

PART 3

Responsibility for Functions and Scheme of Delegations

Responsibility for Functions

Council Functions

1. Council functions fall into 4 categories:
 - those that are the responsibility of the full Council unless delegated to regulatory committees or officers;
 - those that are partly the responsibility of the Council and partly the responsibility of the Executive Leader;
 - those where there is a local choice whether they are the responsibility of the Council or the Executive Leader;
 - all other functions, these being the responsibility of the Executive Leader.

Functions that are the responsibility of the full Council

2. Decisions about the Council's policy framework and budget, and other constitutional matters may only be taken by all Councillors acting together. A full list of these matters is shown in Article 4.
3. In most cases the Council is also responsible for regulatory functions. A full list of those functions is given in the Appendix to the scheme of delegations.

Functions that are partly the responsibility of the Council and partly the responsibility of the Executive Leader

4. Some functions are partly the responsibility of the Council and partly the responsibility of the Executive Leader. These are:
 - the budget and any plan or strategy for the control of the Council's borrowing or capital expenditure (capital plan).
 - the policy framework, that is the plans and strategies which the Council approves or adopts.
5. The Executive Leader and Council Cabinet will be responsible for preparing the draft budget, draft plans and strategies and proposing them to the full Council.
6. The Council will be responsible for:
 - adopting or approving the draft budget, plan or strategy.
 - asking the Council Cabinet to reconsider it, or
 - amending the budget, plan or strategy.

7. The Executive Leader and Council Cabinet will be responsible for implementing the Council's policies and spending the budget in accordance with the Council's financial rules and regulations.
8. Some plans and strategies require ministerial approval after the Council has approved them. If the minister requires any amendments to those strategies / plans, the Council Cabinet will be responsible for making those amendments.

Local choice functions

9. In some cases there is a local choice as to whether the function is to be the responsibility of the Council or the Executive Leader. The Appendix shows how these have been allocated.

SCHEME OF DELEGATIONS

INTRODUCTION

The following scheme gives details of the allocation of responsibilities within the Council. It includes details of any delegations from the Council to its Regulatory Committees and Officers and those from the Leader to Council Cabinet, individual Council Cabinet Members, Officers, Neighbourhood Boards and Neighbourhood Forums. Details are also given of the Council's advisory committees and its other statutory committees.

Within this scheme decisions of the Council are divided into:

- A** Matters that are reserved to the Council.
- B** Matters that are reserved to the Council Cabinet.
- C** Matters that are delegated to Neighbourhood Boards and Neighbourhood Forums and Advisory Committees.
- D** Matters that are delegated to the Standards Committee, Overview and Scrutiny Commissions and the Adoption Panel.
- E** Matters that are delegated to Regulatory and Appeals Committees.
- F** Matters that are delegated to Officers.

PART A MATTERS RESERVED TO THE COUNCIL

The Council reserves to itself the following powers:

- a. adopting and changing the constitution
- b. approving and adopting the policy framework, and the budget.
- c. approving any application to the Secretary of State in respect of any Housing Land transfer
- d. subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution making decisions on any executive functions where the decision would be contrary to the policy framework, or not wholly in accordance with the budget
- e. electing the Executive Leader
- f. agreeing and/or amending terms of reference for Commissions, Committees, and Neighbourhood Boards and Neighbourhood Forums, deciding on their composition and making appointments to them including the appointments of Chairs and Vice Chairs
- g. approving membership of, and appointing representatives to, outside bodies unless the function has been delegated by the Council
- h. adopting a scheme for members allowances, following receipt of recommendations from the independent remuneration panel
- i. changing the name of the area, conferring the title of honorary alderman or freedom of the City
- j. confirming the appointment of the Head of Paid Service
- k. making arrangements for the discharge of any of the Council's functions by another Local Authority or a joint Committee with other authorities
- l. making, amending revoking, re-enacting or adopting Byelaws and promoting or petitioning against any bills in parliament, providing that in cases of urgency the Council Cabinet may authorise a petition against a Bill or Order
- m. approving any proposals relating to Local Government areas and the transfer, conferment or withdrawal of powers of Local Authorities
- n. matters relating to the variation of parliamentary and Local Government electoral areas and representation

Deleted: appointing the Leader and members of the Council Cabinet, determining the areas of responsibility of Council Cabinet members and determining the delegation of Executive functions.

- o. considering recommendations from the Council Cabinet regarding action following receipt of reports of external auditors, external inspectorate and the Local Ombudsman
- p. dealing with all non Executive policies ,strategies and procedures that do not form part of the policy framework
- q. making decisions about any functions that by law, or as a result of local choice are not the responsibility of the Council Cabinet and have not been delegated to a Committee or Officer.
- r. considering petitions where this is required under the Petitions Scheme.

PART B MATTERS RESERVED TO THE COUNCIL CABINET

By law the Executive Leader, Council Cabinet or individual members of the Council Cabinet cannot deal with the matters reserved to the Council in Part A and some functions mainly relating to regulatory matters that are dealt with in Part E and the Appendix.

By law, all functions which are the responsibility of the Executive (Council Cabinet) are discharged by the Leader unless the Leader has arranged for any of them to be discharged by:

- a) the Council Cabinet; or
- b) another member of the Council Cabinet; or
- c) a committee of the Council Cabinet; or
- d) an officer.

The Leader has directed that the executive functions of the Council shall be discharged in accordance with this Part of the Constitution and Part C of the Appendix.

Part C of the Appendix shows the local choice functions that will be the responsibility of the Executive Leader, Council Cabinet or individual members of the Council Cabinet unless they are delegated to Officers, Neighbourhood Boards and Neighbourhood Forums.

The following matters are reserved to the Council Cabinet:

1. making recommendations to Council on the Budget and the policy framework
2. implementing the Budget and policy framework in respect of all functions except non executive functions
3. making key decisions about implementation of any of the Council's functions except non-Executive functions. This includes all policies procedures and strategies not included in the policy framework
4. coordinating and securing Best Value within the budget and policy framework agreed by the Council
5. undertaking activities relating to virement and other issues specified under Financial Procedure Rules
6. making recommendations to Council on intended action following the receipt of reports from the external auditor, external inspectorates and the local Ombudsman.

7. forming partnerships
8. monitoring performance indicators, general service performance and financial management.

The following matters are reserved to the Executive Leader

Deleted: ¶
9. . functions relating to the
Local Area Agreement. ¶

1. making executive, non-key decisions, within his/her area of responsibility, and within the limitations of the Financial Procedure Rules, which result in the Council incurring expenditure or\making savings of between £100,000 and £249,999
2. monitoring service performance, within his/her area of responsibility, and taking action to improve performance where necessary, in conjunction with the relevant service director
3. approving minor policies and procedures that do not have a significant impact on two or more wards, within his/her area of responsibility
4. approving consultation arrangements and initial proposals for policies, plans and strategies within the Budget and Policy Framework in accordance with the Budget and Policy Framework Rules
5. making recommendations to the Council Cabinet, within his/her areas of responsibility, on matters reserved to the full Council Cabinet
6. other than executive matters reserved to the Council Cabinet, to discharge executive functions which have not been allocated to an individual member of the Council Cabinet or an officer, or to arrange for the discharge of those functions by an individual member of the Council Cabinet or an officer
7. performing the functions of, or taking decisions on matters reserved to, an individual member of the Council cabinet if the Monitoring Officer determines that the relevant individual member is unable to act
8. taking decisions in cases of urgency in respect of any executive matter, including key decisions.
9. responding to Neighbourhood Boards and Neighbourhood Forums on petitions on local issues in accordance with procedures laid down by the Council.
10. Exercise of the Derby Homes Single Shareholder Vote. This function may be allocated by the Executive Leader to another Member of the Council Cabinet.

The following matters are reserved to an individual member of the Council Cabinet

1. making executive, non-key decisions, within his/her area of responsibility, and within the limitations of the Financial Procedure Rules, which result in the Council incurring expenditure or making savings of between £100,000 and £249,999
2. monitoring service performance, within his/her area of responsibility, and taking action to improve performance where necessary, in conjunction with the relevant service director
3. approving consultation arrangements and initial proposals for policies, plans and strategies within the Budget and Policy Framework in accordance with the Budget and Policy Framework Rules
4. approving minor policies and procedures that do not have a significant impact on two or more wards, within his/her area of responsibility
5. making recommendations to the Council Cabinet, within his/her areas of responsibility, on matters reserved to the full Council Cabinet
6. responding to Neighbourhood Boards and Neighbourhood Forums on petitions on local issues in accordance with procedures laid down by the Council.

Deputy Leader

In addition, any member identified by the Executive Leader as the Deputy Leader will deputise for the Executive Leader in his/her absence in respect of any matters reserved to the Executive Leader.

Decision Making

When taking decisions, an individual member of the Council Cabinet must take into account professional advice from officers, including the statutory officers.

The following matters are reserved to Neighbourhood Boards

- 1) To consult, involve and engage local residents; voluntary and community groups; businesses, services and partner organisations in agreeing an annual Neighbourhood Agreement and/or Plan for the neighbourhood.
- 2) To produce a neighbourhood plan and profile that reflects the priorities for the local neighbourhood and is driven by the aims and aspirations of local residents.
- 3) To produce an annual neighbourhood agreement for the neighbourhood that compliments the Derby Plan and relevant delivery plans and outcomes.
- 4) To manage and monitor the implementation of the Neighbourhood Agreement within a set performance management framework, ensure its proper monitoring and evaluation.
- 5) To hold all partners within the neighbourhood, residents, public agencies and service providers accountable within the terms of the Neighbourhood Agreement.
- 6) To increase and improve local community involvement in the neighbourhood and to involve and engage residents in improving their neighbourhood.
- 7) To provide links with the Derby City and Neighbourhood Partnerships and the local neighbourhood.
- 8) To facilitate enforcement work and its procedures within the neighbourhood.
- 9) To deal with petitions on local issues in accordance with procedures laid down by the Council.
- 10) To recommend the use of funds allocated to the Board for approval by the Ward Committee

Deleted: Sustainable Community Strategy and the Local Area Agreement.

Deleted: Partnership

The following matters are reserved to Neighbourhood Forums

- 1) To provide the neighbourhood with a regular open forum to discuss and raise concerns at a local level.
- 2) To identify and agree key priorities for action for inclusion in the neighbourhood tasking and co-ordination framework.
- 3) To agree on an annual basis resident representatives to serve on the Neighbourhood Board.
- 4) To enable the involvement and participation of residents in the workings of their neighbourhood.

The following matters are reserved to Ward Committees

- 1) To consider recommendations of the Neighbourhood Board relating to provisionally approved applications for funding.
- 2) To authorise the allocation of the Neighbourhood Board's delegated budget.

PART C

MATTERS THAT ARE DELEGATED TO THE STANDARDS COMMITTEE, OVERVIEW AND SCRUTINY COMMISSIONS, THE APPOINTMENTS PANEL, THE ADOPTION PANEL, THE CONSERVATION AREA ADVISORY COMMITTEE AND THE FOSTERING PANEL

All delegated powers and duties must be exercised and performed on behalf of and in the name of the Council and in accordance with the Constitution:

Standards Committee

- a) Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- d) Monitoring the effectiveness of the Members' Code of Conduct;
- e) Advising the Council on the adoption or revision of related codes or protocols;
- f) Monitoring the effectiveness of related codes or protocols;
- g) Advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members Code of Conduct;
- h) Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- i) Assessing, reviewing and determining complaints about Members;
- j) Determining complaints referred by the Chief Executive for independent consideration in accordance with the Complaints Procedure;
- k) Providing independent members (other than the Chair) for panels determining the final stage of Social Services complaints.
- l) Granting exemptions for politically restricted posts.

Assessment Sub Committee

To carry out initial assessments of complaints about alleged breaches of the Members' Codes of Conduct.

Review Sub Committee

To review a decision by the Assessment Sub Committee to take no action in relation a complaint about an alleged breach of the Members' Code of Conduct.

Overview and Scrutiny Commissions

Within the scope of their terms of Reference set out in Article 6 to:

- 1) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions
- 2) make reports or recommendations to the full Council or the Council Cabinet or any joint or Neighbourhood Board/Forum in connection with the discharge of any functions
- 3) consider any matter affecting the area or its inhabitants
- 4) consider decisions that have been called-in for reconsideration, and decide whether to ask the decision maker to reconsider the decision or to refer it to full Council
- 5) carry out policy development and review functions as shown in Article 6 of the constitution that they consider to be necessary
- 6) provide an annual report to full Council on their workings and make recommendations for future work programmes
- 7) carry out any other statutory duties and responsibilities allocated to local authority scrutiny committees.

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Adoption Panel

To deal with all cases referred to it and make recommendations about the matters required to be considered by the Adoption Agencies Regulations 1983

Appointments Panel

To make recommendations to the full Council about the appointment of the Chief Executive and Head of the Paid Service, and to make appointments to the posts of Monitoring Officer, Chief Financial Officer, any Director or any Assistant Director. The Appointments Panel shall comprise:

For the making of recommendations to the full Council about the appointment of the Chief Executive and Head of the Paid Service, five Members of the Council, to be determined by the Monitoring Officer, provided that the Panel shall include at least one member of each political group and one member of the Council Cabinet

For the appointment of a Director, five Members of the Council, to be determined by the Chief Executive, provided that the Panel shall include at least one member of each political group and one member of the Council Cabinet

For the appointment of an Assistant Director, three Members of the Council, to be determined by the Chief Executive, provided that the Panel shall include at least one member of each political group and one member of the Council Cabinet.

Conservation Area Advisory Committee

- 1) To consider applications for planning permission, statutory notifications and related consents which could affect the character, appearance or setting of a World Heritage Site, Conservation Area, buildings of architectural or historic interest, ancient monuments and other sites of archaeological interest, and to give appropriate advice on such matters to the Planning Control Committee.
- 2) To consider proposals for new Conservation Areas and for the extension or alteration of the boundaries of existing ones.
- 3) To make recommendations to the Strategic Director of Neighbourhoods for action in existing and proposed Conservation Areas.
- 4) To foster interest in Conservation Areas, Buildings of Architectural or Historic interest, Ancient Monuments and Archaeological sites and through the organisations and associations represented on the Advisory Committee to encourage positive action by private individuals both acting alone and in support of the actions to be carried out by the Council including the operation of award schemes approved by the Planning Control Committee.

Fostering Panel

To deal with all matters referred to it and make recommendations to the Council Cabinet or Corporate Director, Children and Young People about matters required to be considered by the Fostering Services Regulations 2002.

PART D

MATTERS THAT ARE DELEGATED TO REGULATORY AND APPEALS COMMITTEES

By law the full Council must deal with some functions unless they are delegated to Regulatory Committees or Officers. These are shown in part A of Appendix 1.

There are some other functions where there is local choice whether the Council or the Council Cabinet deals with them. Part B of Appendix 1 shows the local choice functions that will be dealt with by the Council and those that are delegated to Regulatory Committees or Officers.

All delegated powers and duties must be exercised and performed on behalf of and in the name of the Council and in accordance with the Constitution:

The following Regulatory Committees will deal with the functions shown in Appendix 1 to the extent specified below:

Audit and Accounts Committee

Audit Activity

1. To consider the head of internal audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
2. To consider summaries of specific internal audit reports as requested.
3. To consider reports dealing with the management and performance of the providers of internal audit services.
4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
5. To consider specific reports as agreed with the external auditor.
6. To comment on the scope and depth of external audit work and to ensure it gives value for money.
7. To liaise with the Audit Commission over the appointment of the council's external auditor.
8. To commission work from internal and external audit.

Regulatory Framework

9. To maintain an overview of the council's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
10. To review any issue referred to it by the chief executive or a director, or any council body.
11. To monitor the effective development and operation of risk management and corporate governance in the council.
12. To monitor council policies on whistleblowing (Confidential Reporting Code), counter fraud measures and the council's complaints process.
13. To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.
14. To consider the council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

15. To consider the council's compliance with its own and other published standards and controls.

Accounts

16. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
17. To consider the external auditor's annual letter and report to those charged with governance on issues arising from the audit of the accounts and other reports, letters etc on the statement of accounts.

Remuneration

18. To carry out all powers and duties in respect of appointments to the Independent Remuneration Panel on Members' Allowances.

Planning Control Committee

Will deal with:

1. decisions relating to town and country planning, commons registration and the use and regulation of highways, that would fall within the definition of key decisions if these were Executive functions
2. determining individual applications for planning permission and advertisement control and any other application made under planning legislation where:
 - a. four or more objections have been received and the officer recommendation is to approve, or
 - b. the application is contrary to a Local Plan allocation and the officer recommendation is to approve, or
 - c. a Member of the Council has, within three weeks of being sent notification of an application, written to the Strategic Director of Neighbourhoods requesting its determination by the Committee, giving reasons for the request. Where the member concerned does not attend the meeting in person, or submit written representations, the application will be deemed to be determined in accordance with the recommendation of the Director of Regeneration and Community.
3. dealing with proposals to discontinue the use of land
4. considering any objections to the making or confirmation of orders made under highways or planning legislation where there have been objections including:
 - tree preservation orders;
 - orders to create divert or close footpaths or bridleways;
 - or to modify the definitive map.

General Licensing Committee

Will, within Council policies:

- Take decisions relating to licensing and appeals functions that would fall within the definition of key decisions if these were executive functions
- Approve and amend policies relating to these functions
- Approve arrangements for meetings of the General Licensing Sub Committee

in relation to licences that cover alcohol, regulated entertainment, and other licences granted under the ...

- Licensing Act 2003
- Local Government (Miscellaneous Provisions) Act 1982
- Theatres Act 1968
- Cinema Act 1985
- Gambling Act 2005
- Environmental Protection Act 1990 (distribution of literature)
- Animal Boarding Establishments Act 1963
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- Pet Animals Act 1951
- Riding Establishments Acts 1964 and 1970
- Burial Act 1857
- Scrap Metal Dealers Act 1964
- Motor Salvage Operations Regulations 2002
- Vehicles (Crime) Act 2001
- Caravan Sites and Control of Development Act 1960

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Deleted: in relation to licences that cover alcohol, entertainment, late night food businesses, theatres, cinemas and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982, Theatres Act 1968, Cinema Act 1985 and Gambling Act 2005:

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General Licensing Sub Committee

Will, within Council policies

A In relation to licences that cover alcohol, regulated entertainment, and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982, and Gambling Act 2005:

1. Determine applications for a personal licence if there is a police objection
2. Determine applications for a personal licence from persons with an unspent conviction
3. Determine applications for premises licence/club premises certificate if a relevant representation is made
4. Determine applications for a provisional statement if a relevant representation is made

Deleted: late night food businesses, theatres, cinemas

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Deleted: Theatres Act 1968, Cinema Act 1985

5. Determine applications to vary a premises licence/club premises certificate if a relevant representation is made
 6. Determine applications to vary a designated personal licence holder if there is a police objection
 7. Determine applications for a transfer of premises licence if there is a police objection
 8. Determine applications for interim authorities if there is a police objection
 9. Determine applications to review premises licence/club premises certificate
 10. Decide whether to object when the local authority is a consultee and not the lead authority
 11. Determine a police representation to a temporary event notice.
- B Carry out all statutory functions as the Licensing Authority, with regard to premises licences and permits as stipulated under the Gambling Act 2005 and the Council's Gambling Act Statement of Principles.

Taxi Licensing and Appeals Committee

Will, within Council policies

1. Take decisions relating to licensing and appeals functions that are not the responsibility of the General Licensing Committee and would fall within the definition of key decisions if these were executive functions
2. Approve and amend policies relating to these functions
3. Approve arrangements for meetings of sub committees and panels

Taxi Licensing Sub Committee

Will, within Council policies and in relation to hackney carriages and private hire vehicles, their proprietors, operators and drivers:

1. Determine individual applications or matters referred to the Sub Committee by the Director – Environment and Regulatory Services, unless within Council policies it is an automatic ground of refusal
2. Suspend or revoke licences or issue written warnings
3. Determine appeals by applicants for advertising on hackney carriages who are aggrieved at a decision of the Director-Environment and Regulatory Services.

Deleted: where there is a proposal to refuse a licence

Deleted: Assistant Director – Environmental Health and Trading Standards.

4. Determining individual applications where there is relevant information supplied by the Chief Officer of Police

Employee Appeals Sub-Committee

Will deal with regrading appeals by all employees of the council.

Disciplinary Sub-Committee

Will take disciplinary action against the Chief Executive, Directors and Assistant Directors under the Council's employment policies and relevant national agreements subject to the provisions of the Officer Employment Procedure Rules. The full Council must approve the dismissal of the Chief Executive.

Housing Appeals Sub-Committee

Will deal with appeals taken on allocations and homelessness.

Discretionary Housing Payments Appeals Sub-Committee

Will deal with appeals against decisions about discretionary Housing payments.

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Deleted: <#>Appeals arising from disciplinary action, including oral and first written warnings, taken against all employees of the Council other than the Chief Executive and Directors.¶

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3) . Appeals from employees except the Chief Executive against dismissal .
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4) . The final stages of the grievance and harassment procedures.¶
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Deleted: Education (Awards and Transport) Appeals Sub-Committee¶

Will, within Council policies, deal with appeals against decisions taken with regard to discretionary awards and free transport to schools/colleges.¶
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PART E

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.
- Officer Employment Procedure Rules

- 3.2 The following matters must be dealt with in conjunction with the Director of Human Resources and Business Support;

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- 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.

- 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.

- | 3.3 The Director of Human Resources [and Business Support](#) 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.

A Statutory Executive Functions

- 1) Crime and Disorder
- 2) Markets.
- 3) All Executive functions of the Council in relation to Economic development.

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Deleted: Taking lead responsibility for the Youth Offending Service.

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.

Deleted: ¶ 11) . Providing property services, including professional architectural, quantity . surveying, electrical and mechanical engineering services.

Deleted: ¶ 12)

Deleted: Managing energy efficiency and reporting on energy performance.

11) Dealing with valuation matters.	Deleted: 13) . Maintaining and improving other property (other than dwellings).¶
12) Dealing with twinning matters.	Deleted: 4
13) Managing corporate consultation and communication policies and initiatives.	Deleted: 15
14) Economic regeneration of the City and its communities, in conjunction with the Chief Executive.	Deleted: 16
15) Co-operating with other organisations in the promotion of local investment and employment opportunities.	Deleted: 17) . Promoting Home Energy Efficiency.¶ 18
16) Line managing Derby City Partnership and Derby Community Safety Partnership.	Deleted: 19
17) Managing corporate external funding programmes.	Deleted: 20
18) Preparing and publicising the Council's national performance indicators.	Deleted: 21
19) Drawing up and implementing corporate policies on performance management and Best Value.	Deleted: 22
20) <u>Managing Area and Neighbourhood Working, including Neighbourhood Boards and Forums.</u>	Deleted: 23
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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.

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 and employee development.

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.
- 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.
- act as Electoral Registration Officer and Returning Officer for local government elections. The Electoral Services and Land Charges Manager will act as Deputy Electoral Registration Officer.

HEAD OF DEMOCRATIC SERVICES**C Acting as Authorised/Proper Officer for the following matters:**

The Head of Democratic Services will act as:

- a. Secretary to the Independent Remuneration Panel for Members' Allowances.
- b. Proper Officer for Registration of Births, Deaths, Marriages and Civil Partnerships.
- c. Scrutiny Officer.

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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
 - as drainage authority
 - 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.

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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, cleaning and caretaking (including in schools); grounds maintenance; refuse collection, street cleaning and fleet management.

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- 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) Developing and implementing environmental initiatives and projects.
- 12) Administering environmental improvement schemes as part of area based renewal programmes
- 13) Managing occupational health, safety and welfare.
- 14) Taking enforcement action against unsatisfactory housing conditions
- 15) Promoting standards within the private rented sector.
- 16) Providing property services, including professional architectural, quantity surveying, electrical and mechanical engineering services.
- 17) Managing energy efficiency and reporting on energy performance.
- 18) Maintaining and improving other property (other than dwellings).
- 19) Promoting Home Energy Efficiency.

Deleted: 11) . Managing Area and Neighbourhood Working, including Neighbourhood Boards and Neighbourhood Forums.¶

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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:

Deleted: Strategic Director,
Neighbourhoods

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 Acts 1974 and 2006
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	... [1]
Enterprise Act 2002	Deleted: –
Estate Agents Act 1979	Deleted: Parts I, II, III and IV
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	
<u>Highways Act 1980</u>	
House to House Collections Act 1939	
Housing Acts <u>1980</u> , 1985, <u>2004</u>	Deleted: –
Insurance Brokers (Registration) Act 1977	Deleted: Parts VI and X
Insurance Companies Act 1981	
Intoxicating Substances (Supply) Act 1985	
Licensing Act 2003	
Local Government (Miscellaneous Provisions) Act 1976	
Local Government (Miscellaneous Provisions) Act 1982	Deleted: Parts I, VIII and XI
Magistrates Courts Act 1980	
Medicines Act 1968	Deleted: Mock Auctions Act 1961
Motor Cycle Noise Act 1987	... [2]
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
[Sunbed Regulations Act 2010](#)
Sunday Trading Act 1994
Telecommunications Act 1984
Theatres Act 1968
Theft Acts 1968 and 1978
Timeshare Act 1992
Town and Country Planning, Churches and Places of Religious
[Town and Country Planning Act 1990 \(as amended\)](#)
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

Deleted: Tourism (Sleeping
Accommodation Price Display)
Order 1977 ... [3]

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

The Licensing Authority Policy Statement.

The plans and strategies that together comprise the Development Plan

The Local Transport Plan

Deleted: Annual Library 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

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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

4) Lead responsibility for the Youth Offending Service.

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.

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STRATEGIC DIRECTOR, ADULTS, HEALTH AND HOUSINGDeleted: ¶
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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) 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
- 3) Determining care in the community grants and other social care grants for individual clients.
- 4) Managing Welfare Rights and Advice Services

Deleted: <#>Appointing appropriate staff as members of Primary Care Trust Professional Executive Committees, jointly with the Strategic Director, Children and Young People. ¶
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| 5) | Managing the Supporting People programme. | Deleted: 6 |
| 6) | 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. | Deleted: 7 |
| 7) | Operating Derby Care Link | Deleted: 8 |
| 8) | Improving and renewing private sector housing, including Houses in Multiple Occupation and improving and renewing areas/zones, bringing empty homes back into use and undertaking periodic housing condition surveys. | Deleted: 9 |
| 9) | Taking enforcement action against unsatisfactory housing conditions. | Deleted: 10 |
| 10) | Promoting standards within the private rented sector. | Deleted: 11 |
| 11) | Administering disabled facilities grants. | Deleted: 12 |
| 12) | Agreeing the Derby Homes annual delivery plan and monitoring attainment of financial and non-financial performance against the plan and Derby Homes' Business Strategy. | Deleted: 13 |
| 13) | Designating council housing for identified communities of interest, such as older and younger people. | Deleted: 14 |
| 14) | Providing community and housing research and strategy, including enabling the provision of new affordable housing. | Deleted: 15 |
| 15) | 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. | Deleted: 16 |
| 16) | Waiving or reducing charges for services provided by the department where full payment of the charges would cause particular hardship or otherwise be inappropriate. | Deleted: 17 |

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 functions listed in Sections A-E:

Housing Acts 1985, 1996 and 2004

Deleted: 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

Any member of staff so authorised may take with them under such authority any other person whose presence on the premises may be required in order to give effect to the proper exercise of the Council's statutory powers.

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

Deleted: Older People and Physical Disabilities

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

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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	Formatted Table
1. Power to determine application for planning permission	Planning Control Committee	Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
2. Power to determine applications to develop land without compliance with conditions previously attached	Planning Control Committee	Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
3. Power to grant planning permission for development already carried out	Planning Control Committee	Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
4. Power to decline to determine application for planning permission	Planning Control Committee	Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
5. Duties relating to the making of determinations of planning applications		Director – <u>Planning and Facilities Management</u>	Deleted: 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 – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights		Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
8. Power to enter into agreement regulating development or use of land		Director – <u>Planning and Facilities Management</u> in consultation with the Chair and Vice Chair of the Planning Control Committee	Deleted: Planning and Transportation

Function	Responsible Body	Responsible Officer	Formatted Table
9.Power to issue a certificate of existing or proposed lawful use or development		Director – Planning and <u>Facilities Management</u> . In relation to existing use or redevelopment in consultation with Director - Legal and Democratic Services	Deleted: Transportation
10.Power to serve a completion notice		Director – <u>Planning and Facilities Management</u> in consultation with Director - Legal and Democratic Services	Deleted: Planning and Transportation
11.Power to grant consent for the display of advertisements	Planning Control Committee	Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
12.Power to authorise entry onto land		Director – <u>Planning and Facilities Management</u>	Deleted: 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 – <u>Planning and Facilities Management</u> in consultation with Director – Legal and Democratic Services	Deleted: Planning and Transportation
14A. Power to issue a temporary stop notice.	Planning Control Committee	Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
15.Power to issue an enforcement notice		Director – <u>Planning and Facilities Management</u> in consultation with Director - Legal and Legal Services	Deleted: Planning and Transportation
16.Power to apply for an injunction restraining a breach of planning control		Director – <u>Planning and Facilities Management</u> in consultation with Director – Legal and Democratic Services	Deleted: Planning and Transportation
17.Power to determine applications for hazardous substances consent, and related powers	Planning Control Committee	Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation

Function	Responsible Body	Responsible Officer	Formatted Table
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 or mining sites, as the case may be, are to be subject	Planning Control Committee	Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
19. Power to require proper maintenance of land		Director – <u>Planning and Facilities Management</u> , or Director – <u>Younger Adults and Housing</u> , in consultation with Director – Legal and Legal Services	Deleted: Planning and Transportation Deleted: Housing and Advice Services
20. Power to determine application for listed building consent, and related powers	Planning Control Committee	Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
21. Power to determine applications for conservation area consent	Planning Control Committee	Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
22. Duties relating to applications for listed building consent and conservation area consent		Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
23. Power to serve a building preservation notice and related power		Director – <u>Planning and Facilities Management</u> in consultation with Director - Legal and Democratic Services	Deleted: Planning and Transportation
24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area		Director – <u>Planning and Facilities Management</u> in consultation with Director - Legal and Democratic Services	Deleted: Planning and Transportation
25. Power to acquire a listed building in need of repair and to serve a repairs notice		Director – <u>Planning and Facilities Management</u> in consultation with Director - Legal and Democratic Services	Deleted: Planning and Transportation
26. Power to apply for an injunction in relation to a listed building		Director – <u>Planning and Facilities Management</u> in consultation with Director - Legal and Democratic Services	Deleted: Planning and Transportation
27. Power to execute urgent works		Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation

Licensing and Registration Functions

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

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Function	Responsible Body	Responsible Officer	Formatted Table
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 - <u>Environment and Regulatory Services</u>	Deleted: 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 - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
14A. (4) Power to determine applications under the Minor Variations Procedure, Licensing Act 2003		Director – <u>Environment and Regulatory Services</u>	Deleted: 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 - <u>Environment and Regulatory Services</u>	Deleted: 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 - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
14D. Power to institute criminal proceedings for offences under Section 342 of the Gambling Act 2005.		Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
14E. Power to exchange information in accordance with Section 350 of the Gambling Act 2005.		Director - <u>Environment and Regulatory Services</u>	Deleted: 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 - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
15. Power to license sex shops and sex cinemas	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards

Function	Responsible Body	Responsible Officer	Formatted Table
16. Power to license performances of hypnotism	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
17. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
18. Power to license pleasure boats and pleasure vessels		Director - <u>Environment and Regulatory Services</u>	Deleted: 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	<u>Director - Regeneration</u>	Deleted: Director of Asset Management
21. Power to license night cafes and takeaway food shops	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
22. Duty to keep list of persons entitled to sell non-medicinal poisons		Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
23. Power to license dealers in game and the killing and selling of game	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
24. Power to license and register premises for the preparation of food	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
25. Power to license scrap yards	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds		Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
27. Power to issue, cancel, amend or replace safety certificates for regulated stands of sports grounds		Director – <u>Planning and Facilities Management</u>	Deleted: 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 - <u>Environment and Regulatory Services</u>	Deleted: 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 - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards

Function	Responsible Body	Responsible Officer	Formatted Table
31. Power to register animal trainers and exhibitors		Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
32. Power to license zoos	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
33. Power to license dangerous wild animals	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
34. Power to license knackers yards	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: 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		<u>Head of Democratic Services</u>	Deleted: Director – Legal and
37. Power to register common land or town or village greens	Planning Control Committee	Director – Planning and <u>Facilities Management</u>	Deleted: Transportation
38. Power to register variations of rights of common	Planning Control Committee	Director – Planning and <u>Management</u>	Deleted: Transportation
39. Power to license persons to collect for charitable and other causes	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
40. Power to grant consent to use a loud speaker		Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
41. Power to grant a street works licence	Planning Control Committee	Director – <u>Streetpride</u>	Deleted: 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 - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
44. Power to license the sale of pigs	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
45. Power to license collecting centres for the movement of pigs	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
46. Power to issue a license to move cattle from a market	General Licensing Sub Committee	Director - <u>Environment and Regulatory Services</u>	Deleted: 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	<u>Director - Streetpride</u>	<div>Deleted: Strategic Director, Neighbourhoods</div> <div>Formatted Table</div>
47. Power to permit deposit of builder's skips on highways		<u>Director - Streetpride</u>	<div>Deleted: Strategic Director, Neighbourhoods</div>
47A. Duty to publish notice in respect of proposal to grant permission under 115E of the Highways Act 1980.	Planning Control Committee	<u>Director - Streetpride</u>	<div>Deleted: Strategic Director, Neighbourhoods</div>
48. Power to license planting, retention and maintenance of trees etc in part of the highway	Planning Control Committee	<u>Director - Streetpride</u>	<div>Deleted: Strategic Director, Neighbourhoods</div>
49. Power to authorise erection of stiles etc on footpaths or bridle ways	Planning Control Committee	<u>Director – Planning and Facilities Management</u>	<div>Deleted: Strategic Director, Neighbourhoods</div>
50. Power to license works in relation to buildings etc which obstruct the highway	Planning Control Committee	<u>Director - Streetpride</u>	<div>Deleted: Strategic Director, Neighbourhoods</div>
51. Power to consent to temporary deposits or excavations in streets	Planning Control Committee	<u>Director - Streetpride</u>	<div>Deleted: Strategic Director, Neighbourhoods</div>
52. Power to dispense with obligation to erect hoarding or fencing	Planning Control Committee	<u>Director - Streetpride</u>	<div>Deleted: Strategic Director, Neighbourhoods</div>
53. Power to restrict the placing of rails, beams etc over the highway	Planning Control Committee	<u>Director - Streetpride</u>	<div>Deleted: Strategic Director, Neighbourhoods</div>
54. Power to consent to construction of cellars etc under streets	Planning Control Committee	<u>Director - Streetpride</u>	<div>Deleted: Strategic Director, Neighbourhoods</div>
55. Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators		<u>Director - Streetpride</u>	<div>Deleted: Strategic Director, Neighbourhoods</div>
56. Power to sanction use of part of buildings for storage of celluloid	Not Applicable	Not Applicable	
57. Power to approve meat product premises		<u>Director – Environment and Regulatory Services</u>	<div>Deleted: Environmental Health and Trading Standards</div>

58. Power to approve premises for the production of minced meat or meat preparation		Director – <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
59. Power to approve dairy establishments		Director – <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
60. Power to approve egg product establishments		Director – <u>Environment and Regulatory Services</u>	Deleted: 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 – <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
62. Power to approve fish products premises		Director – <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
63. Power to approve dispatch or purification centres		Director – <u>Environment and Regulatory Services</u>	Deleted: 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 – <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
66. Power to register auction and wholesale markets		Director – <u>Regeneration</u>	Deleted: of Deleted: Asset Management
67. Duty to keep a register of food business premises		Director – <u>Environment and Regulatory Services</u>	Deleted: Environmental Health and Trading Standards
68. Power to register food business premises		Director – <u>Environment and Regulatory Services</u>	Deleted: 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

Function	Responsible Body	Responsible Officer
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 – <u>Environment and Regulatory Services</u>

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Functions Relating To The Elections

Function	Responsible Body	Responsible Officer
1. Duty to appoint an electoral registration officer	Council	Director – <u>Legal and Democratic Services</u>
2. Power to assign officers in relation to requisitions of the registration officer		Director – <u>Legal and Democratic Services</u>
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	Director – <u>Legal and Democratic Services</u>
7. Duty to provide assistance at European parliamentary elections	<u>Council</u>	Director – <u>Legal and Democratic Services</u>
8. Duty to divide constituency into polling districts	Council	Director – <u>Legal and Democratic Services</u>
9. Power to divide wards into polling districts at local government elections	Council	<u>Director – Legal and Democratic Services</u>
10. Power to approve polling places for polling districts		Director – <u>Legal and Democratic Services</u>
11. Powers in respect of holding elections (parish councils)	<u>Not Applicable</u>	
12. Power to pay expenses properly incurred by electoral registration officers		Director – <u>Legal and Democratic Services</u>

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Function	Responsible Body	Responsible Officer
13. Power to fill vacancies in the event of insufficient nominations (parish councils)		
14. Duty to declare vacancy in office in certain cases		Director – <u>Legal and Democratic Services</u>
15. Duty to give public notice of a casual vacancy		Director – <u>Legal and Democratic Services</u>
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		Director – <u>Legal and Democratic Services</u>
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	Director – <u>Legal and Democratic Services</u>

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Functions Relating To Name And Status Of Areas And Individuals

Function	Responsible Body	Responsible Officer
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

Function	Responsible Body	Responsible Officer
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

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

Functions Relating To Pensions

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

Miscellaneous Functions

Function	Responsible Body	Responsible Officer
1.Power to create footpaths and bridleways by agreement	Planning Control Committee	<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>
2.Power to create footpaths and bridleways	Planning Control Committee	<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>
3.Duty to keep register of information with respect to maps, statements and declarations		<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>
4.Power to stop up footpaths and bridleways	Planning Control Committee	<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>
5.Power to determine application for public path extinguishments order at request of owner where land is used for agricultural purposes	Planning Control Committee	<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>
6.Power to make a rail crossing extinguishment order		<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>

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Function	Responsible Body	Responsible Officer	Formatted Table
7. Power to make a special extinguishment order to prevent crime	Planning Control Committee	<u>Chief Executive in conjunction with Directors – Planning and Facilities Management and Streetpride</u>	
8. Power to divert footpaths and bridleways	Planning Control Committee	<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
9. Power to make a public path diversion order	Planning Control Committee	<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
10. Power to make a rail crossing diversion order	Planning Control Committee	<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
11. Power to make a special diversion order to prevent crime	Planning Control Committee	<u>Chief Executive in conjunction with Directors – Planning and Facilities Management and Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
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	<u>Chief Executive in conjunction with Directors – Planning and Facilities Management and Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
13. Power to make a SSSI diversion order	Planning Control Committee	<u>Director – Planning and Facilities Management</u>	Deleted: Strategic Director, Neighbourhoods Formatted: Font: Not Bold
14. Duty to keep register with respect to applications under sections 118Z, 118C, 119ZA and 119C of the Highways Act 1980		<u>Director – Streetpride, or Director – Planning and Facilities Management for definitive rights of way</u>	Deleted: Strategic Director, Neighbourhoods
15. Power to decline to determine certain applications under section 121C of the Highways Act 1980	Planning Control Committee	<u>Director – Streetpride, or Director – Planning and Facilities Management for definitive rights of way</u>	Deleted: Strategic Director, Neighbourhoods

Function	Responsible Body	Responsible Officer	Formatted Table
16. Duty to assert and protect rights of the public for use and enjoyment of the highway		<u>Director – Streetpride, or Director – Planning and Facilities Management for definitive rights of way</u>	
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		<u>Director – Streetpride, or Director – Planning and Facilities Management for definitive rights of way</u>	Deleted: 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		<u>Director - Streetpride</u> in consultation with Director of Legal and Democratic Services	Deleted: Strategic Director, Neighbourhoods Deleted: Strategic Director, Neighbourhoods
19. Power to authorise temporary disturbance on surface of footpath or bridleway		<u>Director – Streetpride, or Director – Planning and Facilities Management for definitive rights of way</u>	
20. Power temporarily to divert footpath or bridleway		<u>Director – Streetpride, or Director – Planning and Facilities Management for definitive rights of way</u>	Deleted: Strategic Director, Neighbourhoods
21 Functions relating to the making good of damage and the removal of obstructions		<u>Director – Streetpride, or Director – Planning and Facilities Management for definitive rights of way</u>	Deleted: Strategic Director, Neighbourhoods
22. Powers related to the removal of things so deposited on the highways as to be a nuisance		<u>Director – Streetpride, or Director – Planning and Facilities Management for definitive rights of way</u>	Deleted: Strategic Director, Neighbourhoods
23. Power to extinguish certain public rights of way in connection with the compulsory purchase of land	Planning Control Committee	<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>	Deleted: Strategic Director, Neighbourhoods

Function	Responsible Body	Responsible Officer	Formatted Table
24. Duty to keep a definitive map and statement under review		<u>Director – Planning and Facilities Management</u>	Deleted: Strategic Director, Neighbourhoods
25. Power to include modifications in other orders	Planning Control Committee	<u>Director – Planning and Facilities Management</u>	Deleted: 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		<u>Director – Planning and Facilities Management</u>	Formatted: Font: Not Bold Deleted: Strategic Director, Neighbourhoods
27. Duty to reclassify roads used as public paths		<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
28. Power to prepare map and statement by way of consolidation of definitive map and statement		<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
29. Power to designate footpath as cycle path	Planning Control Committee	<u>Director - Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
30. Power to extinguish public right of way over land acquired for clearance	Planning Control Committee	<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
30A. Power to authorise stopping up of diversion on highway.		<u>Director - Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
31. Power to authorise stopping up or diversion of footpath or bridleway	Planning Control Committee	<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
32. Power to extinguish public rights of way over land held for planning purposes	Planning Control Committee	<u>Director – Planning and Facilities Management in conjunction with Director - Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
33. Power to enter into agreements with respect to means of access		<u>Director - Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
34. Power to provide access in absence of agreement	Planning Control Committee	<u>Director - Streetpride</u>	Deleted: Strategic Director, Neighbourhoods
35. Functions relating to sea fisheries	Not Applicable	Not Applicable	

Function	Responsible Body	Responsible Officer	Formatted Table
36. Power to make standing orders	Council	Director – Legal and Democratic Services	
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 nd 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	Formatted Table
41. Power to make a limestone pavement order	Planning Control Committee	<u>Director – Planning and Facilities Management</u>	
42. Power to make closing order with respect to take-away food shops		<u>Director -Environment and Regulatory Services</u>	Deleted: Strategic Director, Neighbourhoods Deleted: 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 <u>Director of Legal and Democratic Services</u> is designated for this purpose and the <u>Head of Legal Services – General</u> is to act as Deputy Monitoring Officer	Deleted: Deputy Chief Executive Deleted: Director - Legal and Democratic Services

Function	Responsible Body	Responsible Officer	Formatted Table
44A. Duty to provide staff etc to person nominated by monitoring officer	Council		
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	Formatted Table Deleted: '
46. Powers relating to the protection of important hedgerows	Planning Control Committee	Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
47. Powers relating to the preservation of trees	Planning Control Committee	Director – <u>Planning and Facilities Management</u>	Deleted: Planning and Transportation
47A. Power to deal with complaints arising from high hedges	Planning Control Committee	Director – <u>Planning and Facilities Management</u>	Deleted: 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	

Function	Responsible Body	Responsible 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
<u>53. Power to consult with Derbyshire Constabulary on Crackhouse Closures section 2 Anti-Social Behaviour Act 2003</u>		<u>Director – City and Neighbourhood Partnerships</u>
<u>54. Power to consult with Derbyshire Constabulary on ASB Closures section 2 Anti-Social Behaviour Act as amended by section 118 Criminal Justice & Police Act 2008</u>		<u>Director – City and Neighbourhood Partnerships</u>
<u>55. Power to consult with Derbyshire Constabulary on Dispersal of Groups section 30 Anti-Social Behaviour Act 2003</u>		<u>Director – City and Neighbourhood Partnerships</u>
<u>56. Power to consult with Derbyshire Constabulary for the application of an ASBO section 1 Crime and Disorder Act 1998</u>		<u>Director – City & Neighbourhood Partnerships</u>
<u>57. Power to apply for a Drink Banning Order by section 1-5 & 9-14 Violent Crime Reduction Act 2006</u>		<u>Director – City and Neighbourhood Partnerships</u>
<u>58. Power to consult Derbyshire Constabulary on Gang Injunctions section 47 Police & Crime Act 2009</u>		<u>Director – City and Neighbourhood Partnerships</u>
<u>59. Power to consult with Derbyshire Constabulary on the application for a Designated Public Place Order section 13 Criminal Justice & Police Act 2001</u>		<u>Director – City and Neighbourhood Partnerships</u>

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PART B**LOCAL CHOICE FUNCTIONS – NON EXECUTIVE FUNCTIONS**

Function	Responsible Body	Responsible Officer
Functions under local Acts	No delegation	No delegation
Determining complaints	Standards Committee	Strategic Director with responsibility for the service to which the complaint refers.
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

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PART C**LOCAL CHOICE FUNCTIONS – EXECUTIVE FUNCTIONS**

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

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Mock Auctions Act 1961				
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Tourism (Sleeping Accommodation Price Display) Order 1977				
Page 60: [4] Deleted			DCC	19/05/2011 11:43:00
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		