

BOLSOVER DISTRICT COUNCIL

**RECORD OF DECISION TAKEN BY THE
HEAD OF CORPORATE GOVERNANCE AND MONITORING OFFICER**

5TH AUGUST 2021

REASSIGNMENT OF DELEGATED POWERS FOLLOWING A RECENT SENIOR MANAGEMENT REVIEW

Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
<p>Delegation Scheme in the 2021 Constitution.</p> <p>Head of Corporate Governance and Monitoring Officer delegation: 13.20 To make appropriate changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.</p>	<p>To allocate existing Director delegations in the 2021 Constitution to the Directors in the new Senior Management Structure.</p>	<p>Council decided at its meeting on the 21st July 2021 to adopt a new management structure with 2 full time Directors. The report did not deal with the Delegation Scheme for the new posts. This was an error. This means that the Delegation Scheme needs amending to reflect the new structure.</p> <p>Although this will be dealt with by Standards Committee and Council in terms of formally approving a new Delegation Scheme, this will not happen for some time. Accordingly there is an urgent need to put in place an amended scheme allocating existing delegations to the new posts to fill the gap before this happens</p>	<p>To wait until Standards Committee (in November) and Council could formalise the new Delegation Scheme. This was rejected as delegated powers need to be clear and transparent so that they can be used legitimately.</p>	<p>None</p>

Please complete the following where relevant:

Key Decision?	Confidential/ Exempt (if yes, please state paragraph)?	Do General Exception or Special Urgency Rules apply to this decision?	Consultation has taken place with the Section 151 & Monitoring Officer?	The Leader, Deputy Leader or relevant Portfolio Member have been consulted?
No	No	No	Yes	Yes



Authorising Signature: ..

Job title: Head of Corporate Governance and Monitoring Officer

Unique Reference Number: ...DD/055/21/SS.....

Date decision may be implemented following call in (if necessary):N/A.....

Circulation to:

Head of Paid Service
Monitoring Officer
Section 151 Officer
Scrutiny Officer
Internal Audit

Delegation	To
Director of Corporate Resources and Head of paid Service delegation	
(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.	Executive Director of Resources
(2) To act as the Safeguarding lead.	Executive Director of Resources
(3) To guide and where appropriate direct Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	Executive Director of Resources Executive Director Strategy and Development.
(4) 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.	Executive Director of Resources Executive Director Strategy and Development.
(5) To take such action as they consider appropriate in an emergency following consultation with the Leader and/or Deputy Leader as they consider the circumstances will allow and where applicable, inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Executive Director to the next meeting of Council explaining the reasons for the decision.	Executive Director of Resources Executive Director Strategy and Development.
(6) If there is an urgent need for a commercial decision, the Executive Director, 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 or Council as appropriate.	Executive Director of Resources Executive Director Strategy and Development.
(7) To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.	Executive Director of Resources Executive Director Strategy and Development.
(8) To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.	Monitoring Officer
(9) To progress the Strategic Alliance by taking any action necessary to facilitate it including but not limited to	Delete

Delegation	To
redundancies which may result from implementation.	
(10) To implement shared services with other local authority or public sector bodies by taking any action necessary to facilitate the arrangements including but not limited to redundancies which may result form implementation.	Executive Director of Resources
(11) To make authorisations of officers from other services at Bolsover District Council to carry out appropriate statutory powers within NEDDC.	Executive Director of Resources
(12) To make authorisations of officers from other services at North East Derbyshire District Council	Delete
(13) 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 in force until the next ordinary meeting of the Committee having authority to issue/grant such authorisations.	Executive Director of Resources Executive Director Strategy and Development.
(14) To exercise any of the powers delegated to an Assistant Director.	Executive Director of Resources Executive Director Strategy and Development.
(15) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	Executive Director of Resources Executive Director Strategy and Development.
(16)	NB this is wrongly numbered 17 in the Constitution.
(17) 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	Executive Director of Resources
(18) Following consultation with the section 151 Officer, if they see fit to accept transfers (in respect of an individual employee's 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 has not been informed of the time limit.	Executive Director of Resources
(19) Following consultation with the Leader or Deputy Leader and on	Executive Director of Resources

Delegation	To
<p>recommendation of the Monitoring Officer, to approve expenditure in pursuance or determination of any employment related disputes including settlement agreements.</p>	<p>Executive Director Strategy and Development.</p>
<p>(20) To determine all staffing matter including but not limited to:-</p> <p>(i) Determining matters relating to structure (additions, reductions post title changes and other changes to the establishment).</p> <p>(ii) The appointment, dismissal, suspension or discipline of staff, save that in relation to the Directors, Assistant Directors and Heads of Service, this does not include the appointment and in the case of the statutory officers their dismissal.</p> <p>(iii) Approving secondments and temporary appointments of any staff</p>	<p>Head of Paid Service</p>
<p>(21) Where the decision of the Head of Paid Service taken above will incur additional expenditure which cannot be met by approved budgets, then the matter will be referred to Executive provided that the remit of the Executive shall be limited to decisions on financial matters.</p>	<p>Delete</p>
<p>(22) To make customers vexatious under the Compliments, Comments and Complaints Policy.</p>	<p>Executive Director of Resources Executive Director Strategy and Development.</p> <p>As Monitoring Officer</p>
<p>(23) To authorise the use of earmarked reserves or Transformation Reserves.</p> <p>Delegate decisions relating to Transformation Reserves to be initialled by the Section 151 Officer to evidence they have seen them.</p>	<p>Executive Director of Resources Executive Director Strategy and Development.</p> <p>This is a change to wording to clarify this relates to all Transformation Reserves not just projects.</p>
<p>(24) Following consultation with the Leader and Deputy Leader, to determine any matter the Council is require to make a decision on under Part 5 Chapter 3 (Assets of Community Value) of the Localism Act 2011 and the Assets of</p>	<p>Executive Director of Resources Executive Director Strategy and Development. Head of Finance and Resources and Section 151 Officer.</p>

Delegation	To
Community Value (England) Regulations 2012.	
(25) 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.	Executive Director of Resources Executive Director Strategy and Development. Head of Finance and Resources and Section 151 Officer.
(26) To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director.	Executive Director of Resources Executive Director Strategy and Development. Head of Finance and Resources and Section 151 Officer.
Director Of Environment and Enforcement	
(1) To act as emergency planning lead	Executive Director Strategy and Development.
(2) To guide where appropriate and direct Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	Executive Director of Resources Executive Director Strategy and Development.
(3) To deputise for the Head of Paid Service in their absence and exercise any powers delegated to them.	Executive Director of Strategy and Development
(4) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	Executive Director of Resources Executive Director Strategy and Development.
(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 Executive to meet the statutory deadline.	Executive Director of Resources Executive Director Strategy and Development.
(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.	Executive Director of Resources Executive Director Strategy and Development.

Delegation	To
(7) To carry out Rights of Way functions for which the Council is responsible under Schedule 1 of the Local Authorities (Functions and Responsibilities)(England)(Regulations 2000 (as amended).	Executive Director of Resources Executive Director Strategy and Development.
	The intervening delegations are NEDDC only
(12) 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) Exception to para 12: Applications for discretionary Disabled Facilities Grants must be submitted to Executive.	Executive Director of Resources Executive Director Strategy and Development.
(13)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;	Executive Director of Resources Executive Director Strategy and Development.
(14) 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. To authorise the making of Public Space Protection Orders	Executive Director of Resources Executive Director Strategy and Development.
(15) 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 Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or	Executive Director of Resources Executive Director Strategy and Development.

Delegation	To
<p>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.</p>	
<p>(16) The handling of complaints and remedial action in respect of high hedges under Part 8 of the Anti-Social Behaviour Act 2003, regulations and orders under that Act, in accordance with procures approved by the Council</p>	<p>Executive Director Strategy and Development.</p>
<p>(17) 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.</p>	<p>Executive Director of Resources</p>
<p>(18) Following consultation with the Leader and Deputy Leader, to determine any matter the Council is require to make a decision on under Part 5 Chapter 3 (Assets of Community Value) of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012</p>	<p>Executive Director of Resources Executive Director Strategy and Development. Head of Finance and Resources and Section 151 Officer.</p>
<p>(19) 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.</p>	<p>Executive Director of Resources Executive Director Strategy and Development. Head of Finance and Resources and Section 151 Officer.</p>
<p>(20) To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director.</p>	<p>Executive Director of Resources Executive Director Strategy and Development.</p>

Delegation	To
(21) To serve Section 215 Town and Country Planning Act 1990 notices.	Executive Director of Resources Executive Director Strategy and Development. Head of Finance and Resources and Section 151 Officer.
Director of Environment and Enforcement	
(1) To act as the Emergency Planning lead.	Executive Director Strategy and Development.
(2) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	Executive Director of Resources Executive Director Strategy and Development.
(3) To guide where appropriate direct Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	Executive Director of Resources Executive Director Strategy and Development.
(4) 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	Executive Director Strategy and Development.
(5) (Further delegated to the Assistant Director of Planning) making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.	Executive Director Strategy and Development.
(6) (Further delegated to the Assistant Director of Planning) Creating Simplified Planning Zones (section 82n TCPA) in consultation with the relevant Portfolio Holder	Executive Director Strategy and Development.
(7) (Further delegated to the Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder	Executive Director Strategy and Development.
(8) (Further delegated to the Assistant Director of Planning) discharge of Planning conditions in consultation with the relevant Portfolio Holder.	Executive Director Strategy and Development.