

## **BDC Delegation Scheme in the Constitution**

### **Executive Director of Resources**

- (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.
- (2) To determine all staffing matter including but not limited to:-
  - (i) Determining matters relating to structure (additions, reductions post title changes and other changes to the establishment).
  - (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.
- (3) Approving secondments and temporary appointments of any staff
- (4) To act as the Safeguarding lead.
- (5) 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 from implementation.
- (6) To make authorisations of officers from other services at Bolsover District Council to carry out appropriate statutory powers within NEDDC.
- (7) 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
- (8) 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.
- (9) 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.

### **Executive Director Strategy and Development.**

- (1) To act as emergency planning lead
- (2) To deputise for the Head of Paid Service in their absence and exercise any powers delegated to them.
- (3) 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

- (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.
- (5) (Further delegated to the Assistant Director of Planning) making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.
- (6) (Further delegated to the Assistant Director of Planning) Creating Simplified Planning Zones (section 82n TCPA) in consultation with the relevant Portfolio Holder
- (7) (Further delegated to the Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder
- (8) (Further delegated to the Assistant Director of Planning) discharge of Planning conditions in consultation with the relevant Portfolio Holder.

### **Executive Director of Resources and Executive Director Strategy and Development.**

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.
- (6) 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.
- (7) To exercise any of the powers delegated to an Assistant Director.
- (8) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.
- (9) 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.

- (10) To make customers vexatious under the Compliments, Comments and Complaints Policy
- (11) To authorise the use of earmarked reserves or Transformation Reserves.

**Delegated decisions relating to Transformation Reserves to be initialled by the Section 151 Officer to evidence they have seen them.**

- (12) Following consultation with the Leader and Deputy Leader, to determine any matter the Council is required 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
- (13) 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.
- (14) 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 or the Section 151 Officer.
- (15) 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.
- (16) 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.
- (17) 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)).
- (18) 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.

- (19) 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.
- (20) 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

- (21) 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 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.
- (22) 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.
- (23) To serve Section 215 Town and Country Planning Act 1990 notices.

**Assistant Director of Finance and Resources and Section 151 Officer.**

- (1) 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.
- (2) 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.
- (3) 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.
- (4) To serve Section 215 Town and Country Planning Act 1990 notices

**Assistant Director of Governance and Monitoring Officer**

- (1) To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.