

3.1 SCHEME OF DELEGATION FOR OFFICERS

4.10.1 Introduction

- (1) This scheme has been adopted by Bolsover District Council and sets out the extent to which the powers and duties of the Councils are delegated to officers under the Local Government Act 1972, the Local Government Act 2000 and all other powers enabling delegation to officers. It is adopted with the intention of giving a streamlined, clear and simple decision-making process. It should be interpreted widely.
- (2) Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Portfolio Holder on ~~executive-Executive functions-Functions~~ and the relevant Chairman of the regulatory committee when the matter falls within the remit of that committee.
- (3) All references to legislation shall be deemed to include any subsequent amendments to such legislation.
- (4) Officers must consult the local Ward Member(s) when they exercise any delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this. Officers must take account of the views of the relevant Ward Member(s) before exercising their delegated power.
- (5) Under section 101 of the Local Government Act 1972 the Council may authorise an officer of the Authority to commission and monitor work for and on behalf of the Council by people who are not officers of the Authority and such people will be bound by this scheme, and the obligations contained in it, at all times when engaged on Council business (for example Environmental Health).
- (6) References to powers of 'the Council' include functions of the Executive.
- (7) Any reference to a function shall be deemed to include a reference to all statutory powers relating to that function and shall be deemed to include authority to exercise all such powers.
- (8) All delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.
- (9) All delegations to officers are subject to:-
 - Statutory requirements
 - Contract Procedure Rules
 - Financial Regulations/Finance Rules
 - Consideration of the policies and plans of the relevant Council
 - The Employee Code of Conduct and adopted protocols
 - The requirements of the Strategic Alliance Management Team in relation to the overall management and coordination of the Councils affairs

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- Any financial limits set out in any budget agreed by Council and in accordance with Financial, Contract and Property Procedure Rules
 - The Budget and Policy Framework set by Council and any other Council policy having regard to any report by the Head of Paid Service, the Monitoring Officer or the Officer designated under section 151 of the Local Government Act 1972
 - Any provision contained within this Constitution
- (10) Where an officer has delegated powers, the Council or the Cabinet/Executive or a committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally, it is always open to an officer not to exercise delegated powers but to refer the matter up as appropriate.
- (11) ~~The Chief Executive Officer, Strategic~~ A number of the Directors and Heads of Service are all joint posts within the Strategic Alliance. However, the word "Joint" has been omitted from the scheme descriptions.

(12)

~~(12) w~~ Where the Delegation scheme refers to Heads of Service, this also include Assistant Directors

4.10.2 Exclusions

(1) This Scheme does not delegate:-

- Any matter which by law may not be delegated to an officer
- Any matter which is specifically excluded from delegation by this scheme, by a decision of the Council, the Cabinet/Executive or a committee or sub-committee.

4.10.3 Authorisations to other Officers

Officers with delegated powers may in writing authorise another officer or officers to exercise those powers. Such authorisations may be subject to limitations and conditions. The officer with the delegated powers must keep a register of all authorisations granted. Copies must also be sent to the Governance Manager.

4.10.4 Reserve Delegations

The delegated powers held by a post may be exercised by the line manager of that post (or by their line manager) if:-

- that post is vacant
- the post-holder is not at work for any reason

4.10.5 Consultation

Officers shall consult as appropriate and have due regard to the advice given. If for any reason it is not practical to consult a person required to be consulted in

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the exercise of a delegation then the person with the delegated power must consult someone else whom he/she considers to be an appropriate substitute. In particular, consultation must take place with legal, finance and human resources as appropriate.

4.10.6 Restriction on delegations to Heads of Service/Assistant Directors

- (1) Each delegation to a Head of Service/~~Assistant Director~~ is subject to a limitation that it shall not be exercised if the Head of Paid Service, or a ~~Strategic~~-Director, or the Monitoring Officer, or Section 151 Officer has given a direction to that effect.
- (2) The Head of Paid Service, or a ~~Strategic~~-Director, may exercise any delegated power possessed by a Head of Service/~~Assistant Director~~ whilst a direction is in force with respect to that delegation.
- ~~(3) A Strategic Director may exercise any delegated power possessed by the Chief Executive Officer if that post is vacant or the post holder is absent.~~
- (43) In the absence of a ~~Strategic~~-Director, a Head of Service/~~Assistant Director~~ within that Directorate may exercise any delegated power possessed by that ~~Strategic~~-Director.
- (54) Delegated powers may only be exercised within approved budgets, unless a virement is permitted by the Financial Regulations. The use of the Invest to Save Reserve (NEDDC) or the Transformation Reserve (BDC) can only be authorised by the Section 151 Officer.

4.10.7 Transfer of Functions

- (1) Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet/Executive or a Committee/Sub Committee.
- (2) Where a service is restructured, the ~~Chief Executive Officer~~~~Head of Paid Service~~ shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer and inform the relevant Portfolio Holder.

4.10.8 Proper Officers

- (1) In addition to the specific powers delegated to Chief Officers, local government legislation specifies that certain officers must have responsibility for a number of specific functions as set out in the various acts of parliament. Each officer with such responsibility is known as the "Proper Officer" in relation to that task. The list of Proper Officers is approved by the Council and is attached at Appendix One.

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- (2) The Council is also required to appoint certain officers known as Statutory Officers to take responsibility for functions specified in local authority legislation. These functions are in addition to the Scheme of Delegation and are set out below.

4.10.9 General powers delegated to all ~~Strategic~~ Directors and Heads of Service

- (1) To exercise within approved budgets all matters of day to day administration and operational management of the services and functions for which they are responsible.
- (2) To take all necessary action to achieve and implement the objectives and actions set out in approved policies, strategies, plans and decisions of Council or committees.
- (3) To sign licenses and notices relevant to their service areas subject to consultation with the Monitoring Officer.
- (4) To make decisions on any objection submitted which relates to a proposal, application or other matter within their service area, subject to Committee Terms of Reference.
- (5) Service of any statutory notices affecting their service area subject to consultation with the Monitoring Officer where appropriate.
- (6) To exercise the Council's powers to enter land and premises (and to authorise others to enter land and premises) for the purposes of any of the Council's functions which the officer has responsibility for enforcing or investigating.
- (7) To instruct the Council's Legal Service with respect to any legal matter concerning their department or services.
- (8) To exercise the Council's power to publish information about its services including deciding the content of any publication.
- (9) To decide the terms upon which services will be provided to the public, (which may include providing services on different terms to different individuals or classes of individuals).
- (10) To exclude people from Council premises where they consider this to be warranted in the interests of health and safety or for the maintenance of order. ~~The Chief Executive Officer must be informed of any decision to exclude under this paragraph.~~
- (11) To deal with the following employment matters in accordance with Council procedures:

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- (i) The employment of all employees below Head of Service/Assistant Director level including determining the most appropriate means of recruitment and selection
 - (ii) Formulation, review and revision of person specifications and job descriptions for posts within their service areas
 - (iii) Application of conditions of service including the authorisation of leave of absence, purchase of annual leave (Bolsover District Council only) and payment of honoraria
 - (iv) Suspension or dismissal of employees below Head of Service/Assistant Director level
 - (v) Re-grading of posts below Head of Service/Assistant Director level following job evaluation
 - (vi) Determination of job sharing applications
 - (vii) Waive any part of the notice required to be given by an employee to terminate employment.
- (12) To authorise payments for overtime in accordance with Council procedures.
- (13) To deal with procurement matters acting at all times within the Council's Financial and Contract Procedure Rules.
- (14) To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets.
- (15) To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property where expenditure is within approved budgets.
- (16) To commission goods, services and works within approved budgets whether or not the decision is above or below the key decision threshold. This also includes occasions where the agreed contractual terms
- (17) To deal with media enquiries and press releases in conjunction with the Communications Manager/Officer who will contact the relevant Members.
- (18) To represent the views of the Council in responding to consultations with the Council by any outside body where it is expedient to do so or where the period for a response does not allow the consultation paper to be reported to Members, subject to contacting the relevant Portfolio Holder or the Leader and Deputy Leader where the matter is politically contentious and where appropriate reporting to Executive/Cabinet/Council subsequently.
- (19) To work with partners to achieve and implement the objectives and actions set out in the approved Corporate Plan, Service Plans, Business Plans, policies, strategies or other plans.

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- (20) To carry out any duties or responsibilities as contained with the Financial Finance (NEDDC) or Financial Regulations (BDC).
- (21) To carry out any functions contained within section 2 – Council Functions and section 3 – Local Choice Functions of the Functions Scheme (NEDDC).

(22) To make non-substantive amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:

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- i) reflect changes in the law, government or regulators' guidance and other Council policies; or
- ii) correct obvious, technical or clerical errors and to take account of changes of any names or titles.

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Specific Delegations;

4.10.10	<u>Chief Executive Officer/Director of Corporate Resources and Head of Paid Service</u>	
	<u>Delegations</u>	<u>Exceptions</u>
(1)	To act as Head of Paid Service for the Council in accordance with the duties set out in Section 4 of the Local Government Act 1989.	Suspension of Monitoring Officer and Section 151 Officer limited to suspension for a maximum of 2 months.
(2)	<u>To act as the Safeguarding Lead</u>	
(32)	To guide and where appropriate direct Strategic Directors and Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	
(34)	To express the views of the Council with regard to Local Government and the functions associated with it, within the general policy laid down from time to time by the Council or its Committees and to act thereon.	
(5)	To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will allow and, where applicable, inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the <u>Chief Executive Officer/Director of Corporate Resources</u> to the next meeting of Council explaining the reasons for the decision.	

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(6)	If there is an urgent need for a commercial decision, the Chief Executive Officer <u>Director of Corporate Resources</u> , following consultation with the Leader and/or Deputy Leader and the relevant Portfolio Holder shall make the decision and endorsement will be sought from the Executive/ <u>Cabinet</u> or Council as appropriate.
(6)	To act and perform all functions and duties of Electoral Registration Officer, Returning Officer, Deputy Returning Officer, Local Returning Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.
(8)	To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.
(8)	To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates' Court.
(9)	To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.
(40)	To consider and co-ordinate any investigation by the Local Government and Social Care Ombudsman or the Housing Ombudsman.
(11)	To consider and report on any report of the Local Government and Social Care Ombudsman or the Housing Ombudsman and to decide on and implement the action to be taken and to approve and make compensation payments on the recommendation of the Ombudsman whether or not a budget exists following consultation with the Leader and Deputy Leader up to a maximum of £5,000 in respect of each recommendation.
(10)	To progress the Strategic Alliance by taking any action necessary to facilitate it including but not limited to redundancies which may result from the implementation.
(11)	To implement shared services with other local authority or public sector bodies by taking any action necessary to facilitate the arrangements

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	including but not limited to redundancies which may result from the implementation.	
(1412)	To make authorisations of officers from other services at Bolsover District Council to carry out appropriate statutory powers within North East Derbyshire.	
(1513)	To make authorisations of officers from other services at North East Derbyshire District Council to carry out appropriate statutory powers within Bolsover District Council.	
(1614)	To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining only in force until the next ordinary meeting of the Committee have authority to issue/grant such authorisations.	
(1715)	(i) To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions and;	
	(ii) To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function.	
(1816)	Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder, to make and revoke appointments to outside bodies.	
(1917)	To exercise any of the powers delegated to a Strategic Director or Head of Service/ <u>Assistant Director</u> .	
(2018)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation	

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(2119)	Following consultation with the Section 151 Officer, delegation in respect of points 1.3 and 1.4 of the Local Government Pension Scheme transfers policy.	
(2220)	Following consultation with the Section 151 Officer, if they see fit to accept transfers (in respect of an individual employees application to transfer in pension from a previous scheme), to the local government pension scheme outside the 12 month period, in those cases where the scheme member had not been informed of the time limit.	
(23)	Following consultation with the Bolsover District Council Leader and Deputy Leader, to select Members to sit on any appeals hearing dealing with the hearing and determination of appeals relating to employment (including those relating to dismissal or other disciplinary action, sickness absence, pensions and grievance).	
(2421)	Following consultation with the Leader or Deputy Leader and on recommendation of the Monitoring Officer, to approve expenditure in pursuance or determination of any employment related disputes including settlement agreements.	
(25)	Following consultation with the Leader and Deputy Leader to authorise the making of a compulsory purchase order pursuant to any of the statutory powers enabling the Council so to do and including the exercise by the Council of such powers on behalf of a parish or town council where so requested.	
(26)	To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.	
(27)	To exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff).	
(2822)	To determine all staffing matters including but not limited to:-	
	(i) determining matters relating to structure (additions, reductions	

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	post title changes and other changes to the establishment).	
	(ii) the appointment, dismissal, suspension, or discipline of staff, save that in relation to the Chief Executive Officer, Strategic Directors, Assistant Directors and Heads of Service, this does not include the appointment and, in the case of statutory officers, their dismissal.	
	(iii) Approving secondments and temporary appointments of any staff.	
(29)(23)	Where the decision of the Chief Executive Officer <u>Head of Paid Service</u> taken under (27) above will incur additional expenditure which cannot be met by approved budgets, then the matter will be referred to the Executive/Cabinet, provided that the remit of the Executive/Cabinet shall be limited to decisions on financial matters only.	
(30)	To authorise the making of Public Space Protection Orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, following consultation with the Leader or Deputy Leader of the Council and relevant ward members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.	
(31)	Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.	
(24)	<u>To authorise the use of earmarked reserves (Invest to Save Reserve (NEDDC) or Transformation Reserve (BDC)).</u>	

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4.10.11 ~~Strategic Director – Place~~ Director of Environment and Enforcement

<u>Delegations</u>	<u>Exceptions</u>
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(1)	To act as the Emergency Planning Lead.	
(2)	To guide and where appropriate direct Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	
(3)	To deputise for the Chief Executive Officer <u>the Head of Paid Service</u> in his absence and exercise any powers delegated to him.	
(4)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	
(5)	Following consultation with the Leader and the relevant Portfolio Holder, to determine the action the Council will take on a neighbourhood plan proposal following receipt of the examiner's report, in accordance with rule 18 of the Neighbourhood Planning (General) Regulations 2012, where there is insufficient time for the matter to be submitted to Cabinet/Executive to meet the statutory deadline.	
(6)	Following a consultation with the Leader and the relevant Portfolio Holder, to make a neighbourhood development plan where more than half of those voting in an applicable referendum have voted in favour of the plan.	
(7)	To carry out Rights of Way functions for which the Council is responsible to Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	
(8)	To approve applications and carry out associated functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation (including Disabled Facilities Grants).	Applications for discretionary Disabled Facilities Grants must be submitted to Executive (BDC) / Cabinet (NEDDC).
(9)	<u>(i) To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and</u>	

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	<u>private hire vehicles for the Council as well as the Council retaining those functions and;</u>	
	<u>(ii) To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function.</u>	
(10)	<u>To authorise the making of Public Space Protection Orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, following consultation with the Leader and Deputy Leader of the Council and relevant Ward Members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.</u>	
(11)	<u>Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.</u>	
(12)	<u>Following consultation with the Leader and Deputy Leader, to determine any matter the Council is required to make a decision under Part 5 Chapter 3 (Assets of Community Value) of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.</u>	
(13)	<u>To undertake and determine a review under Section 92 of the Localism Act 2011 of a listing of an asset of community value, where the original decision was made by another Director.</u>	
(14)	<u>To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Reg 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director</u>	
4.10.12	<u>Strategic Director — People Director of Development (BDC)</u>	
	<u>Delegations</u>	<u>Exceptions</u>
(1)	<u>To act as the Safeguarding lead.</u>	

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(2)	To guide and where appropriate direct Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	
(3)	To deputise for the Chief Executive Officer in his absence and exercise any powers delegated to him.	
(4)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	
(1)	<u>Following consultation with the Leader and Deputy Leader to authorise the making of a compulsory purchase order pursuant to any of the statutory powers enabling the Council so to do and including the exercise by the Council of such powers on behalf of a parish or town council where so requested.</u>	
(2)	<u>To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.</u>	
(3)	<u>To guide and where appropriate direct the Assistant Director and the Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.</u>	
(4)	<u>Following consultation with the Leader and Deputy Leader, to agree extended rent free periods of up to 5 years where major building works are undertaken by tenants on Pleasley Vale Business Park (Bolsover District Council only).</u>	
(5)	<u>(Further delegated to Assistant Director of Planning) Making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.</u>	
(6)	<u>(Further delegated to Assistant Director of Planning) Creating Simplified Planning Zones (section 82 TCPA) in consultation with the relevant Portfolio Holder.</u>	
(7)	<u>(Further delegated to Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder.</u>	
(8)	<u>(Further delegated to Assistant Director of Planning) discharge of Planning Conditions in consultation with the relevant Portfolio Holder.</u>	

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4.10.13 Head of Finance and Resources and Section 151 Officer

	<u>Delegations</u>	<u>Exceptions</u>
(1)	To act as the Section 151 Officer for the Council in accordance with the duties set out in the legislation.	
(2)	Have responsibility for the proper administration of the financial affairs of the Council.	
(3)	After consulting with the Head of Paid Service and the Monitoring Officer, as Section 151 Officer, to report to the Council Meeting (or to the Cabinet/Executive in relation to an Executive Function) and the External Auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is lawful and is likely to cause a loss or deficiency or if the Council is likely to enter an item of account unlawfully.	
(4)	To approve the Draft Statement of Accounts prior to consideration by External Audit.	
(5)	To determine whether an employee who has left the employment of the Councils shall be granted early release of pension subject to Council approval of the budgetary implications.	
(6)	After consultation with the relevant Portfolio Holder, to authorise the write-off of bad debts up to an approval limit of £2,500. Larger debts will be included in a report for information to the Executive/Cabinet.	
(7)	Following consultation with the Leader and Deputy Leader, to agree extended rent free periods up to 5 years where major building works are undertaken by tenants on Pleasley Vale Business Park (Bolsover District Council only).	
(8)	To authorise any amendments to the list of named officers that may prove necessary during the course of the financial year in relation to the duties identified in accordance with s.223 of the Local Government Act 1972.	

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(9)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	
(10)	To authorise the use of earmarked reserves (Invest to Save Reserve (NEDDC) or Transformation Reserve (BDC)).	
(11)	<u>To authorise small increases in individual budgets of up to £10,000 per budget per year on one occasion in any financial year subject to a delegated decision notice (DD) being produced.</u>	

4.10.14 Head of Corporate Governance and Monitoring Officer

	<u>Delegations</u>	<u>Exceptions</u>
(1)	To act as Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.	
(2)	<u>To act and perform all functions and duties of Electoral Registration Officer, Returning Officer, Deputy Returning Officer, Local returning Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.</u>	
(2)	To institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.	
(3)	Authority to sign documents in legal proceedings, contracts, contracts in accordance with the Contract Procedure rules whether under seal or not, any document necessary in legal proceedings on behalf of the Council and Information and complaints, and lay them on behalf of the Council for the purpose of Magistrates' Court proceedings unless statute provides otherwise.	
(4)	Instruction of Counsel and to retain the services of costs specialists, parliamentary agents or outside solicitors and to obtain expert advice on any matter affecting or likely to affect the interests of the Council.	

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(5)	To negotiate and settle claims and disputes without recourse to court proceedings.	
(6)	To represent the Authority and secure the appearance of an advocate on the Authority's behalf in any legal proceedings.	
(7)	To conduct, authorise and co-ordinate investigations into complaints under the Members Code of Conduct and make reports or recommendations about them to the Standards Committee.	
(8)	To advise whether decisions of the Cabinet/Executive are in accordance with the Budget and Policy Framework.	
(9)	To provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and Budget and Policy Framework.	
(10)	Monitoring and advising upon all aspects associated with the Regulation of Investigatory Powers Act (RIPA).	
(11)	To monitor the use of the Gifts and Hospitality Registers and to maintain and sign acknowledgement of entries in the Gifts and Hospitality Register.	
	<u>To authorise who are not solicitors to represent the Council in legal proceedings in the Magistrates' Court.</u>	
(12)	To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.	
	<u>Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder, to make and revoke appointments to outside bodies.</u>	
	<u>Following consultation with the Bolsover District Council Leader and Deputy Leader, to select Members to sit on any appeals hearing dealing with the hearing and determination of appeals relating to employment (including those relating to dismissal or other disciplinary</u>	

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<u>action, sickness absence, pensions and grievance).</u>	
<u>To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader</u>	
<u>To consider and co-ordinate any investigation by the Local Government and Social Care Ombudsman or the Housing Ombudsman subject to informing the Head of Paid Service.</u>	
<u>To consider and report on any report of the Local Government and Social Care Ombudsman or the Housing Ombudsman and to decide on and implement the action to be taken and to approve and make compensation payments on the recommendation of the Ombudsman whether or not a budget exists following consultation with the Head of Paid Service, the Leader and Deputy Leader up to a maximum of £5,000 in respect of each recommendation.</u>	

Proper Officer Provisions

The relevant post holders listed below have been designated as Proper Officers for the purposes of the adjacent legislative provisions and any subsequent amendments:

Proper Officer Provisions And Designation Of Officers To Statutory Functions/Roles

The relevant post holders listed below have been designated as Proper Officers, or have been designated to fulfil statutory functions or roles for the purposes of the adjacent legislative provisions and any subsequent amendments:

Legislative Provision	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive Officer Monitoring Officer
S.84(1)	Receipt of notice of resignation of elected member	Chief Executive Officer <u>Monitoring Officer</u>
S.88(2)	Arranging a Council meeting to appoint a Chair of the Council	Monitoring Officer
S.89(1)	Notice of casual vacancy	Chief Executive Officer <u>Monitoring Officer</u>
S.100 (except 100(D))	Admission of public (including press) to meetings	Monitoring Officer

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S.100B(2)	The officer who may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Monitoring Officer
S.100B(7)	The officer to supply copies of documents to newspapers	Monitoring Officer
S.100C(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Monitoring Officer
S.100D(1)(a)	The officer to prepare a list of background papers for inspection.	Monitoring Officer
S.100D(5)(a)	The officer to include in the list of background papers those documents which have been relied on.	Monitoring Officer
S.100F(2)	The officer to determine when a document should not be open to inspection because it discloses exempt information.	Monitoring Officer
S.115(2)	Receipt of money due from officers	Head of Finance & Resources and S.151 Officer
S137A (5)	Statement on Financial Assistance	Head of Finance & Resources and S.151 Officer
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Head of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Head of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs – Deputy	<u>Chief Account (BDC) and Chief Account (NEDDC) For BDC – The NEDDC Head of Finance & Resources and</u>

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		<u>S. 151 Officer and for NEDDC – the BDC Head of Finance & Resources and S. 151 Officer</u>
S.191 (2) and (4)	Officer to whom an application under S.1 of the Ordinance Survey Act 1841 will be sent	Head of Corporate Governance and Monitoring Officer
S.225 (1) and (2)	Deposit of documents	Monitoring Officer
S.228(3)	Accounts for inspection by any member of the Council	Head of Finance & Resources and S.151 Officer.
S.229(5)	Certification of photographic copies of documents	Team Manager (Solicitor)
s. 234	The officer required to give, make or issue any notice, order or other document under any enactment and to sign the same.	Chief Executive Officer Monitoring Officer
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Team Manager (Solicitor)
S.238	Certification of byelaws	Chief Executive Officer <u>Governance Manager</u>
S.248	Officer who will keep the Roll of <u>Honorary Aldermen and</u> Freeman	Chief Executive Officer <u>Governance Manager</u>
Local Government Act 1972 – Schedule 12		
Para 4(2)(b)	Signing of summons to Council meeting	Monitoring Officer
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Monitoring Officer
Local Government Act 1972 – Schedule 14		
Para 25	Certification of resolution passed under this paragraph (Street naming etc)	Chief Executive Officer <u>Director of Development</u>

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Local Government Act 1974		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Monitoring Officer
Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Monitoring Officer
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Strategic Director—Place Head of Property and Commercial Services <u>Director of Environment and Enforcement</u> <u>Director of Development (BDC)</u>
Representations of the People Act 1983		
S.8	Registration Officer	Chief Executive Officer Head of Corporate Governance and Monitoring Officer
S.8	Deputy Registration Officer	Head of Corporate Governance and Monitoring Officer Electoral Services Manager (BDC) Electoral Services Manager (NEDDC)
S.35	Returning Officer for Local Elections	Chief Executive Officer Head of Corporate Governance and Monitoring Officer
S.35	Deputy Returning Officer for Local Elections	Head of Corporate Governance and Monitoring Officer Elections Manager (BDC) Elections Manager (NEDDC)
S.24	Acting Returning Officer for a Parliamentary Election	Chief Executive Officer Head of Corporate Governance and Monitoring Officer

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S.24	Deputy Acting Returning Officer for a Parliamentary Election	Head of Corporate Governance and Monitoring Officer Elections Electoral Services Manager (BDC) Elections Electoral Services Manager (NEDDC)
S.52	To act in place of Registration Officer	Deputy Registration Officer (see above)
S.67	Appointment of election agent	Chief Executive Officer Head of Corporate Governance and Monitoring Officer
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive Officer Head of Corporate Governance and Monitoring Officer
S.128, S.131, S.145, S.146	Provisions relating to election petitions	Chief Executive Officer Head of Corporate Governance and Monitoring Officer
S. 200	Publication of Notices under the Act	Chief Executive Officer Head of Corporate Governance and Monitoring Officer
Sch. 4, (3), (6) and (8)	Elections Expenses	Chief Executive Officer Head of Corporate Governance and Monitoring Officer
Local Authorities (Conduct of Referendums) (England) Regulations 2012		
S. 4, S41 and S.43	Publicity in connection with the referendum and the Declaration of result	Chief Executive Officer Head of Corporate Governance and Monitoring Officer
Local Elections (Parishes and Communities) (England and Wales) Rules 2006		
Rules 5	Officer to receive the request for election to fill a casual vacancy in a Parish Council.	Chief Executive Officer Head of Corporate Governance and Monitoring Officer
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Chief Executive Officer Head of Paid Services except as specifically provided in this scheme

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The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012		
Regulation 2	Determination of documents constituting Background Papers	Monitoring Officer
Regulation 12	Recording of Executive decisions made at meetings of the Executive or Cabinet.	Monitoring Officer
Regulation 14	Inspection of documents following Executive decisions	Monitoring Officer
Regulation 15	Inspection of background papers	Monitoring Officer
Regulation 13	Individual Executive decisions	Monitoring Officer
Regulation 7	Access to agenda and connected reports	Monitoring Officer
Regulation 10	General exception relating to Key Decisions	Monitoring Officer
Regulation 16	Members' rights of access to documents	Monitoring Officer
Regulation 20	Confidential/exempt information and exclusion of public from meetings	Monitoring Officer
Building Act 1984		
S.78	Signing of Notices	Head of Property and Commercial Services <u>Director of Development (BDC) and Director of Environment and Enforcement</u>
Public Health Act 1936		
S.85(2)	To serve notice requiring remedial action where	Head of Housing and Community Safety

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	there are verminous persons or articles	Director of Environment and Enforcement
Public Health Act 1961		
S.37	Control of any verminous article	Head of Housing and Community Safety Director of Environment and Enforcement
Localism Act 2011		
S. 33	Submission of written requests for Standards Dispensations	Monitoring Officer
S. 81	Administration of Community Right to Challenge	Monitoring Officer
S.87	Maintenance of List of Assets of Community Value	Monitoring Officer
Freedom of Information Act 2000		
S. 36	Qualified Person determining prejudice to effective conduct of public affairs	Monitoring Officer
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Monitoring Officer
S.3A	Employers certificate for exemption from politically restricted posts	Head of Paid Service
S.4	Head of Paid Service	Chief Executive Officer Director of Corporate Resources
S.5	The Monitoring Officer	Head of Corporate Governance
S. 5	Deputy Monitoring Officer	Team Manager (Contentious) (Solicitor) Solicitor

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Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of committees and nominations to political groups	Monitoring Officer
Local Authorities (Standing Orders) (England) Regulations 2001		
Schedule 1, Part II, para 5.	Officer who will be given written notice of appointment or dismissal of officers listed in Schedule 2, Part II, paragraph 3	Chief Executive Officer <u>Director of Corporate Resources</u>
Data Protection Act 2018		
S. 69	Data Protection Officer	Information, Engagement and Performance Manager