act to authorise in writing the powers that may be exercised by an appointed inspector under any of the relevant statutory provisions.

Working Time Regulations

OFFICER DELEGATION: to the Service Director - Leisure, Culture and Community Wellbeing in person:

A660D The Council's functions under the Working Time Regulations 1998 (as amended) excluding those functions which are discharged by the authority in its capacity as an employer.

INTEGRATED POLLUTION CONTROL

A670 The discharge of any Local Choice Regulatory Function relating to the control of pollution or the management of air quality under the Pollution Prevention and Control Act 1999, Part IV of the Environment Act 1995,

Part I of the EPA and the CAA (Local Choice Functions) including such functions in relation to atmospheric pollution under Part I of the EPA, the CAA and the Environment Act 1995 (air quality reviews etc.), including the determination of applications for authorisations under Part I of the EPA (air quality management areas).[53]

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A680D The Local Choice Regulatory Functions under Part I of the EPA (Integrated Pollution Control and Air Pollution Control by Local Authorities) including:

A690D the determination of applications for authorisations for new waste oil burners below 0.4 MW capacity using oil generated from activities on the same site;

A700D the determination of information which may be withheld from the public register;

A710D the rejection of applications and/or variations from authorisations which are deemed to be not duly made;

A720D to authorise officers to serve notices under sections 13, 14 and 19 and schedule I of the EPA requiring additional information in relation to applications made under Part I of the EPA; and

A730D issue of notices under section 12 of the EPA.

Clean Air Act[54]

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A740D To authorise officers to serve notices under section 24 of the CAA to require fireplaces to be adapted.

A750D To approve works of adaptation to fireplaces and premises subject to smoke control orders and to determine the amount of grants to owners and occupiers under the CAA.

A760D To determine any application under section 7 of the CAA (exemption from the need to provide non-domestic furnaces with arresting plant).

A770D To pay discretionary grants under the CAA in accordance with the scales approved by the Council.

Noise Pollution

A780 The discharge of any Local Choice Regulatory Function under Part III of the 1974 Act, the Civil Aviation Act 1982, the Noise and Statutory Nuisance Act 1993 and the Noise Act 1996 (if adopted by the Council) and the Noise Insulation Regulations 1975.[55]

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A790D In relation to noise on construction sites, to authorise officers to serve notices to control noise and to determine applications for prior consent (sections 60 and 61 of the 1974 Act); and

A800D In relation to Noise Abatement Zones: to determine applications for consent to exceed registered noise levels (section 65 of the 1974 Act); to issue noise reduction notices (section 66 of the 1974 Act); and to issue notices in respect of new buildings (section 67 of the 1974 Act).

Pollution by Contamination of Land and Abandoned Mines

A810 To carry out Local Choice Regulatory and Strategic Functions under Part 2A of the EPA (inserted by Part 2 of the Environment Act 1995).

NUISANCES

A820 Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption under Section 13(2) of the Criminal Justice and Police Act 2001[56]

A830 The discharge of the following functions insofar as they are Local Choice Regulatory Functions: the inspection of the authority's area to detect any statutory nuisance under section 79 of the EPA; the investigation of any complaint as to the existence of a statutory nuisance under section 79 of the EPA; and the service of an abatement notice in respect of a statutory notice under section 80(1) of the EPA.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A840D To authorise officers to serve notices about statutory nuisances under Part 3 of the EPA.

Loudspeakers

A850 To grant consent for the operation of a loudspeaker under Schedule 2 to the Noise and Statutory Nuisance Act 1993.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A860D To determine applications to use loudspeakers in streets between 9.00pm and 8.00am.

Hypnotism

A870 Licensing functions under the Hypnotism Act 1952.

Obtaining Information about Land

OFFICER DELEGATIONS: to each Assistant Director:

A880D To obtain information under section 16 of the 1976 Act as to persons interested in land, in connection with functions which are the responsibility of the Committee (LOCAL CHOICE FUNCTION).

Derbyshire Act 1981

A890 To exercise all Local Choice Regulatory Functions under the Derbyshire Act 1981 except for any provision in the Derbyshire Act 1981 which relates to planning or highways law which are the responsibility of the Planning Committee.[57]

Smoke-free places

A900 To exercise all non-executive functions of the council under the Health Act 2006

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

A910D To appoint as inspectors such persons having suitable qualifications or training necessary for carrying into effect the relevant statutory provisions within Chesterfield Borough Council's field of responsibility under the Health Act 2006 and regulations made under the Act,

A920D To authorise in writing the powers (including, but not limited to, powers of entry, to issue fixed penalty notices and to enforce offences) that may be exercised by an appointed inspector under any of the relevant statutory provisions.

ENFORCEMENT, PROSECUTIONS AND LEGAL PROCEEDINGS

A930 To prosecute or to take legal proceedings for offences or breaches of the law under any legislation within the terms of reference of the Committee, including legislation about hackney carriages and private hire vehicles.

OFFICER DELEGATIONS: to the Director of Governance :

A940D To receive and consider reports from the police, the Council's enforcement officers and any member of the public about any alleged breach of the criminal law in relation to private hire or hackney carriage vehicles;

A950D To prosecute or to take legal proceedings for offences or breaches of the law under any legislation within the terms of reference of the Committee, including (without prejudice to the generality of this delegation) legislation about hackney carriages and private hire vehicles;

A960D To make arrangements for the periodic inspection of hackney carriages and private hire vehicles licensed by the Council.

3 RESPONSIBILITY FOR CABINET (EXECUTIVE) FUNCTIONS

3.3 INTRODUCTION

3.3.1 Cabinet

Most decisions will be made by the executive of the authority. This is made up of the Council's executive leader together with seven other councillors forming the Cabinet. The executive leader and the Cabinet are together called the Cabinet in this Constitution.

Of the nine Cabinet members (including the Leader), eight will be members of the political group with a majority on the council and one will be a member of the minority political group. The eight Cabinet members (including the Leader) from the majority group are called Cabinet Members and each have a portfolio of responsibilities.
The names of all Cabinet members are shown at Part Eight of this Constitution.

3.3.2 Portfolios

The Executive Leader, Deputy Leader, and the six other Cabinet Members each have a portfolio of responsibilities[58] as follows:

Key to abbreviations:

CEO – Chief Executive Officer
DCE – Deputy Chief
Executive
SD – Service Director
CBC – Chesterfield Borough Council
BDC – Bolsover District Council
NEDDC – Nort East Derbyshire District Council
UKSPF – UK Shared Prosperity Fund

Cabinet Portfolio	**Responsibilities** (From May 2023)	Mapped across to Corporate Leadership Team	Committee / Outside Body appointments
Leader of the Council and Cabinet Member for Economic Growth *Cllr Tricia Gilby*	Lead – external strategic partnerships	CEO / ED / relevant SD(s)	• Borough Parish Liaison • Employer / Trade Union Committee • Joint Board – CBC / BDC / NEDDC • Sheffield City Region Mayoral Combined Authority Board • Staveley Town Deal Board • UKSPF Partnership Board • Chesterfield Waterside Limited • Derby and Derbyshire Strategic Leadership Board • EMCCA • Derbyshire Culture, Heritage, Arts and Tourism (CHAT) Board • East Midlands Councils • Local Government Association General Assembly
	Overall policy direction (with Deputy Leader of the Council)	CEO / ED / SD – Policy, Communication & Local Government reorganisation	
	Annual budget incl. Council Tax setting	CEO / ED / SD – Finance	
	Corporate communications – public relations, Your Chesterfield, community engagement and consultation (with Deputy Leader of the Council)	CEO / SD – Policy, Communication & Local Government reorganisation	
Deputy Leader of the Council and Cabinet	Overall policy direction (with Leader of the Council)	CEO / ED / SD – Policy, Communication &	• Employer / Trade Union Committee

Member for		Local Government reorganisation	• Joint Board –
	Council Plan 2023 – 2027	ED / SD – Policy, Communication & Local Government reorganisation	

Finance and Asset Management *Cllr Amanda Serjeant*	Council performance and improvement	SD – Policy, Communication & Local Government reorganisation	CBC / BDC / NEDDC (Deputy) • Derby and Derbyshire Strategic Leadership Board (Deputy)
	Corporate communications – public relations, Your Chesterfield, community engagement and consultation (with Leader of the Council)	SD – Policy, Communication & Local Government reorganisation	
Cabinet Member for Economic Growth *Cllr Tricia Gilby*	Growth Strategy 2023 – 2027	CEO / ED / SD – Economic Growth	• East Midlands HS2 Executive Board • Chesterfield and Staveley HS2 Delivery Board • Destination Chesterfield Board • Joint Growth Board – DCC • Chesterfield Skills and Employment Partnership
	Housing Strategy (with Cabinet Member for Housing)	SD – Housing SD – Economic Growth	
	Skills Action Plan 2023 – 2027	ED / SD – Economic Growth	
	Staveley Town Deal	CEO / SD – Economic Growth	
	Key sites delivery • Chesterfield Waterside • Staveley Growth Corridor • High Speed Rail 2 • Gateway @ PEAK • Northern Gateway Phase 2 • Southern Gateway (incorporating Pavements Shopping Centre) • Staveley Town Deal projects (Derbyshire Rail Industry Innovation Vehicle [DRIIVe] and Construction Skills Hub)	CEO / ED / SD – Economic Growth	
	Inward investment (incl. Destination Chesterfield)	CEO / SD – Economic Growth	
	Business start-up and growth programmes	SD – Economic Growth	

Cabinet Member for Finance and Asset Management *Cllr Amanda Serjeant*	General Fund Revenue Budget and Medium-Term Financial Plan	CEO / ED / SD – Finance	
	General Fund Capital Strategy and Programme	SD – Finance	
	Treasury Management and Investment Strategies	SD – Finance	
	Housing Revenue Account (HRA) – 30-year Business Plan, Capital Programme (with Cabinet Member for Housing)	ED / SD – Finance / SD – Housing	
	Asset Management Strategy – capital receipts disposal programme, commercial and operational estate	ED / SD – Economic Growth	
	Procurement and contracts management	SD – Finance SD – Economic Growth	
Cabinet Member for Climate Change, Planning, and Environment *Cllr Martin Stone*	Climate change strategy 2023 - 2030	CEO / SD – Policy, Communication & Local Government reorganisation	• Trans Pennine Trail Steering Group • Chesterfield Canal Partnership Executive Steering Group • Joint Crematorium Committee
	Local Plan	SD – Economic Growth	
	Planning – development and control	SD – Economic Growth	
	Conservation – built environment	SD – Economic Growth	
	Property decarbonisation projects – commercial and operational estate, council housing	SD – Economic Growth SD – Housing	
	Fleet management	SD – Housing	
	Waste collection and recycling	SD – Leisure, Culture and Community Wellbeing	

	Streetscene, grounds maintenance and building cleaning services	SD – Leisure, Culture and Community Wellbeing	
	Crematorium and cemeteries	SD – Leisure, Culture and Community Wellbeing	
Cabinet Member for Town Centres and Visitor Economy *Cllr Kate Sarvent*	Chesterfield and Staveley Town Centre Masterplans	SD – Economic Growth	• Markets Consultative Committee • PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee • Marketing Peak District and Derbyshire • National Association of British Market Authorities • Derbyshire Armed Forces Partnership
	Visitor economy strategy 2021 – 2026	SD – Economic Growth SD – Leisure, Culture and Community Wellbeing	
	Car parking strategy	SD – Leisure, Culture and Community Wellbeing SD – Economic Growth	
	Town centre management including Staveley, Chatsworth Road and other district shopping centres	SD – Economic Growth SD – Leisure, Culture and Community Wellbeing	
	High Street regeneration projects • Stephenson Memorial Hall • Revitalising the Heart of Chesterfield (RHOC) • Staveley 21	CEO / SD – Economic Growth / SD – Leisure, Culture and Community Wellbeing	
	Markets	SD – Leisure, Culture and Community Wellbeing	
	Chesterfield theatres (The Winding Wheel and Pomegranate Theatre) and museums	SD – Leisure, Culture and Community Wellbeing	
	Visitor information services	SD – Leisure, Culture and Community Wellbeing	

	Festivals and events	SD – Leisure, Culture and Community Wellbeing SD – Economic Growth	
	Armed forces covenant	SD – Policy, Communication & Local Government reorganisation	
Cabinet Member for Health and Wellbeing	Improving health and tackling inequalities in health	ED / SD – Leisure, Culture and Community Wellbeing / SD – Policy, Communication and Local Government reorganisation	• Taxi Consultative Committee • Active Derbyshire and Derbyshire Schools Sports Partnership • Derbyshire Safer Communities Board • Chesterfield Community Safety Partnership • Derbyshire Police and Crime Panel • Derbyshire Health and Wellbeing Partnership Board • Chesterfield Health and Wellbeing Partnership
	UK Shared Prosperity Fund	ED / relevant SD(s)	
	Grants to voluntary organisations	SD – Policy, Communication & Local Government reorganisation	
	Chesterfield Community Safety Partnership	SD – Leisure, Culture and Community Wellbeing	
	Anti-Social Behaviour Strategy 2022 – 2025	SD – Leisure, Culture and Community Wellbeing	
	Community safety services incl. CCTV and Pavements security operations	SD – Leisure, Culture and Community Wellbeing	
	Sports Facilities • Queen's Park Sports Centre • Staveley Healthy Living Centre • Tapton Park Golf Course	SD – Leisure, Culture and Community Wellbeing	
	Parks and Open Spaces Strategy	SD – Leisure, Culture and Community Wellbeing	

	Play Strategy	SD – Leisure, Culture and Community Wellbeing	
	Environmental health and licensing services	SD – Leisure, Culture and Community Wellbeing	

Cabinet Member for Housing *Cllr Jean Innes*	Housing Strategy (with Cabinet Member for Economic Growth)	SD – Housing SD – Economic Growth	
	Housing Revenue Account (HRA) – 30-year Business Plan, Capital Programme (with Cabinet Member for Finance and Asset Management)	ED / SD – Finance in consultation with SD – Housing	
	Housing management incl. allocations, tenancy management, neighbourhood services etc.	SD – Housing	
	Asset management – capital programme, planned maintenance, responsive repairs and maintenance, compliance	SD – Housing	
	Council housebuilding and acquisitions programme	SD – Housing	
	Homelessness prevention and response services	SD – Housing	
	Immigration, resettlement, and cohesion	SD – Policy, Communication & Local Government Reorganisation SD – Housing	
	Careline and supported accommodation services	SD – Housing	
	Private sector housing services	SD – Housing	
	Home adaptations and disabled facilities grant administration	SD – Housing	
Cabinet Member for Governance *Cllr Judy Staton*	The council's constitution – articles, division of responsibilities, rules of procedure, code of conduct etc.	CEO / SD – Governance	• Health and Safety Committee • Elections Working Group

	Members' allowance scheme	CEO / SD – Governance	• Member Development

	Member induction, support, and development programmes	SD – Governance	Group
	Overview and scrutiny arrangements	SD – Governance	
	Civic services and mayoralty	CEO / SD – Governance	
	Code of corporate governance	SD –Governance SD – Finance	
	Standards and audit committee	SD – Finance SD – Governance	
	Legal and democratic services	SD – Governance	
	Risk management incl. maintenance of corporate risk register	SD – Digital, HR and Customer Service	
	Information governance	SD – Governance	
	Corporate health and safety	SD –Digital, HR and Customer Services	
	Equalities framework	SD – Policy, Communication & Local Government Reorganisation	
	Safeguarding policy and modern slavery statement	SD – Policy, Communication & Local Government Reorganisation	
	Emergency and business continuity planning	CEO / ED / SD – Digital, HR and Customer Services	
	Elections management and electoral registration	CEO / SD – Governance	
Cabinet Member for Customers and Business Transformation *Cllr Gavin Baldouf-Good*	Customer services strategy	SD – Digital, HR and Customer Services	• Employer / Trade Union Committee
	Customer services and contact centre operations	SD – Digital, HR and Customer Services	
	Revenues and benefits services	SD – Digital, HR and Customer Services	
	Shared services programme	SD – Digital, HR and Customer Services	

	ICT strategy and transformation programme	SD – Digital, HR and Customer Services	
	ICT services	SD – Digital, HR and Customer Services	

	Workforce strategy and planning incl. investors in people	CEO / SD – Digital, HR and Customer Services	
	Human resources, payroll, and support services	SD – Digital, HR and Customer Services	
	Town Hall and depot refurbishment projects	SD – Digital, HR and Customer Services	
	Project and programme management office	SD – Policy, Communication & Local Government Reorganisation SD – Digital, HR and Customer Services	

The Cabinet Procedure Rules at Part Four explain how matters which fall outside or between these portfolios may be dealt with.

3.3.3 **Cabinet Members' Responsibility for Council Land and Property:**

Broadly, each Cabinet Member is responsible for land and property used for the functions within that member's service area. A list of land and property is included in this Constitution at **Appendix 1**, to help identify which property falls within which Cabinet Member's service area. The Cabinet Member for Economic Growth has overall responsibility for asset management. The Cabinet may change these responsibilities for land and property as between Cabinet Members.

3.3.4 **Decision Making**

The Delegation Scheme below shows in detail which functions and decisions are within each Cabinet Member's portfolio of responsibilities.

Executive decisions by elected members will be made in 4 ways:

Decision	Suffix in delegation scheme
Final decisions made collectively in meetings of the Cabinet,	none
Decisions made collectively in meetings of the Cabinet to recommend the Council to approve a budget, plan or strategy	**R**
Decisions made by a Cabinet Member individually	**L**
Decisions made by a Cabinet Member individually, after consultation with another Cabinet Member	These are shown below by a reference to consultation with another Cabinet Member

The Cabinet Procedure Rules and Access to Information Procedure Rules describe the detailed procedures for how these decisions are made.

For collective decisions, the appropriate Cabinet Member will approve and refer officer reports to the Cabinet meeting, though such referrals by a Cabinet Member to the Cabinet shall have no legal status as a decision or part of a decision. The decision will be made by the Cabinet itself.

3.3.5 Delegation under Executive Arrangements and by the Leader

The Council has approved the scheme of delegations below and any changes to it must be approved by the full council or Standards and Audit Committee (see Cabinet Procedure Rules) subject to the following:

Section 9E of the Local Government Act 2000 says that where the discharge of a function has not been allocated in this Scheme by the Council (in approving these executive arrangements), the Leader may individually:

- Discharge that function himself or herself, or
- Delegate the discharge of that function to the Cabinet collectively, or to a Cabinet Member individually, or to a sub-committee of the Cabinet or to an officer

These executive arrangements allow the Leader individually to change the responsibility for any function from collective Cabinet responsibility to individual Cabinet Member responsibility (suffix L) and vice versa.

These executive arrangements allow any Cabinet Member (including the Leader) individually to

- Revoke or amend any existing Officer delegations within their portfolio (suffix **D**)
- Delegate any Individual Cabinet Member Delegations (suffix **L**) to an officer.

Subject to the arrangements for reporting such changes to full council contained in the Cabinet Procedure Rules at Part 4.

The Cabinet Procedure Rules also provide for the temporary transfer of delegations for certain items, for example in order to comply with the Members' and Officers' Codes of Conduct.

The Leader may change the content of the portfolio responsibilities of any Cabinet Member, and any such change must then be reported to the full Council.

As a general principle strategic matters are retained as member level decisions and all operational matters within the relevant portfolio are delegated to officers.

3.4 EXECUTIVE FUNCTIONS

C000 The Cabinet will exercise or delegate all the executive functions of the authority including but not limited to the functions detailed below and including the Local Choice executive functions where shown below.

3.5 FUNCTIONS OF ANY CABINET MEMBER

These are functions which may be referred to the Cabinet or discharged individually (as the case may be) by **<u>any</u> Cabinet Member provided that the function relates to that Cabinet Member's portfolio of responsibilities**.

URGENT MATTERS

G000L ..To determine any urgent issue in order to give effect to a scheme, proposal or policy already approved by the Council or by the Cabinet; provided that except where expressly otherwise stated in the Constitution the inclusion of a relevant item in the Annual Estimates shall not in itself be deemed to be approval by the Council or by the Cabinet for this purpose.[59]

G010L To make on behalf of the Cabinet any urgent representations, observations or objections about any matter affecting the authority's interests or functions.

Appointment of Sub-Committees

G020 To appoint sub-committees of the Cabinet with such responsibilities for executive functions as the Cabinet may decide.

G030 and G040 not used

FINANCE

Spending

OFFICER DELEGATIONS: To any member of the Corporate Management Team and/or service manager who is the relevant budget holder/manager in accordance with limits set for the Council's financial accounting system:

G050D To authorise any capital or revenue spending (or receipts) contained in an approved budget.

OFFICER DELEGATIONS: to the Chief Executive and to the Deputy Chief Executive:

*G060D To authorise capital or revenue spending, (or capital receipts) of **£25,000 or less** only in accordance with the conditions in Financial Regulation A13 in the Financial Procedure Rules at Part 4 of this Constitution.*

*G070D To authorise capital or revenue spending, (or capital receipts) of **more than £25,000** only in accordance with the conditions in Financial Regulation A14 in the Financial Procedure Rules at Part 4 of this Constitution.*

Capital Programme

G080 To approve:

- project evaluation reports

- ... post-project review reports required under Financial Procedure Rule 4.60
- ... reports on the additional cost of variations as required by Financial Procedure Rule 4.57.1 and 4.57.2

where the project is:

- within the Capital Programme allocation approved by the Council, AND:
- worth greater than £100,000, AND
- when completed likely to result in no additional revenue costs or to result in only minor additional revenue costs.

OFFICER DELEGATION: To any member of the Senior Leadership Team

G090D To approve:

- *project evaluation reports*
- *... post-project review reports required under Financial Procedure Rule 4.60*
- *... reports on the additional cost of variations as required by Financial Procedure Rule 4.57.1 and 4.57.2*

where the project is:

- *within the Capital Programme allocation approved by the Council, AND:*
- *worth up to £100,000, AND*
- *when completed likely to result in no additional revenue costs or to result in only minor additional revenue costs.*

Note: The Cabinet Member for Housing may individually approve housing related reports as an exception to this rule - see HO070L

Writing-Off/Disposal of Surplus Material

G095 To write off of bad debts, arrears of rent, rates, community charges (poll tax), council tax, mortgage repayments, losses of property and obsolescent stores and equipment which exceed levels delegated to Cabinet Member or officers.

G100L To write off of bad debts, arrears of rent, rates, community charges (poll tax), council tax, mortgage repayments, losses of property and obsolescent stores and equipment in accordance with authorised limits.[60].

OFFICER DELEGATIONS: To the relevant Service Director/Chief Finance Officer/Service Director - Finance as appropriate

G120D After consulting the officer concerned, and if necessary the Chief Executive, to exercise the functions at Scheme Reference G100L above in accordance with authorised limits.[61].

OFFICER DELEGATIONS: to the Chief Executive, Deputy Chief Executive and to each Service Director:

G130D To sell surplus vehicles, stores and equipment subject to the Chief Finance Officer being informed of the terms of sale before the contract is completed (unless the value is less than £250).

COUNCIL LAND

Management of Land, VAT and Repairs

G140L To manage and repair land and properties within the relevant Cabinet Member's responsibilities.

OFFICER DELEGATIONS: to the Chief Finance Officer/Director of Resources:

G150D In urgent cases, in relation to Value Added Tax, to exercise the Council's option to tax certain buildings, sites or areas.

OFFICER DELEGATIONS: to the Chief Finance Officer /Service Director - Finance:

G160D With the relevant officers, to determine an overall annual budget for property repair including provision for planned and reactive maintenance. (The annual budget to be reported to the Cabinet as part of the annual strategic property review).

G170D With relevant officers and within budget provision, to arrange reactive and emergency property repairs to all non-housing property.

OFFICER DELEGATIONS: to each Service Director:

G180D To prepare and approve a programme of planned and cyclical maintenance for the repair, maintenance and decoration of premises within their managerial and financial control.

G190D To authorise demolition of any dangerous building on any Council Land.

G200D To approve the siting of electricity sub-stations, gas kiosks and other installations or equipment of statutory undertakers on Council Land and grant easements and rights for that purpose.

G210D To determine any matter (including service of notices and the arrangement of sales) in relation to the disposal of lost and uncollected property found or deposited on Council Land, after consultation, if necessary, with the Director of Governance .

Applications for Planning and Building Regulation Approval

OFFICER DELEGATIONS: to the Chief Executive, Deputy Chief Executive and each Service Director as appropriate:

G220D To make applications for planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992 and Regulation 13 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 or Section 82 of the LBA and to serve any notice and comply with any statutory procedures.

G230D To make applications for building regulation approval in respect of developments which the Council proposes to undertake.

Trespass to Council Land

G240L Subject to specific delegations elsewhere in this Scheme (including powers to control unauthorised traveller encampments at E560L and housing possession powers), to regain possession of any Council Land from trespassers or from any person in breach of a lease or licence.

Competing Uses for Council Land

G250 To decide issues in relation to competing uses for any land as between Cabinet Members' responsibilities for land within their portfolios (see Appendix 1 to this Constitution).

ACQUISITION AND DISPOSAL OF LAND

G260L (Subject to the Leader's responsibility for key sites), to approve any **other transaction** in land which is not delegated elsewhere in this Constitution, including:

- to acquire or appropriate **non-housing** land which is required for any function within the relevant Cabinet Member's responsibilities;
- to dispose of **non-housing** land which is **not** required for any such function,
- and to approve any acquisition, appropriation, disposal or exchange to provide more convenient boundaries, access, etc. to Council land or land adjoining.

G270L To determine the extent of the land to be acquired by the Council in or next to a clearance area, so long as the total budget for the purchase of land in respect of that clearance area is not exceeded.

Finance and Performance Board and Land Disposal Group[62]

OFFICER DELEGATIONS: To the Deputy Chief Executive or the Service Director - Finance:

G273D Notwithstanding any other delegations in Part 3, after consultation with members of the Land Disposal Group to approve the disposal of land surplus to the requirements of the Council of a value of up to £250,000.

OFFICER DELEGATIONS: To the Chief Executive, Deputy Chief Executive or the Service Director - Finance:

G275D Notwithstanding any other delegations in Part 3, after consultation with members of the Finance and Performance Board to approve the acquisition and disposal of land of a value of up to or exceeding £250,000.

Disposal of Certain Industrial and Retail Property

OFFICER DELEGATIONS: to the Head of Corporate Property and Technical Services and in consultation with the appropriate Cabinet Member[63]

G280D In accordance with Council Policy, to dispose of any freehold or leasehold interest or to grant a lease for any term of years (with or without a premium) or for an indefinite term in relation to any land used for industrial purposes on any of the Council's industrial estates.

G290D In accordance with Council Policy, to grant any lease for any term of years (with or without a premium) or for an indefinite term in relation to any land which is outside the Town Centre and which is used for retail purposes

Leases and Licences

OFFICER DELEGATIONS: to the Head of Corporate Property and Technical Services:

G300D To grant short-term[64] *lettings of any non-housing land, and, after consulting relevant officers, to consent to assignments and accept surrenders of such lettings.*

OFFICER DELEGATIONS: to the Chief Finance Officer/Service Director - Finance (after consultation with the):

G310D To vary the rent payable where a commercial tenant is in trading difficulties, or in other circumstances and where it may be in the long-term interests of the Council to retain that tenant.

OFFICER DELEGATIONS: to the Head of Corporate Property and Technical Services in consultation with the Property Procurement and Contract Law Manager:

G320D To carry out and conclude reviews of the rent of any lease and take any necessary legal proceedings.

G330D To determine applications for minor alterations to be carried out at the expense of the tenant.

G340D To licence the attachment of wires, brackets and wall boxes to Council Land.

Disposal Terms

G350D To put such conditions as the Head of Corporate Property and Technical Services may decide on any disposal of land.[65]

G360D To agree terms for the purchase by the Council of land to be acquired under compulsory purchase powers.

G370D To approve changes in the identity of disponees in transactions already approved by the Cabinet or already approved elsewhere in this scheme, provided that the financial and business status of the substituted disponee is acceptable to the appropriate officers.

G375D Notwithstanding any prior decision, and in order to accord with disposal terms and to achieve the approved objective of the disposal: to agree appropriate amendment to boundaries of land to be disposed, and/or the nature and extent of supporting easements to be granted as part of the approved disposal, and/or to correct any error in the plan used for the transfer or other deed.

Obtaining Information about Land

OFFICER DELEGATIONS: to each Service Director:

G380D To obtain information under section 330 of the TCP Act or under section 16 of the 1976 Act as to persons interested in land, in connection with functions which are the responsibility of the Cabinet (LOCAL CHOICE FUNCTION)[66]

COMPENSATION

G390L To determine applications under Section 17 of the 1973 Act (actions for nuisance caused by the use of public works).

OFFICER DELEGATIONS: to the Director of Governance (after consultation with the Head of Corporate Property and Technical Services):

G400D Under the 1973 Act, to determine applications for Home Loss and Disturbance Payments in respect of properties affected by action of the Council, subject to the Service Director - Housing's delegation at Scheme Reference HO720D.

G410D To authorise payments under Section 43 of the 1973 Act to persons entitled in respect of properties affected by action of the Council.

G420D To agree terms for compensation from the responsible body for mining subsidence damage to Council property (Coal Industry Act).

MISCELLANEOUS

Arrangements to promote well being[67]

G430 Subject to other specific delegations in this Part, in order to promote the economic, social or environmental well-being of Chesterfield and its area to exercise the powers under Part One of the Local Government Act 2000, including to:

(a) enter into arrangements or agreements with any person or body;
(b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
(c) exercise on behalf of that person or body any functions of that person or body.

Attendance at conferences, courses etc.

OFFICER DELEGATION: to theDeputy Chief Executive , after consulting the appropriate Cabinet Member:

G440D Within Council policy, to approve the attendance of any Member(s), with any appropriate officer(s) in support, at any conference, demonstration or meeting of an outside body with a member or officer reporting back as appropriate

Partnership Schemes (PFI etc.)

G450 To enter into partnership agreements with other organisations for funding and operational purposes (e.g. PFI schemes).

Sponsorship

OFFICER DELEGATIONS: to the Chief Executive, Deputy Chief Executive and each Service Director as appropriate

G460D To organise sponsorship in respect of activities associated with the Council's functions.

External Advice

G470L To appoint professional advisers or consultants in connection with any scheme or proposed scheme (Note: for the engagement of Counsel see Article 14 of this Constitution).

Ombudsman

G480L Subject to Section 31A, 31(2A) and 31(5A) of the Local Government Act 1974[68], to consider appropriate cases referred to the Local Ombudsman and to decide whether to reach local settlements or to take any other action following the Ombudsman referral (including obtaining the Secretary of State's consent to make ex gratia payments), **except for** ombudsman complaints involving:

- **members' conduct** (which are in the terms of reference of the Standards and Audit Committee), and
- cases involving non-executive functions, and
- cases where a payment is to be made or other benefit provided in the case of maladministration (section 92 Local Government Act 2000)[69], which are in the terms of reference of the Standards and Audit Committee.

G490 not used

COMPETITION, TENDERS AND CONTRACTS

Suspension of Competition Requirements

G500L To determine which contracts or classes of contracts may be exempted from the application of Standing Orders (in whole or part) in relation to the supply of goods or services to DSO's.

Client Functions

G510L To carry out the Council's Client functions including determination of contract letting timetables, packages, length of contracts, performance standards (within the approved budget) and other terms and conditions and supervising monitoring and enforcing contracts;

OFFICER DELEGATIONS: to Each Service Director as appropriate:

G520D Within the guidelines in the Contract Procedure Rules, to determine the number and identity of contractors who are to be invited to tender for any contract

G530L To decide select listing criteria and to select tenderers and to decide tender evaluation methods and to accept tenders or bids.

OFFICER DELEGATIONS: to each Service Director:

G540D To select the publications in which tender notices are to be published and to publish them.

G550L To approve membership of the tender evaluation panel, method and procedures for consultation with service users and trades unions and arrangements for contractor interviews where necessary.

Acceptance of Tenders

G560L To accept or reject tenders in cases where the lowest tender (after any tender adjustments made under approved tender conditions)(or the highest where payment is to be made to the Council) is not recommended for acceptance.

OFFICER DELEGATIONS: to the Chief Executive and to each Service Director as appropriate:

G570D To accept any tender under the Contract Procedure Rules 2 and 12 (Part 4 of this Constitution).

OFFICER DELEGATIONS: to the Chief Executive and to Each Service Director as appropriate:

G580D To carry out the functions of Supervising Officer as specified in any Contract.

G590L To grant or withhold optional extensions under the terms of contracts.

Acceptance of Grants

G600L Subject to G620D, to determine whether or not the Council should accept the offer of a grant from an external organisation of the value of over £100,000

OFFICER DELEGATIONS: to Each Service Director:

G610D To approve acceptance of the offer of a grant to the Council from an external organisation of a value of up to £100,000 and

G620D To approve acceptance of the offer of a grant from an external organisation of a value of over £100,000 where the Head of Procurement in consultation with the relevant service manager / service director and the Director of Governance or Property Procurement and Contracts Law Manger considers that the risks associated with the terms and conditions of the grant offer are not sufficiently onerous for the Council to warrant a decision by the Cabinet Member.

DSOs

G630L To determine operational issues about contracts won by DSO's.

G640 To approve business plans and final accounts of DSO's, and to approve periodic trading statements which show any significant variation from the DSO's business plan

G650L To approve periodic trading statements of DSO's which show no significant variation from the DSO's business plan

OFFICER DELEGATION: to the Director of Governance :

G660D To determine any dispute or difference between a client department and DSO or between DSOs in relation to the terms under which services or works are provided by a DSO.

OFFICER DELEGATIONS: to each relevant Service Director, after consulting the Deputy Chief Executive :

In accordance with the overall programme of work approved by the Council:-

G670D To vary the number of manual employees in each DSO in accordance with departmental workloads.

G680D To provide works, goods and services internally as defined by Contract Procedure Rule 12(Internal Provision).

G690D To prepare and submit tenders to and contract with outside bodies and persons for the provision of work, goods or services provided that the total value of such

External Provision [70] in any financial year does not exceed 5% of the total value of External Provision and of Provision under Scheme Reference G650D.

External Provision

OFFICER DELEGATIONS: to each relevant Service Director, after consulting the Deputy Chief Executive

G800D To approve any proposal to exceed any percentage limit on the value of External Provision[71] contained in the Scheme of Administration, having regard to Contract Procedure Rule 13 and to Council Policies.

CHESTERFIELD MARKET FESTIVAL

G810L To take any executive decisions that may be required in preparation for any Chesterfield Market Festival. [72]

PERFORMANCE MANAGEMENT

G820 To consider reports relevant to each Cabinet Member's Responsibilities under the Council's Performance Management system.

G830 In relation to each Cabinet Member's responsibilities, responsibility for performance management information and reporting on follow-up action.

3.6 THE LEADER OF THE COUNCIL'S PORTFOLIO:

OVERALL RESPONSIBILITIES:

Cabinet Portfolio	Responsibilities	Mapped across to Corporate Leadership Team	Committee / Outside Body appointments
Leader of the Council and Cabinet Member for Economic Growth *Cllr Tricia Gilby*	Lead – external strategic partnerships	CEO / ED / relevant SD(s)	• Borough Parish Liaison • Employer / Trade Union Committee • Joint Board – CBC / BDC / NEDDC • Sheffield City Region Mayoral Combined Authority Board • Staveley Town Deal Board • UKSPF Partnership Board • Chesterfield Waterside Limited • Derby and Derbyshire Strategic Leadership Board • EMCCA Board (if chosen by districts) • Derbyshire Culture, Heritage, Arts and Tourism (CHAT) Board
	Overall policy direction (with Deputy Leader of the Council)	CEO / ED / SD – Policy, Communications and Reorganisation	
	Annual budget incl. Council Tax setting	CEO / ED / SD – Finance	
	Corporate communications – public relations, Your Chesterfield, community engagement and consultation (with Deputy Leader of the Council)	CEO / SD – Policy, Communication and Local Government Reorganisation	

			• East Midlands Councils • Local Government Association General Assembly

General

LC000 To discharge or refer to the Cabinet (as the case may be) all the executive functions of the authority relating to any matter within the scope of the Leader's Overall Responsibilities listed above, including but not limited to the functions detailed below.

Plans and Strategies[73]

LC010R The **formulation or preparation** of the following plans and strategies amongst those listed in Article 4 of this Constitution, namely:

Other plans and strategies which the council has decided should be adopted by the Council meeting as a matter of local choice

- Annual Reports and other strategic plans approval of which is not specifically delegated elsewhere in the Constitution.

LC020 The amending, modification, variation or revocation of any such plan or strategy where required to give effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for their approval, or to any part so submitted or where authorised by a determination made by the authority when approving or adopting the plan or strategy

LC030 The introduction of any new or varied Council policy or service or any variation in Council resources which is of major significance in accordance with the Financial Procedure Rules/Budget and Policy Framework Procedure Rules.

LC040 To keep the Council's policies and resources under review.

PARTNERSHIPS

LC050L To represent the authority/Cabinet as appropriate on partnerships within the Leader's Overall Responsibilities listed above.

JOINT BOARD - JOINT WORKING

LC060L Subject to the Conditions of Delegation listed below to decide all matters relating to joint working and shared services with Bolsover District Council and

North East Derbyshire District Council and to delegate the making of any such decision to officers.

Conditions of this Delegation

Decisions under this delegation shall be made:

1. In consultation with the duly authorised executive members of Bolsover District Council and North East Derbyshire District Council

2. Within the overall budget approved from time to time by each authority's Executive

3. In the absence or unavailability of the Leader, by the Deputy Leader, and in the absence or unavailability of both the Leader and Deputy Leader, by a Cabinet Member nominated by the Leader

4. In accordance with:

   - the principles of the joint working protocol dated March 2006 (see Part 2 Article 11 of this Constitution - Joint Arrangements), and

   - the Terms of Reference for joint meetings of the duly authorised Cabinet Members of Chesterfield Borough Council, Bolsover District Council and North East Derbyshire District Council (see Part 2, Article 11 of this Constitution - Joint Arrangements)

5. Any decision to enter into any formal joint working or shared services agreement shall not be within the scope of this delegation, and shall be reserved to the Councils' respective executives.

ANNUAL BUDGET SETTING PROCESS

Preparing Estimates for the Budget and Rate[74]

LC070R The **preparation, for submission to the authority for their consideration**, of:

- estimates of the amounts to be aggregated in making the calculation in accordance with any of sections 32 to 37, 43 to 49, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992, whether originally or by way of substitute; or of other amounts to be used for the purposes of the calculation and estimates of the calculation; or

- the amounts required to be stated in the precept;

- the reconsideration of those estimates and amounts in accordance with the authority's requirements;

- the submission for the authority's consideration of revised estimates and amounts.

COMMUNICATIONS AND CONSULTATIONS

LC080 To approve consultation and communications plans and strategies.

"Your Chesterfield" Council Newspaper

LC090L .. To make routine operational decisions about "YourChesterfield".

NOMINATIONS TO AND CORPORATE MEMBERSHIP OF OUTSIDE BODIES

LC100 (Where not otherwise delegated under this scheme) to approve, or otherwise, the Council's corporate membership of outside organisations relating to executive functions.

LC110 In connection with **both executive and non-executive functions**, the appointment of any individual –

(a) to any office other than an office in which he is employed by the authority;

(b) to any body other than –

(i) the authority;
(ii) a joint committee of two or more authorities;

(c) to any committee or sub-committee of such a body,

and the revocation of any such appointment
(LOCAL CHOICE EXECUTIVE FUNCTION):[75]

LC120L To receive reports from any such individual or any such body in relation to any executive function.

LIAISON MEETINGS

LC130 To receive and report on the Minutes of Borough/Parish Liaison meetings and DCC/Borough Liaison meetings;

STRATEGIC LAND TRANSACTIONS

LC140 To acquire (by agreement or compulsory purchase or appropriation) or dispose of any land which has **a major or strategic significance** in accordance with Council policy.

3.5 THE DEPUTY LEADER OF THE COUNCIL:

OVERALL RESPONSIBILITIES:

Cabinet Portfolio	Responsibilities	Mapped across to Corporate Leadership Team	Committee / Outside Body appointments
Deputy Leader of the Council and Cabinet Member for Finance and Asset Management *Cllr Amanda Serjeant*	Overall policy direction (with Leader of the Council)	CEO / ED / SD – Policy, Communication and Local Government Reorganisation	• Employer / Trade Union Committee • Joint Board – CBC / BDC / NEDDC (Deputy) • Derby and Derbyshire Strategic Leadership Board (Deputy)
	Council Plan 2023 – 2028	ED / SD – Policy, Communication and Local Government Reorganisation	
	Council performance and improvement	SD – Policy, Communication and Local Government Reorganisation	
	Corporate communications – public relations, Your Chesterfield, community engagement and consultation (with Leader of the Council)	SD – Policy, Communication and Local Government Reorganisation	

General

DL000 To discharge or refer to the Cabinet (as the case may be) all the executive functions of the authority relating to any matter within the scope of the Deputy Leader's Overall Responsibilities listed above, including but not limited to the functions detailed below.

Plans and Strategies

DL010R The **formulation or preparation** of the following plans and strategies amongst those listed in Article 4 of the Constitution, namely:

Those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to be adopted by the Council:

Other plans and strategies which the council has decided should be adopted by the Council meeting as a matter of local choice

DL020 The amending, modification, variation or revocation of any such plan or strategy where required to give effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for their approval, or to any part so submitted or where authorised by a determination made by the authority when approving or adopting the plan or strategy

PARTNERSHIPS

DL025 To represent the authority/Cabinet as appropriate on partnerships within the Deputy Leader's Overall Responsibilities listed above

POLICY DEVELOPMENT

DL030 Overall member-level responsibility for Policy Development (with the Leader).

COUNCIL PLAN

DL040 Overall member-level responsibility for the Council Plan.

3.6 CABINET MEMBER FOR ECONOMIC GROWTH

OVERALL RESPONSIBILITIES:

Cabinet Portfolio	Responsibilities	Mapped across to Corporate Leadership Team	Committee / Outside Body appointments
Cabinet Member for Economic Growth *Cllr Tricia Gilby*	Growth Strategy 2023 – 2027	CEO / ED / SD – Economic Growth	• East Midlands HS2 Executive Board • Chesterfield and Staveley HS2 Delivery Board • Destination Chesterfield Board • Joint Growth Board – DCC • Chesterfield Skills and Employment Partnership
	Housing Strategy (with Cabinet Member for Housing)	SD – Housing SD – Economic Growth	
	Skills Action Plan 2023 – 2027	ED / SD – Economic Growth	
	Staveley Town Deal	CEO / SD – Economic Growth	
	Key sites delivery • Chesterfield Waterside • Staveley Growth Corridor • High Speed Rail 2 • Gateway @ PEAK • Northern Gateway Phase 2 • Southern Gateway (incorporating Pavements Shopping Centre) • Staveley Town Deal projects (Derbyshire Rail Industry Innovation Vehicle [DRIIVe] and Construction Skills Hub)	CEO / ED / SD – Economic Growth	
	Inward investment (incl. Destination Chesterfield)	CEO / SD – Economic Growth	
	Business start-up and growth programmes	SD – Economic Growth	

EG0000 **To discharge or refer to the Cabinet (as the case may be) all the executive functions of the authority relating to any matter within the scope of the Cabinet Member's Overall Responsibilities listed above, including but not limited to the functions detailed below.**

EG010R The **formulation or preparation** of the following plans and strategies amongst those listed in Article 4 of the Constitution, namely:

- Plans and alterations which together comprise the Development Plan (but excluding the approval, for the purposes of public consultation in

accordance with regulation 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan;)[76]

- Per Cent for Art Strategy

Other plans and strategies which the council has decided should be adopted by the Council meeting as a matter of local choice

- Economic Development Strategy
- Asset Management Plan (including Property Strategy)
- Housing Strategy

PARTNERSHIPS

EG020L To represent the authority/Cabinet as appropriate on partnerships within the Cabinet Member's Overall Responsibilities listed above

ECONOMIC GROWTH

EG030 To promote the economic regeneration of the Borough.

EG040 To promote economic development and employment opportunities, including the provision and marketing of land and buildings for industrial and commercial development.

EG050L To seek UK Government and European Union funding or assistance for economic development schemes.

EG060L To work with other agencies to develop economic development initiatives.

EG070L To approve the annual Economic Development Programme for Chesterfield and North East Derbyshire[77]

Help for Business

EG080 To exercise any function under Part 1 of the Local Government Act 2000 (power to promote economic well-being) in order to promote economic well-being [78]including:

EG090 Determination of applications for assistance under the Council's business loan scheme, and

EG100 When appropriate, to vary the maximum loan support to businesses under the Council's business loan scheme.

Employment

EG110L To monitor unemployment levels in the Chesterfield "Travel to Work" area, and to develop ideas to promote employment opportunities.

Industrial Units

EG120L To monitor the level of vacancies and rent arrears of the Council's industrial units.

Starter Units and Innovation Centres

EG130L To determine strategic issues in relation to the Tapton and Dunston Innovation Centres and other business starter unit schemes.

EG140L To receive and report on the minutes of the Tapton Innovation Centre Management Board and Dunston Innovation Centre.

EXTERNAL FUNDING AND POLICY DOCUMENTS

EG150 To co-ordinate bids for any funding from an external source.

EG160 To consider and determine issues about any policy document from other organisations, which affect the Borough (where they are outside the terms of the overall responsibilities of any other Cabinet Member).

ASSET MANAGEMENT

Land and Property Review

EG170L To direct the Council's property review function including:

- reviews to check property holdings are in line with service provision;
- accounting for the performance of property investments;
- opportunity costs of property;
- valuation and asset rents under the Code of Practice on Capital accounting in Local Authorities;
- energy management policies.

Commercial and Industrial Properties and Town Centre

EG180L To carry out the Council's functions as estate owner in relation to the Town Centre, car parks, shops and those commercial premises not within the overall responsibilities of the Leader (economic development).

ASSETS OF COMMUNITY VALUE

EG190L To consider requests for inclusion on the List of Assets of Community Value.

OFFICER DELEGATIONS: to the Deputy Chief Executive in consultation with the Chief Finance Officer/Service Director - Finance and the Head of Corporate Property and Technical Services:

EG200D to determine applications for statutory eligible costs and compensation arising from the addition of a property to the List of Assets of Community Value.

EG210D On receipt of an application for review, to carry out a review of a decision to add a property to the List of Assets of Community Value

OFFICER DELEGATIONS: to the Service Director - Policy, Communication and Local Government Reorganisation:

EG220D To maintain the list of Assets of Community Value and the list of nominations and unsuccessful nominations for addition to the list

EG230D *To administer the Community Right to Bid Asset Disposal process.*

OFFICER DELEGATIONS: to the Property, Procurement and Contract Law Manager:

EG240D To register on the local land charges register, and to apply to the Land Registry for registration, that a property has been added to the List of Assets of Community Value

3.7 CABINET MEMBER FOR FINANCE AND ASSET MANAGEMENT

OVERALL RESPONSIBILITIES:

Cabinet Portfolio	Responsibilities	Mapped across to Corporate Leadership Team	Committee / Outside Body appointments
Cabinet Member for Finance and Asset Management *Cllr Amanda Serjeant*	General Fund Revenue Budget and Medium-Term Financial Plan	CEO / ED / SD – Finance	
	General Fund Capital Strategy and Programme	SD – Finance	
	Treasury Management and Investment Strategies	SD – Finance	
	Housing Revenue Account (HRA) – 30-year Business Plan, Capital Programme (with Cabinet Member for Housing)	ED / SD – Finance / SD – Housing	
	Asset Management Strategy – capital receipts disposal programme, commercial and operational estate	ED / SD – Economic Growth	
	Procurement and contracts management	SD – Finance SD – Economic Growth	

General

FA000 To discharge or refer to the Cabinet (as the case may be) all the executive functions of the authority relating to any matter within the scope of the Cabinet Member's Overall Responsibilities listed above, including but not limited to the functions detailed below.

Plans and Strategies [79]

FA010R The **formulation or preparation** of the following plans and strategies amongst those listed in Article 4 of this Constitution, namely:

Those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to be adopted by the Council:

- None

Other plans and strategies which the council has decided should be adopted by the Council meeting as a matter of local choice

MEDIUM TERM FINANCIAL PLANNING

FA020 Overall member-level responsibility for medium-term financial planning.

TREASURY MANAGEMENT

FA030 To approve treasury policy statements and variations and to receive reports on the Treasury Management function and performance.

FA040L Within the Budget and Policy Framework to carry out the Council's borrowing and investment functions.

FA050L To approve the limit of overdraft facilities to be arranged by the Chief Finance Officer

OFFICER DELEGATIONS: to the Chief Finance Officer/Service Director - Finance:

FA060D To arrange overdraft facilities within the limits approved by the Council and by its bankers.

FA070D To approve the terms of all arrangements to secure loans to the Council and to lend to other local authorities, statutory public bodies and the Council's bankers, funds (including surplus Collection Fund monies under the 1988 Act) which from time to time are not required by the Council's loan pool.

FA080D To contract with fund managers for the management of investments in accordance with Council policy.

FA090D To authorise officers as signatories to the Council's bank accounts.

OFFICER DELEGATIONS: to the Chief Finance Officer/Service Director - Finance:

FA100D To operate the Council's bank accounts and National Giro Accounts or equivalent including the ordering, custody and issue of all cheques.

FA110D To ensure the security of cash in custody or transit.

Operating and Finance Leasing

OFFICER DELEGATIONS: to the Chief Finance Officer/Service Director - Finance:

FA120D In consultation where necessary with the Property, Procurement and Contracts Law Manager to approve the terms and conditions of operating or finance leases of plant, vehicles, equipment, and buildings

Financial Strategies

FA130R To formulate any plan or strategy for the control of the authority's borrowing, investments[80] or capital expenditure including the overall budget and Capital Programme.

FA140 The amending, modification, variation or revocation of any such plan or strategy where required to give effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for their approval, or to any part so submitted or where authorised by a determination made by the authority when approving or adopting the plan or strategy

FA150 To monitor and to re-allocate funds within the overall budget and Capital Programme subject to and in accordance with the Financial Procedure Rules/Budget and Policy Framework Procedure Rules.

FACILITIES MAINTENANCE

General

FA160 To have an overview of the Council's arrangements for facilities maintenance.

Town Hall, Revenues Hall and their Car Parks

FA170L .. The maintenance of the Town Hall and Revenues Hall, their grounds and Car Parks (for non-public use), under Section 132 and 111 of the 1972 Act.

OFFICER DELEGATIONS: to the Service Director – Economic Growth:

FA180D To manage and supervise the Town Hall Revenues Hall and their car parks, including:

- *allocation of accommodation to Services*
- *the occasional use of accommodation by other bodies*
- *the provision of suitable hospitality*
- *control of any private car parks reserved for use with the Town Hall and Revenues Hall*

FA190D To arrange for the interior and exterior decoration of the Town Hall and Revenues Hall and the upkeep of its grounds.

Transport

FA190L To consult as necessary with DCC about Public Transport Plans.

FA200 To exercise executive functions under the Transport Act 1985 (including section 106: grants for transport facilities and services).

PROCUREMENT AND CONTRACTS MANAGEMENT

FA210L To have an overview of the Council's procurement arrangements and to determine and review the operation of any lists of persons to be invited to tender whether such list is compiled by or used by the council.

OFFICER DELEGATIONS: to the Service Director - Finance:

FA220D To compile and operate any lists of persons to be invited to tender whether such list is compiled by or used by the council including monitoring of contractors' and sub-contractors' compliance with the conditions of listing.

3.8 CABINET MEMBER FOR CLIMATE CHANGE, PLANNING AND ENVIRONMENT

OVERALL RESPONSIBILITIES:

Cabinet Portfolio	Responsibilities	Mapped across to Corporate Leadership Team	Committee / Outside Body appointments
Cabinet Member for Climate Change, Planning, and Environment *Cllr Martin Stone*	Climate change strategy 2023 - 2030	CEO / SD – Policy, Communication and Local Government Reorganisation	• Trans Pennine Trail Steering Group • Chesterfield Canal Partnership Executive Steering Group • Joint Crematorium Committee
	Local Plan	SD – Economic Growth	
	Planning – development and control	SD – Economic Growth	
	Conservation – built environment	SD – Economic Growth	
	Property decarbonisation projects – commercial and operational estate, council housing	SD – Economic Growth SD – Housing	
	Fleet management	SD – Housing	
	Waste collection and recycling	SD – Leisure, Culture and Community Wellbeing	
	Streetscene, grounds maintenance and building cleaning services	SD – Leisure, Culture and Community Wellbeing	
	Crematorium and cemeteries	SD – Leisure, Culture and Community Wellbeing	

General

CC000 To discharge or refer to the Cabinet (as the case may be) all the executive functions of the authority relating to any matter within the scope of the Cabinet Member's Overall Responsibilities listed above, including but not limited to the functions detailed below.

Plans and Strategies [81]

CC010R The **formulation or preparation** of the following plans and strategies amongst those listed in Article 4 of this Constitution, namely:

Those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to be adopted by the Council:

- None

Other plans and strategies which the council has decided should be adopted by the Council meeting as a matter of local choice

CLIMATE CHANGE

CC020 Overview of Climate Change Issues

BIODIVERSITY

CC030L To deal with member-level issues relating to biodiversity and to the Bio-diversity Plan.

Energy Conservation

CC040 The Council's functions relating to home energy conservation, including its functions under the Home Energy Conservation Act 1996.

CC050 To consider major sustainability and energy conservation matters and initiatives.

STREET SCENE, (INCLUDING LITTER, FLY-POSTING AND GRAFFITI)

CC060 Executive functions under Part Four of the EPA (litter, etc.) including:

CC070 The Council's functions under section 89 of the EPA as local authority (as respects relevant highways), and as litter authority (as respects its relevant land) to ensure so far as practicable that the land is kept clear of litter and refuse.

CC080L The Council's functions under section 22 of the 1974 Act (agreements to clean private land).

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing

CC090D To carry out executive functions in relation to Section 89 of the EPA and section 22 of the 1974 Act specified from time to time in the contract for street or other cleaning

CC100D In accordance with Contract procedure Rule 11 on External Provision, to prepare and submit tenders to and contract with private developers for the cleansing of un-adopted streets pursuant to Sections 38, 149, 150 and 296 of the 1980 Act.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

to carry out the Council's functions under section 95 of the EPA (public register of orders and street litter control notices).

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing AND to the Service Director - Housing or to either of them

CC110D To authorise in writing officers of the council to give fixed penalty notices for

- *leaving litter*
- *unauthorised distribution of literature on designated land*

under section 88 and Schedule 3A of the Environmental Protection Act 1990.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing

CC120D To authorise officers of the council to issue penalty notices under section 43 of the Anti-social Behaviour Act 2003 (penalty notices for graffiti and fly-posting)

CC130D To authorise persons to serve graffiti removal notices on behalf of the council and to exercise the other functions in section 48 of the Anti-social Behaviour Act 2003 (including removing defacements and entering land).

CC140D To remove fly posting and graffiti in accordance with the 1990 Act and the Control of Advertisements Regulations 1992.

WASTE COLLECTION AND RECYCLING

CC150 To carry out executive functions as waste collection authority under the 1974 Act and under the EPA.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

CC160D To authorise officers to serve notices under

- *Sections 46, 47 and 47ZA of the EPA about receptacles for household, commercial or industrial waste.*

CC170D To authorise officers to serve notices under

- *Section 5B(2) of the control of Pollution (Amendment) Act 1989 – failure to produce waste transfer notes*
- *Section 34A(2) of the Environmental Protection Act 1990 – failure to produce waste carrier registration documents*

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

CC160D To carry out all the Council's functions as waste collection authority specified from time to time in the contract for refuse collection.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

CC170D To carry out all the Council's and agency functions to remove, store and dispose abandoned vehicles and other refuse in accordance with Sections 3 and 6 of the Refuse Disposal (Amenity) Act, 1978.

CC180D The authority to authorise officers to serve fixed penalty notices for abandoned vehicles under Section 2A of the Refuse Disposal (Amenity) Act, 1978.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

CC190D The authority to authorise officers to serve fixed penalty notices under The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016.

CC200L To consult and liaise with the Environment Agency on waste management and regulation matters.

Recycling

CC210 To promote and carry out executive functions of the Council in relation to the recycling of waste under the EPA and any other appropriate legislation.

GROUNDS MAINTENANCE

CC220L To provide grounds maintenance services, including the horticultural elements of highway maintenance, and the maintenance of closed churchyards and War Memorials under the Local Government Act 1972 and the War Memorials (Local Authorities' Powers) Act 1923.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

CC230D To cut down, top, lop or destroy trees not included in tree preservation orders. (Ward Members to be informed where trees are to be cut down).

LOCAL DEVELOPMENT FRAMEWORK, DEVELOPMENT CONTROL AND CONSERVATION

Responses to Consultations: Minerals, Waste and Mining

CC240L Responses to consultations on proposals for Structure, Minerals and Waste Plans and Regional Planning Guidance;

CC250L To carry out the functions of the Council as local authority and as landowner under the Coal Industry Act 1994 in relation to consultations and notifications about withdrawal of support subsidence and compensation.

OFFICER DELEGATIONS: to the Service Director - Economic Growth:

CC260D To respond to consultations under the Coal Industry Act, 1994.

Designation of Conservation Areas

CC270 the designation or extension of conservation areas under Part 2 of the LBA.

Town and Country Planning Matters

CC280L To exercise any Town and Country Planning matter which is an executive function.

OFFICER DELEGATIONS[82]: to the Service Director - Economic Growth in consultation with the Cabinet Member for Planning:

CC290D To develop and implement the processes necessary to

(a) manage and
(b) monitor

the collection and spending of Community Infrastructure Levy (CIL) receipts

DERBYSHIRE BUILDING CONTROL PARTNERSHIP

CC300 Subject to the Leader's functions in his role as representing the Cabinet on the Joint Board (for Shared Services), and subject to the Leader of the Council's responsibility for external strategic partnerships, to take strategic decisions in relation to Derbyshire Building Control Partnership Limited.

FACILITIES MANAGEMENT

CC310L To provide efficient engineering services.

OFFICER DELEGATIONS: to the Service Director – Economic Growth:

CC320D In accordance with the Contract Procedure Rules in Part 4 of the Constitution, to provide engineering services to Public Bodies and to voluntary organisations insofar as such provision does not adversely affect Internal or Agency Provision, provided that the total value of such services does not exceed 5% of the value of such services for External and Internal Provision in any financial year[83].

CC330D Under any existing contract with Yorkshire Water Services Limited and Section 160 of the Water Industry Act, 1991, (and in accordance with the Financial Procedure Rules) for sewerage purposes, to:

- *carry out design work for private developers to ensure that the drainage of sites is compatible with the general drainage system;*
- *carry out as-built sewer surveys for private developers, compiling completed data on disk and submitting it for approval to Yorkshire Water Services Limited;*
- *carry out specialist survey work within confined spaces for external bodies or individuals;*
- *provide a drain clearing service and a CCTV survey service for cleansed drains or sewers.*

These services shall only be provided without affecting the normal contractual commitments to Yorkshire Water Services Limited and to the Council.

Sewerage and Drainage

CC340 To tender for enter into and operate under the Local Authorities (Goods and Services) Act 1970, section 97(1) of the Water Industries Act 1991 and all other enabling powers sewerage operations including the term contract for such operations in South Yorkshire and North-East Derbyshire as part of a non-corporate joint venture agreement with other Councils

CC350L To enter into arrangements for the carrying out of capital works for Yorkshire Water Services Ltd.

CC360L To exercise the Council's own statutory functions relating to the drainage and sewerage of new buildings and alterations to existing ones.

CC370L To arrange for the clearance of drains and sewers.

Highways

CC380 To carry out any executive function of the authority (including functions as consultee) as a district council in relation to highways, which is not delegated elsewhere in this scheme.

OFFICER DELEGATIONS: to the Service Director - Economic Growth:

CC390D After consulting Ward Members, to comment on traffic schemes proposed by Derbyshire County Council

CC400 To enter into any arrangements under section 19 of the Local Government Act 2000 for the Cabinet to carry out any executive functions (e.g. highways maintenance) of the Derbyshire County Council as highways authority in accordance with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.

CC410L To make any operational decisions about highways amenity maintenance done by the Borough under those arrangements after consulting any other appropriate Cabinet Member

Street Naming and Numbering

CC420L To carry out the street naming functions of the Cabinet and in particular to name streets under the Public Health Act 1925 where the Development and Growth Manager cannot agree a name with the applicant or with Ward Members.

OFFICER DELEGATIONS: to the Director of Governance :

CC430D On the request of the Service Director – Economic Growth and after consulting the Museums Service (where appropriate) and Ward Members, to determine applications for street-naming under the Public Health Act 1925.

CC440L To carry out the street numbering functions of the authority

OFFICER DELEGATIONS: to either of the Service Director – Economic Growth or the Democratic and Elections Manager, each in consultation with Derbyshire Building Control Partnership Limited:

CC450D To number houses under Sections 64 and 65 of the TIC Act.

Street Furniture

OFFICER DELEGATIONS: to the Service Director - Economic Growth:

CC460D After consulting Ward Members, Parish Councils (where appropriate) and the Police

- *to determine the siting and transfer of bus stops and shelters (after consulting the Police).*
- *to provide and site seats on highways.*

BEREAVEMENT SERVICES

CC460 Under the Local Government Act 1972, and subject to the joint arrangement mentioned below, to exercise all the authority's functions as burial authority and to provide and maintain cemeteries.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

CC470D To make burial grants and carry out any related transactions.

Crematorium

CC480 To arrange for certain executive functions of the authority in relation to Crematoria to be carried out by the Chesterfield and District Joint Crematorium Committee, under section 20 of the Local Government Act 2000 and the Local Authorities

(Arrangements for the Discharge of Functions) (England) Regulations 2000 as a joint arrangement between executives (or otherwise) of the constituent authorities.[84]

CC490 To appoint and revoke the appointment of members of the Cabinet to the Chesterfield and District Joint Crematorium Committee in accordance with that joint arrangement.[85]

CC500L To receive and report on the minutes of the Joint Crematorium Committee.

3.9 CABINET MEMBER FOR TOWN CENTRES AND VISITOR ECONOMY

OVERALL RESPONSIBILITIES:

Cabinet Portfolio	Responsibilities	Mapped across to Corporate Leadership Team	Committee / Outside Body appointments
Cabinet Member for Town Centres and Visitor Economy *Cllr Kate Sarvent*	Chesterfield and Staveley Town Centre Masterplans	SD – Economic Growth	• Markets Consultative Committee • PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee • Marketing Peak District and Derbyshire • National Association of British Market Authorities • Derbyshire Armed Forces Partnership
	Visitor economy strategy 2021 – 2026	SD – Economic Growth SD – Leisure, Culture and Community Wellbeing	
	Car parking strategy	SD – Leisure, Culture and Community Wellbeing SD – Economic Growth	
	Town centre management including Staveley, Chatsworth Road and other district shopping centres	SD – Economic Growth SD – Leisure, Culture and Community Wellbeing	
	High Street regeneration projects • Stephenson Memorial Hall • Revitalising the Heart of Chesterfield (RHOC) • Staveley 21	CEO / SD – Economic Growth / SD – Leisure, Culture and Community Wellbeing	
	Markets	SD – Leisure, Culture and Community Wellbeing	
	Chesterfield theatres (The Winding Wheel and Pomegranate Theatre) and museums	SD – Leisure, Culture and Community Wellbeing	
	Visitor information Service	SD – Leisure, Culture and Community Wellbeing	
	Festivals and events	SD – Leisure, Culture and Community Wellbeing SD – Economic Growth	
	Armed forces covenant	SD – Policy, Communication and Local Government	

		Reorganisation	

General

TV000 To discharge or refer to the Cabinet (as the case may be) all the executive functions of the authority relating to any matter within the scope of the Cabinet Member's Overall Responsibilities listed above, including but not limited to the functions detailed below.

Plans and Strategies [86]

TV010R The **formulation or preparation** of the following plans and strategies amongst those listed in Article 4 of this Constitution, namely:

Those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to be adopted by the Council:

- None

Other plans and strategies which the council has decided should be adopted by the Council meeting as a matter of local choice

- Cultural Strategy
- Arts Development Strategy
- Tourism Strategy (except when it forms part of the Economic Development Strategy)
- Town Centre Transport Plan (as consultee to the Cabinet Member for Economic Growth)
- Town Centre and Visitor Plan (in consultation with the Cabinet Member for Economic Growth)

Town Centre Masterplan

TV020 The amending, modification, variation or revocation of any such plan or strategy where required to give effect to requirements of the Secretary of State or a Minister o the Crown in relation to a plan or strategy submitted for their approval, or to any part so submitted or where authorised by a determination made by the authority when approving or adopting the plan or strategy

PARTNERSHIPS

TV030L To represent the authority/Cabinet as appropriate on partnerships within the Cabinet Member's Overall Responsibilities listed above

VISITOR ECONOMY

TV040 To promote the visitor economy, the Borough of Chesterfield and its Visitor Information Centre.

OFFICER DELEGATIONS: to the Economic Development Manager:

TV050D In order to promote the visitor economy, to print, distribute and sell literature, to organise promotional events and to use exhibition material.

TV060D To sell from the Visitor Information Centre and the Museum items of such a nature, in such quantities and for such prices as the Cultural Services Manager may decide, without the need to seek tenders for the acquisition of such items.

TOWN CENTRE MANAGEMENT

TV070 To have an overview of the Management of Chesterfield Town Centre

TV080 To approve land use policies and development schemes in order to revitalise Chesterfield Town Centre and to carry out the Council's operational and other functions as estate owner in relation to the Town Centre.

OFFICER DELEGATIONS: to the Head of Corporate Property and Technical Services:

TV090D To determine applications for assignments of leases of land in the Town Centre.

MARKETS

TV100L To exercise all the executive statutory and common law functions of the Council in relation to markets and the Chesterfield and Staveley[87] Markets (except for appeals functions delegated to the Appeals and Regulatory Committee).

OFFICER DELEGATIONS: to the Director of Governance :

TV110D To take legal proceedings against rival markets or car boot sales under the Market Charter or relevant legislation if, in the Director of Governance's opinion, such proceedings appear justifiable on the evidence.

OFFICER DELEGATIONS: to the Service Director – Leisure, Culture and Community Wellbeing (in relation to Chesterfield Market)

TV120D To decide the opening and closing arrangements for Markets at holiday periods.

TV130D To license Open Market stalls (including stalls on Car Boot Sale markets).

TV140D To determine applications from political, environmental protection and other groups to use Market stalls on non-market days or to use other spaces in the Market (including the Park Road Exhibition Area).

TV150D To issue notices under the Regulations and licence conditions governing Chesterfield Market and Stalls, and where appropriate, to warn traders or suspend or revoke their licences (subject to a right of appeal to the Appeals and Regulatory Committee).

TV160 To receive and report on the minutes of meetings with the Market Traders Federation

FESTIVALS AND EVENTS

TV170 To take strategic decisions in relation to the Chesterfield Market Festival and other promotional events

CULTURAL FACILITIES AND ARTS DEVELOPMENT

Overview

TV180 To have an overview of the Council's Cultural facilities and Arts Development

Cultural and Community Facilities

TV190 To provide, develop and maintain leisure, cultural and community facilities and activities (other than those housing related facilities under the overall responsibility of the Homes), and entertainments under Section 145 of the Local Government Act 1972, including provision and management of the Pomegranate Theatre.

Cultural Activities Grants

TV200L To determine applications for cultural activities grants within approved budget.

Lectures etc

OFFICER DELEGATIONS: to the Service Director - Economic Growth:

TV210D To provide lectures, exhibitions, film shows, concerts, theatre performances, street and other entertainments etc. and appropriate publicity.

Circuses and Fairs

TV220D To arrange (in consultation with the Service Director responsible for the land) fairs, circuses and galas on Council-owned land.

Museum

TV230 Under the Public Libraries and Museums Act 1964, to exercise all executive functions in relation to museums and art galleries and to be responsible for the ancient charters and other historical records of the Borough.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing

TV240D To purchase items within the museum collecting policy and the limits of the exhibits purchase fund.

PARKING

TV250 To exercise the authority's functions under the RTR in relation to off-street parking

TV260L To exercise the authority's functions under the RTR in relation to the making and amendment of the authority's off-street parking places orders to ensure their effective operation

OFFICER DELEGATIONS: to the Director of Governance :

TV270D To take legal proceedings under appropriate legislation for breaches of off-street parking orders (for matters not within the Civil Enforcement of Parking Contravention regime).

OFFICER DELEGATIONS: to the Service Director – Leisure, Culture and Community Wellbeing:

TV280D To issue residents' parking permits.

TV290D To permit any car park to be used temporarily for any display or function.

TV300D to appoint bailiffs to act on behalf of the Council to recover outstanding debts arising from the issue of Penalty Charge Notices under the Civil Enforcement of Parking Contraventions regime [88]

OFFICER DELEGATIONS: to the Town Centre Operations Manager:

TV310D On behalf of the Council to cancel Parking Enforcement Notices issued on behalf of the Council under the Civil Enforcement of Parking Contraventions regime [89]

OFFICER DELEGATIONS: to both the Commercial Services Manager or the Service Director - Leisure, Culture and Community Wellbeing AND to the Service Director - Housing or to either o them:

TV320D to authorise officers to serve fixed penalty notices for nuisance parking under the Clean Neighbourhoods and Environment Act 2005

3.8 CABINET MEMBER FOR HEALTH AND WELLBEING:

OVERALL RESPONSIBILITIES:

Cabinet Portfolio	Responsibilities	Mapped across to Corporate Leadership Team	Committee / Outside Body appointments
Cabinet Member for Health and Wellbeing	Improving health and tackling inequalities in health	ED / SD – Leisure, Culture and Community Wellbeing / SD – Policy, Communication and Local Government Reorganisation	• Taxi Consultative Committee • Active Derbyshire and Derbyshire Schools Sports Partnership • Derbyshire Safer Communities Board • Chesterfield Community Safety Partnership • Derbyshire Police and Crime Panel • Derbyshire Health and Wellbeing Partnership Board • Chesterfield Health and Wellbeing Partnership
	UK Shared Prosperity Fund	ED / relevant SD(s)	
	Grants to voluntary organisations	SD – Policy, Communication and Local Government Reorganisation	
	Chesterfield Community Safety Partnership	SD – Leisure, Culture and Community Wellbeing	
	Anti-Social Behaviour Strategy 2022 – 2025	SD – Leisure, Culture and Community Wellbeing	
	Community safety services incl. CCTV and Pavements security operations	SD – Leisure, Culture and Community Wellbeing	
	Sports Facilities • Queen's Park Sports Centre • Staveley Healthy Living Centre • Tapton Park Golf Course	SD – Leisure, Culture and Community Wellbeing	
	Parks and Open Spaces Strategy	SD – Leisure, Culture and Community Wellbeing	
	Play Strategy	SD – Leisure, Culture and Community Wellbeing	
	Environmental health and licensing services	SD – Leisure, Culture and Community Wellbeing	

General

HW000 To discharge or refer to the Cabinet (as the case may be) all the executive functions of the authority relating to any matter within the scope of the Cabinet Member's Overall Responsibilities listed above, including but not limited to the functions detailed below.

Plans, and Strategies [90]

HW010R The **formulation or preparation** of the following plans and strategies amongst those listed in Article 4 of this Constitution, namely:

Those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to be adopted by the Council:

Other plans and strategies which the council has decided should be adopted by the Council meeting as a matter of local choice

- Health and Wellbeing Strategy
- Waste Management Strategy
- North East Derbyshire Sub Area Waste Management Strategy
- Energy Strategy
- Parks and Open Spaces Strategy
- Play Strategy
- Community Safety Strategy
- Empty Homes Strategy

HW020 The amending, modification, variation or revocation of any such plan or strategy where required to give effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for their approval, or to any part so submitted or where authorised by a determination made by the authority when approving or adopting the plan or strategy

PARTNERSHIPS

HW030L To represent the authority/Cabinet as appropriate on partnerships within the Cabinet Member's Overall Responsibilities listed above

Sunday Trading

HW040L The functions of the Council under the Sunday Trading Act 1994

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW050D Under the Sunday Trading Act, 1994:

- *to receive all notices submitted to the Council pursuant to Schedule 1 (Large Shops) and Schedule 2 (Shops occupied by persons observing the Jewish Sabbath) of the Act*
- *to maintain registers of the relevant details contained in such notice*

- *to appoint Inspectors vested with the powers granted under Schedule 2 (Part I) of the Act*

HW060L To make closing orders under the 1982 Act.

OUTDOOR LEISURE MANAGEMENT

Parks

HW070L To provide and maintain parks and recreation grounds and to organise entertainments in them.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW080D To accept tenders for the sale of refreshments in parks and recreation grounds.

HW090D To arrange band programmes in Queen's Park.

HW100D To let parks and recreation grounds for sporting, leisure or other similar activities.

Fixing Charges and Hire of Facilities

HW110L To arrange for the use by the public and by local groups of the facilities for which the Cabinet Member has general responsibility.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing in respect of indoor and outdoor facilities:

HW120D In consultation with the Cabinet Member for Health and Wellbeing to revise approved fees and charges where there are threats to income generation and/or opportunities to raise additional income in line with the council's general principles for charging[91].

Allotments

HW130L To provide and manage allotments under the Allotments Acts and related legislation.

PARKS AND OPEN SPACES STRATEGY

HW140 Overall responsibility at Cabinet Member level.

PLAY STRATEGY

HW150 Overall responsibility at Cabinet Member level

ENVIRONMENTAL PROTECTION

Nuisances

HW160 The Council's functions relating to statutory nuisances under Part Three of the EPA, **except for**: the following insofar as they are Local Choice Regulatory Functions:

- The inspection of the authority's area to detect any statutory nuisance under Section 79 of the EPA
- The investigation of any complaint as to the existence of a statutory nuisance under Section 79 of the EPA
- The service of an abatement notice in respect of a statutory notice under section 80(1) of the EPA[92] (LOCAL CHOICE FUNCTIONS)

and except for the approval of any plan or strategy in relation to those sections

HW170 The Council's functions under Section 22 of the Alkali, etc. Works Regulation Act 1906 (inquiries into complaints of nuisance).

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW180D All powers under the above legislation

Pest Control

HW190L Executive functions under the Prevention of Damage by Pests Act 1949.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing :

HW200D To enter into a limited number of pest control agreements.

HW210D To serve notices under sections 4 and 6 of the Prevention of Damage by Pests Act 1949 (control of rats and mice).

Private Sewers

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW220D To exercise the Council's functions under Section 35 of the 1976 Act (Removal of Obstructions from Private Sewers).

Premises Where Drugs are Being Used Unlawfully

OFFICER DELEGATION: to the Service Director - Leisure, Culture and Community Wellbeing:

HW230D On behalf of the Council to respond to police consultations about proposals to close premises believed to have been used in connection with the unlawful use production or supply of a Class A controlled drug, and where the use of the premises is associated with disorder or nuisance[93]

INTEGRATED POLLUTION CONTROL

Liaison Meetings

HW240L To receive and report on the minutes of relevant liaison committees within the council area:

HW250 The discharge of any function, **other than a Local Choice Regulatory Function**, relating to the control of pollution or the management of air quality under the Pollution Prevention and Control Act 1999, Part 4 of the Environment Act 1995, Part I of the EPA and the CAA including the creation of Smoke Control Areas (LOCAL CHOICE FUNCTIONS).

Noise Pollution

HW260 The discharge of any function, **other than any Local Choice Regulatory Function** under Part Three of the 1974 Act, the Civil Aviation Act 1982, the Noise and Statutory Nuisance Act 1993 the Noise Act 1996 (if adopted by the Council) and the Noise Insulation Regulations 1975. (LOCAL CHOICE FUNCTIONS)

To the Service Director - Leisure, Culture and Community Wellbeing:

HW270D To authorise officers to serve fixed penalty notices for:

- *noise from premises (domestic and licensed) under the Noise Act 1996*
- *failure to nominate key-holder (within an alarm notification area) or to notify the Council in writing of nominated key-holder's details*

HW280 The passing of a resolution under section 8 as to Schedule 2 of the Noise and Statutory Nuisance Act 1993 applying in the Council's area – loudspeakers in streets (LOCAL CHOICE FUNCTION)

Closure of Noisy Licensed Premises

Statutory Functions of the Chief Executive:

HW290D Under section 41(2) of the Anti-social Behaviour Act 2003, to authorise generally or specifically any environmental health officer of the authority to carry out the statutory functions given directly by sections 40 and 41 of that act to the Chief Executive in relation to noisy licensed premises.

Note: the Chief Executive hereby exercises generally the power referred to in HW290D so as to authorise the Council's Service Director - Leisure, Culture and Community Wellbeing as follows:

To the Service Director - Leisure, Culture and Community Wellbeing:

HW300D To make, cancel and give notice of closure orders in relation to premises the subject of:

- *a premises licence under the Licensing Act 2003, and*
- *a temporary event notice under that act*

under sections 40 and 41 of the Anti-social Behaviour Act 2003 where the Service Director - Leisure, Culture and Community Wellbeing reasonably believes[94] that:

a) a public nuisance is being caused by noise coming from the premises, and
(b) the closure of the premises is necessary to prevent that nuisance

Water Quality and Water Pollution

HW310 The Council's functions **other than any Local Choice Regulatory Function** in relation to pollution of inland waters (LOCAL CHOICE FUNCTION)

HW320 The Council's functions **other than any Local Choice Regulatory Function** under the Water Industry Act 1991 including information and notifications as to the quality and sufficiency of water in its area. (LOCAL CHOICE FUNCTION)

Pollution by Contamination of Land and Abandoned Mines

HW330L To carry out the Council's functions under Part 2A of the EPA (inserted by Part II of the Environment Act, 1995), other than any Local Choice Regulatory Function (LOCAL CHOICE FUNCTION)

Public Health (Miscellaneous)

HW340L Executive functions under the 1936 Act and other Acts relating to Public Health, including the following functions under the 1936 Act:

- Defective closets, drains and cesspools (sections 45 to 52);
- Filthy or verminous premises, persons or articles (sections 83 to 86);
- Polluted water supply and insanitary cisterns (sections 140 and 141);
- Watercourses, ditches and ponds (sections 259 to 266);
- Nuisances from tents, vans etc. (section 268).

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW350D To issue statutory notices in relation to the functions referred to in Delegation Reference E600L above.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing and in respect of council housing the Service Director - Housing:

HW360D To serve notices under Section 29 of the 1982 Act in respect of buildings not effectively secured against unauthorised entry or likely to become a danger to public health.

Objections and Representations to Other Licensing Bodies:[95]

HW370L To exercise all the executive functions of the authority in relation to objections to or representations about the following applications, renewals, transfers, grant or proposed grant of licences or permissions (and any other similar ones):

PERSONAL HEALTH, SAFETY AND WELFARE

Control of Disease

HW380L The Council's functions under the Public Health (Control of Disease) Act 1984 as amended and any other function relating to epidemics or infectious disease.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW390 All powers under the 1984 Act and associated regulations

HW400L The functions of the Council as the appropriate authority under section 47 of the National Assistance Act 1947 and the National Assistance (Amendment) Act 1951 (certification for removal to suitable premises of persons in need of care and attention).

OFFICER DELEGATIONS: to the proper officer and alternative proper officers for the control of communicable disease and food poisoning:

HW410D To carry out the functions of the proper officer for this purpose and to exercise any other functions of the Council which may, in the Service Director - Leisure, Culture and Community Wellbeing's opinion be relevant to this proper officer's duties, including the functions of the proper officer (formerly Medical Officer of Health) under section 47 of the National Assistance Act 1947 and the National Assistance (Amendment) Act 1951 (certification for removal to suitable premises of persons in need of care and attention).

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW420D To carry out the functions of the Council under Section 46 of the Public Health (Control of Disease) Act 1984 (burial or cremation of deceased persons where no suitable arrangements have been or are being made).

Public Toilets

HW430L Executive functions under section 87 (except 87(3)(a)) of the 1936 Act (Provision of Public Conveniences), except those within recreational facilities, and executive functions under Section 20 of the 1976 Act.

HW440R To recommend to the Council the making of bye-laws about the use of public toilets (section 87(3)(a)).

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW450D To serve notices and exercise executive functions under Section 20 of the 1976 Act (provision of sanitary appliances at places of entertainment.

Mortuaries

HW460 Executive functions under Section 198 of the 1936 Act (provision of mortuaries and post-mortem rooms, management and charging).

Travellers Unauthorised Encampments and Assemblies etc.

HW470L The Council's functions under the Criminal Justice and Public Order Act, 1994, including those relating to travellers, and the exercise of any other statutory or common law power to remove unauthorised encampments in accordance with the Council's policy.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW480D To receive and record all complaints of nuisance by trespass by unauthorised encampments.

HW490D To investigate all complaints of nuisance by trespass by unauthorised encampments.

HW500D With the appropriate Officers and in relation to unauthorised encampments, to carry out such liaison with other agencies and the Police as are required by the Council's policy on travellers.

HW510D To make objective assessments of the degree and extent of nuisance caused by trespass by unauthorised encampments on Council or on private land and in consultation with the Director of Governance as necessary to choose the appropriate legal action to remove or alleviate such nuisance, all in accordance with the Council's policy on travellers.

HW520D To decide whether there are grounds for issuing and if so to issue directions under Section 77(1) of the Criminal Justice and Public Order Act, 1994; to take all necessary steps to enforce such orders; and to carry out all necessary procedures

under Section 79 of the Act, all in accordance with the Council's policy on travellers.

HW530D To respond to consultations from the police about their powers to remove trespassers[96]

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing *AND to the Director of Governance or either of them:*

HW540D To take the appropriate legal proceedings to remove or alleviate nuisance by trespass by unauthorised encampments and to prosecute such persons as they think fit in that connection.

HW550D To prosecute for offences under Section 77(3)(a) or (b) of the Criminal Justice and Public Order Act, 1994; and to seek orders for the removal of persons, vehicles or property before the Magistrates under Section 78 of that Act.

Dogs

HW560 Executive functions under the Dogs (Fouling of Land) Act, 1996, (including designation of areas under that Act), under the Dangerous Dogs Act 1991, the Breeding of Dogs Acts 1973 and 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999, under the EPA sections 149 to 151 the Microchipping of Dogs Regulations 2015.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW570D To authorise named officers of the Council to issue fixed penalty notices under the provisions of section 88 of the Environmental Protection Act 1990 the Clean Neighbourhoods and Environment Act and the ASB Act 2014

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing AND to the Service Director - Housing or to either of them:

HW580D To authorise named officers of the Council to exercise all functions and powers which an authorised officer may perform, including (but not limited to) issuing fixed penalty notices in respect of breaches of dog control orders under the provisions of Section 59(2) of the Clean Neighbourhoods and Environment Act 2005

HW590D To seize dogs in accordance with the provisions of the Dangerous Dogs Act, 1991.

HW600D To be the officer appointed under section 149 of the EPA to discharge the functions contained in section 149 for dealing with stray dogs (including keeping the register of seized dogs and the execution and enforcement of orders made under section 13 of the Animal Health Act 1981 for the control of dogs)

HW610D To exercise the functions of the Council under Section 150 of the EPA (delivery of stray dogs to police or local authority officer) to exercise the discretion to waive, in

exceptional circumstances, payment of the prescribed fee for the seizure of a stray dog.

HW620D To exercise the functions of the Council under the Microchipping of Dogs Regulations 2015.

Enforcement Prosecutions and Legal Proceedings

OFFICER DELEGATIONS: to the Director of Governance:

HW630D In consultation with the relevant Service Director to prosecute or to take legal proceedings for offences or breaches of the law under any legislation concerning the responsibilities for executive functions of the Cabinet Member

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

*HW640D In consultation with the Director of Governance and in order to carry out any **executive** function, to exercise any function under sections 275 to 303 of the 1936 Act (general procedural and enforcement powers including service of notices, powers of entry and recovery of expenses).*

FOOD SAFETY

HW650L Executive functions under the Food Safety Act, 1990

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW660D To make representations to the Department for Environment, Food and Rural Affairs in respect of applications for the licensing of premises under the Fresh Meat (Hygiene and Inspection) Regulations 1992.

Pollution by Contamination of Food

HW670L To exercise the Council's functions under the Food and Environment Protection Act 1985.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW680D By virtue of Section 19(1C) of the Food and Environment Protection Act, 1985 to exercise the enforcement powers in Section 19(1)-(7) and Schedule 2 of that Act for the purposes of that Act and of the Control of Pesticides Regulations 1986.

HEALTH AND SAFETY AT WORK

HW690 Responsibility for any strategic executive health and safety function which is not the responsibility of the Appeals and Regulatory Committee [97] (see above) and

which is not the responsibility of the Cabinet Member for Governance (i.e. Council employees' health and safety) (see below).

LICENSING

General

HW700 Overview of the Council's licensing functions from an executive point of view

Goods Vehicles Operator's Licences

HW710L To carry out executive functions under the Goods Vehicles (Licensing of Operators) Act 1995.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW720D Where appropriate, to object to the grant of Goods Vehicle Operators' Licences under the Goods Vehicles (Licensing of Operators) Act 1995.

COMMUNITY SAFETY

Crime and Disorder

HW7300 Subject to the preparation of the Community Safety Partnership plan, to exercise all the executive functions of the authority under the Crime and Disorder Act 1998, including:

HW740L Full authority to commit the whole or any part of the Council's Community Safety Partnership budget in connection with any Community Safety Partnership matter.

HW750L In consultation with the relevant authorities (including the police) to report to the Home Secretary and publish reports on the exercise of this function, and to approve the Crime and Disorder Audit (sections 5,6 and 7).

HW760L To ensure that the Council exercises its functions generally with due regard to:

- the effect of such exercise on prevention of crime and disorder, and
- the need to do all that the Council reasonably can to prevent crime and disorder in its area (section 17)

HW770L To ensure that the Council and its officers disclose to and receive from relevant authorities (including the police) information necessary or expedient for the purposes of the Act (subject to Data Protection, and any other legal duty of confidentiality) (section 115)

HW780L After consultation, to devise local child curfew schemes and to implement them, including serving curfew notices

HW790L In consultation with the Cabinet Member - Homes and Customers, to monitor and develop Safer Estates Agreements

Crime Prevention

HW800L To exercise the Council's functions under Parts 1, 4 and 6 of the Anti-social Behaviour, Crime and Policing Act 2014[98] [99],

OFFICER DELEGATIONS: to the Chief Executive, Deputy Chief Executive , the Service Director – Leisure, Culture and Community Wellbeing or the Director of Governance :

HW810D To make applications for a civil injunction (non-Housing related) under the Anti-Social Behaviour, Crime and Policing Act 2014 Part 1 Civil Injunctions, and all associated powers including enforcement

HW820D To apply to a criminal court following conviction for any criminal offence prosecuted by or on behalf of the Council and all associated powers including an application for an interim order

OFFICER DELEGATIONS: to the Chief Executive, and Deputy Chief Executive or the Director of Governance, the Service Director - Leisure, Culture and Community Wellbeing, the Housing Manager or the Service Director - Economic Growth:

HW830D To issue a Community Protection Notice and all associated powers including taking remedial action, prosecuting for failure to comply and issuing fixed penalty notices

HW840 To make Public Spaces Protection Orders

OFFICER DELEGATIONS: to the Chief Executive, and Deputy Chief Executive or the Director of Governance , or the Service Director - Leisure, Culture and Community Wellbeing:

HW850D To exercise all powers associated with Public Spaces Protection Orders including prosecution for failure to comply and issuing fixed penalty notices

HW860D To issue a Closure Notice (in relation to premises associated with nuisance or disorder)

HW870 To make an application to court for an order for a Closure Order (in relation to premises associated with nuisance or disorder)and all other associated powers

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HW880D The power to respond to consultations regarding the Community Remedy Document

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing, the Director of Governance , the Service Director - Housing:

HW890D To decide whether or not the threshold for an anti-social behaviour case review is met in any given case and the relevant review procedure

HW900D To carry out anti-social behaviour case review

HW910L To receive and report on the minutes of the Community Safety Strategy Group

CCTV

HW920 Overall member-level responsibility for CCTV matters.

LEISURE FACILITIES

HW930 To exercise executive functions relating to sport and leisure under the Local Government (Miscellaneous Provisions) Act 1976 and associated legislation.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing

HW940D To fix the opening and closing times and dates for sports and recreational facilities.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing

HW950D To hire out those facilities for which the Cabinet Member for Leisure, Culture and Community Wellbeing has general responsibility including the Market Hall Assembly Rooms.

HW960D To negotiate, in consultation with the Cabinet Member for Leisure, Culture and Community Wellbeing, special terms with any prospective hirers of the authority's venues, public halls etc. for which the Cabinet Member for Leisure, Culture and Community Wellbeing has general responsibility for the benefit of the service.

HW970D To waive rents or hire charges in appropriate cases of hardship

SPORTS DEVELOPMENT

HW980 Overall responsibility at Cabinet Member-level for sports development.

IMPROVING HEALTH AND REDUCING INEQUALITIES IN HEALTH

HW990L To contribute to the Health Improvement Programme.

Health Promotion and Personal Welfare

HW1000L The Council's functions in relation to health promotion.

HW1010 Under all enabling powers, to provide meals for elderly people.

HW1020L To make decisions on any request from Cancer Research UK to host a town centre Race for Life .

GRANTS TO VOLUNTARY ORGANISATIONS ETC.

Major Grants

HW1030 (In consultation with appropriate Cabinet Member(s) to determine applications to the Council for **major** grants, determination of which is not delegated elsewhere in this scheme.

General Grants

HW1040L To determine applications for **minor** grants (which satisfy the rules agreed at Minute No. 405 (1996/97)), determination of which is not delegated elsewhere in this scheme (e.g. major grants) and within the provisions made in the revenue estimates. (The appropriate Cabinet Member to be consulted on minor grant applications relating to their responsibilities).

HW1050L To determine applications for financial support to other local authorities involved in litigation.

HEALTH AND WELLBEING PARTNERSHIP / COMMUNITY GRANTS

OFFICER DELEGATIONS: to the Service Director – Leisure, Culture and Community Wellbeing:

HW1060D To decide the award of community grants or award of grants to community groups arising from their consideration by the Health and Wellbeing Partnership up to a value of £50,000 and for grants between £50,000 and £100,000 after consultation with the Cabinet Member for Health and Wellbeing.[100]

ADVICE SERVICES

HW1070L To consider issues relating to or arising from the major advice agencies in Chesterfield, and the Council's Benefits Advice services.

HW1080 The Council's functions under Section 38 of the 1989 Act (facilities for information about people's rights).[101]

3.9 CABINET MEMBER FOR HOUSING

Cabinet Portfolio	Responsibilities	Mapped across to Corporate Leadership Team	Committee / Outside Body appointments
Cabinet Member for Housing *Cllr Jean Innes*	Housing Strategy (with Cabinet Member for Economic Growth)	SD – Housing SD – Economic Growth	
	Housing Revenue Account (HRA) – 40-year Business Plan, Capital Programme (with Cabinet Member for Finance and Asset Management)	ED / SD – Finance / SD – Housing	
	Housing management incl. allocations, tenancy management, neighbourhood services etc.	SD – Housing	
	Asset management – capital programme, planned maintenance, responsive repairs and maintenance, compliance	SD – Housing	
	Council housebuilding and acquisitions programme	SD – Housing	
	Homelessness prevention and response services	SD – Housing	
	Immigration, resettlement, and cohesion	SD – Policy, Communication and Local Government Reorganisation SD – Housing	
	Careline and supported accommodation services	SD – Housing	
	Private sector housing services	SD – Housing	
	Home adaptations and disabled facilities grant administration	SD – Housing	

General

HO000 To discharge or refer to the Cabinet (as the case may be) all the executive functions of the authority relating to any matter within the scope of the Cabinet Member's Overall Responsibilities listed above, including but not

limited to the functions detailed below.

Plans and Strategies[102]

HO010R The **formulation or preparation** of the following plans and strategies amongst those listed in Article 4 of this Constitution, namely:

Those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to be adopted by the Council:

Those other plans and strategies which Chapter 2 of DETR Guidance recommends should be adopted by the Council as part of the Policy Framework

- The Plan or Strategy which comprises the Housing Investment Programme (including Business Plan),

Other plans and strategies which the council has decided should be adopted by the Council meeting as a matter of local choice

- The Sustainable Community Strategy
- Tenants and Residents Involvement Strategy
- Housing and Community Care Strategy

HO020 The amending, modification, variation or revocation of any such plan or strategy where required to give effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for their approval, or to any part so submitted or where authorised by a determination made by the authority when approving or adopting the plan or strategy

PARTNERSHIPS

HO030L To represent the authority/Cabinet as appropriate on partnerships within the Cabinet Member's Overall Responsibilities listed above

HOUSING (STRATEGY)

With the Cabinet Member for Economic Growth:

Housing Stock Options

HO040L To take strategic decisions in relation to the procurement commissioning and operational stages of any Housing Stock Options process

Housing Finance

With the Cabinet Member for Finance and Asset Management

HO050L To re-allocate funds within the Housing Investment Programme.

HO060L To decide the use of the housing repairs budget.

HO070L To approve

- project evaluation reports
- ...post-project review reports required under Financial Procedure Rule 4.60
- ...reports on the additional cost of variations as required by Financial Procedure Rule 4.57.1 and 4.57.2

for projects within the overall responsibilities of the Cabinet Member for Housing, where the project is:

- within the Capital Programme allocation approved by the Council, AND:
- worth **£50,000 or more**, OR
- worth less than £50,000, but when completed likely to result in **major additional revenue costs**.[103]

Provision of Public Sector Housing

HO080 Executive functions relating to the provision of Council homes.

Acquisition of Land and Property

HO090 Acquisition of land and buildings in order to provide public sector housing.

OFFICER DELEGATIONS: to the Service Director – Housing (in consultation with the Cabinet Member - Housing):

HO095D To purchase properties that meet the requirements of the Strategic Acquisitions and Right-of-First Refusal policy within the budget agreed in the Housing Capital Programme as approved by the Council. Provided that prior agreement of Finance and Performance Board is required should any properties being considered not meet the criteria in the policy.[104]

OFFICER DELEGATIONS: to the Service Director – Housing (in consultation with the Service Director – Economic Growth):

HO100D To decide whether or not the Council will purchase any property at full market value under The Housing (Right of First Refusal) (England) Regulations 2005 [105].

HO110D To decide whether or not former Council properties which are offered back to the Council should be repurchased at the original sale price with the owner remaining as tenant and each party paying their own legal fees, in the following two sets of circumstances (Housing Committee 8/4/99):

- *where the property is still in the ownership of the original purchaser (i.e. the former Council tenant), AND where all other reasonable alternatives to re-sell on the part of the owner have been exhausted AND where there may be special circumstances and special needs and/or hardship, OR*

- *where for reasons of sound housing management of the re-purchase may be appropriate - e.g. the re-purchase of a flat within a block. In this case it is **not** necessary for the applicant to be the original purchaser.*

OFFICER DELEGATIONS: to the Service Director - Housing:

HO120D After consultation with the appropriate officers to enter into Guarantee Agreements for the provision of water mains.

Disposal of Land and Accommodation

General

HO130 Subject to reference HO140L below, the disposal of land under the Housing Acts.

HO140L To **dispose** of surplus land held for housing purposes which is of little or no value to the Council

HO150L To **let** housing property other than dwellings and to let dwellings for non-housing purposes.

OFFICER DELEGATIONS: to the Service Director - Housing:

HO160D To grant short-term lettings of any housing land, including shops (with or without housing accommodation attached) held under Housing Act powers, and, after consulting the appropriate officers, to consent to assignments and accept surrenders of such lettings.

Large Scale Disposals[106]

HO170 To make an application **pursuant to an authorisation by the full council**-

(a) under subsection (5) of section 135 (programmes for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993 or

(b) under section 32 (power to dispose of land held for the purposes of Part II) or section 43 (consent required for certain disposals not within section 32) of the Housing Act 1985.

Anti-social Behaviour

Landlord's policies and procedures

HO180 To prepare, approve and keep under review a policy as local housing authority in relation to anti-social behaviour and procedures for dealing with occurrences of anti-social behaviour as set out in Section 12 of the Anti-Social Behaviour Act 2003[107].

Anti-Social Behaviour, Crime and Policing Act 2014

HO190 All Housing related powers under Part 1 and Part 5 of the Anti-Social Behaviour, Crime and Policing Act 2014

OFFICER DELEGATIONS: to the Chief Executive, Deputy Chief Executive or the Director of Governance (and in any case save for a without notice application, in consultation with the Service Director - Housing:

HO200D To make applications for a civil injunction (Housing related) under the Anti-Social Behaviour, Crime and Policing Act 2014 Part 1 Civil Injunctions, and all associated powers including enforcement

HO220 To recover possession of dwelling houses on anti-social behaviour grounds

OFFICER DELEGATIONS: to the Service Director - Housing:

HO230D The power to issue Notices of Seeking Possession

OFFICER DELEGATIONS: to the Service Director - Housing:

HO240D Unless they refer the matter to Appeals and Regulatory Committee for consideration the power to conduct reviews and to make decisions pursuant to the Absolute Ground for Possession for Anti-social Behaviour (Review Procedure) (England) Regulations 2014

OFFICER DELEGATIONS: to the Director of Governance (in consultation with the Housing Manager:

HO250D The power to commence possession proceedings and all other associated powers including the power to seek eviction

HOUSING (OPERATIONS) AND HOUSING SOLUTIONS CENTRE

Right to Buy

HO260L To determine applications from leaseholders of former Council flats for assistance in paying for service charges for improvements.

HO270L To determine requests for additional discounts under the Right to Buy.

HO280L To determine whether or not the council should waive repayment of discount in full or part, in any particular case, within the council's general policy[108] for such waivers

OFFICER DELEGATIONS: to the Director of Governance:

HO290D In conjunction with the appropriate officers , to carry out the Council's functions relating to the right to buy and the rent to mortgage schemes under the 1985 Act, including to determine RTB applications to buy elderly persons' accommodation first let before 1st January, 1990 and to determine appeals against refusals.

HO300D To take legal proceedings for injunctions against perpetrators of persistent, clear or serious breaches of right to buy covenants or obligations where the breach affects the Council or Council tenants.

OFFICER DELEGATIONS: to the Service Director - Housing (in consultation with the Head of Corporate Property and Technical Services)

HO310D To carry out all valuation functions for Right to Buy, Shared Ownership and Rent to Mortgages schemes.

OFFICER DELEGATIONS: to the Service Director - Housing :

HO320D To determine applications from RTB leaseholders for any rights under the 1993 Act (including leasehold enfranchisement).

Enabling

HO330 Disposal of land or buildings in exchange for nomination rights in accordance with the Council's enabling policy and housing strategy.

HO340L Compulsory purchase of long-term vacant dwellings whose condition detracts from the amenity of the neighbourhood, if the Council is able to dispose of such dwellings to third parties (e.g. social landlords).

OFFICER DELEGATIONS: to the Service Director - Housing:

HO350D To widen, if necessary, the participant catchment area under the Guaranteed Accommodation Project with South Yorkshire Housing Association Limited and GAP (UK) Limited.

General Housing Management

HO360 To fix the levels of rents for Council homes and to fix other charges for housing premises and facilities.

HO370L To change arrears procedures to meet changes in legislation or best practice.

HO380L To decide whether or not any matter of housing management as determined in accordance with Delegation Reference H260D should be considered by the Cabinet before being referred to TARA's under the consultation procedure.

OFFICER DELEGATIONS: to the Service Director - Housing:

HO390D To determine whether any matter proposed for consideration by the Cabinet is one of housing management within the meaning of Section 105 of the 1985 Act.

OFFICER DELEGATIONS: to the Service Director - Housing:

HO400D In conjunction with the appropriate officers, to exercise all the authority's functions (except those delegated to the Appeals and Regulatory Committee), under the

Data Protection Act 1998 (formerly contained in the Access to Personal Files Act 1987), including the setting of fees (if any), decisions as to whether information is exempt, and including power to seek professional advice where release of information could cause harm to physical or mental health.

HO410D Determination of applications for the right to manage under the 1993 Act.

HO420D To determine applications to keep pigeons or other pets on land or premises within their management.

HO430D To assist tenants suffering financial hardship whose homes have been affected by flooding.

HO440D To sign garage site rental agreements on behalf of the Council, and to authorise in writing appropriate Housing staff also to sign such agreements on behalf of the Council

OFFICER DELEGATIONS: to the Chief Finance Officer/Service Director - Finance:

HO450D To calculate rents to accord with rent levels determined by the Council.

OFFICER DELEGATIONS: to the Chief Finance Officer/Service Director - Finance in consultation with the Service Director - Housing:

HO460D To collect rent and arrears by means including the use of distress procedure.

Housing Register, Allocations, Transfers and Exchanges

HO470 To exercise all the Council's functions as local housing authority in connection with the Housing Register, Allocations Policy and allocations from the Register, the Council's Transfer Scheme and Exchanges of Tenancies:

Registration and Allocation - General

HO480L **Outside the normal application of the Council's Allocations Policy**[109], to admit to or remove from the register, to amend register entries, or to allocate accommodation, in relation to people who:

- are disabled or have special needs,

and to exercise those functions also in relation to people who:

- have housing-related debts, or
- have proven histories of anti-social behaviour or attacks, intimidation or abuse of Council staff.

OFFICER DELEGATIONS: to the Service Director - Housing:

HO490D Subject to Delegation Reference HW1470D[110]*, within the Council's Allocations Policy to decide who is a qualifying person, and to admit to or remove from the*

register, to amend register entries, or to allocate accommodation, in relation to any qualifying person (subject to consultation with the Cabinet Member for Housing on allocations to people not in greatest need for reasons of social mix, sustainability and management needs).[111]

HO500D To allocate and let garages and garage sites.

HO510D To determine applications under Section 27 of the Rent (Agriculture) Act, 1976 (alternative accommodation for people displaced because of the need to house agricultural employees).

HO520D To determine applications for housing accommodation for people under care of Social Services.

OFFICER DELEGATIONS: to the Service Director – Housing <u>in person</u>:

HO530D To exercise the functions at Delegation References HO750D to HC680D inclusive in relation to any person who is a sex offender or a serious offender.

Successions and Second Successions

HO540L To determine whether or not to grant introductory tenancies to second successors.

OFFICER DELEGATIONS: to the Service Director - Housing:

HO550D Where a statutory successor is not the spouse of the former tenant, to determine whether or not to seek possession from the successor on the statutory ground of under-occupation (exercisable within the prescribed six month period).

Transfers and Exchanges

HO560L To **determine** applications for transfers of secure tenancies under the Council's Transfer Policy in exceptional cases where the applicant has committed **major** breaches of Tenancy Conditions.

OFFICER DELEGATIONS: to the Service Director - Housing:

*HO570D To determine applications for transfers of secure tenancies under Council's Transfer Policy, including determination of applications in exceptional cases where the applicant has committed **minor** breaches of tenancy conditions and including determination of initial requests for reviews of decisions under that Policy.*

HO580D To determine applications for exchanges under the 1985 Act.

Ending Tenancies and Licences

Notices

OFFICER DELEGATIONS: to the Service Director - Housing:

HO590D To serve:

- *notices of seeking possession in respect of secure tenancies;*
- *notices of proceedings for possession in respect of introductory tenancies;*
- *notices to quit in respect of any other licence or tenancy;*
- *notices of seeking possession in respect of secure tenancies where a Demotion Order is sought;*
- *notices of proceedings for possession in respect of secure tenancies where a Possession Order is sought*
- *notices of extension in respect of introductory tenancies.*

Where a notice involves both rent arrears and any other ground, the Service Director - Housing shall serve the notice in consultation with the .

Legal Proceedings

*OFFICER DELEGATIONS: to the Director of Governance and Service Director - Housing (or either of them), in consultation with the Cabinet Member for Housing in any case where the legal proceedings are intended directly and finally to secure the eviction of a residential tenant or licensee of the Council other than an introductory tenant or a demoted tenant, when consultation with the Cabinet Member for Housing shall **not** be required except in the case of injunctions as set out below):*

HO600D to take legal proceedings:

- *to recover possession of premises where any licence or tenancy condition (including the condition to pay rent) has been broken and to recover any rent arrears.*

- *to recover possession of premises occupied by trespassers (including people who are not entitled to succeed to the tenancy on the tenant's death and people who illegally occupy temporary accommodation).*

- *under the 1996 Act (as amended), or any other power to take legal proceedings for injunctions (including applying to the Courts for powers of arrest) (to be exercised after consultation with the Cabinet Member for Housing.*

Abandonment

OFFICER DELEGATIONS: to the Service Director - Housing:

HO610D After consultation with the Director of Governance and the Cabinet Member for Housing to take possession of any property where the former tenant has abandoned the tenancy as evidenced by lack of rent payments and lack of response to letters and visits by staff, and/or where the property has been left insecure.

Repairs/improvements/adaptations/compensation

Repairs

HO620L To arrange for change of tenancy repair works to be quickly undertaken, including, if necessary, by employing outside contractors.

OFFICER DELEGATIONS: to the Service Director - Housing:

HO630D To maintain and repair the properties under their management.

HO640D To determine entitlement to and pay redecoration allowances to tenants after modernisation, certain relets and certain repairs under the policies laid down by Minute Nos. 535 (1983/84) and 1296 (1987/88).

HO650D To prepare, annually, an approved list of central heating appliances.

HO660D To exercise all the Council's functions under Section 96 of the 1985 Act and regulations (Right to Repair) in accordance with Council policy (Minute No. 1515 (1993/94))

OFFICER DELEGATIONS: to the Director of Governance:

HO670D To take any legal proceedings on disputes under the Right to Repair Scheme.

Improvements

HO680L To determine tenants' requests for major adaptations, including stairlifts and heating systems.

OFFICER DELEGATIONS: to the Service Director - Housing:

HO690D To exercise all executive functions (except for those delegated to the Director of Governance below) relating to secure tenants' improvements and compensation under the 1985 Act, including determination of applications for consents for improvements, registration of consents in a form approved by the , determination of applications for retrospective consents where hardship or injustice might otherwise be caused and determination and payment of compensation in qualifying cases (1994 Regulations).

OFFICER DELEGATIONS: to the Service Director - Housing: in consultation with the Head of Corporate Property and Technical Services

HO700D To deduct from payments of compensation for improvements any debt owed by a qualifying tenant whether incurred before or after 1st April 1994.

OFFICER DELEGATIONS: to the Director of Governance:

HO710D To take any legal proceedings in the County Court in relation to disputes about improvements and compensation.

Compensation for Redevelopment etc.

OFFICER DELEGATIONS: to the Service Director - Housing:

HO720D To make Home Loss Payments and Disturbance Payments under the 1973 Act and the 1985 Act to Council tenants in appropriate cases.

HOMELESSNESS

HO730L To exercise all the Council's functions under Part Seven of the 1996 Act (homelessness)

OFFICER DELEGATIONS: to the Service Director - Housing:

HO740D To determine applications made under Part Seven of the 1996 Act.

OFFICER DELEGATIONS: to the Service Director - Housing <u>in person</u>:

HO750D To exercise any function under Scheme Reference HO900D in relation to any person who is a sex offender or a serious offender.

SERVICES FOR VULNERABLE PEOPLE

Emergency Alarms

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HO760D To provide emergency alarm systems for private householders and housing association tenants under section 2 of the Local Government Act 2000.[112]

PRIVATE SECTOR HOUSING

Loans

HO770L The Council's functions under Part Fourteen of the 1985 Act (loans for the acquisition repair or improvement of housing).

OFFICER DELEGATIONS: to the Chief Finance Officer/Service Director - Finance:

HO780D *To determine interest rates for house purchase and improvement loans (including loans formerly made under the right to buy).*

HO790D *To operate Section 28 of the Finance Act 1982 for the administration of all mortgage loans.*

OFFICER DELEGATIONS: to the Property Procurement and Contract Law Manager:

HO800D *In consultation with appropriate officers to enter into agreements under Section 442 of the 1985 Act (guarantee of loans to buy or improve homes with ministerial consent).*

HO810D *Together with the Chief Finance Officer/Service Director - Finance, to determine applications to let mortgaged properties and to waive payment to the Council of any statutory compensation where the value of the Council's security is not prejudiced.*

HO820D *to take legal proceedings to recover mortgage arrears and to recover possession of premises (in consultation with the Service Director - Housing and the Cabinet Member For Housing in any case where the legal proceedings are intended directly and finally to secure the eviction of the mortgagor).*

Housing Grants [113]

HO830L To carry out executive functions under the HGCR Act (for Disabled Facilities Grants), under section 523 of the 1985 Act (assistance for separate service pipe for water supply) and under Part Eight of the 1989 Act (Renewal Areas) and under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 ("the 2002 Order") (home repair assistance).

HO840L To review the priority rating of individual renovation grant applications where special circumstances exist (Minute 904).

OFFICER DELEGATIONS: to the Service Director - Housing:

HO850D *Subject to HW1390D and HW1400L below to determine applications under the HGCR Act and the 2002 Order for:*

- *Home Repair Assistance;*
- *Disabled Facilities Grants; and*
- *Group Repair Grants, Relocation Grants and Empty Property Grants.*

HO860D *To approve grant/loan packages up to a maximum of £15,000 under the arrangements approved by Cabinet on 16th July 2006 (Minute 0048 - Decent Homes for Vulnerable Households in the Private Sector).*

HO870L To approve grant/loan packages worth over £15,000 under the arrangements approved by Cabinet on 16th July 2006 (Minute 0048 - Decent Homes for Vulnerable Households in the Private Sector).

HO880L For any breach of home repair assistance grant conditions where there are exceptional circumstances, to decide not to reclaim the amount or to reclaim only a proportion of it where those circumstances justify the sale or other disposal subject to regard being given to the ability of the person concerned to make the repayment

OFFICER DELEGATIONS: to the Service Director - Housing:

HO890D *To waive the three years prior residency qualification for renovation grant applications in respect of dwellings vacant for more than twelve months where purchased or renovated by first time buyers.*

Applications for relief from Repayment

HO900L For any breach of:

- any condition of a grant approved before 17/12/96, or
- the owner-occupation condition or the availability for letting condition of any **Renovation Grant** approved after 17/12/96, or
- the occupation condition of any **HMO Grant** approved after 17/12/96,

to **determine** requests not to repay the grant in cases where repayment would lead to personal hardship, including ill health, redundancy or the need to move to another area because of a change of job.

HO910L For **disabled facilities grants** approved after 17th December 1996, to determine applications for relief from repayment where there has been a change of circumstances after the date of approval but before the certified date of completion (section 41, HGCR Act).

HO920L For disabled facilities grants, to determine applications for relief from repayment where it is suspected that there may be grounds for finding grant abuse.

HO930L For disabled facilities grants where:

- an application for a DFG was approved on or after 30 November 2008,
- the value of the DFG was for £5,000 or more; and

- the recipient of the DFG had a qualifying owner's interest in the premises

to determine whether or not the repayment of the whole or part of the grant should be made in any case where the adapted property is disposed of within 10 years of the certified date of completion of the grant works [114]

OFFICER DELEGATION: to the Director of Governance in consultation with the Service Director - Leisure, Culture and Community Wellbeing:

HO940D *Subject to the Cabinet Member delegations above, to waive repayment of disabled facilities grants where there are no grounds to suspect a finding of grant abuse.*

HO950L For **Renovation Grants Common Parts and HMO Grants** approved after 17th December 1996, to determine applications for relief from repayment where there has been a **non-exempt relevant disposal** either after the payment of any instalment but before the certified date of completion or during the five year grant condition period, subject to the Secretary of State's consent in certain exceptional circumstances (section 45 HGCR Act).

Housing Unfit Insanitary or in a State of Disrepair

HO960 To declare Clearance Areas.

HO970L To make demolition orders, closing orders and orders declaring properties individually unfit, and to serve associated notices.

HO980L To accept undertakings to carry out works to render houses fit for human habitation and undertakings not to use houses for human habitation.

HO990L Imposition of statutory charges for notices/orders in respect of owner-occupied dwellings.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HO1000D To make owner-occupier's supplementary payments in appropriate cases under section 587 of the 1985 Act.

HO1010D To serve deferred action and Minded To notices under sections 8 and 86 of the HGCR Act in relation to intended repairs notices or closing or demolition orders.

HO1020D To make well-maintained payments for dwellings in clearance areas in appropriate cases.

HO1030D To serve notices under section 189 or 190 of the 1985 Act (repair of unfit houses and houses in a state of disrepair) and notices under the Public Health Acts in respect of unsanitary houses.

HO1040D To serve notices under the Building Act 1984 and/or Housing Act 1985 in relation to demolitions carried out pursuant to demolition orders.

HO1050D To serve notices under Section 8 of the 1976 Act (security of properties subject to undertakings or closing orders).

Houses in Multiple Occupation

HO1060L Executive functions under Part 2 of the *Housing Act 2004* (houses in multiple occupation).

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HO1070D Under the Housing Act 2004, to serve the following notices or directions in relation to HMO's:

- *notices to require works to HMO's to make fit for the number of occupants;*
- *overcrowding notices;*
- *limits on number of occupants;*

HO1080D After consulting the Service Director - Economic Growth and the Service Director - Housing and Chief Fire Officer, to carry out the Council's functions in relation to fire hazards under the Housing Act 2004.

HO1090D To carry out the Council's functions under the Housing Act 2004 in relation to the authorisation and refusal of licence renewals and licence variations.

Protection of Private Tenants and Restoration of Gas and Electricity Supply

HO1100L The Council's functions under the Protection from Eviction Act, the Caravan Sites Act 1968 and associated legislation.

OFFICER DELEGATIONS: to the Director of Governance :

HO1110D To prosecute for criminal offences under the Protection from Eviction Act 1977, the Caravan Sites Act 1968 and associated offences.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing:

HO1120D To carry out the functions of the Council under Section 33 of the 1976 Act (restoration of gas and electricity supplies).

(see also Disabled Facilities Grants under Private Sector Housing above)

OFFICER DELEGATIONS: to the Private Sector Housing Manager[115]:

HO1130D As from 1st October 2015 to carry out all enforcement functions under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

OFFICER DELEGATIONS: to the Service Director - Leisure, Culture and Community Wellbeing and to the Private Sector Housing Manager:

HO1140D All the Council's functions and responsibilities under The Redress Schemes For Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.

EMPTY HOMES

OFFICER DELEGATIONS: to the Leisure, Culture and Community Wellbeing Manager and to the Private Sector Housing Manager [116]:

HO1150D.. To investigate complaints, take all necessary enforcement and remedial action and secure reoccupation of empty homes within the borough in accordance with the approved Empty Homes Strategy and all relevant statutory powers.

REPORTS AND RECOMMENDATIONS OF *[NAME OF COUNCIL's HOUSING ADVISORY BODY]*[117]

HO1160L To receive reports and recommendations of [name of housing advisory body] and to determine the most appropriate response with a view to maintaining and improving housing performance and response to housing complaints[1]

[1] *The Director of Governance and Monitoring Officer was authorised by Standards and Audit Committee on 14th February 2024 to amend this delegation as necessary to accord with governance measures put in place by the Council to comply with requirements and guidance from Regulator of Social Housing.*

3.10 CABINET MEMBER FOR GOVERNANCE

OVERALL RESPONSIBILITIES:

Cabinet Portfolio	Responsibilities	Mapped across to Corporate Leadership Team	Committee / Outside Body appointments
Cabinet Member for Governance *Cllr Judy Staton*	The council's constitution – articles, division of responsibilities, rules of procedure, code of conduct etc.	CEO / SD - Governance	• Health and Safety Committee • Elections Working Group • Member Development Group
	Members' allowance scheme	CEO / SD – Governance	
	Member induction, support, and development programmes	SD – Governance	
	Overview and scrutiny arrangements	SD – Governance	
	Civic services and mayoralty	CEO / SD – Governance	
	Code of corporate governance	SD – Governance SD – Finance	
	Standards and audit committee	SD – Finance SD – Governance	
	Legal and democratic services	SD – Governance	
	Risk management incl. maintenance of corporate risk register	SD – Digital, HR and Customer Services	
	Information governance and investigatory powers	SD – Governance	
	Corporate health and safety	SD – Digital, HR and Customer Services	
	Equalities framework	SD –Policy, Communications & Local Government Reorganisation	
	Safeguarding policy and modern slavery statement	SD – Policy, Communications & Local Government Reorganisation	
	Emergency and business continuity planning	CEO / ED / SD – Policy, Communications & Local Government Reorganisation	

	Elections management and electoral registration	CEO / SD – Governance	

General

GV000 **To discharge or refer to the Cabinet (as the case may be) all the executive functions of the authority relating to any matter within the scope of the Cabinet Member's Overall Responsibilities listed above, including but not limited to the functions detailed below.**

Plans and Strategies

GV010R The **formulation or preparation** of the following plans and strategies amongst those listed in Article 4 of this Constitution, namely:

Other plans and strategies which the council has decided should be adopted by the Council meeting as a matter of local choice

- Capital Strategy
- Risk Management Strategy
- Information and Communication Technology Strategy

GV020 The amending, modification, variation or revocation of any such plan or strategy where required to give effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for their approval, or to any part so submitted or where authorised by a determination made by the authority when approving or adopting the plan or strategy

PARTNERSHIPS

GV030L To represent the authority/Cabinet as appropriate on partnerships within the Cabinet Member's Overall Responsibilities listed above

GENERAL

GV040 To consider all executive functions relating to strategic, controversial and major operational issues concerning corporate resources and functions.

MEMBER SUPPORT AND DEVELOPMENT

GV050 To consider and approve arrangements for the development of Members' Development and Members' Services, including:

- development of members' representative and constituency roles and functions;
- support services for members.

Failure to Attend Meetings

GV060 To approve or otherwise for the purposes of Section 85 of the Local Government Act, 1972 the reason(s) for the failure of any member to attend meetings of the authority or of the Cabinet.[118]

LEGAL SERVICES

GV070 To consider all executive functions relating to strategic, and operational issues concerning the Council's Legal Services.

OFFICER DELEGATIONS: to the Property Procurement and Contract Law Manager:

GV080D To keep safe but accessible the Council's deeds and contracts and other legal documents.

Local Land Charges

GV090L The functions of the Council under the Local Land Charges Act 1975 and under relevant regulations as to fees and charges for Official Searches.

OFFICER DELEGATIONS: to the Property Procurement and Contract Law Manager:

GV100D To carry out the Council's functions under the 1975 Act and the 1994 Regulations except for the determination of the level of fees under the 1994 Regulations.

CIVIC SERVICES and MAYORALTY

Civic and Ceremonial

GV110L To carry out the executive functions of the Council relating to preserved powers privileges and rights referred to in section 246 of the 1972 Act, the use of armorial bearings (including the Coat of Arms and Borough Badge).

OFFICER DELEGATIONS: to the Director of Governance :

GV120D To approve requests for the use of the Coat of Arms which accord with Minute No. 1064 (1981/82)

Twinning

GV130L To establish and develop civic and twinning links, including Chesterfield/Yangquan links and to take into account the views of twinning organisations, including the Chesterfield/ Darmstadt/Troyes Society, and the Chesterfield/Tsumeb Association.

GV140L The Council's functions under the Local Government (Overseas Assistance) Act 1993 (provision of advice and assistance to bodies engaged outside the UK in carrying out any activity of local government).

OFFICER DELEGATIONS: to the Director of Governance :

GV150D To determine any issue arising out of twinning arrangements (other than visits by members or officers) involving spending of £500 or less.

SERVICING OF COUNCIL MEETINGS

GV160 To have an overview of the Council's arrangements for servicing meetings of Councillors and other official meetings and associated Democratic Services

Services to outside Bodies

OFFICER DELEGATIONS: to the Deputy Chief Executive :

GV170D To provide other public, voluntary or educational bodies with occasional and minor legal, accountancy or support services where existing resources permit and without adverse effect on such services for the Council.

AUDIT AND STANDARDS

Constitutional Issues

GV180 To review the operation of the Council's Constitution and make recommendations to the Council as to any changes to the Constitution which require council approval.

Corporate Governance

GV190 To review the Council's control environment, including its Code of Corporate Governance.

Ethical Framework

GV200 From the point of view of the Cabinet, to review and consider arrangements for the Council's compliance with the ethical framework.

OVERVIEW AND SCRUTINY

GV210 From an executive point of view to have an overview of the Council's arrangements for overview and scrutiny and to be responsible at member-level for liaison between the Cabinet and Scrutiny bodies

ELECTIONS AND ELECTORAL REGISTRATION

GV220 Subject to the non-executive functions of the Employment and General Committee for certain electoral management functions (see above), to have an overview of the Council's electoral management functions and their resourcing.

EMERGENCY PLANNING AND BUSINESS CONTINUITY PLANNING

GV230L To carry out the Council's duties and powers for emergency planning and for business continuity planning under the Civil Contingencies Act 2004 and all other relevant legislation.

The Data Protection Act, the Freedom of Information Act, the Environmental Information Regulations and the Re-use of Public Information Regulations [119]

GV240 Arrangements for compliance with the requirements of the laws listed above

GV250L To approve the Council's Publication Scheme under the Freedom of Information Act 2000 and any related information management policies

OFFICER DELEGATIONS: to the Information Assurance Manager:

GV260D To notify the Information Commissioner details of all current computer systems containing personal data to ensure that the notification is up-to-date and accurate, and to promote compliance with the data protection principles.

GV270D To ensure the Council's compliance with the Data Protection Acts, 1984 and 1998 and with the data protection principles including security of personal data.

GV280D To respond to public requests in connection with personal data under the Data Protection Acts 1984 and 1998, including determination of applicants' rights under those Acts and including determinations with respect to subject access to and disclosure of such data.

GV290D To co-ordinate responses to requests for information under the Freedom of Information Act 2000 and the Environmental Information Regulations.

RISK MANAGEMENT

Risk Management

GV300 To have an overview of the Council's arrangements for Risk Management

GV310L to carry out periodic reviews to ensure the authority's Winter Service is effective.

Insurance

GV320 To ensure that the Council is adequately insured and approve the Council's insurance arrangements (subject to the full Council's non-executive function under section 151 of the Local Government Act 1972: the duty to make arrangements for the proper administration of financial affairs - see Part 2 Article 4 of this Constitution).

OFFICER DELEGATIONS: to the Chief Finance Officer/Service Director - Finance:

GV330D To enter into contracts of insurance.

GV340D To approve the insurance arrangements of contractors and others supplying services to the Council.

CORPORATE HEALTH AND SAFETY

GV350 Executive functions in relation to Health and Safety at Work matters affecting employees of the Council, except for matters relating to the appointment of staff, and determination of their terms and conditions of employment[120]

EQUALITIES AND COMMUNITY COHESION

GV360 The Council's functions under sections 93 to 105 of the Transport Act 1985 and the Travel Concession Schemes Regulations 1986 and determination of issues arising from the Countywide Concessionary Fares Scheme.

OFFICER DELEGATIONS: to the Service Director - Digital, HR and Customer Services

GV370D To determine applications for permits under the Derbyshire Concessionary Fares Scheme.

GV380 To consider and develop the Council's arrangements for concessionary charges for disadvantaged users of any Council service.

GV390 The Council's functions under section 106 of the Transport Act 1985 (grants for transport facilities for the disabled).

GV400L To determine issues arising out of the Council's involvement with the Credit Union.

GV410L To consider the Council's membership of any appropriate organisation dealing with social justice issues.

GV420 To approve monitor, develop and update the Council's Equalities and Community Cohesion Policies and Procedures, **except** where these relate to non-executive functions such as the appointment of staff, determining their terms and conditions, and procedures for dismissal).

GV430L To receive and comment on the Council's Equalities Framework and on progress with the Equality Standard.

GV440 To exercise **executive** functions under:

The Human Rights Act 1998, and
The Equalities Act 2010 [121]

in order to ensure that those functions are carried out in conformity with those Acts.

GV450 To monitor and approve arrangements for the implementation of the Human Rights Act 1998 in relation to **executive** functions.

GV460L To monitor and approve the DCC's Early Years' Partnership/ Childcare Strategy.

GV470L To have oversight of policy issues in relation to applications for financial or other help or project support for voluntary bodies in relation to equalities and community cohesion.

GV480L To receive reports of the Minutes of the meetings of the Groups which the authority consults on equalities and community cohesion matters.

GV490L To receive reports on racial and other hate crime incidents.

INVESTIGATORY POWERS

GV500L To have oversight of policy in relation to the Regulation of Investigatory Powers Act 2000 (as amended)[122].

3.11 CABINET MEMBER FOR CUSTOMERS AND BUSINESS TRANSFORMATION

Cabinet Portfolio	Responsibilities	Mapped across to Corporate Leadership Team	Committee / Outside Body appointments
Cabinet Member for Customers and Business Transformation *Cllr Gavin Baldouf-Good*	Customer services strategy	SD – Digital, HR and Customer Services	• Employer / Trade Union Committee
	Customer services and contact centre operations	SD – Digital, HR and Customer Services	
	Revenues and benefits services	SD – Digital, HR and Customer Services	
	Shared services programme	SD – Digital, HR and Customer Services	
	ICT strategy and transformation programme	SD – Digital, HR and Customer Services	
	ICT services	SD – Digital, HR and Customer Services	
	Workforce strategy and planning including investors in people	CEO / SD – Digital, HR and Customer Services	
	Human resources, payroll, and support services	SD – Digital, HR and Customer Services	
	Town Hall and depot refurbishment projects	SD – Digital, HR and Customer Services	
	Project and programme management office	SD – Policy, Communication and Local Government Reorganisation SD – Digital, HR and Customer Services	

General

CB000 To discharge or refer to the Cabinet (as the case may be) all the executive functions of the authority relating to any matter within the scope of the Cabinet Member's Overall Responsibilities listed above, including but not limited to the functions detailed below.

PARTNERSHIPS

CB010L To represent the authority/Cabinet as appropriate on partnerships within the Cabinet Member's Overall Responsibilities listed above

SHARED SERVICES

CB020 Subject to the Leader's functions in his role as representing the Cabinet on the Joint Board (for shared services with North East Derbyshire and

Bolsover District Councils), and subject to the Cabinet Member for

Economic Growth's responsibility for Derbyshire Building Control Partnership Limited, to take strategic decisions in relation to shared services.

TOWN HALL AND DEPOT REFURBISHMENT AND ICT STRATEGY AND TRANSFORMATION PROJECTS

CB030 To set the overall budget and strategy for the projects

OFFICER DELEGATIONS: to the Service Director – Digital, HR and Customer Services:

CB040D To decide all strategic issues and (after formal consultation at the project board, but if that is not practicable after consultation with at least one project board member) to approve spending in accordance with the agreed project Cost Model.

OFFICER DELEGATIONS: to the transformation project manager:

CB050D To make all operational decisions with regard to the project and to approve spending in accordance with the agreed Cost Model to the maximum value of £25,000.

Any decisions to be reported to the next available project Board meeting for information[123].

INVESTORS IN PEOPLE (IIP)

CB060 To make strategic decisions about the Council's continuing Investors in People accreditation

ICT AND E-GOVERNMENT

CB070 To consider all executive functions relating to strategic issues concerning ICT and E-Government.

CB080 To Approve and review the Council's Statement on Implementing Electronic Government (IEG Statement).

CB090 To consider strategic regulatory and security issues in relation to electronic service delivery.

CB100 To develop the use of information technology and determine strategic and policy issues relating to the acquisition and development of the IT service in accordance with the Council's ICT Strategy.

OFFICER DELEGATIONS: to the Service Director - Digital, HR and Customer Services:

CB110D *To relocate any **replaced** IT equipment which complies with the Council's IT Policy and Code of Practice.*

Sale of Spare IT Capacity

CB120L The Council's functions under Section 38 of the 1976 Act (commercial agreements for the sale of spare capacity on the Council's computers).

CORPORATE PERFORMANCE AND IMPROVEMENT

CB130L To have an overview of the Council's performance management arrangements approve the work programme of the Council's Business Transformation Service.

EFFICIENCY

CB140 To have an overview of the Council's arrangements for the efficient performance of its functions and for continuous improvement (including Target Operating Model)

VALUE FOR MONEY COMMISSIONS

Best Value:

CB150 To have an overview of the Council's duty of Best Value including general arrangements for the involvement of local representatives in the exercise of the council's functions under section 3A of the Local Government Act 1999 [124]

REVENUES AND BENEFITS

Local Taxation

CB160 To carry out executive functions as billing and charging authority for local taxation except for functions delegated elsewhere in this scheme.

General

OFFICER DELEGATIONS: to the Service Director - Finance (in consultation with the Service Director - Digital, HR and Customer Services):

CB170D *To bill, collect and recover community charge (poll tax), council tax and non-domestic rates in accordance with the 1988 Act, the 1992 Act and all other powers and duties.*

CB180D *To administer the Collection Fund.*

CB190D *To decide whether to accept or to appeal against the Valuation Officer's rating assessments for non-domestic rating and the valuation bandings for council tax of property owned or occupied by the Council.*

Non Domestic Rates

Discretionary Reliefs

CB200L In relation to non-domestic rates, to determine the category for discretionary relief to be granted in to specific types of charity and other similar voluntary bodies.

CB210L To determine applications for **discretionary** relief, including:

- under Section 47 of the 1988 Act for "other organisations" within category 9 of Appendix 3 to the report referred to at Minute 1865(2) (1989/90) (subject to CB330D below);
- under Section 49 of the 1988 Act (hardship);
- under the Rate Relief Scheme for Village Shops (Minute 1352(3) 1997/98)
- under the Rating (Former Agricultural Premises and Rural Shops) Act 2001
- under the Rating (Public Houses and Petrol Filling Stations) Order 2001 - for rural areas;

OFFICER DELEGATIONS: to the Service Director – Finance (in consultation with the Service Director - Digital, HR and Customer Services)

CB220D Under Section 47 of the 1988 Act to determine applications for discretionary rate relief from Amateur Sports Clubs falling within category 9 of Appendix 3 to the report referred to at Minute 1865(2) (1989/90) with the guideline that such applicants will normally be granted 5% discretionary relief unless there are individual or exceptional circumstances in which case the application will be determined by Cabinet Member under HC100L *above.*

CB230D Under Section 47 of the 1988 Act, to determine applications for discretionary rate relief for charities and organisations falling within categories 1-8 of Appendix 3 to the report referred to at Minute 1865(2) (1989/90).

CB240D To exercise the Council's powers under Section 44A of the 1988 Act (apportionment of rateable value for short-term partly unoccupied property).

Mandatory Reliefs

OFFICER DELEGATIONS: to the Service Director – Finance (in consultation with the Service Director - Digital, HR and Customer Services)

CB250D To determine applications for mandatory relief under Sections 43 and 45 of the 1988 Act (charities, rural settlements (including Village Shops), and unoccupied premises)(Minute 1352(2) 1997/8)

CB260D *To review annually the Rural Settlement List and recommend changes for determinations (Minute 1234(2)).*

CB270D *To determine applications for **mandatory** rate relief in respect of those public houses, petrol filling stations, food shops and former agricultural premises meeting the required criteria under the Rating (Public Houses and Petrol Filling Stations) Order 2001 and the Rating (Former Agricultural Premises and Rural Shops) Act 2001*[125]

Council Tax

CB280L To carry out executive functions in relation to Council Tax, except those specified elsewhere in this scheme.

Council Tax – Local Discount [126]

CB290 In accordance with the Council's policy and guidance, to decide whether or not to grant a local discount under the provisions of S13A of the Local Government Finance Act 1992 to any **class of persons or properties**.

OFFICER DELEGATIONS: to the Service Director – Finance (in consultation with the Service Director - Digital, HR and Customer Services):

CB300D *In accordance with the Council's policy and guidance, to decide whether or not to grant a local discount under the provisions of S13A of the Local Government Finance Act 1992 to **any individual**.*

Benefits

CB310L To exercise executive functions in relation to the Benefit Schemes referred to at Scheme Reference B570D below (subject to the further review functions vested in the Appeals and Licensing Committee)

OFFICER DELEGATIONS: to the Service Director - Finance

CB320D *To administer the Council Tax Benefit Schemes under the Social Security Administration Act, 1992, Social Security Contributions and Benefits Act, 1992, Social Security (Consequential Provisions) Act, 1992 and Social Security Administration (Fraud) Act, 1997 (subject to the further review functions vested in the Appeals and Regulatory Committee).*

CB330D[127] *To investigate any criminal offence concerning, or in connection with, the Council Tax Benefit Scheme and to make any subsequent decision to refer any person for prosecution either to the Director of Governance or to the Department for Work and Pensions.*

OFFICER DELEGATIONS: to the Director of Governance:

CB340D[128] *Subject to Scheme Reference HC290D to take legal proceedings for any criminal offence or other contravention of the law concerning, or in connection with, the Council Tax Benefit Scheme.*

OFFICER DELEGATIONS: to the Chief Executive

CB350D Under Section 12 of the Social Security Administration (Fraud) Act 1997, to appoint inspectors to assist in the investigation of Benefit Fraud (Minute 269).

Penalties

OFFICER DELEGATIONS: to the Service Director – Finance (in consultation with the Service Director - Digital, HR and Customer Services):

CB360D On behalf of the Council as Charging/Billing Authority to impose or quash penalties under the 1992 Act (Council Tax).

CB370D To determine appeals against the imposition of the penalties referred to in HC290D (subject to further appeal to the Appeals and Regulatory Committee)(LOCAL CHOICE FUNCTION)

Housing Benefits

CB380 The executive functions of the authority in relation to Housing Benefit and Housing Benefit Subsidy under the Social Security Contributions and Benefits Act 1992, the Child Support Pensions and Social Security Act 2000 and other relevant legislation, (except those functions delegated to the Appeals and Regulatory Committee).

OFFICER DELEGATIONS: to the Service Director - Finance (in consultation with the Service Director - Digital, HR and Customer Services)

CB390D To administer the Housing Benefit Scheme and the Discretionary Housing Payments Scheme on behalf of the Council under the Social Security Administration Act, 1992, Social Security Contributions and Benefits Act, 1992, Social Security (Consequential Provisions) Act, 1992 the Social Security Administration (Fraud) Act, 1997 and the Child Support Pensions and Social Security Act 2000 (subject to the further review functions vested in the Appeals and Regulatory Committee sitting as the Review Board.

CB400D[129] *To investigate any criminal offence concerning, or in connection with, the Housing Benefit and Discretionary Housing Benefit Schemes and to make any subsequent decision to report any person for prosecution to either the Director of Governance or to the Department for Work and Pensions.*

OFFICER DELEGATIONS: to the Director of Governance:

CB410D *Subject to Scheme Reference HC290D to take legal proceedings for any criminal offence or other contravention of the law concerning or in connection with the Housing Benefit and Discretionary Housing Benefit Schemes.*

OFFICER DELEGATIONS: to the Chief Executive

CB420D *Under Section 12 of the Social Security Administration (Fraud) Act 1997, to appoint inspectors to assist in the investigation of Benefit Fraud (Minute 269)*[130]

Debt Collection

*OFFICER DELEGATIONS: to the Director of Governance (in consultation with the , and in consultation with the Service Director - Housing and the Cabinet Member for Homes and Communities in any case where legal proceedings are intended directly and finally to secure the eviction of a residential tenant or licensee of the Council other than an introductory tenant, when consultation with the Cabinet Member for Homes and Communities shall **not** be required):*

CB430D *Subject to Scheme References relating to housing rent and mortgage arrears and housing evictions, to take legal proceedings (including distraint, insolvency proceedings, and any other form of recovery action) in order to recover:*

- *arrears of non-domestic rates, community charges (poll tax) and council tax;*
- *any other debt owed to the Council.*

CB440D *To take any action other than legal proceedings (including the use of tracing agents and making arrangements with debtors) in order to recover any debt due to the Council.*

OFFICER DELEGATIONS: to the Service Director - Finance (after consultation with the):

CB450D *To select and appoint outside bailiffs to recover arrears of community charge (poll tax), council tax, non-domestic rates and other debts due to the Council.*

Public Private Partnerships

CB460L To take strategic decisions in relation to the operation of public private partnerships

CUSTOMER SERVICES

CB470 To take strategic decisions about the Council's Customer Services arrangements, including its Customer Services Centre and Customer Charter.

QUALITY SYSTEMS

GV480L To have an overview of the Council's arrangement for accredited and other quality systems

HUMAN RESOURCES AND PAYROLL

General

GV490 To carry out human resource functions **except:**

- those which are not executive functions[131] and except
- those Equalities functions which are within the responsibilities of the Cabinet Member for Housing;

Provided that when considering departmental staffing structures, any recommendations shall be made jointly with the Cabinet Member(s) responsible for the Service concerned.

Creation of New Posts

GV500 To approve the creation of new posts needed for specific purposes.[132]

Employment Creation Schemes

GV510 Executive functions relating to the Council's participation in and any Council-wide training recruitment scheme (excluding appointment, dismissal or terms and conditions of council employees)

National Pay and Conditions

GV520 To respond on behalf of the Council to national pay and conditions of service claims.[133]

Employee Development

GV530 To have an overview of the Council's arrangements for the development of its employees

SUPPORT SERVICES

GV540 To have an overview of the Council's arrangements for administrative and support services

4 INFORMAL COUNCIL BODIES

The following is a list of informal working groups or consultative bodies established by the council, which are advisory only. These bodies:

- Are not committees or subcommittees of the Council or of the Cabinet
- Do not exercise any final legal decision making functions on behalf of the Council or the Cabinet;
- Are not subject to the Access to Information Rules which apply to Council Committees and to the Cabinet;
- Are not subject to members' common law "need to know".

These bodies may make recommendations to formal decision makers, and in most cases their minutes will be reported to the Council or to decision makers.

The membership of these bodies usually consists of nominated elected members of the Chesterfield Borough Council together with non-councillor representatives of outside organisations or groups.

Body	**Objectives and Functions**
Borough Parish Liaison	To facilitate discussion with Brimington Parish Council and Staveley Town Council on matters of interest or concern to either party.
Council Joint Consultative Committee	To establish regular methods of negotiations and consultation between the Council and its employees on matters of mutual interest, including the prevention of differences and the reconciliation of them should they arise; but no question of individual discipline or grievance shall be within the scope of this Committee. To consider any relevant matter referred to it by a Committee of the Council, a Departmental Joint Consultative Committee, or by the Employee and Employer Side Secretaries on behalf of the recognised trade union representatives. To make recommendations to the appropriate Council Committees as to the application of terms and conditions of service and the training of employees of the Council.

Body	**Objectives and Functions**
Council Safety Committee	The promotion of co-operation between employers and employees in instigating, developing and carrying out measures to ensure the health and safety at work of employees. To act as a focus for employee participation in the prevention of accidents and the avoidance of industrial diseases.
Council Tax Consultation Meeting	Consultation before setting of Council Tax for the new financial year
Markets Consultative Committee	To act as liaison between the council and the market traders and for consultation
Taxi Consultative Committee	To act as liaison between the council and the taxi and private hire trade and for consultation
Transport Users Consultative Committee	To act as liaison between the council and transport users and for consultation
Liaison Committees for specific industrial sites	To provide and maintain good relationships between various local industries and nearby residents

APPENDIX 1

REPORTING THE EXERCISE OF OFFICER DELEGATIONS (EXECUTIVE AND NON-EXECUTIVE FUNCTIONS) AND CABINET MEMBER DECISIONS (EXECUTIVE FUNCTIONS ONLY)

Reporting Delegated Action

Executive decisions taken by Cabinet Members under this scheme are reported to Cabinet after the decision has been made, for information and recorded in the Minutes.

Some Officers' delegated decisions are reported to the Cabinet or other Committees, such as Planning and Licensing, after they have been made. These are officer decisions that meet the criteria set out in Rule 22.3 of the Access to Information Procedure Rules in Part 4. Officer decisions are also published on the Council's website. Some other officer decisions are published and available on the council's website in accordance with the Openness of Local Government Bodies Regulations 2014.

APPENDIX 2

PROPER OFFICER PROVISIONS
(INCLUDING OTHER STATUTORY OFFICER RESPONSIBILITIES)

Notes:

*1. Under the terms of the Local Government Act, 1972 (or other statute mentioned) a "proper officer" has been appointed in relation to certain statutory provisions. In the event of any proper officer being for any reason unable to act or of any of post being vacant, the officer specified as **reserve** in the Table is appointed to act in their stead for the purpose of any appointment mentioned:*

2. Section 270(3) of the 1972 Act refers to an officer appointed "for that purpose." A specific reference to the purpose is accordingly an intrinsic part of the appointment of a proper officer (See Circular No. 111/73). The1972 act repealed the provision of the 1933 Act authorising the appointment of standing deputies to chief officers. An express appointment of a deputy to the proper officer should accordingly be made

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
ELECTIONS		***Local Government Act 1972:***	
1	Witness and receipt of declaration of acceptance of office by the Mayor, Deputy Mayor and Councillors.	Section 83(1) to (3) and Regulations	**Monitoring Officer** ***Reserve: Deputy Monitoring Officer***
2	Receipt of declaration of resignation of office by the Mayor, Deputy Mayor and Councillors..	Section 84	**Monitoring Officer** ***Reserve: Deputy Monitoring Officer***
3	Convening of meeting of Council to fill casual vacancy in office of Mayor	Section 88(2)	**Chief Executive** ***Reserve: Deputy Electoral Registration Officer***
4	Receipt of notice of casual vacancy from two local	Section 89(1)(b)	**Chief Executive**

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
	government electors.		***Reserve: Deputy Electoral Registration Officer***
		Local Elections (Principal Areas) Rules 1986	
5	Receipt from Returning Officer of the names of persons elected to the Council.	Rule 44	**Chief Executive** ***Reserve: Deputy Electoral Registration Officer***
6	Receipt from Returning Officer of election documents.	Rule 46	**Chief Executive** ***Reserve:Deputy Electoral Registration Officer***
7	Retention of election documents and making them available for public inspection.	Rules 47 and 48	**Chief Executive** ***Reserve: Deputy Electoral Registration Officer***
		Local Elections (Parish and Communities) Rules 1986	
8	• Receipt of Notice from a Parish/Town Council that a casual vacancy exists. • Calculating the time within which a request for an election shall be made by ten local electors. • Receiving notice from local electors that an election is required.	Rule 8	**Chief Executive** ***Reserve: Deputy Electoral Registration Officer***
		Representation of the People Act 1983	
9	To be the Acting Returning Officer for the conduct of Parliamentary Elections (duties to be discharged by the appointed electoral registration officer - see below)	Section 28	**Chief Executive** ***Reserve: Deputy Electoral Registration Officer***
10	Appointed Returning Officer for Election of	Section 35	**Chief Executive**

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
	Councillors of the District and the Officer of the Council to be the Returning Officer for Election of Councillors of Parishes within the District		***Reserve: Deputy Electoral Registration Officer***
11	Declaration as to election expenses to be made in the presence of[134]	Section 82(2)	**Chief Executive** ***Reserve: Deputy Electoral Registration Officer***
ELECTORAL REGISTRATION and PETITIONS		***Representation of the People Act 1983***	
12	Appointed Electoral Registration Officer and person to act in absence of Registration Officer[135]	Sections 8 and 52	**Chief Executive** ***Reserve: Deputy Electoral Registration Officer***
		Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 as amended	
13	To publish the verification number of Local Government electors for the purposes of petitions	Regulation 4	**Chief Executive** ***Reserve: Deputy Electoral Registration Officer***
14	To determine the validity of petitions	Regulation 7	**Chief Executive** ***Reserve: Deputy Electoral Registration Officer***
15	All other matters under these regulations		**Chief Executive** ***Reserve: Deputy Electoral Registration Officer***

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
COUNCIL MEETINGS			
		Local Government Act 1972	
16	Signature of summons to Council meeting	Schedule 12, paragraph 4(2)(b)	**Chief Executive** ***Reserve: Director of Governance***
17	Receipt of notices regarding address to which summons to meeting is to be sent	Schedule 12, paragraph 4(3)	**Chief Executive** ***Reserve: Director of Governance***
HONORARY FREEMEN OF THE BOROUGH		***Local Government Act 1972***	
18	To keep the roll of Honorary Freemen of the Borough	Section 248	**Chief Executive** ***Reserve: Director of Governance***
TRANSFERRED CHARITIES			
19	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities if there is no such office, to proper officers.	Section 210	**Chief Executive** ***Reserve: Director of Governance***
PARISH MEETINGS		***Local Government Act 1972***	
20	Appointment as a Parish Trustee	Section 13(3)	**Chief Executive** ***Reserve: Director of Governance***

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
FINANCE		***Local Government Act 1972***	
21	Receipt of Money Due from Officers	Section 115(2)	**Chief Finance Officer/Service Director - Finance** ***Reserve; Head of Finance and Accountancy***
22	Declarations and certificates with regard to securities	Section 146(1)(a)	**Chief Finance Officer/Service Director - Finance** ***Reserve; Head of Finance and Accountancy***
23	To keep Proper Officer accounts open for inspection by any member of the Authority	Section 228(3)	**Chief Finance Officer/Service Director - Finance** ***Reserve; Head of Finance and Accountancy***
		Rates Act 1984	
24	Notice to ratepayers that the rate complies with any maximum set.	Section 7	**Chief Finance Officer/Service Director - Finance** ***Reserve; Head of Finance and Accountancy***
		Local Authority (Stocks and Bonds) Regulations 1974	
25	Person appointed by the local authority to act as registrar for the purposes of the regulations	Regulation 1(3)	**Chief Finance Officer/Service Director - Finance** ***Reserve; Head of Finance***

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
			and Accountancy
ACCESS TO INFORMATION (NON-EXECUTIVE) BODIES			
		Local Government Act 1972	
26	To exclude from inspection by members of the public the whole or any part of a report during which, in their opinion, the meeting is likely not to be open to the public	Section 100B (2)	**The officer who is the writer or principal writer of the report**
27	To supply to newspapers copies of any documents other than the agenda or reports supplied to members of the Council in connection with any item	Section 100B (7)(C)	**Democratic and Elections Services Manager** ***Reserve: Democratic Services Manager***
28	If the minutes of proceedings during which a meeting was not open to the public disclose exempt information, and are therefore not open to inspection by the public, to make a written summary of such proceedings which provides such a record without disclosing the exempt information	Section 100C (2)	**Democratic and Election Services Manager** ***Reserve: Committee and Scrutiny Co-Ordinator***
29	To determine the documents which constitute background papers for a report and to compile a list of such papers to be available for inspection by the public	Sections 100D (1)(a) and 100D (5)(a)	**The officer who is the writer or principal writer of the report**
30	To determine that a document is not required to be open for inspection by Members under the 1972 act[136] because it discloses exempt information	Section 100F (2)	**Director of Governance** ***Reserve: Democratic Services and Democratic***

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
	falling within any of paragraphs 1 to 7 of Part 1 of Schedule 12A to the Act		***and Elections Manager***
ACCESS TO INFORMATION (EXECUTIVE BODIES)		***Local Authorities (Access to Information)(England) Regulations 2000 as amended***	
31	To produce a written statement of Executive decisions made at meetings	Regulation 3	**Democratic Services and Democratic and Elections Manager *Reserve: Committee and Scrutiny Co-Ordinator***
32	To make available for inspection by the public a copy of written statements of executive decisions and associated reports.	Regulation 5	**Democratic Services and Democratic and Elections Manager *Reserve: Committee and Scrutiny Co-Ordinator***
33	To make available for inspection a list of background papers	Regulation 6	**Democratic Services and Democratic and Elections Manager *Reserve: Committee and Scrutiny Co-Ordinator***
34	To publish key decisions of the Authority	Regulation 12	**Democratic Services and Democratic and Elections Manager *Reserve: Committee and Scrutiny Co-Ordinator***

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
SIGNING CERTIFYING & DEPOSITING DOCUMENTS		***Local Government (Miscellaneous Provisions) Act 1976***	
35	Certification of copies of resolutions, Minutes and other documents.	Section 41	**Montoring Officer** ***Reserve: Deputy Monitoring Officer***
		Local Government Act 1972	
36	Authentication of any Notices, Orders or other documents which the Council is authorised or required to give, make or issue	Section 234	**Montoring Officer** ***Reserve: Deputy Monitoring Officer***
37	Authentication of Photographic Documents for the purpose of any legal proceedings	Section 229(5)	**Montoring Officer** ***Reserve: Deputy Monitoring Officer***
38	To send copies of confirmed bye-laws made by the Council to the County Council.	Section 236(9) and (10)	**Montoring Officer** ***Reserve: Deputy Monitoring Officer***
39	To certify copies of bye-laws	Section 238	**Montoring Officer** ***Reserve: Deputy Monitoring Officer***
40	Deposit of Documents	Section 225(1)	**Montoring Officer** ***Reserve: Deputy Monitoring Officer***
41	Receipt of Notices of Application for Justices Licences	Section 204(3)	**Montoring Officer** ***Reserve: Deputy Monitoring Officer***
		Local Government Act 1974	
42	To give notice that copies of an Ombudsman's report are available.	Section S. 30 (5)	**Director of Governance and Monitoring Officer** ***Reserve: Deputy Monitoring Officer***
POLITICAL GROUPS			

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
43	To be the proper officer of the Council for the purposes of the relating to receipt of notices from Political Groups on the Council	***Local Government (Committees and Political Groups) Regulations 1990***	**Chief Executive** ***Reserve: Monitoring Officer***
MEMBERS' ALLOWANCES		***Local Authorities (Members' Allowances) Regulations 1991***	
44	Receipt of notice in writing that a Councillor wishes to forgo any part of his entitlement to an allowance	Regulation 14	**Democratic and Electoral Services Manager** ***Reserve; PA to Council Leader***
HUMAN RESOURCES			
45	Appointment and Dismissal procedures for certain officers	***The Local Authorities (Standing Orders) (England) Regulations 2001***	**Director of Governance and Monitoring Officer** ***Reserve: Deputy Monitoring Officer***
46	To retain on deposit a list of politically restricted posts.	***Local Government And Housing Act 1989 Section 2***	**Director of Governance and Monitoring Officer** ***Reserve: Deputy Monitoring Officer***
47	To consider applications from local authority employees for exemption from political restriction in respect of their posts. • Where appropriate, to issue directions requiring the inclusion of a post in the list of politically restricted posts. • To give general advice on the application of criteria	***Local Government and Housing Act 1989 Section 3A inserted by Schedule 4 Part 1 of the Localism Act 2011***	**Chief Executive (Head of Paid Service)after consultation with the Monitoring Officer (Section 7A 1989 Act)**

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
	for designation of a politically restricted post. [137]		
CEMETERIES		***The Local Authorities' Cemeteries Order 1977***	
48	Storage and charge of cemetery records	Article 12	***Service Director - Leisure, Culture and Community Wellbeing*** ***Reserve: Bereavement Services Manager***
49	Signature of grants under of the Order and granting permissions	Paragraph 1 of Part II of Schedule 2	***Service Director - Leisure, Culture and Community Wellbeing*** ***Reserve: Bereavement Services Manager***
50	Various other matters	Paragraph 1 of Part I of Schedule 20	***Service Director - Leisure, Culture and Community Wellbeing:*** ***Reserve: Bereavement Services Manager***
ORDNANCE SURVEY		***Local Government Act 1972***	
51	Functions with respect to assistance with marking out etc. reputed boundaries (Ordnance Survey Act 1841)	Section 191	**Service Director - Economic Growth** ***Reserve: Chief Building Control Officer*** [138]
BUILDING ACT		**Building Act 1984**	

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
1984			
52	Various purposes with regard to drainage, water supply, sanitary accommodation.		**Service Director - Leisure, Culture and Community Wellbeing** ***Reserve: Chief Building Control Officer***
53	Purposes relating to building control other than those comprised above.		**Economic Development Manager** ***Reserve: [tbc]***
HOUSING		***Rent (Agriculture) Act 1976***	
54	Certificate in possession proceedings about alternative housing	Schedule 4 Paragraph 5	**Service Director - Housing** ***Reserve: Neighbourhoods Manager***
CONSTITUTION		***Scrutiny***	
55	Requiring the cabinet to report to the Council	Procedure Rules para 17.1	**Director of Governance and Monitoring Officer** ***Reserve: Deputy Monitoring Officer***
56 **GENERAL STATUTORY PROVISIONS**	In legislation predating the 1971/1972 Session of Parliament, other than the Local Government Act 1972, and in Statutory Instruments made prior to 26th October, 1972, references to the designations in column 3 shall be construed as a reference to the Officers of the Council listed in column 4.[139]	The Clerk of the Council The Town Clerk	**Chief Executive or Deputy Chief Executive**

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
			Chief Executive or Deputy Chief Executive , ***Reserve for both the above: Director of Governance and Monitoring Officer***
		The Treasurer The Chief Financial Officer	**The Chief Finance Officer/Service Director - Finance** **The Chief Finance Officer/Service Director - Finance** ***Reserve for both the above: The Head of Finance and Accountancy***
		The Surveyor	**Service Director - Leisure, Culture and Community Wellbeing**
		The Engineer	

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
		The Sanitary Inspector	**Service Director - Leisure, Culture and Community Wellbeing**
		The Public Health Inspector	**Service Director - Leisure, Culture and Community Wellbeing** ***Reserve for the above: [tbc]***
			Service Director - Leisure, Culture and Community Wellbeing ***Reserve: Any principal Environmental Health Officer***
			Service Director - Leisure, Culture and Community Wellbeing ***Reserve: Any principal Environmental Health Officer***

General Function and ref no.	Function Detail	Act or Regulation	Proper Officer
57 DEFAULT PROVISION	Any proper officer function not dealt with elsewhere for the purpose of any statutory provisions, whether existing or future, in respect of which no express proper officer appointment has for the time being been made.		**Chief Executive** ***Reserve: Deputy Chief Executive***
58 OTHER STATUTORY OFFICER DESIGNATIONS - Qualified person for FOIA exemption	As the qualified person, to give a reasonable opinion as to whether information would or would be likely to inhibit: • The free and frank provision of advice, or • The free and frank exchange of views for the purposes of deliberation, or • The effective conduct of public affairs for the purposes of the exemption from disclosure contained in section 36 of the Freedom of Information Act 2000.	Section 36(5)(o)(iii) of the Freedom of Information Act 2000 and a letter from the Minister for Local and Regional Government dated 15th December 2004	**Monitoring Officer (primary qualified person) or in their absence, the Chief Executive**
59 OTHER STATUTORY OFFICER DESIGNATIONS Specified Person for LGPS Dispute Resolution	The person to whom applications under Regulation 100 of the Local Government Pension Scheme Regulations 1997 (as amended) may be made to decide a disagreement about a matter in relation to the Pension Scheme between a member or an alternative applicant and a Scheme employer,	Regulations 98(5)(c) and 100 of the Local Government Pension Scheme Regulations 1997 (as amended) and Employment and General Committee Minute (Jan. 2005)	**Monitoring Officer (specified person) or in their absence, the Deputy Monitoring Officer**

END OF PART THREE

[1] The modular constitutions recommend that delegations of local choice functions of the executive and of the Council be shown together in a separate section of Part 3 of the Constitution. In this Part Local Choice Functions of the executive and of the Council are identified as such wherever they occur in the Scheme.

[2] Knowles Local Authority Meetings pp. 52-53.

[3] Local Authorities (Standing Orders) (England) Regulations 2001:*Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him.*
[4] Approved by Council 12th October 2016
[5] Statutory Guidance contained in Chapter 5 of the Local Government Act 2000: Guidance to English Local Authorities states: "*5.18 The Secretary of State considers that full exchange of information between the executive and any committee which takes development control decisions is essential. The executive will need to ensure that there is effective two-way communication between them and any such committee and should consult any such committee on successive drafts of the Development Plan while policy is being formulated. In addition, local authorities should consider including a member of the executive, if possible with responsibility for the Development Plan, on one or more committees which take development control decisions although she or he should not normally be the chair.*"
[6] Except for the Development Plan [and Conservation Area] functions which are executive functions.
[7] for avoidance of doubt this includes determination of details and reserved matters
[8] R. V Harrow LBC ex p Carlton-Conway 2001 46 E.G. 179 - a decision of the Chief Planning Officer of the Defendant Council to grant planning permission where he approved development. a written objection had been received, but he reasonably concluded that the proposals did not conflict with "agreed policies, standards and guidelines" of the Council as reasonably interpreted by him, was within his delegated authority.

[9] Delegation approved by Planning Committee 4th December 2006
[10] except for the designation or extension of Conservation Areas under Part Two of the LBA, which are within the responsibilities of the Cabinet Member for Economic Growth
[11] For enforcement in relation to listed buildings see section on Listed Buildings and Conservation Areas
[12] Former planning committee delegation *P540 Power to require the discontinuance of deemed consent for an advertisement or advertisement site* - deleted - Planning Committee 4/12/06 (Regulation 8 of the COAR 1992
[13] Approved by Planning Committee 29/11/04
[14] These are non-executive highways functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 and in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England)(Amendment) Regulations 2001.
[15] Section 113 of the Local Government Finance Act 1988 provides that the holder of such posts must be members of specified accountancy bodies. Section 114 of the 1988 Act places a specific duty on the responsible officers under this section to make a public report in specified cases of actual or anticipated financial misconduct.
[16] Approved by Joint Cabinet and Employment and General Committee 7th November 2006. For flexible retirement of staff BELOW Service Head level, see separate officer delegation below
[17] Approved by Joint Cabinet and Employment and General Committee 7th November 2006
[18] https://www.gov.uk/government/publications/special-severance-payments/statutory-guidance-on-the-making-and-disclosure-of-special-severance-payments-by-local-authorities-in-england#introduction May 2022

[19] Localism Act 2011
[20] Appointed by the Council under Section 28 of the Localism Act 2011
[21] https://www.gov.uk/government/publications/special-severance-payments/statutory-guidance-on-the-making-and-disclosure-of-special-severance-payments-by-local-authorities-in-england#introduction May 2022
[22] The power to approve absences in section 85 of the 1972 act is an executive function, formerly within the terms of reference of Standards Committee and now in the Cabinet Member for *Customers and Communities*'.
[23] Approved by full council on 17th December 2003.
[24] Reduced from 15 to 14 – full council 13/05/19
[25] This is not a statutory rule but it is included in our constitution here because of the liklihood of applications for planning consent and for an alcohol licence for the same premises. A member dealing with the licensing application would be likely not to have an "open mind" when dealing with a planning application for the same premises.
[26] The procedures for hearings will be in accordance with the provisions contained in the 2003 Act and Regulations made thereunder. The procedures will be approved by the Committee and apply to hearings before the Committee or any Sub-Committee.
[27] Licensing Act 2003 section 7(9)
[28] This includes, where applicable, the grant, refusal, variation, transfer, cancellation and revocation of licences, certificates etc and the imposition of conditions.
[29] As defined in the 2003 Act.
[30] As defined in the 2003 Act.
[31] Where no relevant representations or objections have been made, the application must be granted.
[32] See Footnote 7.
[33] Standards and Audit Committee 14th February 2024
[34] Where the police have not objected, the application must be granted.
[35] There are certain functions which cannot be delegated to officers. Generally, these are licensing matters where relevant representations or objections have been made.
[36] This is subject to any resolution made by the full Council under section 166 of the 2005 Act not to grant casino premises licences.
[37] This includes, where applicable, the grant, refusal, variation, transfer, cancellation and revocation of licences, certificates etc and the imposition of conditions.
[38] "Premises Licence" means any of the following: casino premises licence, regional casino premises licence, large casino premises licence, small casino premises licence, bingo premises licence, adult gaming centre premises licence, family entertainment centre premises licence and betting premises licence.
[39] Representations can be made by Responsible Authorities and/or Interested Parties as defined by sections 157 and 158 of the 2005 Act unless otherwise stated.
[40] "Responsible Authorities" as defined by section 157 of the 2005 Act.
[41] "Responsible Authorities" as defined by section 157 of the 2005 Act.
[42] Reduced from 15 to 14 – full council 13/05/19
[43] A160D is the reference to reviews of decisions where the applicant is a sex offender or a serious offender - in such cases the reviews are by Service Director - Housings in consultation with the Cabinet Member for Customers and Communities.
[44] A090 is the reference to carrying out reviews of decisions under the homelessness legislation.

[45] The Regulations stipulate one situation where the opportunity of an oral hearing must be offered to the applicant. If the reviewer considers that there is a deficiency or irregularity in the original decision, or in the manner in which it was made, but is minded nonetheless to make a decision which is against the interests of the applicant, the reviewer shall notify the applicant that the reviewer is so minded and the reasons why and inform the applicant that they, or someone acting on their behalf, may make representations to the reviewer orally or in writing or both orally and in writing. This is the only situation where the possibility of an oral hearing before the reviewer will arise; otherwise all reviews will be conducted by means of written representations.
[46] The Regulations stipulate the officer who reviews a decision has to be senior in rank to the original decision maker.
[47] This is restricted to licensing functions because only those functions are specified as Mandatory Council Functions.
[48] This is restricted to licensing functions because only those functions are specified as Mandatory Council Functions.
[49] This excludes the functions of seizing, retaining, destroying or otherwise disposing of wild animals;
[50] These functions are Mandatory Council Functions. The 1960 Act system of licensing caravan sites operates separately from, but supplements, the planning system. Conditions which would be imposed on planning permission generally concern the effect of the site on the surrounding area, and the conditions on a site licence under the 1960 Act generally concern the internal arrangements of the site. Appeals under the 1960 Act go to the magistrates (not the Secretary of State).
[51] These are Mandatory Council Functions. Guidance says 5.22….*all health and safety at work functions, where the local authority is regulating other businesses, must…not be the responsibility of the executive. This includes some licensing functions such as the powers to licence storage of petroleum and to licence and close premises for the keeping and selling of explosives. Responsibility for health and safety for the local authority as an employer must be the responsibility of the executive*. See the Cabinet Member for Finance and Governance's development's portfolio (below) for Health and Safety at Work matters for the Council's employees..
[52] Approved by A & L Committee 5/11/2003.
[53] These are Local Choice Council Functions. Government statutory guidance in Chapter 5 Local Government Act 2000: Guidance to English Local Authorities states that "FUNCTIONS WHICH MAY BE APPROPRIATE FOR EITHER THE EXECUTIVE, THE FULL COUNCIL OR A COMMITTEE Guidance 5.34 The Regulations provide that certain functions in respect of control of pollution (air, water and land), statutory nuisances and other environmental protection functions may be the responsibility of the executive.
[54] The functions in this section are Local Choice Council Functions
[55] These are Local Choice Council Functions.
[56] See the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001
[57] This is a Local Choice Council Function.
[58] These responsibilities were reviewed and re-distributed by the Leader and noted by Council's Annual Business Meeting on 15th May 2023
[59] (This delegation is subject to the other terms of this Constitution, including the Access to Information Procedure Rules and Scrutiny Procedure Rules about urgent items and the Budget and Policy Framework Rules about decisions contrary to the Framework etc.)
[60] See Finance Rules in Part 4 of the Constitution 4.20 paragraph 19(d).
[61] See Finance Rules in Part 4 of the Constitution 4.20 paragraph 19(d).

[62] Agreed Standards and Audit Committee September 2017

[63] The appropriate Cabinet Member is the Cabinet Member responsible for the land or property concerned as shown at Appendix 1. "Land" is defined as including buildings (see Definitions Section).

[64] Short-Term in this context is defined as a fixed term of five years or less (see Definition and Interpretation section)

[65] In relation to estate covenants, the Cabinet approved the following guidelines *That the Council take action in respect of breaches of estates covenants only after taking into account: costs to the Council of such action; and the interests of the residents affected; and the Council's own corporate interests; and any alternative remedies; and any other relevant factors.10/05/05*

[66] Guidance para 5.18 *In addition, the powers to require information as to interests into land in section 330 of the Town and Country Planning Act 1990 and section 16 of the Local Government (Miscellaneous Provisions) Act 1976 are specified in Schedule 2 to the Regulations as a "local choice" function. 5.19 Using the powers in section 13(4) and 13(5) of the Act a local authority's executive arrangements should provide that these functions to require information as to interests into land are* ***not*** *to be the responsibility of the executive* ***except*** *to the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders.*

[67] The Annex to the DETR Guidance on the power of well- being (March 2001) says: *Under a new constitution which includes executive arrangements, the executive – as the clear, accountable, corporate leadership for the council – will lead the search for best value and be the focus for partnership working with other local public, private and voluntary sector bodies. As such, the power in section 2 of the 2000 Act is the responsibility of the executive under executive arrangements, and is subject to all the same legislation as any other function which is the responsibility of the executive. This means that, unless the executive is minded to use the power in a manner which is contrary to the council's policy or budgetary framework, then* ***only the executive can determine how the power is to be exercised****. Decisions which are contrary to the policy and budgetary framework must, under executive arrangements, be taken by the full council.*

[68] *31A(1) Subject to subsection (3) below, any power of authority to have their functions discharged by any person or body of persons acting for the authority shall, as respects the consideration of a further report of the Local Commissioner under section 31(2A) above, be subject to the restriction that, if it is proposed that the authority should take no action on, or not the action recommended in, the report, consideration of the report shall be referred to the authority.*

31 (2A) In the case of a local authority which are operating executive arrangements, consideration of a further report of the Local Commissioner under section 31(2A) above by the executive of that local authority, or any person on behalf of that executive, shall be subject to a corresponding restriction.";

31(5A) In the case of a local authority which are operating executive arrangements -

(a) no member of the executive of that authority shall decide; and

(b) no member of the executive or any body acting on behalf of that executive shall vote on any question with respect to a report or further report under this Part of the Act in which he is named and criticised by a Local Commissioner.".

[69] Functions regs schedule 1

[70] See Contract Procedure Rule 13 in this Constitution

[71] See Contract Procedure Rule 13 in this Constitution

[72] Cabinet Minute 0235 29/01/08

[73] See Proposals Annex 5 – mandatory executive function – statutory wording.
[74] This wording follows the council's Proposals (Mandatory executive functions) and follows reg. 4 (9) (10) and (11) of the Local Authorities (Functions and Responsibilities)(England) regulations 2000.

[76] The approval for consultation of the Local Plan is a full Council function (see Article 4 of this constitution). See Reg 2 of Statutory Instrument 2001 No. 2212 The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001

[79] See Proposals Annex 5 – mandatory executive function – statutory wording..
[80] "Investments" added by SI 2004 no.1158.
[81] See Proposals Annex 5 – mandatory executive function – statutory wording..
[82] Cabinet 6th October 2015
[83] This delegation includes **engineering** work done on approved housing association developments in partnership with the Council. A similar delegation for **architectural services** appears under the Cabinet Member for Customers and Communities' portfolio.
[84] See Article 11 in Part 2 of this Constitution (Joint Arrangements) – the functions to be carried out by the Joint Committee should be set out here or in Article 11.
[85] Political balance requirements do not apply to such appointments, under the regulations - see Article 11 Part 2 Joint Arrangements.
[86] See Proposals Annex 5 – mandatory executive function – statutory wording..
[87] Staveley market is run by Staveley Town Council under a management agreement completed in 2009.
[88] Cabinet Member Planning and Asset Management 13/10.2008
[89] Cabinet Member Planning and Asset Management 13/10.2008
[90] See Proposals Annex 5 – mandatory executive function – statutory wording.
[91] Cabinet Minute 154(3) 12th December 2006
[92] It may be difficult to see which parts of or actions under these functions would NOT be regulatory or strategic and which, not being such, would consequently be executive functions under this Cabinet Member delegation. However the definition of local choice regulatory function emphasises the **direct regulation of a person, or enforcement of that direct regulation.** An example of an executive function under this delegation could be decisions about the resourcing or funding of inspections or enforcement generally. However if those decisions were part of a plan or strategy, it may be that they would be formulated by the Cabinet for approval by the full council. It is also possible that the approval of a **general policy** of inspection or enforcement (as opposed to operational implementation of that policy in individual cases) would be an executive decision.
[93] Section 1 of the Anti-social Behaviour Act 2003
[94] Section 41(2)(b) of the 2003 act expressly allows the "reasonable belief" to be that of the environmental health officer authorised by the chief executive.
[95] These delegations were transferred from Appeals and Licensing Committee, because these functions are not mandatory non-executive functions and cannot be Local Choice non-executive functions, because they are not licences granted by the authority – they are granted by the Magistrates, and the authority has a right to object to the magistrates. Therefore they are executive (Cabinet) functions. They could be included in another portfolio, but are

included here under miscellaneous public health. The Cabinet Member would decide if an objection is to be made, otherwise the Environmental Health Manager can agree to the application,

[96] E.g. section 62A of the Criminal Justice and Public Order Act 1994 inserted by the Anti-social Behaviour Act 2003

[97] Guidance says 5.22….*all health and safety at work functions, where the local authority is regulating other businesses, must…not be the responsibility of the executive. This includes some licensing functions such as the powers to licence storage of petroleum and to licence and close premises for the keeping and selling of explosives. Responsibility for health and safety for the local authority as an employer must be the responsibility of the executive* (see Cabinet Member for Finance and Governance below)

[98] Approved by Cabinet 24th Mrch 2015 and Full Council on 18th May 2015.

[99] A senior police officer can, with the consent of the local authority make an authorisation in respect of a "designated area", if satisfied that significant and persistent anti-social behaviour has occurred. Police officers can then exercise the powers summarised above for up to 6 months.

[100] Standards and Audit Committee 14th February 2024

[101] This would cover, for example, grants to local CAB's and Unemployed Worker's Centre for their work in advising people of rights, including welfare rights.

[102] See Proposals Annex 5 – mandatory executive function – statutory wording.

[103] Approved by Cabinet 16th March 2004 Minute 0338

[104] Approved by Cabinet 22nd October 2019 Minute 0050

[105] These regulations apply to properties offered to the council under its right of first refusal, where the council must pay the full current market value (and not the "original sale price" if it wishes to re-purchase. These regulations apply only to homes where the original RTB application was made on or after 18/01/2005.

[106] This wording follows the Council's proposals for executive arrangements (mandatory executive functions) and regulations 4(5)(6) and (7) of the Functions and Responsibilities Regulations.

[107] Approved by Cabinet 24th March 2015 and by the following full Council meeting on 18th May 2015

[108] See cabinet Report 20/06/06 para 3.3: In January 2005, the Government published some guidance to local authorities and other public sector landlords on the use of discretionary powers on repayment of discount. The guidance states that the discretion to demand less than the full amount of discount owing, or to waive repayment in full, should only be used in exceptional circumstances and only where the former tenant cannot afford to repay part or all of the discount. The guidance states that discretion is most likely to be justified in circumstances where repayment would lead to demonstrable personal hardship. The guidance further states that, in each case, it will normally be necessary to establish both the facts justifying a move, and that such a move could not take place unless part or all of the repayable discount were to be waived.:

[109] This delegation applies in cases where the "normal" application of the allocation policy rules is displaced.

[110] It is assumed that this delegation will allow Service Director - Housing to apply the Allocations Policy both in "normal" and in "exceptional" cases, except for those exceptional cases reserved for Cabinet decision at the delegation ref. above.

[111] SO.173(4) gave the CHM power "To vary, when appropriate, allocation rules for Council bungalows". This has not been repeated here, because the Allocations Policy itself says that there is an exception to the normal bungalow allocation rules, and the CHM already has power to operate the Allocations policy (allocations Policy Pink Cover page 19 and Green Cover page 18)

[112] The limit in the earlier version of this delegation was revoked by the Cabinet in March 2002. It was *so long as the annual value is not more than 5% of the total value of Internal and External Provision of emergency alarms, as defined by Standing Orders.*

[113] Changes to this section were approved by the Cabinet on 2/11/04

[114] on 21/10/08, Cabinet resolved "*That the provisions of the General Consent 2008,enabling Council's to impose a condition requiring the repayment in full or in part of a DFG should the recipient dispose of the adapted property within 10 years of the certified date of completion of the grant works, be applied in all cases where:*

- *an application for a DFG is approved on or after 30 November 2008,*
- *the value of the DFG is for £5,000 or more; and*
- *the recipient of the DFG has a qualifying owner's interest in the premises.*

That authority to determine whether or not the repayment of grant should be made in individual cases be delegated to the Cabinet Member for [Housing]."

[115] Cabinet 8th March 2016

[116] Cabinet 28th June 2016.

[117] Standards and Audit Committee 14th February 2024

[119] The Re-Use of Public Sector Information Regulations 2005 implement an EU directive that encourages the re-use of public information for purposes other than its original purpose. The aim is to stimulate the European information industry and enable companies to use such information for commercial purposes. The Regulations do not require public bodies to make their information available for re-use and do not oblige them to create, adapt or continue to produce certain documents so that others may re-use them. They do however, set out the following rules that public bodies must follow if they allow information to be re-used. 1 publish a list of the main documents which can be re-used 2 publish any standard conditions (licence) associated with re-use 3 publish any standard charges associated with re-use 4 operate a request procedure 5 operate a complaints/appeal procedure. The Regulations apply to any recorded information, including whole documents or parts of documents. There are some exemptions to the regulations, e.g. Educational or cultural establishments; intellectual property that rests with a third party; information that is exempt under Freedom of Information, Data Protection and other legislation.

[120] Guidance says 5.22….*all health and safety at work functions, where the local authority is regulating other businesses, must…not be the responsibility of the executive. This includes some licensing functions such as the powers to licence storage of petroleum and to licence and close premises for the keeping and selling of explosives. Responsibility for health and safety for the local authority as an employer must be the responsibility of the executive*
The Appeals and Regulatory Committee is responsible for regulation of health and safety regulation of businesses. This Cabinet executive function relates only to the Health and Safety at Work Act responsibilities of the Council as an employer. However the power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal) is a mandatory **non-executive** function under the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001, so this responsibility of the Cabinet should not extend to health and safety at work matters insofar as they relate to deciding or changing terms and conditions of employment of staff.

[121] The Equality Act replaced and consolidated in one Act the Equal Pay Act 1970, Sex Discrimination Act 1975, Race Relations Act 1976 Disability Discrimination Act 1995 much of the Equality Act 2006 Employment Equality (Religion or Belief) Regulations 2003 Employment Equality (Sexual Orientation) Regulations 2003 Employment Equality (Age) Regulations 2006 Equality Act (Sexual Orientation) Regulations 2007 (where applicable, as subsequently amended), plus other ancillary pieces of legislation.

[122] While routine updates and changes to policy are made by the Cabinet member, significant changes to policy would be referred to Cabinet (April 2017).
[123] The GP:GS delegations were approved by Council on 16th December 2015.
[124] Section 3A was added by section 138 of the Local Government and Public Involvement in Health Act 2007
[125] Approved by Cabinet 5th February 2002.
[126] Approved by Cabinet 6th April 2010
[127] Approved by Executive Member 5/12/03
[128] Approved by Executive Member 5/12/03
[129] Approved by Executive Member 5th December 2003
[130] Under this section of the Act, appointments can only be made by the Council's Head of Paid Service, who is the Chief Executive.
[131] The power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal) is a mandatory non-executive function under the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001.
[132] The power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal) Section 112 of the Local Government Act 1972 is a mandatory **non-executive** function This Cabinet function should be confined to decisions about officer structures and establishments and should not involve any decision about appointment to posts or the terms of specific appointments.
[133] Although the Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).Section 112 of the Local Government Act 1972 is a mandatory **non-executive** function, this function of responding generally to NATIONAL claims has been kept as an executive function because it does not **directly determine terms and conditions** although such responses may indirectly affect those terms and conditions when the national negotiations have been completed.
[134] This is the "appropriate officer", which by s.67(7) is the returning officer (for parliamentary elections) and the "proper officer" for local elections.
[135] This is not strictly a "proper officer" provision, but the Council **must** appoint one and **may** appoint a Deputy. Employment and General Committee appoints these under EC810 of our Constitution.
[136] See Access to Information Procedure Rules - the information may still be available to a member under the other rules set out there (e.g. the "need to know"
[137] Restrictions on political activities by certain local government staff were introduced under the Local Government and Housing Act 1989 which provided for the appointment of an Independent Adjudicator to grant dispensations for staff to engage in certain political activities. Under the Local Government and Public Involvement in Health Act 2007, the role of Independent Adjudicator has been abolished and the duties transferred to local authority Standards Committees. With the Localism Act 2011's abolition of Standards Committees these responsibilities were transferred to the Chief Executive.

[139] The abolition of the statutory officers has necessitated an alternative method of identifying the officer responsible for a particular function; for example, where earlier legislation referred to the clerk, the Act of 1972 uses the phrase "proper officer." By s.270(3) any reference to a proper officer in relation to any purpose and any local authority or other body or any area is to be construed as a reference to an officer appointed for that purpose by that body or for that area. Sched. 29, para. 4(1), of the Act converts in earlier enactments, or instruments made under them, references to a specified officer of a local authority into references to the proper officer of the local authority.