

**PART F  
MATTERS THAT ARE DELEGATED TO OFFICERS**

**1. GENERAL**

This scheme delegates to the Chief Executive, Strategic Directors and other Officers the powers and duties necessary for the discharge of the Council's functions subject to the specific conditions stated in 2 and 3 below. It is adopted with the aim of streamlining and simplifying the decision-making processes of the Council and accordingly the scheme should be interpreted widely rather than narrowly. Where functions are delegated these should be taken to include all powers and duties necessary to carry out those functions under all present and future legislation and all incidental powers including power to serve statutory notices (after consultation with the Director of Legal and Democratic Services where specified), and carry out works in default.

**2. CONDITIONS**

- 2.1 The scheme does not delegate to the Chief Executive, Strategic Director or other Officers any key decisions, or matters delegated to individual members of the Council Cabinet. Key decisions are defined in Article 13.
- 2.2 All powers and duties that the Chief Executive a Strategic Director or other Officer is authorised to exercise or perform must be exercised or performed on behalf of and in the name of the Council and in accordance with the Constitution and, in the case of a Strategic Director or other Officer, any direction and/or advice of the Chief Executive.
- 2.3 Where any matter involves professional or technical considerations not within the sphere of the competence of the Chief Executive, Strategic Director or other Officer they must consult the appropriate professional or technical Officer of the Council before authorising action.
- 2.4 Appointments to act as authorised or proper officers must be made by the Director of Legal and Democratic Services unless specified later in the scheme.
- 2.5 The Director of Legal and Democratic Services is appointed to act as authorised or proper officer for the purposes of any Act of Parliament or Statutory Instrument where qualified to do so and another Officer has not been appointed.
- 2.6 The Director of Legal and Democratic Services may appoint other Officers to act as authorised or proper officers for the purposes of any Act of Parliament or Statutory Instrument and to appear on behalf of the Council in proceedings before a Magistrates or County Court.
- 2.7 In exercising delegated powers the Chief Executive, a Strategic Director or other Officer should only act within the Council's policy framework and the revenue and capital budgets for the relevant service as approved by the

Council subject to any variations that are permitted by the Council's Financial Procedure Rules.

- 2.8 The Leader of the Council and the Chief Executive must be consulted about responses to consultation papers issued by Government departments or national or regional bodies. The appropriate Member of the Council Cabinet must be consulted about responses to long-term or strategic plans of neighbouring planning authorities.
- 2.9 Consultants may only be appointed in accordance with Contract Procedure Rules.
- 2.10 Any reference to the Chief Executive, a Strategic Director or other Officer includes any other person authorised in writing by that Officer to act on their behalf.
- 2.11 In addition to the general powers conferred upon them as Chief Executive or as a Strategic Director, these Officers will be authorised to exercise all the powers and duties specifically conferred on subordinate Officers in their department. All powers and duties conferred upon subordinate Officers will be exercised in accordance with any direction issued by the Chief Executive or their Strategic Director.
- 2.12 Reference to any statutory provision includes any statutory provision amending, consolidating, or replacing it for the time being in force.
- 2.13 Decisions on grants or loans to voluntary bodies up to £25,000 must be made in consultation with the relevant Council Cabinet Member.

### **3. STAFFING CONDITIONS**

- 3.1 The Chief Executive and Strategic Directors will be responsible for appointing, managing, disciplining and dismissing all employees within their departments subject to complying with:
  - Corporate employment policies and conditions of service.
  - Any appropriate schemes or arrangements laid down by the Council or the Council Cabinet.
  - Any directions that may be issued from time to time by the Strategic Director of Resources.
- 3.2 The following matters must be dealt with by full Council unless delegated to a committee:
  - Corporate personnel policies, whether they form part of the policy framework or not, other than minor or technical changes to existing policies which do not affect the underlying principles of the policies.
  - Changes to staffing levels or organisational structures that have a cost of £100,000 a year or more or where there is no budget provision

unless the change is incidental to a key decision taken by the Council Cabinet.

3.3 The following matters must be dealt with in conjunction with the Director of Human Resources:

- Authorising payments of honoraria that exceed £2,000 in the case of any one employee or in circumstances that are not covered by the policy guidelines.
- Reviewing and authorising changes to departmental structures and establishments where there is a cost of less than £100,000 in a financial year and there is budget provision.
- Authorising overtime payments for employees graded SO1 and above.
- Determining applications from employees for their post to be regraded.
- In consultation with the Strategic Director, Resources authorising payments for employees in the case of early retirement, voluntary redundancy and redeployment.
- Authorising the creation of additional temporary posts for more than 6 months, where budget provision exists.
- Authorising requests for leave which are either not covered by a policy or which exceed the limits in the relevant policy.
- Paying compensation to employees for pain and suffering incurred by them as a result of assault and/or harassment and/or attacks by animals whilst undertaking their duties and responsibilities.
- Granting extensions of sickness pay to employees.
- Authorising the payment of injury allowances.

3.4 The Director of Human Resources is responsible for

- Taking action to secure the safety and welfare of employees and to take immediate action where in his/her opinion there is danger to life and limb.
- Developing, reviewing and monitoring personnel policy and standards across the Council.
- Establishing and maintaining effective consultation and negotiation arrangements with recognised trade unions.
- Developing, reviewing and monitoring employment policy in relation to equality of opportunity.
- In conjunction with the Strategic Director, Resources, reviewing annually the amounts of compensation provided for in the Council's employment policies to make sure they remain at appropriate levels and in line with inflation.
- Approving the implementation of grades resulting from the job evaluation process.
- Approving changes to terms and conditions of employment where there is a cost of less than £100,000 in a financial year.

## **OFFICERS' AREAS OF RESPONSIBILITY**

Note – the Appendix gives full details of all non Executive functions.

### **CHIEF EXECUTIVE**

The Chief Executive will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B. The Council has delegated to the Deputy Chief Executive the responsibility of assuming the powers and duties of the Chief Executive in his/her absence.

#### **A Statutory Executive Functions**

- 1) Taking lead responsibility for the Youth Offending Service.
- 2) Markets.
- 3) All Executive functions of the Council in relation to Economic development.

#### **B Areas of Responsibility**

- 1) Acting as Head of the Paid Service.
- 2) Promoting the economic, social and environmental well – being of the city and its communities.
- 3) Developing corporate strategies, policies and briefs for all service areas.
- 4) Giving directions and/or advice to other officers in the exercise of their powers and duties under this scheme.
- 5) Managing the Council's external affairs, including regional and European issues and acting as lead officer for the Sub-Regional Strategic Partnership and the Local Strategic Partnership.
- 6) Monitoring the achievement, impact and effectiveness of the Council's corporate aims, priorities and policies.
- 7) Regulating and controlling the use of all land and buildings owned by the Council.
- 8) Managing the Council's interest's in land and property and appropriating, acquiring and disposing of land and buildings where the consideration is £100,000 or less.
- 9) Authorising the grant or taking of leases, tenancies and licences for land or premises other than open space, where the Secretary of State's consent is not required or has been obtained.
- 10) Negotiating and concluding settlements in relation to claims for compensation relating to the Council's interests in land and property.
- 11) Providing property services, including professional architectural, quantity surveying, electrical and mechanical engineering services.

- 12) Managing energy efficiency and reporting on energy performance.
- 13) Maintaining and improving other property (other than dwellings).
- 14) Dealing with valuation matters.
- 15) Dealing with twinning matters.
- 16) Managing corporate consultation and communication policies and initiatives.
- 17) Promoting Home Energy Efficiency.
- 18) Economic regeneration of the City and its communities, in conjunction with the Chief Executive.
- 19) Co-operating with other organisations in the promotion of local investment and employment opportunities.
- 20) Line managing Derby City Partnership and Derby Community Safety Partnership.
- 21) Managing corporate external funding programmes.
- 22) Preparing and publicising the Council's national performance indicators.
- 23) Drawing up and implementing corporate policies on performance management and Best Value.

**C Acting as Authorised/Proper Officer for the following matters**

All Strategic Directors and Directors are prescribed for the purposes of s30(1) of the Regulation of Investigatory Powers Act 2000 with regard to authorising directed surveillance and the use of covert human intelligence sources.

**D Drawing up the following Policies and Plans that form part of the budget and policy framework**

Crime and Disorder Reduction Strategy  
 Community Strategy  
 Youth Justice Plan  
 Best Value Performance Plan, The Corporate Plan

**E Statutory Non Executive Functions  
 Regulatory And Other Non Executive Matters**

Making decisions on behalf of the Council in cases of urgency in discharge of any non-Executive functions of the Council other than those:

1. which are already delegated to an officer under this Scheme, or
2. which by law can be discharged only by the full Council.

Other non-Executive functions are set out in the Appendix.

**DEPUTY CHIEF EXECUTIVE (UNTIL 2 JULY 2010)**

**B Areas of Responsibility**

Acting as Solicitor to the Council and as the Councils Monitoring Officer.

## **STRATEGIC DIRECTOR, RESOURCES**

The Strategic Director, Resources will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.

### **A Statutory Executive Functions**

- 1) The functions of the Council in respect of Community Charge, Council Tax and National Non- Domestic Rates, except where these are reserved to the Council or the Council Cabinet.
- 2) The Housing and Council Tax Benefits schemes.
- 3) The powers conferred in the Council's Financial Procedure Rules.
- 4) The powers and duties as approved by the Council and included in the Treasury Management Code of Practice and documents issued there under.
- 5) Determining local average rates in accordance with the provisions of paragraphs 3 and 4 of Schedule 16 to the Housing Act 1985.
- 6) Granting loans to industrialists under Section 3 of the Local Authorities (Land) Act 1963.
- 7) Registration Services, including births, deaths, marriages, civil ceremonies and civil partnerships.

### **B Areas of Responsibility**

- 1) Regulating and controlling the finances of the Council and acting as Chief Financial Officer for the purposes of Section 151 of the Local Government Act 1972.
- 2) Internal and External Audit including anti-fraud strategy and initiatives.
- 3) Dealing with European Monetary Union matters.
- 4) Establishing insurance arrangements as appropriate to safeguard the assets of, and services to the Council in consultation with the Assistant Director - Property Services as to the valuation of interests in land and property.
- 5) Authorising making loans to purchase, construct, improve or repair houses.
- 6) Varying the interest rate as required on loans to housing associations.
- 7) Fixing interest rates on loans but not loans for the purchase of houses and in any case where the Council has discretion about the rate of interest to be charged.
- 8) Managing the Council's IS/IT function and e-Business functions.
- 9) Management of the Strategic Procurement function.

- 10) Managing the Council's central purchasing function.
- 11) To accept offers of grants made by Government Departments.
- 12) Dealing with mayoral, civic and ceremonial matters in consultation with the Mayor and the Deputy Mayor.
- 13) Seeking the eviction of unauthorised travellers occupying Council land and repairing damage caused by them.
- 14) Dealing with corporate administrative services.
- 15) Managing local land charges, searches and enquiries.
- 16) Approving attendance of members at conferences and seminars.
- 17) Approving the use of the council suite by outside bodies and organisations.
- 18) Dealing with corporate personnel functions including reviews, policy and industrial relations, equalities, occupational health, safety and welfare, employee development and Learning to Work.

**C Acting as Authorised/Proper Officer for the following matters**

All Strategic Directors and Directors are prescribed for the purposes of s30(1) of the Regulation of Investigatory Powers Act 2000 with regard to authorising directed surveillance and the use of covert human intelligence sources.

The Strategic Director, Resources will:

- act as authorised or proper officer for the purposes of any Act of Parliament or Statutory Instrument where qualified to do so and no other Officer has been appointed
- appoint officers to act as authorised/proper Officers for the purposes of any Act of Parliament or Statutory Instrument

**D Drawing up the following Policies and Plans that form part of the budget and policy framework**

The budget

Any plan or strategy for the control of the Council's borrowing or capital expenditure (the capital plan)

Annual statement of the authority's accounts, income and expenditure and balance sheets

Any review of the Treasury Management Policy Statement

**E Statutory Non Executive Functions**

These are set out in the Appendix.



## **DIRECTOR, LEGAL AND DEMOCRATIC SERVICES**

### **B Areas of Responsibility**

- 1) Acting as solicitor to the Council (including the power to obtain Counsel's opinion) and as the Council's Monitoring Officer from 3 July 2010.
- 2) Instituting defending withdrawing or settling any claims or legal proceedings on behalf of the Council either civil or criminal or authorising other officers to do so.
- 3) Issuing formal cautions for criminal offences in consultation with the Chief Officer named as responsible for that function.
- 4) Executing on behalf of the Council any legal document including any contract, agreement, lease or licence and affixing the Common Seal of the Council to all necessary documents.

### **C Acting as Authorised/Proper Officer for the following matters:**

All Strategic Directors and Directors are prescribed for the purposes of s30(1) of the Regulation of Investigatory Powers Act 2000 with regard to authorising directed surveillance and the use of covert human intelligence sources.

The Director, Legal and Democratic Services will:

- appoint Officers to appear on behalf of the Council in proceedings before a Magistrates or County Court
- serve notices under any Acts of Parliament or Statutory Instrument.

## **ASSISTANT DIRECTOR, DEMOCRATIC SERVICES**

### **C Acting as Authorised/Proper Officer for the following matters:**

The Assistant Director – Democratic Services will act as:

- a. Secretary to the Independent Remuneration Panel for Members' Allowances.
- b. Deputy Electoral Registration Officer in accordance with Section 52(2) of the Representation of the People Act 1983.
- c. Proper Officer for Registration of Births, Death and Marriages.

## **STRATEGIC DIRECTOR, NEIGHBOURHOODS**

The Strategic Director, Environmental Services will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.

### **A Statutory Executive Functions**

- 1) All Executive functions of the Council
  - as local planning authority [Note: issuing supplementary planning guidance, designating conservation areas, areas of archaeological interest and nature reserves, removing permitted development rights through Article 4 directions and making compulsory purchase orders are Executive decisions]
  - as highway authority and in respect of traffic regulation, public transport, building control, car parking and road safety, rights of way and open spaces including the health related functions of the Council under the Highways Act 1980, Section 39 of the Road Traffic Act 1988 and Sections 63 and 93 of the Transport Act 1985
  - in relation to building control, dangerous buildings and structures and safety of sports grounds
  - in relation to Arts and Entertainments
  - in relation to Libraries and Museums services
- 2) Adopting land for recreational use
- 3) Allotments
- 4) Providing or securing the provision of recreational facilities under the Local Government (Miscellaneous Provisions) Act 1976.
- 5) Public Health, Environmental Health, Environmental Protection, Control of Pollution, Food Safety, Licensing, Health and Safety at Work, Trading Standards, Weights and Measures, and the Health Related functions of the Council under Sections 180 and 181 of the Local Government Act 1972.
- 6) Providing or procuring waste collection, recycling, waste treatment/disposal and street cleaning services, and providing and managing public conveniences including the health related functions of the Council relating to this.

### **B Areas of responsibility**

- 1) Managing and maintaining parks, recreation grounds, recreational facilities, open spaces, horticultural features (including Derby in Bloom), leisure gardens, cemeteries and crematoria.
- 2) Managing the delivery of public catering (including school meals); grounds maintenance; refuse collection, street cleaning and fleet management.
- 3) Providing building and construction works.
- 4) Health, fitness, sport and recreation.

- 5) Community Centres, Council Activity Centres and Play Schemes.
- 6) Implementing minor environmental improvement and local drainage schemes.
- 7) Approving plans and giving notices under Sections 16 and 28 of the Derbyshire Act 1981 and rejecting plans under Section 28 of the Act.
- 8) Coordinating and managing Emergency Planning powers, mobilising the Council's resources in the event of a major incident and liaising with the emergency services during the conduct of a major incident and subsequent recovery from an incident.
- 9) Zoning of all relevant land under the Environmental Protection Act 1990 Part IV.
- 10) Promoting and organising seasonal festivities.
- 11) Managing Area and Neighbourhood Working, including Neighbourhood Boards and Neighbourhood Forums.
- 12) Developing and implementing environmental initiatives and projects.
- 13) Administering environmental improvement schemes as part of area based renewal programmes

**C Acting as Authorised/Proper Officer for the following matters**

Issuing, in consultation with the Director of Legal and Democratic Services, formal cautions in accordance with the Home Office Guidance for Offences under the New Roads and Street Works Act 1991.

Appointing any members of staff to act as authorised or proper officers for the purposes of any legislation relating to the functions allocated to him in sections A and E.

All Strategic Directors and Directors are prescribed for the purposes of Section 30(1) of the Regulation of Investigatory Powers Act 2000 with regard to authorising directed surveillance and the use of covert human intelligence sources.

Appointing officers to discharge the enforcement functions of the Dogs (Fouling of Land) Act 1996 in respect of parks and recreation grounds.

The Strategic Director, Neighbourhoods is responsible for appointing any members of staff to act as authorised or proper officers for all purposes under the following Acts:

Administration of Justice Act 1970  
 Agriculture (Miscellaneous Provisions) Act 1968  
 Agriculture Act 1970

Agriculture Produce (Grading and Marking) Act 1928  
Animal Boarding Establishments Act 1963  
Animal Health & Welfare Act 1984  
Animal Welfare Act 2006  
Anti Social Behaviour Act 2003  
Breeding and Sale of Dogs (Welfare) Act 1999  
Building Act 1984  
Burials Act 1957  
Business Names Act 1985  
Caravan Sites and Control of Development Act 1960  
Charities Act 2006  
Children & Young Persons (Protection from Tobacco) Act 1991  
Children & Young Persons Act 1933  
Cinemas Act 1985  
Classification, Packaging and Labelling of Dangerous Substances  
Regulations 1984  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Companies Act 1985  
Consumer Credit Act 1974  
Consumer Protection Act 1987  
Control of Dogs Order 1992  
Control of Pollution Act 1974  
Control of Pollution (Amendment) Act 1989  
Copyright, Designs and Patents Act 1988  
Criminal Attempts Act 1981  
Criminal Justice Act 1988  
Criminal Justice and Police Act 2001  
Dangerous Dogs Act 1991  
Dangerous Wild Animals Act 1976  
Disability Discrimination Act 1995  
Dogs (Fouling of Land) Act 1996  
Dogs Act 1871 and 1906  
Dogs Act 1906  
Education Reform Act 1988  
Energy Conservation Act 1981  
Environment Act 1995 – Parts II & IV  
Environmental Protection Act 1990 – Parts I, II, III and IV  
Enterprise Act 2002  
Estate Agents Act 1979  
European Communities Act 1972  
Explosives (Age of Purchase etc) Act 1976  
Explosives Act 1875  
Explosives Act 1923  
Factories Act 1961  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Food and Environmental Protection Act 1985  
Food Safety Act 1990  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006

Gambling Act 2005  
Hallmarking Act 1973  
Health Act 2006  
Health and Safety at Work Etc Act 1974  
House to House Collections Act 1939  
Housing Act 1985 – Parts VI and X  
Insurance Brokers (Registration) Act 1977  
Insurance Companies Act 1981  
Intoxicating Substances (Supply) Act 1985  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982 Parts I, VIII  
and XI  
Magistrates Courts Act 1980  
Medicines Act 1968  
Mock Auctions Act 1961  
Motor Cycle Noise Act 1987  
National Assistance Act 1948  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Offensive Weapons Act 1996  
Offices, Shops and Railway Premises Act 1963  
Pet Animals Act 1951  
Petroleum (Consolidation) Act 1928  
Petroleum (Transfer of Licences) Act 1936  
Poisons Act 1972  
Pollution Prevention and Control Act 1999  
Prevention of Damage by Pests Act 1949  
Prices Acts 1974 and 1975  
Proceeds of Crime Act 2002  
Property Misdescriptions Act 1991  
Protection of Animals (Amendment) Act 1954  
Protection of Animals Act 1911  
Public Health (Control of Disease) Act 1984  
Public Health Act 1961  
Public Health Act 1936  
Refuse Disposal (Amenity) Act 1978  
Riding Establishments Act 1964 and 1970  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Acts 1988 & 1991  
Road Traffic Regulation Act 1984  
Scotch Whisky Act 1988  
Scrap Metal Dealers Act 1964  
Solicitors Act 1974  
Sunday Trading Act 1994  
Telecommunications Act 1984  
Theatres Act 1968  
Theft Acts 1968 and 1978  
Timeshare Act 1992  
Tourism (Sleeping Accommodation Price Display) Order 1977  
Town and Country Planning, Churches and Places of Religious

Town Police Clauses Act 1847  
Trade Descriptions Act 1968  
Trade Marks Acts 1938 & 1994  
Trading Representations (Disabled Persons) Act 1958  
Trading Stamps Act 1964  
Transport Act 1985  
Unsolicited Goods and Services Act 1971  
Vehicle (Crime) Act 2001  
Video Recordings Act 1984  
Weights and Measures Acts 1976 and 1985  
Wildlife and Countryside Act 1981  
Worship and Burial Grounds Regulations 1950

and for appointing any members of staff to act as authorised or proper officers for the purposes of any legislation relating to the functions allocated to him/her in sections A to E

and for appointing Inspectors for all purposes under the:

- Health and Safety at Work Act 1974 including appointing people to accompany Health and Safety Inspectors pursuant to section 20 of the Act
- The Sunday Trading Act 1994
- The Bovine Products (Production and Dispatch) Regulations 1997
- The Petroleum (Consolidation) Act 1928

and for appointing Official Veterinary Surgeons and Inspectors for all purposes under the Fresh Meat Export (Hygiene and Inspection) Regulations 1987, the Fresh Meat (Hygiene and Inspection) Regulations 1992 and the Poultry Meat, Farmed Game, Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994 and the Food Safety Act 1990

and to act as or appoint the designated Officer for discharging the functions and responsibilities under the Environmental Protection Act 1990 and for appointing suitably qualified and experienced arbitrators for hackney carriage and private hire vehicles testing disputes as necessary

and for appointing Public and Agricultural Analysts for all purposes under the Food Safety Act 1990 and Agriculture Act 1970

and for appointing Proper Officers and Alternate Officers for the control of communicable diseases, food poisoning and compulsory removal of persons to hospital under section 47 of the National Assistance Act 1948

and to carry out Trading Standards functions under the Enterprise Act 2002 the Intoxicating Substances (Supply) Act 1985, the Criminal Justice Act 1988, and the Antisocial Behaviour Act 2003.

All Directors and Assistant Directors are prescribed for the purposes of Section 30(1) of the Regulation of Investigatory Powers Act 2000 with regard

to authorising directed surveillance and the use of covert human intelligence sources

**D Drawing up the following Policies and Plans that form part of the budget and policy framework**

Annual Library Plan

The Licensing Authority Policy Statement.

The plans and strategies that together comprise the Development Plan

The Local Transport Plan

**E Statutory Non Executive Functions**

Not applicable

## **STRATEGIC DIRECTOR, CHILDREN AND YOUNG PEOPLE**

The Strategic Director Children and Young People will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B

### **A Statutory Executive Functions:**

- 1) The functions of the Council as Local Education Authority, in particular:
  - centrally funded school services
  - support and challenge to school improvement
  - special education needs services
  - adult and youth services
  - mandatory and discretionary awards
  - the education welfare service
  - planning and securing the provision of sufficient school places and determining an admissions policy
  - safeguarding and improving education standards and provision
  - the health related functions of the Council under section 57 of the Education Act 1996 and as education authority under sections 5, 7 or 8 of the Disabled Persons (Services, Consultation and Representation) Act 1986.
  
- 2) The functions of the Council which are Social Services functions within the meaning of the Local Authority Social Services Act 1970 so far as those functions relate to children and in particular:
  - assessment and care planning for children and families
  - functions relating to child protection
  - provision of reception and hospital services
  - functions relating to disabled children
  - functions relating to family support services
  - commissioning of accommodation and residential care for children
  - acting as a fostering agency
  - acting as an adoption agency
  - functions relating to private fostering day care and childminding
  - any health related functions exercisable by the Council under section 31 of the Health Act 1999 so far as they relate to Children and Young People.

- 3) The functions of the Council as a Children's Services Authority

### **B Areas of Responsibility**

- 1) Approving fees for accommodating pupils in voluntary and other authority schools previously approved by the Department for Education and Skills if suitable accommodation for the child concerned is not available in a Derby City school.
  
- 2) Considering School Ofsted reports and bringing significant matters requiring LA Action to the attention of the Council Cabinet and, where appropriate, the Education Commission.



- 3) Reimbursing on an ex gratia basis, amounts over £1000 on claims for accidental damage caused to clients' houses or property by employees of the Children and Young People's Department or those under its direct control.
- 4) Appointing appropriate staff as members of Primary Care Trust Professional Executive Committees, jointly with the Strategic Director, Resources.
- 5) Waiving or reducing charges for services provided by the department where full payment of the charges would cause particular hardship or otherwise be inappropriate.
- 6) Determining grants for individual clients.

**C Acting as Authorised/Proper Officer for the following matters**

Entering and inspecting any premises and any records kept in them for any purposes under the Children Act 1989, the Adoption and Children Act 2002 or the Children Act 2004.

Inspecting any children in such premises and arranging for the welfare of them.

Acting as, or appointing a receiver, to deal with appropriate matters where the Court of Protection has to appoint an officer of the Council to act for children or young people who are incapable of managing their own affairs

Exercising all the powers and duties of the Council under the Mental Health Act 1983 relating to Children and Young People including:

- receiving documents served on the Council, including applications for Guardianship
- giving the Councils consent to the amendment of guardianship applications
- authorising employees to carry out the duties of Approved Social Workers if they are qualified to do so

Applying to the Court or a Justice of the Peace for emergency protection orders or emergency applications under the Adoption and Children Act 2004.

To discharge the enforcement functions of the Council in relation to attendance at school.

Providing reports for court under the Adoption Act 1976, the Children Act 1989 and Children Act 2004.

Licensing the employment of children.

Dealing with education supervision orders.

All Strategic Directors and Directors are prescribed for the purposes of Section 30(1) of the Regulation of Investigatory Powers Act 2000 with regard

to authorising directed surveillance and the use of covert human intelligence sources.

**D Drawing Up the following Policies and Plans that form part of the Budget and Policy Framework**

Children and Young Peoples Plan

**E Statutory Non Executive Functions**

Power to license the employment of children.

## **STRATEGIC DIRECTOR, ADULTS, HEALTH AND HOUSING**

The Strategic Director, Adults, Health and Housing will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.

### **A Statutory Executive Functions:**

- 1) The functions of the Council as a Social Services Authority (within the meaning of the Local Authority Social Services Act 1970) other than those delegated to the Strategic Director, Children and Young People in particular:
  - assessment, care planning and provision of community care services
  - functions relating to disability and sensory services
  - commissioning of adult social care
  - health improvement planning
  - functions relating to mental health,
  - the registration and inspection functions of the Council as a Social Services Authority
  - any health related functions of the Council exercisable by the Council under section 31 of the Health Act 1999 other than those relating to children and young people's services
  - the functions required by the Civil Defence Acts 1939 and 1948, the War Charities Act 1940 and the Wireless Telegraphy Act 1949
- 2) The functions of the Council as a housing authority, in particular:
  - provision of housing by the Council
  - private sector housing services
  - housing strategy and development
  - homelessness and housing advice
  - home energy conservation
  - commissioning the Council's delegated housing management services.

### **B Areas of Responsibility**

- 1) Maintaining and improving all dwellings and buildings owned by the Council other than those falling within the Housing Revenue Account.
- 2) Appointing appropriate staff as members of Primary Care Trust Professional Executive Committees, jointly with the Strategic Director, Children and Young People.
- 3) Approving special expenditure on funerals of residents in Council homes such as burial in special ground, in a distant churchyard or cemetery in a locality where the deceased had long standing connections, or on cremation to comply with the wishes of the deceased

- 4) Determining care in the community grants and other social care grants for individual clients.
- 5) Managing Welfare Rights and Advice Services
- 6) Managing the Supporting People programme.
- 7) Providing housing advice, administering housing allocations, including making allocations in exceptional circumstances outside the Allocations Scheme in accordance with the Housing Act 1996 and the Homelessness Act 2002, and securing accommodation for homeless people.
- 8) Operating Derby Care Link
- 9) Improving and renewing private sector housing, including Houses in Multiple Occupation and improving and renewing areas/zones and undertaking periodic housing condition surveys.
- 10) Taking enforcement action against unsatisfactory housing conditions.
- 11) Promoting standards within the private rented sector.
- 12) Administering disabled facilities grants.
- 13) Agreeing the Derby Homes annual delivery plan and monitoring attainment of financial and non-financial performance against the plan and Derby Homes' Business Strategy.
- 14) Designating council housing for identified communities of interest, such as older and younger people.
- 15) Providing community and housing research and strategy, including enabling the provision of new affordable housing.
- 16) Reimbursing on an ex gratia basis, amounts over £1000 on claims for accidental damage caused to clients' houses or property by employees of the Adult Social Services Department or those under its direct control.
- 17) Waiving or reducing charges for services provided by the department where full payment of the charges would cause particular hardship or otherwise be inappropriate.

**C Acting as Authorised/Proper Officer for the following matters**

Entering and inspecting any premises and any records kept in them for any purposes under the National Assistance Act 1948

Acting as, or appointing a receiver, to deal with appropriate matters where the Court of Protection has to appoint an officer of the Council to act for people who are incapable of managing their own affairs

Exercising all the powers and duties of the Council under the Mental Health Act 1983 including:

- receiving documents served on the Council, including applications for Guardianship
- giving the Councils consent to the amendment of guardianship applications
- authorising employees to carry out the duties of Approved Social Workers if they are qualified to do so

The Director - Housing and Advice Services is responsible for appointing any members of staff to act as authorised or proper officers under the following Acts, insofar as the appointment relates to the functions listed in Sections A to E:

Housing Act 1985

Housing Act 2004

Housing, Grants, Construction and Regeneration Act 1996

Local Government and Housing Act 1989

The Regulatory Reform (Housing Assistant) (England and Wales) Order 2002

Building Act 1984

Public Health Act 1936

Public Health Act 1961

Environmental Protection Act 1990

Local Government, Miscellaneous Provisions Act 1976

Local Government, Miscellaneous Provisions Act 1982

Local Government Act 2000

Prevention of Damage by Pests Act 1949

Water Industry Act 1991

Home Energy Conservation Act 1995

Energy Conservation Act 1996

Homelessness Act 2002

The Strategic Director, Adults, Health and Housing and the Director of Older People and Physical Disabilities are responsible for the issue of Deprivation of Liberty authorisations.

All Strategic Directors and Directors are prescribed for the purposes of Section 30(1) of the Regulation of Investigatory Powers Act 2000 with regard to authorising directed surveillance and the use of covert human intelligence sources.

**D Drawing Up the following Policies and Plans that form part of the Budget and Policy Framework**

Not applicable.

**E Statutory Non Executive Functions**

These are set out in the Appendix.



## LIST OF STATUTORY FUNCTIONS

## APPENDIX

The following functions are either the responsibility of the responsible body named in the second column or the responsible officer named in the third column. The responsible body will exercise the functions for all matters which fall within Parts A to E of the Scheme of Delegations. The responsible officer will exercise the functions for all matters which fall outside Parts A to E of the Scheme of Delegations.

### PART A

#### NON EXECUTIVE FUNCTIONS

##### Planning and Development Control Functions

Function	Responsible Body	Responsible Officer
1. Power to determine application for planning permission	Planning Control Committee	Director – Planning and Transportation
2. Power to determine applications to develop land without compliance with conditions previously attached	Planning Control Committee	Director – Planning and Transportation
3. Power to grant planning permission for development already carried out	Planning Control Committee	Director – Planning and Transportation
4. Power to decline to determine application for planning permission	Planning Control Committee	Director – Planning and Transportation
5. Duties relating to the making of determinations of planning applications		Director – Planning and Transportation
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another	Planning Control Committee	Director – Planning and Transportation
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights		Director – Planning and Transportation

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
8.Power to enter into agreement regulating development or use of land		Director – Planning and Transportation in consultation with the Chair and Vice Chair of the Planning Control Committee
9.Power to issue a certificate of existing or proposed lawful use or development		Director – Planning and Transportation in consultation with Director - Legal and Democratic Services
10.Power to serve a completion notice		Director – Planning and Transportation in consultation with Director - Legal and Democratic Services
11.Power to grant consent for the display of advertisements	Planning Control Committee	Director – Planning and Transportation
12.Power to authorise entry onto land		Director – Planning and Transportation
13.Power to require the discontinuance of land	Planning Control Committee	No delegation
14.Power to serve a planning contravention notice, breach of condition notice or stop notice		Director – Planning and Transportation in consultation with Director – Legal and Democratic Services
14A. Power to issue a temporary stop notice.	Planning Control Committee	Director – Planning and Transportation
15.Power to issue an enforcement notice		Director – Planning and Transportation in consultation with Director - Legal and Legal Services
16.Power to apply for an injunction restraining a breach of planning control		Director – Planning and Transportation in consultation with Director – Legal and Democratic Services
17.Power to determine applications for hazardous substances consent, and related powers	Planning Control Committee	Director – Planning and Transportation



<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites or mineral permissions relating to mining sites, as the case may be, are to be subject	Planning Control Committee	Director – Planning and Transportation
19. Power to require proper maintenance of land		Director – Planning and Transportation, or Director – Housing and Advice Services, in consultation with Director – Legal and Legal Services
20. Power to determine application for listed building consent, and related powers	Planning Control Committee	Director – Planning and Transportation
21. Power to determine applications for conservation area consent	Planning Control Committee	Director – Planning and Transportation
22. Duties relating to applications for listed building consent and conservation area consent		Director – Planning and Transportation
23. Power to serve a building preservation notice and related power		Director – Planning and Transportation in consultation with Director - Legal and Democratic Services
24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area		Director – Planning and Transportation in consultation with Director - Legal and Democratic Services
25. Power to acquire a listed building in need of repair and to serve a repairs notice		Director – Planning and Transportation in consultation with Director - Legal and Democratic Services
26. Power to apply for an injunction in relation to a listed building		Director – Planning and Transportation in consultation with Director - Legal and Democratic Services
27. Power to execute urgent works		Director – Planning and Transportation

**Licensing and Registration Functions**

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
1. Power to issue licences authorising the use of land as a caravan site	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
2. Power to license the use of moveable dwellings and camping sites	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
3. Power to license Hackney Carriages and private hire vehicles	Tax Licensing Sub-Committee	Director - Environmental Health and Trading Standards
4. Power to license drivers of Hackney Carriages and private hire vehicles	Tax Licensing Sub-Committee	Director - Environmental Health and Trading Standards
5. Power to license operators of Hackney Carriages and private hire vehicles	Tax Licensing Sub-Committee	Director - Environmental Health and Trading Standards
6. Power to register pool promoters		Director - Environmental Health and Trading Standards
7. Power to grant track betting licences	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
8. Power to license inter-track betting schemes	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
9. Power to grant permits in respect of premises with amusement machines		Director - Environmental Health and Trading Standards
10. Power to register societies wishing to promote lotteries		Director - Environmental Health and Trading Standards
11. Power to grant permits in respect of premises where amusements with prizes are provided		Director - Environmental Health and Trading Standards
12. Power to issue cinema and cinema club licences	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
13. Power to issue theatre licences	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
14. Power to issue entertainment licences	General Licensing Sub Committee	Director - Environmental Health and Trading Standards

14A. (1) Functions relating to determining licensing policy and establishing Licensing Committees under sections 5 and 6 of the Licensing Act 2003	Council	
14A. (2) Functions relating to the discharge of the Council's licensing functions under section 7 of the Licensing Act 2003	General Licensing Committee or General Licensing Sub Committee as shown in Part E of Part 3 of the Constitution	Director - Environmental Health and Trading Standards
14A. (3) Functions relating to keeping a register of licensed premises under section 8 of the Licensing Act 2003		Director - Environmental Health and Trading Standards
14A. (4) Power to determine applications under the Minor Variations Procedure, Licensing Act 2003		Director – Environmental Health and Trading Standards
14B. Power to resolve not to issue a casino premises licence.	General Licensing Sub Committee as shown in Part E of Part 3 of the Constitution.	Director - Environmental Health and Trading Standards
14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises under Section 304 of the Gambling Act 2005.		Director - Environmental Health and Trading Standards
14D. Power to institute criminal proceedings for offences under Section 342 of the Gambling Act 2005.		Director - Environmental Health and Trading Standards
14E. Power to exchange information in accordance with Section 350 of the Gambling Act 2005.		Director - Environmental Health and Trading Standards
14F. Function relating to the determination of fees for premises licences under the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007.	General Licensing Committee	Director - Environmental Health and Trading Standards
15. Power to license sex shops and sex cinemas	General Licensing Sub Committee	Director - Environmental Health and Trading Standards

16. Power to license performances of hypnotism	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
17. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
18. Power to license pleasure boats and pleasure vessels		Director - Environmental Health and Trading Standards
19. Power to register door staff	Not Applicable	Not Applicable
20. Power to license market and street trading	General Licensing Sub Committee	Director of Asset Management
21. Power to license night cafes and takeaway food shops	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
22. Duty to keep list of persons entitled to sell non-medicinal poisons		Director - Environmental Health and Trading Standards
23. Power to license dealers in game and the killing and selling of game	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
24. Power to license and register premises for the preparation of food	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
25. Power to license scrap yards	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds		Director – Planning and Transportation
27. Power to issue, cancel, amend or replace safety certificates for regulated stands of sports grounds		Director – Planning and Transportation
28. Power to issue fire certificates	Not Applicable	Not Applicable
29. Power to license premises for the breeding of dogs	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	General Licensing Sub Committee	Director - Environmental Health and Trading Standards

31. Power to register animal trainers and exhibitors		Director - Environmental Health and Trading Standards
32. Power to license zoos	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
33. Power to license dangerous wild animals	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
34. Power to license knackers yards	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
35. Power to license the employment of children	General Licensing Sub Committee	Strategic Director, Children and Young People
36. Power to approve premises for the solemnisation of marriages		Director – Legal and Democratic Services
37. Power to register common land or town or village greens	Planning Control Committee	Director – Planning and Transportation
38. Power to register variations of rights of common	Planning Control Committee	Director – Planning and Transportation
39. Power to license persons to collect for charitable and other causes	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
40. Power to grant consent to use a loud speaker		Director - Environmental Health and Trading Standards
41. Power to grant a street works licence	Planning Control Committee	Director – Planning and Transportation
42. Power to license agencies for the supply of nurses.	Not applicable	Not applicable
43. Power to issue license for the movement of pigs	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
44. Power to license the sale of pigs	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
45. Power to license collecting centres for the movement of pigs	General Licensing Sub Committee	Director - Environmental Health and Trading Standards
46. Power to issue a license to move cattle from a market	General Licensing Sub Committee	Director - Environmental Health and Trading Standards

46A. Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Planning Control Committee	Strategic Director, Neighbourhoods
47. Power to permit deposit of builder's skips on highways		Strategic Director, Neighbourhoods
47A. Duty to publish notice in respect of proposal to grant permission under 115E of the Highways Act 1980.	Planning Control Committee	Strategic Director, Neighbourhoods
48. Power to license planting, retention and maintenance of trees etc in part of the highway	Planning Control Committee	Strategic Director, Neighbourhoods
49. Power to authorise erection of stiles etc on footpaths or bridle ways	Planning Control Committee	Strategic Director, Neighbourhoods
50. Power to license works in relation to buildings etc which obstruct the highway	Planning Control Committee	Strategic Director, Neighbourhoods
51. Power to consent to temporary deposits or excavations in streets	Planning Control Committee	Strategic Director, Neighbourhoods
52. Power to dispense with obligation to erect hoarding or fencing	Planning Control Committee	Strategic Director, Neighbourhoods
53. Power to restrict the placing of rails, beams etc over the highway	Planning Control Committee	Strategic Director, Neighbourhoods
54. Power to consent to construction of cellars etc under streets	Planning Control Committee	Strategic Director, Neighbourhoods
55. Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators		Strategic Director, Neighbourhoods
56. Power to sanction use of part of buildings for storage of celluloid	Not Applicable	Not Applicable
57. Power to approve meat product premises		Director – Environmental Health and Trading Standards

58. Power to approve premises for the production of minced meat or meat preparation		Director – Environmental Health and Trading Standards
59. Power to approve dairy establishments		Director – Environmental Health and Trading Standards
60. Power to approve egg product establishments		Director – Environmental Health and Trading Standards
61. Power to issue licences to retail butchers carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready to eat foods		Director – Environmental Health and Trading Standards
62. Power to approve fish products premises		Director – Environmental Health and Trading Standards
63. Power to approve dispatch or purification centres		Director – Environmental Health and Trading Standards
64. Power to register fishing vessels on board which shrimps or molluscs are cooked	Not Applicable	Not Applicable
65. Power to approve factory vessels and fishery product establishments		Director – Environmental Health and Trading Standards
66. Power to register auction and wholesale markets		Director of Asset Management
67. Duty to keep a register of food business premises		Director – Environmental Health and Trading Standards
68. Power to register food business premises		Director – Environmental Health and Trading Standards
69. Power to issue near beer licences	Not Applicable	Not Applicable
70. Power to register premises or stalls for the sale of goods by way of competitive bidding	Not Applicable	Not Applicable

### Functions Relating To Health And Safety At Work

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
1. Functions under any of the relevant statutory provisions within the meaning of part 1 of the Health and Safety at Work Act 1974, to the extent those functions are discharged otherwise than in the Council's capacity as an employer		Director – Environmental Health and Trading Standards

### Functions Relating To The Elections

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
1. Duty to appoint an electoral registration officer	Council	Deputy Chief Executive and Chief Executive
2. Power to assign officers in relation to requisitions of the registration officer		Deputy Chief Executive and Chief Executive
3. Functions in relation to Parishes and Parish councils	Not Applicable	Not Applicable
4. Power to dissolve small Parish Councils	Not Applicable	Not Applicable
5. Power to make orders for grouping Parishes, dissolving groups and separating Parishes from groups	Not Applicable	Not Applicable
6. Duty to appoint returning officer for local government elections	Council	Deputy Chief Executive and Chief Executive
7. Duty to provide assistance at European parliamentary elections		Deputy Chief Executive and Chief Executive
8. Duty to divide constituency into polling districts	Council	Deputy Chief Executive and Chief Executive
9. Power to divide wards into polling districts at local government elections	Council	Deputy Chief Executive and Chief Executive
10. Power to approve polling places for polling districts		Deputy Chief Executive and Chief Executive
11. Powers in respect of holding elections (parish councils)		
12. Power to pay expenses properly incurred by electoral		Deputy Chief Executive and Chief Executive



<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
registration officers		
13. Power to fill vacancies in the event of insufficient nominations (parish councils)		
14. Duty to declare vacancy in office in certain cases		Deputy Chief Executive and Chief Executive
15. Duty to give public notice of a casual vacancy		Deputy Chief Executive and Chief Executive
16. Power to make temporary appointments to Parish Councils	Not Applicable	Not Applicable
17. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents		Deputy Chief Executive and Chief Executive
18. Power to submit proposals to the Secretary of State for an order under Section 10 (Pilot Schemes for local elections in England and Wales, of the representation of the People Act 2000)	Council	Deputy Chief Executive and Chief Executive

### **Functions Relating To Name And Status Of Areas And Individuals**

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
1. Power to change the name of the District	Council	Chief Executive
2. Power to change the name of a Parish	Not applicable	Not applicable
3. Power to confer title of honorary alderman or to admit to be an honorary freeman	Council	Chief Executive
4. Power to petition for a charter to confer borough status	Council	Chief Executive

### **Power to Make, Amend, Revoke, Re-enact or Enforce By Laws**

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
Power to make, amend, revoke, re-enact or enforce by laws	Council	Director – Legal and Democratic Services

### Power To Promote Or Oppose Local Or Personal Bills

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
Power to promote or oppose local or personal bills	Council	Director – Legal and Democratic Services

### Functions Relating To Pensions

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
Functions relating to local government pensions etc	Not Applicable	Not Applicable
Functions under the fireman's pension scheme	Not Applicable	Not Applicable

### Miscellaneous Functions

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
1. Power to create footpaths and bridleways by agreement	Planning Control Committee	Strategic Director, Neighbourhoods
2. Power to create footpaths and bridleways	Planning Control Committee	Strategic Director, Neighbourhoods
3. Duty to keep register of information with respect to maps, statements and declarations		Strategic Director, Neighbourhoods
4. Power to stop up footpaths and bridleways	Planning Control Committee	Strategic Director, Neighbourhoods
5. Power to determine application for public path extinguishments order at request of owner where land is used for agricultural purposes	Planning Control Committee	Strategic Director, Neighbourhoods
6. Power to make a rail crossing extinguishment order		Strategic Director, Neighbourhoods
7. Power to make a special extinguishment order to prevent crime	Planning Control Committee	Strategic Director, Neighbourhoods
8. Power to divert footpaths and bridleways	Planning Control Committee	Strategic Director, Neighbourhoods
9. Power to make a public path diversion order	Planning Control Committee	Strategic Director, Neighbourhoods
10. Power to make a rail crossing diversion order	Planning Control Committee	Strategic Director, Neighbourhoods
11. Power to make a special diversion order to prevent crime	Planning Control Committee	Strategic Director, Neighbourhoods

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
12. Power to require applicant for a special diversion order to enter into an agreement under section 119A of the Highways Act 1980	Planning Control Committee	Strategic Director, Neighbourhoods
13. Power to make a SSSI diversion order	Planning Control Committee	Strategic Director, Neighbourhoods
14. Duty to keep register with respect to applications under sections 118Z, 118C, 119ZA and 119C of the Highways Act 1980		Strategic Director, Neighbourhoods
15. Power to decline to determine certain applications under section 121C of the Highways Act 1980	Planning Control Committee	Strategic Director, Neighbourhoods
16. Duty to assert and protect rights of the public for use and enjoyment of the highway		Strategic Director, Neighbourhoods
17. Duty to serve notice of proposed action in relation to an obstruction where a notice to remove the obstruction has been served on the Council		Strategic Director, Neighbourhoods
18. Power to apply for variation of an order requiring the Council to remove an obstruction under section 130B of the Highways Act 1980		Strategic Director, Neighbourhoods in consultation with Director of Legal and Democratic Services
19. Power to authorise temporary disturbance on surface of footpath or bridleway		Strategic Director, Neighbourhoods
20. Power temporarily to divert footpath or bridleway		Strategic Director, Neighbourhoods
21. Functions relating to the making good of damage and the removal of obstructions		Strategic Director, Neighbourhoods
22. Powers related to the removal of things so deposited on the highways as to be a nuisance		Strategic Director, Neighbourhoods
23. Power to extinguish certain public rights of way in connection with the compulsory purchase of land	Planning Control Committee	Strategic Director, Neighbourhoods
24. Duty to keep a definitive map and statement under review		Strategic Director, Neighbourhoods

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
25. Power to include modifications in other orders	Planning Control Committee	Strategic Director, Neighbourhoods
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Country side act 1981		Strategic Director, Neighbourhoods
27. Duty to reclassify roads used as public paths		Strategic Director, Neighbourhoods
28. Power to prepare map and statement by way of consolidation of definitive map and statement		Strategic Director, Neighbourhoods
29. Power to designate footpath as cycle path	Planning Control Committee	Strategic Director, Neighbourhoods
30. Power to extinguish public right of way over land acquired for clearance	Planning Control Committee	Strategic Director, Neighbourhoods
30A. Power to authorise stopping up of diversion on highway.		Strategic Director, Neighbourhoods
31. Power to authorise stopping up or diversion of footpath or bridleway	Planning Control Committee	Strategic Director, Neighbourhoods
32. Power to extinguish public rights of way over land held for planning purposes	Planning Control Committee	Strategic Director, Neighbourhoods
33. Power to enter into agreements with respect to means of access		Strategic Director, Neighbourhoods
34. Power to provide access in absence of agreement	Planning Control Committee	Strategic Director, Neighbourhoods
35. Functions relating to sea fisheries	Not Applicable	Not Applicable
36. Power to make standing orders	Council	Director – Legal and Democratic Services

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Appointments Panel – to make recommendations to Council on the appointment of the Chief Executive and Head of Paid Service and to make appointments to the posts of Monitoring Officer, Chief Financial Officer, any Director or any Assistant Director	Strategic Directors - Appointment of staff below the status of 2 <sup>nd</sup> tier JNC Officers within the establishment and in line with the Council's personnel policies
38. Power to make standing orders as to contracts	Council	Director – Legal and Democratic Services
39. Duty to make arrangements for proper administration of financial affairs etc	Audit and Accounts Committee	Strategic Director, Resources
40. Power to appoint proper officers for particular purposes under section 270(3) of the Local Government Act 1972		Director – Legal and Democratic Services
41. Power to make a limestone pavement order	Planning Control Committee	Strategic Director, Neighbourhoods
42. Power to make closing order with respect to take-away food shops		Director - Environmental Health and Trading Standards
43. Duty to designate officer as head of the authority's paid service, and carry out the functions in section 4(1) of the Local Government and Housing Act 1989,	Council	Monitoring Officer
44. Duty to designate officer to act as the monitoring officer, and to carry out the functions in section 5(1) of the Local Government and Housing Act 1989	Council	Head of Paid Service The Deputy Chief Executive is designated for this purpose and the Director - Legal and Democratic Services is to act as Deputy Monitoring Officer
44A. Duty to provide staff etc to person nominated by monitoring officer	Council	

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members)	Council	
45. Duty to approve the authority's accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be)	Audit and Accounts Committee	Strategic Director, Resources
46. Powers relating to the protection of important hedgerows	Planning Control Committee	Director – Planning and Transportation
47. Powers relating to the preservation of trees	Planning Control Committee	Director – Planning and Transportation
47A. Power to deal with complaints arising from high hedges	Planning Control Committee	Director – Planning and Transportation
48. Power to make payments or provide other benefits in cases of maladministration etc		Director – Legal and Democratic Services
49. Power to issue Deprivations of Liberty authorisations		Strategic Director, Adults, Health and Housing and Directors in Adults, Health and Housing
50. Giving effect to the wishes of Political Groups on appointments to relevant bodies		Director – Legal and Democratic Services
51. Appointment of an Independent Member of another authority's Standards Committee, where necessary, because of a conflict of interest or non-availability, to serve as a temporary member of the Standards Committee, Assessment Sub Committee or Review Sub Committee.		Monitoring Officer
52. In consultation with the Political Group Leaders, appointment of an Elected Member to the Standards Committee, Assessment Sub Committee or Review Sub Committee, on a temporary basis, where necessary because of a conflict of interest or non-availability		Director – Legal and Democratic Services

## PART B

### LOCAL CHOICE FUNCTIONS – NON EXECUTIVE FUNCTIONS

<b>Function</b>	<b>Responsible Body</b>	<b>Responsible Officer</b>
Functions under local Acts	No delegation	No delegation
Determining complaints	Standards Committee	Strategic Director with responsibility for the service to which the complaint refers.
Dealing with appeals against decisions taken with regard to discretionary awards and free school transport	Education (Awards and Transport) Sub-Committee	Strategic Director, Children and Young People
Appeals against decisions taken on allocations of homelessness	Housing Appeals Sub-Committee	Strategic Director, Adults, Health and Housing
Obtaining information under section 330 Town and Country Planning Act as to interests in land		Director – Legal and Democratic Services
Obtaining particulars of people interested in land under section 16 Local Government (Miscellaneous Provisions) Act 1976		Director – Legal and Democratic Services
Appointments and Revocations of appointments to outside bodies	Council	Director – Legal and Democratic Services
Appointments and Revocations of appointments to education governing bodies	Council	Director – Legal and Democratic Services
Appointment and Revocations of appointments to the Independent Appeals Panel		Director – Legal and Democratic Services
Making Arrangements for Appeals against exclusion of pupils; admission of pupils and appeals by governing bodies		Director – Legal and Democratic Services
Designation of Alcohol Free Zones	Council	Director – Legal and Democratic Services
Appointments and Revocations of appointment to Group E – Schools Group, Schools Organisation Committee		Strategic Director, Children and Young People with the leader or nominee of each of the political groups

**PART C**

**LOCAL CHOICE FUNCTIONS – EXECUTIVE FUNCTIONS**

<b>Functions</b>	<b>Committee</b>	<b>Delegations to Chief Officers</b>
Inspection of area to detect any Statutory Nuisance	Council Cabinet - key decisions	Strategic Director, Neighbourhoods. Non-key decisions.
Investigation of any complaint as to the existence of a Statutory Nuisance	Council Cabinet - key decisions	Strategic Director, Neighbourhoods. Non-key decisions.
Making agreements for highway works	Council Cabinet - key decisions	Director – Legal and Democratic Services, in consultation with Strategic Director, Neighbourhoods. Non-key decisions.
Conduct Best Value reviews	Council Cabinet - key decisions	No delegation
Functions related to contaminated land	Council Cabinet - key decisions	Strategic Director, Neighbourhoods. Non-key decisions.
Control of Pollution and Management of Air Quality	Council Cabinet - key decisions	Strategic Director, Neighbourhoods. Non-key decisions.